By Mr. ANDREWS of North Dakota (for himself, Mr. ASHBROOK, Mr. BEALL of Maryland, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. BROWN of Ohio, Mr. BROYHILL of Virginia, Mr. BURTON of Utah, Mr. BUTTON, Mr. CARTER, Mr. COLLINS, Mr. CONABLE, Mr. COUGHLIN, Mr. COWGER, Mr. DELLENBACK, Mr. DENNIS, Mr. DERWINSKI, Mr. EDWARDS of Alabama, Mr. ESHLEMAN, Mr. FOREMAN, Mr. FRELINGHUYSEN, Mr. FREY, Mr. GOLDWATER, Mr. GOODLING, and Mr. SMITH of New York):

H. Res. 678. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. GROVER (for himself, Mr. HARSHA, Mr. HOSMER, Mr. JONAS, Mr. KEITH, Mr. LANDGREBE, Mr. LUJAN, Mr. LUKENS, Mr. MCCLORY, Mr. MCDONALD of Michigan, Mr. MCEWEN, Mr. MESKILL, Mr. MILLER of Ohio, Mr. MOSHER, Mr. PIRNIE, Mr. POFF, Mr. POLLOCK, Mr. PRICE of Texas, Mr. QUILLEN, Mr. ROBISON, Mr. RUPPE, Mr. RUTH, Mr. SCHADEBERG, Mr. SCHERLE, and Mr. SEBELIUS):

H. Res. 679. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. JARMAN (for himself, Mr. ALEXANDER, Mr. BLANTON, Mr. CABELL, Mr. O'NEAL of Georgia, and Mr. PASSMAN):

H. Res. 680. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. MCDADE (for himself, Mr. HAMMERSCHMIDT and Mrs. DWYER):

H. Res. 681. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. MAHON (for himself, Mr. COLMER, Mr. FLYNT, Mr. STEPHENS, Mr. HALEY, Mr. ANDREWS of Alabama, Mr. PATMAN, Mr. LANDRUM, Mr. GRIFFIN, Mr. GETTYS, Mr. PERKINS, Mr. MCMILLAN, Mr. MANN, Mr. CHAPPELL, Mr. BYRNE of Pennsylvania, Mr. MURPHY of New York, Mr. MONAGAN, Mr. CHARLES H. WILSON, and Mr. LENNON):

H. Res. 682. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. SNYDER (for himself, Mr. STAFFORD, Mr. STANTON, Mr. STEIGER of Arizona, Mr. TAFT, Mr. THOMPSON of Georgia, Mr. WAMPLER, Mr. WEICKER, Mr. WHALEN, Mr. BOB WILSON, Mr. WYATT, Mr. WYLIE, Mr. ZION, Mr. BIESTER, Mr. ESCH, Mr. DICKINSON, Mr. SKUBITZ, Mr. REIFEL, Mr. WIGGINS, Mr. HALL, Mr. SPRINGER, Mr. MARTIN, Mr. HORTON, Mr. MCCLOSKEY, and Mr. GUDE):

H. Res. 683. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. ULLMAN (for himself, Mr. MOLLOHAN, Mr. KAZEN, Mr. EDWARDS of Louisiana, Mr. JONES of North Carolina, Mr. MELCHER, Mr. HICKS, Mr. BEVILL, Mr. PRYOR of Arkansas Mr. EVINS of Tennessee, and Mr STUCKEY):

H. Res. 684. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. GIAIMO (for himself, Mr. BIAGGI, and Mrs. GREEN of Oregon):

H. Res. 685. Resolution commending the American serviceman and veteran of Vietnam for his efforts and sacrifices; to the Committee on Armed Services.

By Mr. HAYS:

H. Res. 686. Resolution providing for reimbursement of certain travel expenses incurred by employees in the offices of Members of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. FRASER:

H. Res. 687. Resolution expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment; to the Committee on Foreign Affairs.

By Mr. HALPERN (for himself and Mr. RIEGLE):

H. Res. 688. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mrs. HECKLER of Massachusetts:

H. Res. 689. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

By Mr. YOUNG:

H. Res. 690. Resolution toward peace with justice in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. COHELAN:

H.R. 14776. A bill for the relief of Italo Vittorio Marricchi; to the Committee on the Judiciary.

By Mrs. DWYER:

H.R. 14777. A bill for the relief of Mrs. Libera Scrocca de Girolamo; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 14778. A bill for the relief of Charles S. Gordon; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 14779. A bill for the relief of Murray Swartz; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 14780. A bill for the relief of James P. Cook; to the Committee on the Judiciary.

PETITIONS, ETC.

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

327. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to legislation clarifying the operation of the 25th amendment to the Constitution of the United States; to the Committee on the Judiciary.

328. Also, petition of Walter M. Seiter, Aurora, Colo., relative to pensions for veterans of World War I; to the Committee on Veterans' Affairs.

SENATE—*Wednesday, November 12, 1969*

The Senate met at 10 o'clock a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

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

O Sovereign God of the nations, we earnestly pray that Thou wilt keep the United States in Thy holy protection. Incline the hearts of all citizens to cultivate a spirit of reconciliation and unity. Bring the people to a firm consensus for peace with freedom and give us resolution to obtain it for ourselves and for all men.

Bless all who serve Thee in this place that they may have the higher wisdom of Thy spirit, exercise brotherly affection for one another, and in all things demean themselves with the charity and humility of Thy Son who went about doing good.

In whose name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington D.C., November 12, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On November 6, 1969:

S. 210. An act to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Laguna; and

S. 1689. An act to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes.

On November 10, 1969:

S. 267. An act for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired).

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

THE JOURNAL

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the able Senator from Colorado (Mr. ALLOTT) is recognized.

Mr. ALLOTT. Mr. President, I yield to the distinguished majority leader, and I also want at this time to thank him very much for his accommodation with respect to this particular time.

Mr. MANSFIELD. It is a pleasure.

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

ORDER FOR ADJOURNMENT

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

(Later in the day the Senate modified this order, to provide for the Senate to adjourn to 9:45 a.m. tomorrow.)

THE NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. ALLOTT. Mr. President, recently the most distinguished Senator from Michigan (Mr. GRIFFIN) submitted for printing in the RECORD, his individual views, as an outstanding member of the Judiciary Committee, on the President's nomination of Judge Clement F. Haynsworth to be one of the Associate Justices of the U.S. Supreme Court. Because of my profound respect for the opinion of the Senator from Michigan, I have most carefully reviewed this document in order to determine if it contained anything that would cause me to conclude that my judgment of the matter was in error and that my vote should be against the choice of the President.

Mr. President, I found nothing to cause me to doubt my previous conclusion. I am compelled to say to my good friend from Michigan that I believe his first impressions were right. When he said on a prior occasion that Judge Haynsworth could not be rejected on the basis of his philosophy, he was right. And, when he questioned whether Thurgood Marshall or Arthur Goldberg would have been confirmed if the criteria had been the nominee's philosophy, he was right.

He was right when he said it would be an error for a judge to attempt to avoid hearing a case by merely pointing to some remote or insubstantial interest and that if this were allowed it would not only snarl the procedures of the courts but would unfairly burden the other members of the judiciary.

I wholeheartedly agree with his assessment then, that the same judge who is required to disqualify himself when he has a substantial interest in a case is under an equally compelling duty not to disqualify himself in cases where he does not have a substantial interest. I affirm his conclusion, arrived at after reviewing all of the pertinent facts in regard to the Darlington Mill case and the Judge's interest in Carolina Vend-A-Matic Inc., that "Judge Haynsworth did not have a substantial interest in the Darlington case, decided by his court" and that "not only was he not guilty of impropriety, interestingly enough, under accepted doctrines of judicial ethics, he really had a duty to hear and decide it."

I hasten to emphasize that the September 14 speech of my good friend from Michigan did conclude with the reservation of a right to change his mind, if new facts should develop to necessitate it. What I am saying today, is simply that I have now carefully reviewed the individual views and there are no new facts recited which convince me that Judge Haynsworth should not be confirmed by this body.

Most of us, here in the Senate, have been studying this matter closely, and will soon come to the point of debate concerning it. That debate and the prior expressions of both opponents and the proponents are calculated to provide a full airing of the charges against the nominee so that each of us may cast an informed vote, and together arrive at a just conclusion. To this end, and only this end, it is my purpose to briefly review the matters set forth in the individual views as I see them, based on a complete reading of the hearing transcript.

I

Under the caption of "Genesis of Doubt," the initial matter mentioned is that of the June 2, 1969, testimony of Judge Haynsworth before the Judiciary Committee's own Subcommittee on Improvements in Judicial Machinery. It is a tribute to Judge Haynsworth that he was asked to testify as a most respected member of the Federal judiciary in connection with desired congressional improvements to upgrade our judiciary. It is important that he was not testifying in regard to an inquiry concerning his personal conduct as a judge, but instead was testifying as an adviser to the subcommittee. On June 2, the subject before the committee was judicial disclosure, not the business interests of Judge Haynsworth. By the way, I am a cosponsor of the Senator from Michigan's bill, S. 2109, on the subject of judicial disclosure which attests to his sincere interest in this matter.

Mr. GRIFFIN. Mr. President, will the Senator yield for a half moment?

Mr. ALLOTT. I am happy to yield.

Mr. GRIFFIN. I do not intend, of course, to debate the matter with the Senator this morning. I should like to have it clear, however, that the preliminary statement I made, indicating a tentative conclusion, was made before the hearings on the Committee on the Judiciary began, and that such facts as were subsequently revealed came to light during the hearings of the Judiciary Committee, the record of which the Senator is now about to turn his attention to.

Mr. ALLOTT. I thank the Senator.

The judge has been an ardent supporter of judicial reform and in these June 2 hearings, he was asked his opinion about requiring a disclosure of business interests by Federal judges, upon assuming the bench. Judge Haynsworth replied, stating that he supported such a requirement. That answered the question asked of him, but he went on to comment that he, himself, had resigned from "directorships and things of that sort" with the exception of a trusteeship of a small foundation when he became a judge. It is stated by the Senator from Michigan that when Judge Haynsworth appeared before the Judiciary Committee in connection with his appointment to the Supreme Court, he "found it necessary to admit" his testimony in June on this other matter was erroneous.

First, I am afraid that this statement could readily be misconstrued as an indication of an admission of false testimony or misleading testimony by those not as intimately familiar with the proceedings as the Senator from Michigan. It is my view that while we well could be concerned if it had been revealed that the judge had misstated his business connections at a time when that matter was the subject of an inquiry, I am convinced that it would be wholly erroneous for us to, in any way, construe this volunteered comment as any kind of false testimony.

Secondly, although the important thing is that the statement on June 2 was not an incorrect answer and did not mislead the subcommittee, I believe that it is entirely reasonable and logical to conclude that when Judge Haynsworth went before the subcommittee in June to testify with respect to guidelines to be laid down by Congress for men serving as judges in the future, he would not have taken an inventory of his past business relationships or in any way be prepared to testify concerning them. Particularly, not for the year 1957 to which his offhand comment in 1969 pertained, a period of 12 years prior to that.

Third, as a footnote to the matter, I deem it worthy of note that the judge's relationship to Carolina Vend-A-Matic when he became a judge in 1957, which he neglected to mention on June 2, was not secret in the court of appeals where he was then a judge; nor was it a secret to the Justice Department. Exactly the contrary is true. It had been dramatically focused upon in 1963, when the Textile Workers Union tried to use it to gain a reversal of a case which they had lost. Even if there had been some reason for Judge Haynsworth to attempt to deceive the subcommittee, I find it hard to believe that anyone would think the judge would have tried it in regard to that instance. Commonsense leaves only the conclusion that I urged; namely, that there was no false testimony or thought of false testimony and there is nothing whatsoever of value in our considering the testimony given on June 2 in making our determination.

The next matter discussed in the individual views of my esteemed colleague is that of the judge's testimony before the Judiciary Committee with respect to his appointment.

On page 91 of the hearing record, the

Senator from Indiana (Mr. BAYH) again brought up Carolina Vend-A-Matic, Inc. He asked Judge Haynsworth when it was that he resigned as one of the vice presidents of Vend-A-Matic. The judge replied that he had thought he had formally severed the connection with the company when he assumed the bench in 1957, but in effect, later in 1963 when he decided to resign as a director, he found he was still being carried in the minute book of the company as one of its vice presidents and he resigned that post also. Again, the implication is that of false testimony; that he had given previous false testimony.

There is no false testimony here. The judge's account of when he resigned is not contested. Instead, the statement of the judge as to his belief in 1963 of what he had done in 1957 is made the issue. For what purpose? There was nothing wrong legally, ethically, or morally, in the judge being shown as a vice president in that minute book during those years, and I think this is very important. What I suppose is inferred is that, when the judge said he thought he had previously resigned as a vice president, it is not reasonable for him to have thought that. As evidence of this alleged wrong the fact brought out by the judge himself, that he continued to be shown as a director and vice president is cited. I must confess that I cannot find logic in this at all.

The matter of whether the judge did, or did not, know he was a vice president, as I have said, is of no importance, in my view, yet it is taken one step further: It is said he must have known he was a vice president because these yearly pages in the minutes from 1958 through January 1963 contain his signature acknowledging receipt of notice of the yearly meetings. Then, as additional proof that Judge Haynsworth knew he was a vice president from 1957 to 1963, it is pointed out that his wife should have known it because she was the secretary of the corporation, and that she prepared the minutes. In connection with this, the individual views give page 92 of the hearing record as the source of the statement of what Mrs. Haynsworth's role was and I am constrained to point out that the testimony on that page gives quite a different picture. I want to read the pertinent part but before I do, lest there be some misunderstanding, it should be noted that Mrs. Haynsworth was the "secretary" of the corporation in the sense that she was a corporate officer. By title, she was its secretary. The statement on page 92 pertaining to the preparation of the minutes and Mrs. Haynsworth is in testimony of Judge Haynsworth as follows:

> As far as the minutes are concerned, I am sure *she signed what was prepared and what was handed to her*, and she did sign the minutes in 1962 and 1963.

To the best of my knowledge there is nothing to the contrary in the transcript. As I said, however, I am not convinced that there is any justification for even delving into the matter of whether the judge was a vice president, or whether he or his wife knew it but beyond that, the Senator from Michigan fails to convince me that the judge came before the committee and erroneously stated what his knowledge was.

Before I move on to other grounds in these individual views, I want to refer to page 67 of the hearing record for the Judge's explanation of why he believed his name continued to appear as one of the vice presidents of this corporation formed and controlled by his friends:

> Senator TYDINGS. In your statement that you submitted to the committee, you stated that your recollection was that you resigned as vice president of Carolina Vend-A-Matic in 1957. Can you explain why you were carried on the books of the company as vice president until 1964?
>
> Judge HAYNSWORTH. Yes. It's a case of the shoemaker's children. The meetings we had were extremely informal, as I said, usually at lunch, and I am sure what happened was that after this a motion was made to reelect the same group to serve as officers from the year before, and the minutes for that year were picked up for the next year.
>
> Senator TYDINGS. Did you ever receive any salary or remuneration as vice president of Carolina Vend-A-Matic while you were on the Federal bench?
>
> Judge HAYNSWORTH. No, sir.

The next ground in the individual views recites that Judge Haynsworth testified in regard to the vice presidency of Carolina Vend-A-Matic after he was appointed to the bench: "I did not have any active duties in that office," and the letter of the Chief Judge of the Fourth Circuit Court of Appeals, written at the time the Textile Workers Union attempted to use Judge Haynsworth's connection with Carolina Vend-A-Matic as a reason for reversal of the Darlington case, is quoted:

> We are assured that Judge Haynsworth has had no active participation in the affairs of Carolina Vend-A-Matic, has never sought business for it or discussed procurement of locations for it with the officials or employees of any other company.

That letter, as these individual views relate, absolved Judge Haynsworth of criticism in connection with the Darlington case.

However, the Senator from Michigan says:

> A perusal of the corporate records does not leave one with the assurance that the nominee had no active participation in the affairs of Vend-A-Matic.

What this amounts to is, at least, a conclusion that there is a substantial question as to the truth of the judge's testimony before the committee and the accuracy of the investigation and report in the Fourth Circuit Court of Appeals. I might add I think it amounts, in effect, to asking the judge to prove himself innocent before any charges have been made against him. I see nothing in the record for any conclusion of substantial question raised as to the truth of his testimony.

In support of this ground, my esteemed friend from Michigan has cited what appears to me, on the basis of my previous practice of law in Colorado, which occurred over some 25 years, a routine type of paragraph that the attorneys, who were actually responsible for keeping the corporate minutes, probably inserted in the corporate minute book on June 3, 1957, right after Judge Haynsworth had been appointed by President Eisenhower to the Fourth Circuit Court of Appeals. I, personally, cannot squeeze one drop of suspicion or doubt of the testimony of Judge Haynsworth or the report of the Fourth Circuit Court of Appeals, out of this "before the fact" insertion in the corporate minute book, particularly in view of the evidence which was elicited in the hearings which pertained to the actual facts as they did occur from the time Judge Haynsworth was appointed until he completely severed his contacts with Carolina Vend-A-Matic.

As I recall, there is a rule of law that would preclude its use in a court as evidence, under circumstances such as we have here, to prove what he did, in fact, do. The uncontradicted unaltered testimony of Judge Haynsworth, from the beginning of the hearing record to the end, as to what he did for Carolina Vend-A-Matic from the time he assumed the bench until the time he decided to resign, comes through loud and clear. Never was there a deviation nor a doubt. His testimony coincides with all other testimony perfectly. I specifically refer to the following pages of the transcript as examples: 15, 20, 26, 42, 43, 59, 60, 61, 62, 67, 87, 91, 292, and 311.

Still directed to the testimony of Judge Haynsworth and the findings of the Fourth Circuit Court of Appeals in regard to his connection with Carolina Vend-A-Matic, the next allegation pertains to the nominal director's fees received by Judge Haynsworth—to which there is no question that he could legally or ethically receive. The first reason in support of this ground is that the judge failed to provide information to the committee. The Senator from Maryland (Mr. TYDINGS) was inquiring as to the highest amount of fees received, at page 61 of the transcript, and Judge Haynsworth thought it was what he received in 1963 and provided that figure to the committee, but he also said he could not at that point locate the figures for the previous years, to be sure. Four or five sentences previous, on the same page, he had just reminded the committee that it had his income tax returns and reiterated that the figures could be seen there. But, as part of the colloquy, the Senator from Maryland said:

> Well, you can supply that report for the record.

And the judge responded affirmatively. However, it was after that that he produced the 1963 figure. In view of the fact my colleague from Michigan could have either inspected the income tax returns filed with the committee, or advised the judge that the committee was expecting a separate report, I believe that this aspect of the reasons for not confirming the appointment is, at best, not well taken. That the committee had the income tax returns can also be seen from the judge's letter of September 6, on page 25 of the hearing record, and I have also noted that this letter specifically notified the committee that the director's fees appeared in those income tax returns—page 26. I certainly would favor checking the

income tax returns before citing the figures contained in the newspaper article as is done in these individual views. Nevertheless, even with the figures contained in the newspaper article—$12,270 total for 8 years—I am not personally persuaded to doubt the testimony in the hearing record with respect to the duties the judge performed for the corporation. He testified that he was no longer "active" in the corporation as a vice president, and that a Mr. Wade Dennis was hired in 1957 to take over those duties performed prior to his appointment. As a matter of fact, Wade Dennis later became a vice president. The Judge specifically advised the committee that the only real duty he continued to perform was acting as an endorser of some of the company's notes—see, for instance, pages 42 and 43. It should be noted at this point that the testimony of Judge Haynsworth on page 60 of the hearing record, as set forth by the Senator from Michigan, is apparently the same testimony that resulted in the Senator from Indiana's so-called bill of particulars containing a statement that:

Judge Haynsworth endorsed notes for the corporation in amounts as high as $501,987.

Which statement, in turn, prompted the able Senator from Nebraska to call it to our attention on October 15 (30220) together with a correction. He pointed out that the last such endorsed loan was made on January 14, 1960, and was repaid on February 16, 1960. He further directed our attention to the fact that Judge Haynsworth never endorsed "notes in amounts as high as $501,987" and that, as a matter of fact, the cumulative total of endorsed loans ever outstanding for the corporation was only $55,550.

Mr. President, under these circumstances, I find the statement of the Senator from Indiana that Judge Haynsworth had endorsed notes for the corporation in amounts as high as $501,987 not only a great error but also a great injustice to Judge Haynsworth. I think it calls for an apology and I think it should be forthcoming. This statement has been quoted in the newspapers, in articles, and in columns all over the country and it should be set to rest once and for all, because upon this statement many people have formed snap judgments as to the part Judge Haynsworth was playing in the affairs of Vend-A-Matic.

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

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

Mr. HRUSKA. With reference to the notes for the $501,987 as cited by the Senator from Indiana, is it not a fact that the records of the Securities and Exchange Commission show that that was corporate indebtedness, and did not disclose the amount of the personally endorsed notes of any of the stockholders, including Judge Haynsworth?

Mr. ALLOTT. Yes. That is my understanding, that it always was, and always was considered corporate indebtedness, although Judge Haynsworth did endorse the notes.

Mr. HRUSKA. I called the attention of the Senate to that fact and included in the RECORD the letters and communications from the Securities and Exchange Commission. I carefully and meticulously pointed out that I would not fault the Senator from Indiana for assuming something that had probably been given to him by his staff or by investigators on whom he relied. I still hold that feeling, because I know the Senator from Indiana would not participate in anything that is not founded upon fact.

I agree with the Senator from Colorado in the suggestion that the Senator from Indiana should confess to the inaccuracies contained in his statement, because otherwise it will continue to be batted around back and forth and reference will be made to that statement when, plainly, it is not so. A clear acknowledgment of that on the part of the Senator from Indiana would be very much in order, and I believe that he would feel better if he did so.

Mr. ALLOTT. I thank the Senator from Nebraska very much. As he said, it is one of the things that came out early and will be batted around for a long time unless those who used it put it to rest.

Personally, I can understand how the Senator from Indiana might have been led into a trap, in that he might have said to some of his staff, "For how much did he obligate himself?" and so they went back through all the corporate records and the notes and total them up and said, "It is $501,987." Thus, he might have made his statement in very good faith but, at the same time, it is a statement which has caused incredible mischief and has helped to create an aura of emotionalism based on inaccurate facts which could preclude a decision on this matter, based upon the true facts.

I believe, as the Senator from Nebraska has suggested, it should be corrected. I thank the Senator very much.

Mr. President, as we consider the details of Judge Haynsworth's life under a microscope with an apparent fervor for locating inconsistencies and discrepancies, I have been interested to observe how many mistakes we are making ourselves.

In any event, the thrust of this particular reason for my respected friend from Michigan's opposition to the appointment is summed up by him with the conclusion that Judge Haynsworth was in fact "active" in the affairs of Carolina Vend-A-Matic after becoming a judge while he believes that Judge Haynsworth denied it. I most respectfully suggest to the Senator from Michigan that I cannot agree. What is "active" is subjective. I might buy 10 shares of common stocks and consider myself exceedingly "active" in the stock market, but if my next door neighbor only had those shares, he well might not consider that he was in the stockmarket at all.

Mr. President, I interpolate here to say using this example, that I believe I also could take my combined wealth and invest it in some common stock on the stock market and consider myself extremely "active," while other Senators who invested the same amount would consider it a very, very minor or negligible position in the stock market.

We both could find people who would agree with our view. I have already demonstrated that Judge Haynsworth spoke out loud and clear and defined very clearly just what he meant when he said he was no longer active as a vice president of Vend-A-Matic, and I cannot disagree with him. Prior to assuming the bench, the judge and several members of his law firm had conceived the idea of a vending machine business. I think how this matter originated is very important.

They incorporated and organized the business structure. They started out small in 1950 with a coffee machine here and a coke machine there, and then they built the business into a bigger one. The company had no credit and the organizers had to cosign its notes at first in order to be able to buy machines. Judge Haynsworth handled the arrangements with the banks.

I might, by way of interlineation, presume that there are a great many Members of the Senate who have done just exactly the same thing in their lifetimes with the commencement of small corporations.

Seven years or more later, Judge Haynsworth was named a judge of the Circuit Court of Appeals. He immediately took steps to remove himself from his prior role, the one that went with being a vice president. Wade Dennis was hired to take over those duties the judge had performed. The record is uncontroverted on this. The only thing the judge did continue was to endorse those notes where his signature was required for the company to get its loans, but even this ceased in 1960. On the basis of these clearly established facts, I do not believe that Judge Haynsworth lied to the committee, nor do I have any doubts about it. I do believe, from the record, that the first thing in his thinking in regard to whether or not he was "active" in the business was his state of mind about the company. Prior to 1957 he was actively interested in doing what he could to advance the business. After he assumed his judicial responsibilities, I believe the facts bear out the conclusion that he was no longer actively interested in promoting the interests of the business, but he could not, in view of his responsibilities to his associates, immediately terminate all contact with the business. However, the wheels were put in motion to accomplish that result and, on the basis of the record, it is my personal belief that it was accomplished in January 1960, when he endorsed his last note for the company. His being present at the weekly gathering of his law partners at what they termed weekly luncheon meetings of "Directors," I am convinced, was, as the judge testified, only an occasion for him to see them when he was in town from Richmond. The only other remnant of activity was his initial occasional giving of advice to Wade Dennis and others about obtaining financing. As I said, I readily accept and believe Judge Haynsworth when he said he ceased to be "active" in the company upon being appointed to the Circuit Court of Appeals.

I must say I see nothing in the record that would cause me to believe otherwise.

(At this point Mr. GRIFFIN took the chair as Presiding Officer.)

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

Mr. ALLOTT. I am happy to yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. We are dealing with an honorable man, who has a high reputation for integrity, and therefore his statements should be taken as the truth in this regard. In addition to that, let me ask the Senator from Colorado whether his perusal of the record disclosed any testimony or evidence of any kind which would controvert the judge's testimony regarding his dealings with Carolina Vend-A-Matic, which the Senator has so commendably set forth in his statement.

Mr. ALLOTT. I cannot recall a single thing which points to facts other than as stated by him. He, according to the record, in fact, became inactive in 1957. It is unquestioned that Wade Dennis was employed to take over the functions he performed for the company. He did, it is true, have to continue his name on the notes. Probably the company would have gone out of business if he had not continued to endorse the notes until 1960. At that time he separated himself completely from it.

I point out that there is nothing in those few things he did contrary to the oath of office he took. There is nothing contrary to such action in the Federal statute. It also does not violate the judicial code of ethics in any way.

Mr. HRUSKA. Nor did it violate any court rule on that point. It was not until later, when the Judicial Conference in 1963 issued a resolution which made it improper for a judge to continue any directorship or office in a corporation. At that time Judge Haynsworth resigned from the directorship of the family corporation, which was a closely held corporation, and which was not of interest to the public, as well as from the directorship of the Carolina Vend-A-Matic corporation. Is that true?

Mr. ALLOTT. That is correct.

Mr. HRUSKA. I want to corroborate what the Senator from Colorado has said about the absence of any testimony controverting the testimony of Judge Haynsworth on the point of his involvement in Carolina Vend-A-Matic. The Senator from Nebraska was present at most of the hearings. I have reviewed the record carefully and diligently. I know of no evidence that controverts the judge on this point. Yet that issue of his activities is belabored, obviously as a pretext, obviously for the purpose of supporting the conclusion, "We do not want him on the Supreme Court." In my opinion this conclusion is desired by some because they do not agree with the nominee's philosophy. They do not agree with President Nixon's idea of lending a little balance to the Supreme Court personnel by appointments such as this.

I commend the Senator for spreading the facts on the RECORD in such a splendid way.

Mr. ALLOTT. I thank the Senator very much for his remarks. I personally know how much time he has devoted to the hearings and to an analysis and study of the case. His advice and counsel on this matter have been extremely valuable, not only to the Senator from Colorado but to everyone in the Senate.

I am reminded, with respect to his remarks, that someone once said that one can take any statement, no matter how ridiculous or how absurd it may be, and if it is repeated often enough, people will start to believe it. So with the repetition of these statements by certain people in the news area who are totally committed to a kind of philosophy which would make them wish to see Judge Haynsworth defeated we can see that many members of the public would become perturbed and would believe, in fact, that something was wrong, when, in fact, nothing was wrong. It is our duty to see through these things, not perpetuate them.

Again, let me emphasize that it is my opinion that there was nothing illegal, unethical, or immoral in the judge's doing those things that he did after he became a judge. The only way that this has been suggested is in connection with his participation in the textile union—Darlington case, which reasoning I cannot accept. My good friend from Michigan (Mr. GRIFFIN) also apparently does not accept it, as his individual views do not even mention that case and the charges which some have been trying to generate from it.

That, Mr. President, concludes my review of the grounds of the Senator's individual views, which appear under the caption of "Genesis of Doubt."

II

The second portion of these individual views is entitled "Participation in Brunswick and Other Cases." Initially, the Federal statutes, 28 United States Code 455, is set out. It provides that a judge shall disqualify himself in any case in which he has a substantial interest—and "substantial interest" is underlined. Next, the highly regarded Senator from Michigan notes that Judge Haynsworth's stockbroker purchased 1,000 shares of stock in the Brunswick Corp. for him on December 26, 1967, and sets out an excerpt from page 305 of the transcript as follows:

Senator MATHIAS. You consider that your interest (in Brunswick) was substantial then?

Judge HAYNSWORTH. Yes, I do, without question, though it was not in the outcome in terms of that but more substantial than I think a Judge should run the risk of being criticized.

Then the fact that Judge Haynsworth had sat on a case, together with two of his fellow judges, involving the Brunswick Corp. on November 10, 1967, is stated, and it is then further stated that the written decision on this particular case was not issued until February 2, 1968. By now, it starts to appear that here, indeed, Judge Haynsworth truly did violate the statute, but the additional facts set out make it appear worse. One of the other judges—Judge Winter—is quoted as saying that, under law, no case is really concluded until the written decision is filed and the losing party has had an opportunity to file any available motions directed at that decision. Subsequently, it is recited that in the Brunswick case, on March 12, 1968, the losing party did, in fact, file a postdecision motion which was denied in an order signed by Judge Winter and Judge Haynsworth, and later, on April 3, 1968, the losing party filed a motion asking the court to reconsider its order of March 12. This motion was denied by an order prepared by Judge Haynsworth. Those are the facts set out in the individual views of the Senator from Michigan.

Mr. President, I have considered other aspects of this matter in arriving at my conclusion that the Brunswick case should not prevent Judge Haynsworth from assuming the place on the Supreme Court to which President Nixon has appointed him.

As is stated, the Brunswick case was heard by Judge Haynsworth, sitting with two other judges of the court, on November 10, 1967, and the decision was issued in February, 1968; but I do not think we can stop with knowledge of those facts alone. I deem it a prerequisite that we consider all of the facts in connection with that case. I would expect Judge Haynsworth to consider all of the facts if I had a case in his court and I believe I must give him the same consideration here. First, what was the Brunswick case—what did it involve? It was a case where the court of appeals was doing just what its name implies, hearing an appeal of a decision of a trial court. The decision made by the trial court, on the basis of hearing the evidence and applying the law, was affirmed by the circuit court of appeals in a decision written not by Judge Haynsworth, but by Judge Winter—hearings record, page 240. In other words, there was no trial as such of a lawsuit before the three judges in common vernacular. They reviewed the record of what transpired in the trial court and listened to the arguments of law by the attorneys as to whether or not the trial judge had properly applied the law.

What was involved in the case, according to Judge Winter—hearing record, page 237—was some used bowling alley equipment that Brunswick had sold to a bowling alley when new. The purchase price had not been completely paid and Brunswick wanted to repossess it. However, the landlord of the bowling alley had not been paid his rent, which was in arrears, so he claimed he had a lien on the equipment not only for the unpaid back rent but for future rent.

So we had these two people, the one that sold the bowling equipment and the other the landlord on whose property the bowling equipment was located, quarreling as to who had the prior right to a lien upon the equipment. Brunswick was willing to pay the unpaid rent but did not think it should pay the future rent. That is what the lawsuit was all about. Then the case was heard in the trial court, the judge there agreed with Brunswick and so ruled.

What were the proceedings before the court of appeals when the landlord appealed? As I said, the three judges heard the legal arguments of the attorneys on

November 10, 1967, long before Judge Haynsworth owned any Brunswick stock. It was the third case the judges had heard that day, and when they left the courtroom, they briefly put their heads together and agreed unanimously that the trial judge had made the right decision. Judge Winter was assigned the task of writing the opinion to reflect this determination, and Judge Haynsworth, of course, proceeded in the following days, to continue to hear the numerous cases of the court.

The Brunswick case was not a close case; there was no reversal of the decision of the trial judge—it was routine. It involved no "inside information" on Brunswick—page 251—and there was no reason at all for Judge Haynsworth to single out the names of the parties to it for preservation in his memory. As a matter of fact, it was properly testified to that the appeals court judges do not pay any attention to the names involved in the cases. What they are interested in is understanding the legal arguments so they can make a proper decision. Particularly when Judge Haynsworth was not assigned to write the opinion, I cannot in good conscience charge him with the knowledge that one of the cases of the court had involved the Brunswick Corp. when on December 15, 35 days later, he perfunctorily met with his stockbroker to approve his recommendation for the reinvestment of some funds that had recently become available. The stockbroker recommended Brunswick, as he had to his other clients, and the judge approved.

Up to this point there was no error, no illegal act, or anything at all about which a question could be raised. The only thing which occurred subsequently was that Judge Haynsworth finally received the opinion which Judge Winter had been assigned to write on November 10. At that time Judge Haynsworth noticed the name of Brunswick and remembered he had, in the interim, agreed to the Brunswick stock purchase. The written opinion, however, only contained what he had agreed upon with the two other judges when they heard the appeal and the judge determined that he should go ahead and sign it. It has been suggested that he should have notified the other judges and disqualified himself which would, by the way, also disqualify them, and cause the whole case to be reheard and all their efforts to be for naught. The judge did not think this was necessary and I agree.

The motion for rehearing by the landlord was filed after the time prescribed for filing such motions and I find no fault in Judge Haynsworth remaining in the case, thus keeping the other two judges in, by signing the order denying that motion and the same is true as to the later motion asking the judges to change their minds about the late filing. The expert on judicial disqualification, Mr. Frank, was not provided with the facts on the Brunswick case and, therefore, could not comment on it. Judge Winter, however, under very specific cross examination, stated that he did not view the Brunswick facts as being either a violation of the canons of ethics—page 252—or of the statute cited by the distinguished Senator from Michigan, 28 United States Code 455—page 259.

That Judge Haynsworth did not own the stock when he sat on the case, had no inside information, the manner in which he came to purchase Brunswick stock, and that he only became an owner of one hundred eighteen ten-thousandths of the stock of a company which only has 3 percent of its activities in bowling related matters also persuades me that the Brunswick matter does not merit recognition as a reason for not voting for the nomination. The question of the Senator from Maryland (Mr. MATHIAS) and the reply of Judge Haynsworth set forth initially in the individual views and mentioned by me previously, I believe, can be better understood on the basis of the facts as I have here related them. I also suggest that knowledge of the context in which that statement was made could be of help. The question immediately preceeding the quoted exchange is as follows:

Senator MATHIAS. It is a hypothetical question to which, of course there can only be a hypothetical answer, but had you been a stockholder of Brunswick at the beginning of that hearing—

Judge HAYNSWORTH. I would not have sat on it.

Senator MATHIAS. You would not have sat on it at all?

Judge HAYNSWORTH. I would not have sat on it.

Following the quoted portion set out in the Individual Views the Senator from Maryland (Mr. MATHIAS) asked Judge Haynsworth if the two orders entered on the posttrial motions involved the application of discretion, and Judge Haynsworth correctly answered that they did not.

I think it is very important, and want to emphasize, that these two subsequent orders did not involve discretion for the court, but were ministerial. The motions were passed their statutory time for filing, and there was really no discretion on the part of the court.

It is clear that to those knowledgeable in the field, including Judge Haynsworth, what was a "substantial interest" to prevent him from sitting on the case when it was argued and decided was not a substantial interest when it came merely to performing the ministerial tasks of signing the written order and denying motions when the time for filing had already elapsed.

I quote the Senator from Indiana's own assessment of the substance of this interest:

I do not suggest for a moment that the $16,000 or $18,000, whichever price you want to take on this particular Brunswick stock, is of such significance that *any man*, particularly Judge Haynsworth would be tempted by the case in question. I am just trying to arrive at some line of demarcation (page 249).

An interest that is not of such significance to "tempt any man," I submit, is an insubstantial interest. I am told that even if it had been possible to give the landlord everything he sued for, including punitive damages, the charge, or expense, to the judge's interest in the company would be no more than $5.

After the Brunswick case, the respected Senator from Michigan goes on to mention, in less detail, five other court cases as being further evidence of why the nomination of Judge Haynsworth should not be confirmed:

First. Farrow against Grace Lines, Inc.: It is stated that the nominee participated in this case despite his ownership of 300 shares of W. R. Grace & Co., the parent company of Grace Lines, Inc.

The jury in the trial court had returned a damage award of $15.12 for overtime to a seaman which he claimed was due him because of overtime he would have been able to work if he had not injured his wrist while working.

The trial court increased the award to $50. Here truly was a momentous case. Then the case was appealed. All Judge Haynsworth did was to join the other judges of the court in issuing a per curiam opinion upholding the decision of the jury, as increased by the trial judge. Even if Judge Haynsworth had owned stock in Grace Lines—which he did not—it is doubtful that he would have had a "substantial interest" in it as the statute cited by the Senator requires. However, he did not own stock in that company. He had a very small fraction of the stock in its, so-called, "parent company" which owned at least 53 subsidiaries companies of which the litigant was only one. The maximum that was asked for by the seaman in this case was $30,000—and I think we all know that it is a pretty common practice when a lawsuit of this type is filed, to ask for the sky—and of course he did not get $30,000, but got only $50—but if he had been awarded the full amount it still would only calculate out as being a 48-cent charge against the judge's stock interest on this subsidiary company.

Second and third. Maryland Casualty Co. against Baldwin and Donahoe against Maryland Casualty Co.: As the individual views state, Judge Haynsworth owned no stock in the litigant. And the distinguished Senator is very frank in saying this. The connection which has been ferreted out is that he did own stock in its parent company, American General Insurance. There was no showing whatsoever that Judge Haynsworth knew or even suspected, that American General had this subsidiary named Maryland Casualty Co. among its 12 subsidiary companies. His interest was anything but "substantial," if it can be said there was an interest at all.

I point out by way of interlineation that until this case came up, I did not know that Maryland Casualty was a subsidiary of American General Insurance either. I believe that I represented the Maryland Casualty Co. locally in Colorado for perhaps as many as 20 years of the 25 years that I practiced law. And I never had any idea that it was owned by the American General Insurance Co., the parent company in which Judge Haynsworth owned stock. I would wager that among the many lawyers who are Members of the Senate, and have probably done business with the Maryland Casualty Co. and tried cases either for or against that company, few, if any, knew this until the case was brought up during the hearings.

The interest in the parent company figures out to 0.0059 percent of its common stock and 0.0015 percent of its preferred stock. As far as I can tell, no one has even attempted to calculate the infinitesimal fraction of indirect interest the judge is said to have had in the litigant in these two cases or in the results of the cases.

Fourth and fifth Nationwide Mutual Insurance Co. against Akers and Toole against Nationwide Mutual Insurance Co.: I must confess my surprise that these cases are cited. The only thing I know is that it had been indicated Judge Haynsworth had some sort of interest in the Nationwide Mutual Insurance Co. as a result of his owning a small number of shares in companies named Nationwide Life Insurance Co. and Nationwide Corp. The Senator from Indiana (Mr. BAYH) mentioned this matter on page 288 of the hearing record but, when he did, Judge Haynsworth replied that he once made an inquiry to see if there was some relationship but was told that Nationwide Mutual was, in fact, a mutual insurance company and thus had no stock which the Nationwide Corp. or Nationwide Life Insurance could own so as to tie it in with those companies. The Senator from Indiana (Mr. BAYH) stated that he accepted that explanation and thanked Judge Haynsworth for clearing it up. I am sure he was remembering cases such as those pertaining to the J. P. Stephens Co. where the judge did disqualify himself because he knew he had a stock interest—hearings record page 96.

The general counsel for the Industrial Union Department of the AFL–CIO made a passing reference to the Nationwide stock but did not claim Nationwide Mutual was in any way related—page 334 of hearing record.

I assume that when the word "affiliate" is used in these individual views to describe Nationwide Mutuals' relationship to the company in which Judge Haynsworth owned stock, it was intended to distinguish this situation from the relationship that existed between Maryland Casualty Co. and American General. As to these, the latter is denominated the "parent company." Even without the very strong doubt that the judge had any kind of interest in Nationwide Mutual when it was before his court, however, I believe his uncontroverted testimony—and it is uncontroverted—that he endeavored to check on this and he then believed, and still does believe, that he had no interest in the case before his court is a complete answer. In view of it, I find no ground of criticism of Judge Haynsworth in participating in these cases. For the record, however, I still would appreciate my learned friend from Michigan (Mr. GRIFFIN) advising us of what the relationship is that constitutes Nationwide Mutual an "affiliate" of Nationwide Corp.

In trying to check it out, I found that perhaps Nationwide Mutual happens to have Nationwide Corp. stock in its portfolio. If this is the connection, it would only mean that both Judge Haynsworth and the litigant before his court owned stock in the same company; and I have no doubt that judges all across the land have heard cases where one or both, of the litigants happened to own stock in the same corporations as they. I have never heard that there was any impropriety or illegality in that.

In closing his discussion of this part of his individual views, the most able Senator from Michigan (Mr. GRIFFIN) said it is difficult for him to understand how Judge Haynsworth could tell the committee by letter dated September 6, 1969, that he had disqualified himself in all cases in which he had a stock interest in a party. This, as I see it, is a reversion to his first section where he questions the integrity of the testimony given by Judge Haynsworth. I differ in that I do not believe that this statement of Judge Haynsworth has been shown to be erroneous but actually believe that, by the record, it has been demonstrated to be correct.

III

The third phase of the individual views of my worthy colleague pertains to the allegations that Judge Haynsworth sat as a member of the circuit court of appeals in cases where he should not have because clients of his former law firm were litigants. Canon 13 of the judicial code of ethics and Opinion 594 interpreting it are set out as being the criteria. Only two cases are mentioned. The client is the same in both cases: the Judson Mills Division of Deering Milliken Research Corp. However, there are two key reasons why the canon of judicial ethics and Opinion 594 are not applicable.

First, when Judson Mills appeared in the cases cited, it was not represented by the judge's former law firm but of equal importance is the fact that it really was not the same Judson Mills his firm had represented previously. Previously, it was run and owned by an entirely different company; and when the mill was sold, the Haynsworth law firm lost the mill as a client—pages 97 and 134. The fact that it was the same physical plant—if it was—does not violate the canons, the opinion, or any statutes.

The opinion of the American Bar Association—No. 594—as cited by the Senator from Michigan says:

(1) A Judge *may* sit on a case where his former law firm is providing representation, but,

(2) He should not sit on such a case (where his former law firm is involved) when the client they are representing was also a *regular* client of the firm when the Judge was a member of the firm.

If anyone can tell me how, in this instance, he could have violated the canon of ethics and this opinion, when the company that his law firm represented had been sold to someone else and his firm had extinguished its relationship with it at the time of the sale, I would be very happy to be so informed. If I do not understand this, then I cannot read English.

There are no other cases cited in the individual view as examples of violation of the requirements of Opinion 594, but there is a reference to a portion of the testimony of the president and the general counsel for the International Union of Electrical Radio & Machine Workers, AFL–CIO. I have read the pages referred to and find no indication there that the two factors contained in Opinion 594 are alleged to be present in the cases the union mentions. What I do find is only a charge that former clients of the law firm later were involved in cases that came to the Fourth Circuit Court of Appeals. In one case cited, both parties were former clients of the firm. It is hard to imagine that the union could seriously urge that case as being one where someone was prejudiced because Judge Haynsworth was one of the judges who heard it. As to that case, and the others cited by the union, there is no reference to the key facets of Opinion 594 of first, whether his former law firm was the attorney for the former client when they appeared in court and second, whether the former client was a regular client of the firm when the judge was a member of it.

In the light of the failure of any showing that Canon 13, as interpreted by Opinion 594, applies, and in view of all the favorable evidence in the record as to the judge's integrity and, further, in the absence of any indication that any litigant has ever complained because Judge Haynsworth heard a case and rendered an erroneous or prejudiced decision as a result of a litigant being a former client or because his former law firm was involved, I am not in the least persuaded that the judge has acted contrary to the guidelines mentioned. I also take cognizance of the reviews made by the American Bar Association of Judge Haynsworth's judicial activities and the clean "bill of health" it provided and also of his unequivocal statement, "I have not sat on any cases in which my law firm was interested"—page 98.

In further regard to my position on the allegations in connection with former clients or his former law firm and Canon 13, I noted in the hearing record that Judge Haynsworth did not hesitate to disqualify himself when a case came before the court where the litigant was represented by a law firm which employed his young cousin—page 95 of the transcript. Nor did he hesitate to disqualify himself from cases involving the J. P. Stephens Co. for which he had provided legal representation—pages 96 and 156.

As a matter of interest, after I reviewed pages 396, 397, and 400 of the hearing record, to which the individual views refer, I reread the testimony of the general counsel of the union and was interested to note that he compared the cases he mentioned on which Judge Haynsworth sat to the situation of one of the highly respected Members of the Senate, and, apparently, applying the same reasoning that brought forth his citation of these cases, on page 412, he also stated that this particular Senator should disqualify himself from those hearings of the Judiciary Committee, because as an attorney, he had once represented one of the companies with respect to which Judge Haynsworth was being questioned. I have difficulty in associating myself with that kind of thinking by accepting the conclusions in that testimony.

The esteemed Senator from Michigan (Mr. GRIFFIN) entitles his last section of these individual views, "Resolving the

Doubt." He says that the record raises legitimate and substantial doubt concerning Judge Haynsworth's "sensitivity" to the high ethical standards expected of those who are to sit on the Supreme Court. No one in the Senate expects a higher degree of sensitivity to these ethics than I. However, I, as I have said, am not caused to believe that there is any doubt of Judge Haynsworth's sensitivity to them. To the contrary, to be sensitive, according to the dictionary, is to be able to discern even slight differences. After studying the record in this matter I am led to believe that those things which the critics of Judge Haynsworth have seized upon to use against him came about as a result of a high degree of sensitivity on the part of Judge Haynsworth. He has demonstrated his ability to discern the cases in which he should not participate from those in which he had a duty to participate. A man of lesser sensitivity, or ability to draw the proper line, might have disqualified himself in all these cases where anyone by any stretch of their imagination, might suggest or might dream that there was impropriety and in doing so shirked his duty, merely because he was unable to properly apply the rules of judicial ethics.

Neither did Judge Haynsworth try to shift that job of making the distinction to his fellow judges. To those who are not of the legal profession I might say it would not be proper for a judge to try to shift this responsibility to his fellow judges. It is his responsibility to make this determination, whether it is respected here or not.

In the Brunswick case, he has been criticized for not asking the other judges whether he could do those remaining ministerial tasks necessary to bring that litigation to an end. I do not criticize him for making the decision for himself, but, instead, commend him. Likewise, in the Nationwide Mutual cases he was concerned about the possibility of a conflict of interest but investigated himself and concluded, applying his own "sensitivity" to the governing rules, that there was no conflict. The abiding conviction with which I am left after reviewing the record is that if Judge Haynsworth had not been possessed of a high degree of sensitivity, or ability, to distinguish the proper cases from the improper ones, he probably would have followed the probable course of those who do not have such competence, and disqualified himself in any case which has been searched out to use against him. I discount without hesitation the claims of those who say "yes, but, in the process, he created an appearance of impropriety" which is contrary to the canons of ethics, for the plain and simple reason that he was doing his duty as he saw it and because there is no evidence at all that anyone believed that there was an appearance of impropriety at the time the various matters mentioned transpired, or before the opponents to the nomination started making charges, with the lone exception of the Carolina Vend-A-Matic matter, which I have already discussed. In that case, the facts have been examined and there was no improper conduct by Judge Haynsworth. The only ones who ever claimed to believe there was an "appearance of improper conduct" were the unhappy losing parties to the case who later apologized.

Having reviewed the individual views of the astute Senator from Michigan in order to set forth my somewhat different thinking, I will conclude without providing this body with any sage words of wisdom from the past, or comments on other allegations which have been levied, but by telling my good friend from Michigan of my great admiration for his expression that the philosophy of the nominee is not a proper factor for our consideration, and for, thus, excluding it from his individual views.

With respect to the philosophy of the nominee, the Constitution provides the only test—that the nominee be bound by oath to support that great governing document of the United States of America.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which I have received from Representative JAMES R. MANN, a Congressman from the Fourth District of South Carolina.

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

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 8, 1969.

Hon. GORDON ALLOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLOTT: As the time for a decision on the confirmation of Judge Haynsworth approaches, I am hopeful that these few words from this member of the Democratic Party will be of some value to you.

Shakespeare could well have been describing Clement Haynsworth when in Scene I, Act 3, of Timon of Athens he wrote, "Every man has his fault, and honesty is his." You and I know that the shrewd, the clever, the unscrupulous, the dishonest, in the judiciary or in politics, have no trouble covering their tracks. On the other hand, he who is inherently honest goes about his duties with no thought in mind but to do fairly and justly, with no search for, or even awareness of, reasons why he should be other than fair and just.

I mentioned my Democratic affiliation to emphasize my feeling that this matter is above party and to form a basis to join mentally with you in agreeing that this is not a decision based upon being "pro" this or "anti" that. I know that you do not regard your decision as one of either politics or advocacy. There are segments of the press, of special interest groups, and of the public which would not recognize that this is one of those rare instances when responsible objectivity and deep conscience are your foundation stones, and the clamor, from whatever source, will be resisted and ignored.

Of course the decision is not to be mine. If it were, I would find it easy. I would rather have the honesty, objectivity, and judgment of Clement Haynsworth applied to my rights of life, liberty and property than that of any judge who graces the bench of this great nation.

Sincerely,

JAMES R. MANN,
Member of Congress.

Mr. ALLOTT. Mr. President, I wish to quote one paragraph from the letter written to me by Representative MANN. Ordinarily we receive many letters on many issues. Here is a man of another party, a distinguished man, recognized by his own State. Although I have asked to have the entire letter printed in the RECORD the last paragraph so gripped me that I would like to close my remarks by reading it.

Of course the decision is not to be mine. If it were, I would find it easy. I would rather have the honesty, objectivity, and judgment of Clement Haynsworth applied to my rights of life, liberty and property than that of any judge who graces the bench of this great nation.

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

Mr. ALLOTT. I yield.

Mr. HRUSKA. Mr. President, again I wish to commend the distinguished Senator for his statement which is obviously the product of a very careful and diligent search of the entire record. He has served the Senate well and he has served the public well to bring out these facts in this readable and readily understandable fashion.

I was particularly interested in the part of the Senator's discussion in where "appearance" of impropriety is mentioned. I would like to ask the Senator if charges and attacks made upon a nominee, or on any person, for that matter, which are proven to be unfounded and unjustified, create an appearance of impropriety would it not be true that in cases of this kind, the fate of a man would be placed in the hands of his accusers? No one could ever be confirmed as long as someone would step forward and accuse him of a lot of things, whether justified or not.

Mr. ALLOTT. The Senator is correct and particularly if the Senator adds one other thing to his statement. The added ingredient is, having access to enough news media or advertising material to the point where it becomes a matter of widespread dissemination, as this has been; and, therefore, things that have no justification, no guts, no bone in them, if repeated often enough become an appearance of impropriety because people have come to accept what they read in newspapers and magazines or take what they hear over television or radio on the face of it.

So widespread dissemination of matter, whether there is any bone or substance to it or not, is an element the Senator has to add to his hypothetical situation. Then, there could be taken an appearance of impropriety because there are gathered along the way enough unthinking people who say, "Let us toss him out." Of course we all know that extolling the virtues of a man, especially one in, or slated for, public office, never seems to be any competition for the public eye and ear when there are allegations of corruption and vice on the menu for consumption.

Mr. President, I debated a long time in my mind before deciding to support the nomination of Judge Haynsworth. I am sure that every other Senator has given this matter the most serious consideration too. I did so with the experience of 25 years in the practice of law in Colorado. I hope I am not being immodest when I state that I believe it was a respectable career. I know the other considerations but I have made my decision on the basis of the hearing rec-

ord. I hope other Senators will also. That is where the facts are. Such a decision is one which I can never regret.

Shakespeare wrote:

Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands
But he that filches from me my good name
Robs me of that which not enriches him
And makes me poor indeed.

We have heard that many times. Since I came to the Senate—and the distinguished Senator from Nebraska preceded me—one case came up for consideration in which a nominee of President Eisenhower was defeated. It was not for the bench but for confirmation as Secretary of Commerce. I shall not mention his name here. I am sure the Senator knows about whom I am talking. Try as I may, I cannot recapture today one single argument that was used against the confirmation of his nomination. It was a personal vendetta. Those things which received so much publicity then had so little substance that I cannot recall them now, but I will never forget what we did.

This man is a good man, a great man; and he has a great intellect. He fulfilled a great place in this life and is still respected when he speaks. But the stigma of having been rejected for an important position by the Senate will never leave him, I am sure. There are probably few days in his life when the pain of that stigma does not come back to him.

Mr. President, there is no one that I know of, except Jesus Christ, to whom criticism could not be applied in one case or another, justified or not. We find that out very quickly around here.

Judge Haynsworth is a man who has made a success of his life. He has made a success of his chosen career. He is recognized in his own State as a great and honorable judge. My inquiries of members of the Judiciary Committee confirm that he is held in high esteem. Because of these attributes he was chosen to be a member of the Supreme Court.

But now, the opponents pick around the edges and bring forth such things as an "appearance of impropriety." They wish they had something of real substance but must, they believe, try to convince us that there is substance where there is none.

They take a case like the Brunswick case and say those facts are a reason that this man cannot be permitted to be a member of the Supreme Court. I ask myself, "GORDON ALLOTT, on the basis of such things, are you going to vote against this man? Are you going to destroy him?" If the Senate of the United States declares that he may be an improper person to sit on the Supreme Court, I cannot conceive how, out of his own pride, he would want to retain his seat on the Court of Appeals.

When I look at the whole career and the life of Judge Haynsworth, I can find no basis for destroying him.

I will not do so.

I will not vote to destroy him, because there is nothing in the record of any serious consequence. Nothing.

If there were, I would not hesitate to vote against confirmation of his nomination.

But, there is nothing in the record.

I will vote for him.

I want to thank the distinguished Senator from Nebraska very much for his kind remarks.

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

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

Mr. MURPHY. Mr. President, I am glad that I was in the Chamber to have heard the clear and obviously carefully considered presentation of the distinguished Senator from Colorado.

I keep coming back to the use of the term "appearance of impropriety."

I am not trained in the law, but the word "appearance" indicates to me a lack of substance, that we are creating the appearance, that we cannot bring proof of substance of impropriety.

Those of us in public life know how easy and simple it is for those of bad character to make baseless charges, that once they are made publicly, create the appearance of impropriety.

I can recall years ago, when a man holding an important position in our Government headed by President Franklin D. Roosevelt, said to me, "You let me write the headlines and you can write the story, and my position will obtain." In other words, by writing the headlines he could create the appearance of impropriety—any appearance he wanted.

Mr. President, in listening to the Senator's excellent presentation, I recall an attempt to create the appearance of impropriety which was made on three occasions, to destroy the character and, therefore, the public life of the man who is now the President of the United States.

I stood next to him many years ago when the original announcement was made. No one took the time or the trouble to find out whether there was any basis of fact for it, whether there was any wrongdoing, or whether he had actually done anything that was improper. Merely by the pronouncement of an irresponsible individual, whom most people did not even know, not even his name before, the appearance of impropriety was immediately created in that case.

Then there was the second attempt. I know the details because I was party to it, at the request of the then candidate for President, General Eisenhower, when he said to me, "Will you go to Indianapolis, and will you ask the following questions, and come back directly to me and report the answers?" I had the unfortunate and unhappy duty to do that. Here again was the second attempt to create the appearance of impropriety. There was no substance whatever to it.

Then there was the third attempt, which was planned but never activated because it was obvious it would have exploded before it got off the ground, but here was a definite attempt by some—I do not know who they were—to destroy the character and the career, without any basis of fact, of a man who is now the President of the United States.

What a dangerous practice that is. What a terrible thing to be party to. What a terrible thing to whisper a rumor and then watch that rumor circulate until finally a man who, so far as I know, has had the high regard and respect of all the people in his community with the possible exception of a few who, as a result of his legal duties he may have found against, a man of high character and respect, what a terrible thing—as the Senator from Colorado has so carefully pointed out—that the life, the work, the reputation and the character of such a man can be destroyed, by a few who oppose him, not because there is an appearance of impropriety on their part. I would say that there is an actual case of impropriety on the part of some of those who are attempting to bring the charges which are so obviously without foundation.

So, I wonder if once again perhaps we are not looking for the improper action in the wrong direction.

I congratulate the distinguished Senator from Colorado. As I say, I am not trained in the law, but I can read. I read slowly, and I try to read carefully, and I try to understand what I am reading. I found nothing, from the standpoint of a layman—a U.S. Senator, if you will—that for the slightest moment gave me pause in what my decision will be when this name comes before the Senate.

I do know, from long experience in the past that, unfortunately, practices sometimes used by those who are leading the opposition. I do not refer to anyone in this Chamber. I mean those who have tried to bring forward the different points of impropriety. I have had great experience with pressures. I have had phone calls with regard to votes on this floor and decisions I would make. I know what it is. I understand. We all do.

I congratulate the distinguished Senator from Colorado for stating concisely and briefly, much better than I ever could, exactly his feeling in this matter, and for clarifying the case as completely as I think it could be clarified for any of those who are uncertain.

I would recommend that all study this presentation, and study it carefully, and take advantage of the clear and concise logic which it presents.

I again highly commend my distinguished colleague and would like to associate myself with his presentation. I wish I could take credit for some of the excellent logic and preparation of this paper.

Mr. ALLOTT. Mr. President, I thank the Senator. I am not sure what anybody has in mind by the expression "appearance of impropriety," but I suppose it would lead to the conclusion that he would do something, whether we believed it or not. I can give the Senate a specific example. I remember a Member of this body some years ago who was very well liked and very well respected. He was not adverse to taking a drink now and then. By no means could he have been considered an alcoholic. He was nothing more than what we call a moderate, social drinker, and he was moderate. He began to have some fainting spells. Many people were convinced that he had turned into a full-blown alcoholic. One day he suddenly keeled over and died. It was then found that he had a very serious disease. His actions, such as stumbling against a

desk were the result of the disease. That would be an appearance of impropriety. I might say that it was discovered he had a massive brain tumor. I think the record should be clear on that.

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

Mr. MURPHY. Mr. President, will the Senator yield to me for one second before he yields to our distinguished colleague from Kansas?

Mr. ALLOTT. I yield.

Mr. MURPHY. I knew that gentleman and Senator, and I remember the condition exactly as the Senator has described it. I recall that some of us who had been close to him suspected what was happening. I think he suspected it, as is so often the case in a serious condition. I also remember the condition of the other gentleman whose name has been brought before this body.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time of the Senator from Colorado be extended 15 minutes.

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

Mr. ALLOTT. I thank the distinguished Senator from West Virginia.

Mr. MURPHY. Reference was made to the other name that came up for approval. I know, from firsthand personal knowledge, the reason for the creation of the appearance of impropriety—shocking reasons, personal reasons—destroyed part of this man's spirit forever, in a manner which had no connection whatsoever with his duties. It was a personal matter, between two other people, entirely unrelated. This is the thing that disturbs me.

Of course, I lived through the time in Hollywood when a whisper about the character or association of some of my colleagues could do great damage to their public careers and their ability to continue. I am glad to say I was active in one group that, in a great many cases, had the good fortune to be able to destroy the appearance of impropriety and thereby preserve the good reputation of the character of those people.

I am very sensitive to this condition, but I think the distinguished Senator from Colorado has made possibly the most important point. The word "appearance" is a word without too much fabric. You can do it very easily. You can do it by a suggestion. You do not even have to make a straight declaration. You just whisper. You think it sometimes, and it begins to permeate and circulate. What a terrible manner in which to operate.

I thank the Senator for yielding. I apologize for commenting to such an extent.

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

Mr. ALLOTT. I yield.

Mr. DOLE. Again I want to commend my distinguished colleague from Colorado. I recognize the great amount of work and research he has done in an attempt to reach a fair conclusion.

I do not question anybody's motives with reference to the Haynsworth confirmation or any other matter before this body. In the course of my investigation, I have found there may be some who stated their position early, before the evidence was complete, and now attempt to justify that position. Many of these stated their opposition to Judge Haynsworth.

One whom I have consulted about the nomination is former Supreme Court Justice Charles Whittaker, who served on the court from 1957 to 1962. I called Justice Whittaker, seeking his advice and counsel. He stated, as I repeated on Monday, it would be a travesty if Judge Haynsworth were not confirmed. He also said, which I have not repeated, "If you cannot confirm Judge Haynsworth, you are going to have to find a trapeze artist." He did not say that lightly. He had read the press reports, listened to and watched the biased news media reports on the Haynsworth nomination night after night. But after reading the hearing record—the best place to ascertain the facts, as the Senator knows—he felt very strongly the nomination of Judge Haynsworth should be confirmed.

I was impressed by many things in the hearing record and as stated before had one serious question about the Brunswick case. I was also impressed by the statement by George Meany, who has said labor is going to block the Haynsworth nomination if it can. It is going to be interesting, in the next few days, to see how much "muscle" labor has. It was pointed out how labor helped block the nomination of Judge Parker, during the Hoover administration. It was pointed out, after Parker was blocked, that he became a great judge and perhaps labor leaders had made a mistake.

I think we should lay it on the line. The nomination in question is going to demonstrate just how much power labor has in America.

I would also remind some of my fellow Senators who still seem to think they should have the power of appointment that they did not win the election last year. The liberals lost the election last year. And as far as philosophical arguments are concerned, as the Senator has so well pointed out, this is no reason to reject any nominee; and no one, who really understands the process, feels we should reject a man who has been nominated for the Court because of his philosophy.

But aside from that, I am convinced and the Senator from Colorado is convinced that Judge Haynsworth has a good record and a positive record. There is no need to be defiant about Judge Haynsworth; he has a balanced record in civil rights and a balanced record with reference to labor.

So I thank the Senator for going into detail and setting forth his reasons, which will be helpful to all of us in the days ahead.

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

Mr. ALLOTT. I yield to my distinguished colleague from Michigan.

Mr. GRIFFIN. I shall not attempt to present a rebuttal to the statement made by the able Senator from Colorado. I wish to say that to my mind he is one of the most distinguished Members of this body as well as an esteemed leader of my party. As he knows, I have the highest respect for him, as an individual, as a lawyer, and as a Senator. It is unfortunate, and it pains me a great deal, that we disagree on this particular issue. Fortunately, we do not disagree often, although when we do, we respect each other's views. I am particularly grateful to the Senator from Colorado for his reaffirmation of that fact as he made his statement today.

I wish to comment on two points. First, I think the Senator from Colorado does a service by making clear that no one should be misled by so-called appearance of impropriety which are created by those who may be in opposition to a given nominee. The only appearance of impropriety which are meaningful, and which are referred to in the cannons of judicial ethics, are those which are created by a member of the judiciary.

In a situation where a judge owns stock in a party litigant, it may be altogether true, as a subjective matter, that there is no conflict of interest as he views the particular matter. In his own mind, he might not be influenced in any way by the fact that he has some remote interest in a party litigant. But nevertheless, in a situation he—not someone else—has created the appearance of impropriety, an appearance which puts others in the position of having to make a subjective judgment as to what influenced him or did not influence him.

So I agree with the Senator; and I hope other Senators will not be misled. We should not be guided astray by so-called appearances of impropriety which are created by persons other than the nominee. The only references I have made have been to appearances of impropriety which, in my judgment, have been raised by the nominee.

Let me make another point, and perhaps the Senator might have further comments. I am very much disturbed by some remarks which might be interpreted to indicate that, in the event Judge Haynsworth's nomination should not be confirmed, he would then not be eligible to serve in his present position on the Fourth Circuit Court of Appeals. I regret such interpretations because to my mind they diminish or reduce what I consider to be the appropriate role of the Senate in the matter of appointments to the Supreme Court.

Judge Haynsworth is not on trial for any crime. He is not being tried at all, and the test is not whether he is guilty of any particular charge. At least to my mind that is not the test. The question is whether the Senate, which shares the appointive power with the President, wishes to promote this particular nominee to the Supreme Court.

A similar question was before the Senate in the Fortas case, though the facts were different and the considerations were different. When the Fortas nomination was before this body, the Justice was not on trial. Rather, the question was simply whether the Senate agreed to his elevation to Chief Justice of the United States.

In the case of the Haynsworth nomination, Senators are going to arrive at their conclusions for a varying number of reasons. To read into a decision against Judge Haynsworth that he has been con-

victed in any sense would be very unfortunate.

It ought to be noted again, in passing, that more than one-sixth of all the nominees for the Supreme Court whose names have been submitted to the Senate in the history of the United States have been rejected. I am sure no one could say that rejection in each of those cases amounted to a finding of guilty of particular charges. In each case, the decision of the Senate was no more than a determination that the particular person should not be elevated to the Supreme Court.

Traditionally, the Senate has applied a different test with respect to nominees to the Supreme Court than it has applied with respect to those who have been nominated by Presidents to serve in the Cabinet or in the executive branch. I think the reference which the distinguished Senator from Colorado made earlier to the appointment, or attempted appointment, by President Eisenhower of a Secretary of Commerce is altogether appropriate, as far as his conclusions are concerned. Particularly with respect to nominations for the Supreme Court, however, I do not believe, as I have argued previously, that the Senate is limited to accepting every nomination merely because it cannot be proved that the nominee has beaten his wife, or has done this or that.

I think the responsibility of the Senate is much higher than that. Under the constitution, the President is vested with only one half of the appointing power. He nominates and the Senate confirms. Accordingly the Senate's advice and consent responsibility is at least equal to the President's responsibility in nominating.

If the judiciary is to be an independent branch of the Government, it is essential that, its members owe no greater indebtedness for an appointment to one particular branch of our Government.

So it pains me to hear a statement made that if the Senate rejects the nomination of Judge Haynsworth, he therefore will not be fit to sit on the court of appeals. That is not the question. The only question before the Senate is whether the nominee should be elevated to the Supreme Court of the United States.

Mr. ALLOTT. I hope the Senator is not attributing to me the last statement that Judge Haynsworth is not fit to sit on the court of appeals.

Mr. GRIFFIN. No.

Mr. ALLOTT. If he is, he has completely misunderstood me, because I did not say that.

Mr. GRIFFIN. Let us straighten that out.

Mr. ALLOTT. What I did say was that I thought that if the Senate were to refuse to confirm Judge Haynsworth's nomination, his services would probably be lost to the judiciary. I say this because I think he himself would be inclined to withdraw himself from the judiciary.

Mr. GRIFFIN. If I may continue, suggestions have been made in other quarters to the effect that if Judge Haynsworth's nomination is rejected by the Senate, then other members of the judiciary may be subject to impeachment, as though the test for impeachment were the same as the test for confirmation of a nomination. There is a world of difference between the two, as I understand the role of the Senate, and its responsibility with respect to confirmation of a nomination.

The PRESIDING OFFICER. (Mr. PELL in the chair). The Senator's additional 15 minutes have expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator from Colorado may have an additional 5 minutes.

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

Mr. GRIFFIN. When an officer of the United States is impeached, it is the responsibility of the Senate, sitting as a court, clearly to find, by weighing the evidence, whether an accused is guilty of particular charges. But that is not the function of the Senate when a nomination is up for confirmation. I wish to make that point clear.

Mr. ALLOTT. I agree with the Senator from Michigan as to that. I do not think there is any reason for getting into that. It would only cloud the issue to get into the impeachment area at this time.

However, I must say, as I stated at the conclusion of my speech, that as to philosophy, the only qualification set up is that the nominee must support the Constitution of the United States. If the Senate does not confirm his nomination, it can only be for one reason: That is, that somehow, collectively, the Senate has reached a decision that the nominee is unfit for the office. There can be no other conclusion. So on this basis I stated how I felt about Justice Haynsworth and the effects of what some would do here.

I do not know whether Judge Haynsworth has a son or not. I do not know whether he has grandchildren or not. However, I am thinking of what it would do to him, to his children, and to his children's children. I have tried without passion to examine the record. I do not think that I have been unfair in any instance to my friend the Senator from Michigan. As I have looked at the record, I have come to the conclusion that I could not do this, no matter what other considerations depended on it. And I have had all the pressures that everyone else has had exerted on him concerning this matter. I refer to pressure from the pressure groups who are out to get the judge and to pressure from people who reason with their glands rather than their brains.

It is a price that I would not pay, nor could I do it to any fellow human being.

Mr. President, I yield the floor.

EXECUTIVE REPORT OF A COMMITTEE—(EX. REPT. NO. 91–12)

Mr. HRUSKA. Mr. President, as in executive session, on behalf of the Committee on the Judiciary and at the request of its chairman, I ask unanimous consent to file the nomination of Clement F. Haynsworth, Jr., of South Carolina, to be an associate justice of the Supreme Court, and the committee report together with individual views on the nomination.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

The Acting President pro tempore laid before the Senate the following letter, which was referred as indicated:

PROPOSED MICHAUD FLATS IRRIGATION PROJECT

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to amend the act of August 31, 1954 (68 Stat. 1026), providing for the construction, maintenance, and operation of the Michaud Flats Irrigation Project (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A letter, in the nature of a petition, signed by Peggy and Earl Hanrahan, of Denver, Colo., praying for the enactment of legislation to provide that bank holding companies may not establish and maintain travel agencies; to the Committee on Banking and Currency.

A petition, signed by Daniel E. LeVeque, of Sheboygan, Wis., praying for a redress of grievances; to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the bill (H.R. 14030) to amend section 358a (a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments, and it was signed by the Acting President pro tempore.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RUSSELL, from the Committee on Appropriations, with an amendment:

H.J. Res. 966. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91–529).

BILLS INTRODUCED

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

By Mr. MUSKIE:

S. 3135. A bill to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or as-

sistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

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

By Mr. McINTYRE:

S. 3136. A bill to confer U.S. citizenship posthumously upon Guy Andre Blanchette; to the Committee on the Judiciary.

By Mr. MONDALE (for himself, Mr. BAYH, Mr. BURDICK, Mr. GRIFFIN, Mr. HART, Mr. HARTKE, Mr. MCCARTHY, Mr. MCGOVERN, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SAXBE, Mr. SMITH of Illinois, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio):

S. 3137. A bill to amend the Act creating the Saint Lawrence Seaway Development Corporation in order to cancel the indebtedness of the Corporation to the United States; to the Committee on Commerce.

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

S. 3135—INTRODUCTION OF A BILL TO MAKE AVAILABLE CERTAIN ORGANIZED TRIBES, BANDS OR GROUPS OF INDIANS RESIDING ON INDIAN RESERVATIONS ESTABLISHED UNDER STATE LAW CERTAIN BENEFITS, CARE, OR ASSISTANCE FOR WHICH FEDERALLY RECOGNIZED INDIAN TRIBES QUALIFY AS RECIPIENTS

Mr. MUSKIE. Mr. President, today I am introducing legislation to extend Federal benefits to Indian tribes and certain organized bands or groups of Indians residing on Indian reservations established under State law. The benefits include care or assistance for which federally recognized Indian tribes qualify as recipients.

Because the eastern seaboard States existed prior to the formation of a Federal Government, lands in these States reserved to the Indians were not ceded to the Federal Government to become part of Federal responsibility.

Thus, for years American Indians residing on State reservations have been denied the benefits of many Federal programs because these tribes are not "federally recognized tribes" within the definition of the Federal Bureau of Indian Affairs. I have been aware of this discrimination, and at appropriate times have introduced legislation which specifically included State Indian reservations in particular Federal programs. For instance, the Public Works and Economic Development Act of 1965—Public Law 89–136—contains explicit language designating State Indian reservations as eligible for assistance under the act.

There are over 100 acts of Congress, rules and regulations authorizing aid and assistance to American Indians. Some of these acts confer on the Secretary of the Interior control over Indian property. Consequently not all of these acts, rules, and regulations would be beneficial to State reservation Indians. The purpose of my bill is to qualify State reservation Indians, at their option, to participate in Federal Indian aid programs. This approach will insure full independence of the State reservation tribes.

I would like particularly to call to the attention of my colleagues the fact that in Maine we have three State Indian reservations—the Penobscot Reservation on Indian Island in Penobscot County, and two Passamaquoddy Reservations in Washington County. A total of 1,200 Indians reside on the three reservations under the guardianship of the State. Yet these 1,200 Indians are excluded from participating in a great many Federal programs because of restrictions limiting the programs to Federal Indian tribes. For example, the Omnibus Crime Control and Safe Streets Act of 1968—Public Law 90–351—was amended to allow Indian tribes to benefit from its programs, along with other "units of general local government." The definition of these units includes "an Indian tribe which performs law-enforcement functions as determined by the Secretary of the Interior." The Maine Law Enforcement Planning and Assistance Agency has indicated that this provision, with its requirement that the Secretary of the Interior determine tribal law-enforcement functions, excludes State Indians from its coverage. This is only one of many examples where State reservation Indians cannot avail themselves of beneficial Federal programs.

Eight States—Connecticut, Maine, New York, Pennsylvania, Rhode Island, South Carolina, Texas, and Virginia—have a total of 27,311 Indians residing on non-Federal reservations. There are approximately 15,000 Indians living in New York State. Out of this number, about 10,000 reside on nine State reservations.

The numbers involved here are small, but the needs of these State reservation Indians are urgent and unmet. Like their brothers on Federal reservations, our State Indians have too often had policy imposed from without. They have been encouraged to sever their tribal and cultural ties. They have faced harassment, hostility, and discrimination in the world outside the reservation. Within the reservation they have faced despair and deterioration of the culture they hold dear and which gives them distinction as Americans.

Our American Indians want what so many of us have and take for granted—adequate and relevant education, job opportunities, health care, and decent housing. They want dignity. They want to be judged as individuals in their own right, and they want to maintain and nurture their uniqueness.

The choices most of us make in life, such as what career to enter, where and how to live, are not always easy to implement, but we take for granted our right to make these decisions from a broad range of alternatives. We make such choices, confident that our happiness and success are limited only by our abilities, our training and our ambition.

The bill which I introduce today will provide a new approach toward filling the needs of a unique group of Americans. It will give State reservation Indians the right to decide, the opportunity to choose, to participate in Federal Indian programs.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

The bill (S. 3135) to make available to certain organized tribes, bands or groups of Indians residing on Indian reservations established under State law certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of all Federal programs and laws providing benefits, care, or assistance, financial or otherwise, to Indian tribes or members thereof, any organized tribe, band or group of American Indians a majority of the members of which reside on an Indian reservation established under the laws of a State, but which has not heretofore been recognized as an Indian tribe for purposes of such programs or laws, shall, in its discretion, be entitled to receive such benefits, care, and assistance for which Federally recognized Indian tribes or members thereof qualify as recipients.

S. 3137—INTRODUCTION OF A BILL TO BE KNOWN AS THE "SAINT LAWRENCE SEAWAY AMENDMENTS OF 1969"

Mr. MONDALE. Mr. President, I introduce for appropriate reference for myself and Senators BAYH, BURDICK, GRIFFIN, HART, HARTKE, MCCARTHY, MCGOVERN, NELSON, PERCY, PROXMIRE, SAXBE, SMITH of Illinois, YOUNG of North Dakota, and YOUNG of Ohio a bill to put the St. Lawrence Seaway Development Corporation on a sound financial basis. The bills sponsors include Senators from both parties from all of the States in the upper Midwest.

This bill should not be regarded merely as a regional measure. The seaway has clearly benefited the entire Nation. The Great Lakes-St. Lawrence waterway system permits extremely economical water transport serving one of the world's richest agricultural regions and leading industrial complexes.

In the year before the seaway opened less than 12 million tons of cargo moved through the St. Lawrence. This jumped to over 20 million tons in 1959 and has continued to grow to almost 50 million tons last year. As we will document in testimony, much of this growth in volume represents an increase in the United States share of world trade.

There are only five countries competing in the world wheat market. The seaway has helped to secure a significant portion of that market for U.S. farmers. It has provided an excellent low-cost route for exporting surplus agricultural production. And so it is for other commodities and industrial products, such as automobiles, locomotives, gasoline engines, farm equipment, turbines, earth moving equipment and heavy machinery.

Manufacturers and processors have also found that the seaway provides ef-

ficient and economical access to raw materials from Canada and abroad. Here too, the benefits of increased U.S. production are shared by the entire Nation.

According to a study by the Maritime Administration, the additional income to the Great Lakes area in a single year, as a result of the waterborne commerce, is estimated at $300 million. This represents a return of more than 200 percent per year on the total U.S. investment in the seaway.

The bill differs in a number of ways from legislation which I introduced in the 89th and 90th Congresses with bipartisan sponsorship. Two years ago, while the earlier legislation was pending, we were successful in securing a 4-year moratorium on toll increases on the St. Lawrence Seaway. Two years have passed without the action which is necessary to prevent new proposals for toll increases.

It is abundantly clear that the financial projections underlying the original Seaway Act are unsound. The time to put the seaway on a solid financial footing is now. The United States will soon have to agree with its Canadian partner on new toll rates to be effective in 1971. Accordingly, I urge prompt action on this bill.

The St. Lawrence Seaway Act of 1954 requires that the Corporation pay, out of toll revenues, the entire cost of construction by the year 2009. In addition, toll revenues must cover fully the cost of operation and maintenance.

This self-sustaining requirement is unique for waterways in the United States. The Federal Government has developed and maintained waterways and ports throughout the United States entirely out of general revenues.

For example, the United States has spent over $56 million for the development of the Gulf Intercoastal Waterway and an additional $50 million for operation and maintenance. The same region has been benefited by an expenditure of $62 million for the 76-mile Mississippi River-Gulf Outlet and close to $11 million has already been spent on operation and maintenance. The 50-mile Houston Ship Channel has cost the taxpayers almost $33 million and more than $37 million has been paid for operation and maintenance. The 96-mile Delaware River Channel to Philadelphia was developed at a public cost of $130 million—slightly in excess of the U.S. investment in the St. Lawrence Seaway. Moreover, $140 million from general revenues has gone into operation and maintenance of that channel.

No user charges whatsoever have been levied in the case of any of these facilities. For this reason, there is growing recognition that the financial framework of the St. Lawrence Seaway is unfair and unreasonable and discriminates against the Nation's "fourth seacoast."

This discrimination in financing an essential link in a 2,342-mile waterway into the heartland of America is dramatized by contrasting the Federal transportation aid given to other regions, such as Appalachia. Up to the end of the last fiscal year, the U.S. Government had invested $470 million in developing roads to serve Appalachia. And much more remains to be spent there. I do not begrudge those expenditures and I am sure that my fellow Senators from the Great Lakes area do not either. But we are compelled to wonder why this unequal treatment for the seaway.

The seaway and the Great Lakes have been short-changed in a number of ways. For many years, the Great Lakes have been deprived of Federal assistance under the Merchant Marine Act of 1936. As a result, the lakes have had very little American-flag service. In turn, this has prevented the use of the Great Lakes-St. Lawrence system for the shipping of Government cargo because of statutory requirements for shipping in U.S. bottoms.

Virtually no cargo financed by the Export-Import Bank, AID, or the General Services Administration has moved in recent years through Great Lakes ports. The Department of Defense, which alone exported 30 million tons last year, shipped only 2,000 tons, or less than 1/100 of 1 percent, via Great Lakes ports even though 35 percent of the cargo was made in the Great Lakes area.

Similar discrimination can be documented with respect to rail charges for shipments to Great Lakes ports, as compared to sometimes lower charges to more distant coastal ports. In addition, under section 22 of the Interstate Commerce Act, free or reduced rates are often given for Government cargo moving to coastal ports. But such rates are seldom offered on traffic to Great Lakes ports.

For all of these reasons, I was quite distressed to learn that the President had, unaccountably, omitted the Great Lakes shipping industry from the administration's proposed 10-year program to rebuild the U.S. merchant fleet. I pledge to work for fair treatment for the Great Lakes under any new maritime program.

Perhaps, when the Congress authorized this historic project, there was reason to believe that the seaway could, indeed, bear the unprecedented financial burden which was placed upon it. But this belief has proved unfounded. Since the seaway was opened in 1959, it has not been able to make any significant payments toward reduction of the bonded debt. Although it has made substantial interest payments to the Treasury, it had fallen in arrears $12½ million in interest charges.

Thus, the original debt of $124 million, plus $7 million in interest during the construction period, and $5 million for lock rehabilitation, has grown to a total of $148.3 million. Based on present traffic projections and current toll revenues, the debt of the St. Lawrence Seaway Corporation will not be eliminated by the year 2009. In fact, it will grow to $821 million if corrective action is not taken.

Raising toll revenues is not the solution. Those who propose this easy remedy may be unaware of what the toll rates are. Perhaps, when they think of tolls, they have in mind the $1.75 for an automobile to drive the length of the New Jersey Turnpike. Or perhaps they think of the $5 a truck might pay. How many realize that, for example, a ship named *Andwei*, carrying 22,636 tons of iron and steel, paid a toll of $21,225.28 on October 12, 1969, to use the St. Lawrence Seaway?

The existence of competitive modes of transportation which were once, themselves, heavily subsidized, would draw off the necessary traffic if the tolls were significantly raised. But the existence of the seaway has already served a very useful purpose in keeping the rates on other transportation down.

A principle was laid down in 1954 that transportation facilities should be self-supporting. As already noted, no other waterways have been built or operated in accordance with this principle. Air transport is also subsidized by the Federal Government. Should the seaway be forced into bankruptcy in the interest of preserving this principle?

Under existing law, the current break-even point would be some 56 to 58 million tons of seaway traffic annually. In contrast, only 48 million tons were handled in 1968. Thus, it can be seen that intensive traffic-building efforts would still fall far short of making the seaway self-supporting under present statutory provisions.

Based on existing practice with respect to all other federally assisted waterways and ports, it would be entirely reasonable to propose that the bonded debt of the seaway be written off and that operating and maintenance costs, henceforth, be paid out of general revenues. We do not make that proposal, however. We merely propose to relieve the seaway of the crushing burden of debt service so that it can pay its fair share by fully covering its operating and maintenance costs, maintain reasonable toll levels, and continue to return substantial funds to the Treasury.

The bill would cancel the existing debt of the seaway to the Treasury. It would, however, require the seaway to pay operating and maintenance costs, and payments in lieu of taxes, out of toll revenues. Any money remaining would be returned to the Treasury.

The Corporation has already returned more than $33 million to the Treasury in the form of interest on the original bonded debt. Based on probable toll rates, which will be set by agreement with Canada, and estimated traffic growth, the seaway would have a surplus after paying operating and maintenance costs. Under our bill, and in light of existing Canadian law and international agreement, this surplus would result in payments to the Treasury at approximately the current rate. Such payments, if continued for the next 40 years, would approximate the cost of building the seaway. If this were done, the effect of the bill would be substantially the same as converting the original bonds to an interest-free loan.

It does not seem unreasonable for the United States to pay out of general revenues the approximately $5½ million annual interest cost on the U.S. investment in the seaway. This seems very small in relation to the billions of dollars in Federal revenues which have been paid for the construction and operation of other waterways. Considering the extensive

public interest and national defense value of the seaway, it is clearly appropriate to have general revenues assume this modest portion of seaway expenses.

I wish it were possible for the U.S. Congress to require that seaway tolls be substantially reduced and, eventually, eliminated. But we own only two of the seven locks. Accordingly, I will merely state at this time the objective of the sponsors that everything possible be done by the United States to prevent any toll increase and to move as rapidly as possible toward reduction in tolls.

I suggest that, in hearings on this bill, the committee explore possibilities for reducing toll charges on the seaway. If a formula could be devised to assure such reductions, I would like to see it incorporated in the bill. If not, I would hope the committee would express its intent about toll rates in its report on the bill.

Perhaps enactment of the bill will encourage our Canadian partner to consider changes in the financial structure of its seaway authority. If Canada adopted similar legislation, then surely there could be significant toll reductions.

Mr. President, if action along the lines of this bill is not taken, the seaway will be forced to consider toll increases in the order of 30 to 60 percent in the near future. That would clearly be disastrous.

I believe that the national benefits already realized from the construction of the St. Lawrence Seaway are fully appreciated by my colleagues in the Senate. It has been estimated that seaway traffic could be doubled over the next 20 years, with vastly increased contributions to the security and well-being of America. I hope that the bill will be enacted speedily so that it will be unnecessary for the United States to agree to an increase in tolls, which would seriously jeopardize the seaway's potential.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

The bill (S. 3137) to amend the act creating the Saint Lawrence Seaway Development Corporation in order to cancel the indebtedness of the Corporation to the United States, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3137

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 "Saint Lawrence Seaway Amendments of 1969".

SEC. 2. Section 5 of the Act of May 13, 1954, creating the Saint Lawrence Seaway Development Corporation (33 U.S.C. 985) is amended to read as follows:

"CANCELLATION OF INDEBTEDNESS"

"SEC. 5. Effective as of the date of enactment of the Saint Lawrence Seaway Amendments of 1969 all indebtedness of the Corporation to the United States pursuant to this section prior to such Amendments is cancelled subject to the condition that the Corporation shall pay annually into the Treasury of the United States any revenues determined by the Corporation to be in excess of those needed for operating and maintaining the works under the administration of the Corporation, including administrative costs and payments in lieu of taxes."

SEC. 3. Section 12(b)(4) of the Act of May 13, 1954 (33 U.S.C. 988(b)(4)) is amended by striking out "depreciation, payment of interest on the obligations of the Corporation, and"

SEC. 4. Section (b)(5) of the Act of May 13, 1954 (33 U.S.C. 988(b)(5)) is amended to read as follows:

"(5) That for the purpose of any such negotiations for the division of any tolls due consideration shall be given to the total investment of the United States in the Seaway project."

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2983

Mr. CURTIS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nebraska (Mr. HRUSKA) and the Senator from South Dakota (Mr. MUNDT) be added as cosponsors of S. 2983, to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes.

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

S. 3068

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Minnesota (Mr. MCCARTHY) and the Senator from Ohio (Mr. YOUNG), be added as cosponsors of S. 3068, the Agricultural Stabilization Act.

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

SENATE JOINT RESOLUTION 163

Mr. MONTOYA. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Vermont (Mr. PROUTY) be added as a cosponsor of Senate Joint Resolution 163, to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

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

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 39

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. GOODELL) be added as a cosponsor of Senate Concurrent Resolution 39, relating to the withdrawal of U.S. forces from Vietnam.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 277

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to the bill (S. 2218) to amend the Elementary and Secondary Education Act of 1965 and related acts, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON JUDICIAL ETHICS AND FINANCIAL DISCLOSURE

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the further consideration of S. 1506, 1507, 1509, 1510, 1511, 1512, 1513, 1514, 1515, and 1516. The hearings are designed to review the activities of the Judicial Conference of the United States in the sensitive areas of judicial ethics and financial disclosure to which these bills are related.

The hearings will be held on November 24 and December 8, 1969. The hearings on November 24 will begin at 11 a.m. in room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Lloyd H. Grimm, of Nebraska, to be U.S. marshal for the district of Nebraska for the term of 4 years, vice D. Clive Short.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, November 19, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

WE MUST ACT NOW IF THE BIG THICKET IS TO BE SAVED

Mr. YARBOROUGH. Mr. President, on October 15, 1969, the Fort Worth Star-Telegram published a thoughtful and penetrating letter written by Mr. B. W. Hallmon, of Dallas, Tex. Mr. Hallmon's letter correctly points out the danger that confronts the scenic Big Thicket area of southeast Texas.

Once, the Big Thicket covered more than 3.5 million acres. Today, it has been reduced in size to approximately 300,000 acres. With each day that goes by, another 50 acres disappear as a result of the actions of large lumber and real estate companies. Unless something is done soon, future generations will not have the benefit of this unique wilderness.

To save the Big Thicket, I have introduced S. 4, which would establish a 100,000-acre Big Thicket National Park. The bill has received the enthusiastic support of conservation and civic groups throughout the country. I am hopeful that the Senate will soon take action on S. 4.

Mr. President, I ask unanimous consent that Mr. Hallmon's letter be printed in the RECORD.

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

SAVE BIG THICKET

Last weekend I drove through Texas' famed Big Thicket. Everywhere large openings were scraped out of this last pocket of primeval wilderness. Because of public apathy the Thicket is being systematically reduced by lumber companies and land speculators. Once the Big Thicket covered 3,350,000 acres; today its scattered stands total 300,000 acres—less than one-tenth of the original.

This area northwest of Beaumont has been the home of many plant and wildlife species. It is representative of East Texas pine and hardwood forests; certain trees such as magnolia attain record size there.

The Thicket lies near centers which are destined for heavy population growth, with increasing recreational and tourist requirements.

Senator Yarborough is supporting a Big Thicket bill. The Department of the Interior had considered feeble action toward a national park at the urging of the Big Thicket Association. East Texas is lacking in representative parks. Our rate of commercial and technological progress virtually guarantees the elimination of this region's unprotected primitive areas within a few years. The people of Texas must act soon if they are to preserve the Big Thicket for this and future generations.

B. W. HALLMON.

DALLAS.

DEATH FROM THE NATION'S AIR

Mr. MUSKIE. Mr. President, in the past few weeks the States have begun to submit the proposed regional air quality standards for particulates and sulfur oxides required by the Air Quality Act of 1967. The provisions in that act which called for strong public participation in the determination of those standards, based on criteria issued by the Department of Health, Education, and Welfare, have paid off in strict standards proposed by most of those regions. Nevertheless, many industries which will be affected by these strict standards have complained that the levels required cannot be met.

Yet the proceedings of the American Public Health Association's meeting in Philadelphia yesterday show that they must be met. There can be no excuse which will compromise the Nation's health. The reports at the meeting showed definite relationships between excess concentrations of pollutants in the air and sickness and death, rebutting the claims made by those who would prefer to lag behind in the fight against air pollution that there is no proof of harm.

I hope that Americans all over the country will take these findings to heart and participate as much as possible in the conferences which will determine the air quality standards in their communities. Their health and their children's health is at stake.

I ask unanimous consent that an article concerning the Philadelphia meeting, written by Stuart Auerbach, and published in this morning's Washington Post be printed in the RECORD.

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

REPORTS TIE AIR POLLUTION TO DEATHS, ASTHMA, ECZEMA

(By Stuart Auerbach)

PHILADELPHIA, November 11.—Badly polluted air frequently causes 10 to 20 deaths a day in New York City. In Buffalo, the number of children hospitalized with asthma and skin inflammation increases significantly when the air is particularly dirty.

These reports today at the American Public Health Association's meeting bolstered the view of many scientists that pollution is one of the nation's greatest health hazards.

The report also underscored complaints made at the meeting about the lack of progress in the fight against pollution.

"Every year pollution has grown worse," said Charles C. Johnson Jr., head of the federal agency that deals with environmental health. "Every year there is more evidence of self-damage from environmental contaminants. Every year our cities have become less liveable, our highways more death-dealing. Every year, the barrage of chemicals, physiological, biological and psychological stresses to human health has increased.

"Yet we seem to have thought that we had to wait until we count the corpses in the streets before we could mobilize our forces in defense of human health," he told the nation's public health leaders. Johnson is head of the Consumer Protection and Environmental Health Service of the Department of Health, Education and Welfare.

The New York study found a direct relation between the amount of sulfur dioxide and smog—major components in polluted air—and excess deaths in the city over a five-year period.

"For the first time we are satisfied that we have some definite relations between sulfur dioxide in the air and excess deaths—almost like the relation between smoking and cancer deaths," said Leonard Greenburg, a pioneer student of air pollution and health.

He did the study at the Albert Einstein College of Medicine in New York with Dr. Marvin Glasser, a statistician.

Other studies of deaths and pollution have concentrated on periodic episodes of extremely dirty air. But Glasser and Greenburg showed that deaths started to rise sharply when there was as little sulfur dioxide filtered outside into the air as .2 parts per million.

The number of excess deaths varies from 10 to 20 a day when the level of sulfur dioxide is between .2 parts per million and .4 parts per million.

The air pollution level was that high on at least 10 per cent of the days during the five-year period of the study.

Sulfur dioxide is caused by the burning of gases and other fuels in industrial plants. The smog is a measure of solid particles in the air.

In Buffalo, Doctors Harry A. Sultz, Joseph G. Feldman, Edward R. Schlessinger and William E. Mosher measured the number of children under 16 hospitalized with asthma and eczema, a skin inflammation, against air pollution levels.

They found 32.4 hospitalized asthma cases for 100,000 children when there was little air pollution. The rate jumped to 50.7 cases per 100,000 at the highest pollution level.

The figures for eczema were even more striking. The low pollution rate of 2.9 hospitalized cases per 100,000 children jumped under conditions of high pollution to 10.2 per 100,000.

The study found "a striking association" between air pollution and the hospitalization of boys under five with asthma or eczema.

"These figures do not take into account the effect of air pollution on the vast majority of asthma and eczema patients who never require hospitalization," the study said. "If air pollution affects the incidents of the more severe cases among children, as is strongly suggested, there are important and widespread implications in terms of medical costs, physician and hospitalization utilization and personal suffering."

A study at the University of Rochester by Drs. David Rush and Walter W. W. Holland strengthened reports given by Sir George Godber of increased respiratory illness among smokers. Sir George is chief medical officer of the British Ministry of Health.

High school students who smoke more than 15 cigarettes a day have 10 times as many coughing attacks and production of sputum as nonsmokers. And, the study said, this was true of children as young as 13.

NEW TECHNOLOGIES FOR MASS TRANSIT

Mr. TYDINGS. Mr. President, I count myself as one of the many advocates of a balanced and efficient transportation policy. This policy will require that we employ all modes of transportation: car, air, water, and mass ground transit. It is this last area that we are most lacking. If we are to meet the needs for rapid, safe, and expensive mobility in our urban areas, we must develop new technologies to provide new transportation systems.

For our dense urban areas, such as the northeast corridor, more superhighways are too costly because of the land they would require. Our rail facilities cannot provide the speed that we need in the future. Our airways are too overcrowded already, making them inefficient for all but long haul travel.

In the search for a new way to travel in high density areas, farsighted engineers and planners have been exploring the area of high-speed travel through underground tunnels. Such mass travel could offer almost perfect safety, huge capacity, near to jet-plane speeds, no pollution, no surface land use, and city-center to city-center travel. This picture of travel by tunnel is attractive indeed, except for one catch; the cost of tunnel excavation. Of course, when comparing the costs of other modes, we realize that the sums of money that any transit system would require is great. For example, to double the interstate highway capacity from New York to Washington—which we must do in some way if not with more roads—carries a price tag of almost $5 billion.

Most encouraging is the fine work that private industry and Government, espe-

cially the Office of High Speed Ground Transportation, has done to stimulate research into tunnel boring technology. New techniques, involving high frequency, high pressure water, and lasers, are now underway. All this and more was discussed at the second symposium on rapid excavation held at Sacramento, Calif., this October. I ask unanimous consent to have printed in the RECORD at this point a paper on the future of tunneling techniques that was presented at the conference. I do this to alert the Senate to the problems that must be overcome and to attract attention to the fine work that is at present being done in this field.

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

SOME COMPLICATIONS IN THE FUTURE IMPROVEMENT OF TUNNELING TECHNIQUES

(By A. A. Mathews)

INTRODUCTION

In recent years, the need to improve our tunnel excavation technology has been widely recognized, and a concerted effort toward this end is being organized. Our Federal Government, through many of its agencies, is actively pursuing a program of study and research. Many of our technical societies have joined the effort through the collection and dissemination of knowledge and information. Some of our institutions of higher learning have sponsored symposiums to further stimulate interest in the subject. Others have contributed through research and development programs in their laboratories.

The announced objectives of this collective effort are a substantial increase in the speed and a reduction in the cost of performing underground excavations. Many of the shortcomings of our present methods have been examined, and the development of a continuous system for tunnel construction has been deemed to offer the greatest promise of success.

In order to systematically approach the problem, the following aspects have been defined:

1. Determination of Geological Conditions.
2. Utilization of Rock Mechanics Theory and Practice.
3. Rock Disintegration.
4. Materials Handling.
5. Ground Control.
6. Environmental Control and Safety.

It is then proposed to attack each of these items specifically and more or less individually.

The purpose of this paper is to point out some of the problems which are likely to arise from this approach and to suggest areas of study or research for meeting them.

HIGH SPEED VERSUS COST

Most of the publications on this subject imply that the final cost of the tunnel is inversely proportional to speed at which it is excavated. It is true that with a given size of crew and complement of equipment, the unit cost of performing the work will decrease as the productivity, or speed at which the work in completed increases. However, one should not ignore the fact that at a given productivity or speed the unit cost will decrease as the labor, material, and equipment requirements decrease.

For a given tunnel which can be excavated at the rate of 70 ft. per day but where the final lining installation progresses later at the rate of 100 ft. per day, the average overall progress is only 41 ft. per day. This value could be doubled by means of excavating at the rate of 140 ft. per day and lining at the rate of 200 ft. per day. However, the same overall speed could be achieved by increasing the driving rate by only 15% if the final lining were installed simultaneously with the excavation. Of course in this latter case the total costs might be quite different from those in the former.

Another example might be a tunnel where 50,000 lin. ft. is driven in 100 days at the rate of 500 ft. per day. If the next 500 lin. ft. is difficult ground and requires another 50 days, the total costs are increased by about 50%. On the other hand, suppose that a much more efficient but slower system were used so that the 50,000 lin. ft. required 200 days but the total costs were the same as for the faster system. Now, the 500 ft. of difficult ground, which still requires 50 days, increases the total costs by only 25%.

While it is certainly commendable to marshal an all-out effort to speed up all phases of the tunneling system, the overall efficiency and the ultimate costs must always be considered.

CONTINUOUS VS. INTERMITTENT SYSTEMS

It is certainly true that in any endeavor, potentially productive time is lost when one phase of the work must be stopped before the next can begin. Again, however, it is the ultimate efficiency which is important.

For example, our material handling technology is certainly capable of developing a continuous system for batching and mixing concrete. Yet, it is doubtful that any such system would be competitive with our present batch system for most applications.

Another example is found in our procedure for hoisting ore from deep mines. We are capable of developing a continuous system, but our present practice of hoisting individual loads is not likely to be supplanted soon.

The advent of the mole, or tunnel boring machine, has probably magnified the advantages to be gained from continuous processes. As a matter of fact, the mole itself is not a truly continuous machine. At its present stage of development, its gripper plates, thrust rams, or pulling anchor must be reset intermittently, and the machine cannot excavate while this is being done.

Obviously, we should not arbitrarily assume that all steps in the tunneling operation should ultimately be continuous just because one is.

DETERMINATION OF GEOLOGIC CONDITIONS

The accurate prediction of geologic conditions is one of the most important aspects of any tunnel project. And as the speed of tunneling in predicted conditions increases, the importance of anticipating unusual or anomalous conditions multiplies.

By the same token, the obtaining of adequate subsurface information in advance becomes increasingly difficult. For a tunnel advancing at the rate of 500 ft. per day, any information which cannot be obtained from a distance of several hundred feet away would be of very little benefit. Obviously, any present methods of physically obtaining subsurface information would be of little benefit in this problem. Research should be directed toward seismic and electronic solutions.

ROCK MECHANICS

The recently developing science of rock mechanics is proving to be a tremendous aid to the tunnel designer and builder. With a better knowledge of the physical properties of the rock mass and its state of stress, we are able to predict more accurately the behaviour of the ground during and after excavation as well as the loading pattern on the support system. We can also better evaluate the performance of methods and equipment for breaking and excavating the rock.

The need for improving our techniques for testing and measuring the physical properties of intact rock and rock masses is well recognized. We also see an urgent need for developing better methods and procedures for determining the state of stress in rock, particularly at points distant from human access.

There is one aspect of rock mechanics which has received far too little attention. That is the effect of the excavation method upon the behaviour of the ground.

Recent theory states that when a deep excavation is made in rock, a zone of loosening develops around the opening. If this loosening process results in a failure or disintegration of the loosened rock, then such rock must be supported or it will fall into the excavated cavity.

If no loosening, no change in the in situ state of stress, and no movement in the rock mass were permitted, the excavated opening would require supports capable of resisting all of the forces represented by the in situ stress pattern in the rock. In deep excavations, a support system having such capabilities would be impractical if not impossible to achieve. Consequently, we permit the loosened zone to develop and we provide whatever support is required for the particular set of conditions.

The extent of the loosened zone which ultimately develops depends upon the amount and flexibility of the support which is provided, as well as upon the time at which it is installed. In excavations made by means of drilling and blasting, the loosening, and the associated stress redistribution, is encouraged by the disturbance of the blasting. The supporting system is installed shortly thereafter, and as the loosening process continues, the supporting system assumes a load and resists further loosening. Eventually, equilibrium is attained.

In the tunneling fraternity, it is generally felt that the earlier the supports are installed, the smaller will be later problems and the lower will be the ultimate loads. In other words, if the first small fragment of rock is restrained from falling out, succeeding fragments will be supported and the ultimate demand on the supporting system will be reduced.

Practically, this principle is valid for most tunneling methods and techniques which are used today. But it is apparent that its validity has some limit. As we have noted before, if the time interval, after ground disturbance, for installing a perfectly rigid support were zero, the support requirement would be maximum. However, if the support were somewhat flexible so that some loosening could take place, the ultimate support requirement would be reduced.

When a tunnel is excavated rapidly by means of a mechanical method, such as a boring machine, the disturbance to the surrounding ground is minimized. However, the stress redistribution must still take place and the zone of loosening must still develop. Without the encouragement of the shocks of blasting, this process may consume considerable time and the manifestations of the loosening process may appear some distance behind the heading. Corrective measures initiated at that time are likely to be inconvenient, expensive, and unsatisfactory.

Today we are contemplating vast projects where we will tunnel thousands of feet below the ground surface and at phenomenal speeds. The mode of stress relief and redistribution to which we are accustomed will not prevail, and we may be in for some surprises. There is an urgent need for research and the collection, correlation, and dissemination of data so we can relate the mode of stress relief to the method and speed of tunneling.

The foregoing discussion applies particularly to deep tunnels, or to those in ground having high in situ stresses. Obviously, it would have little application in very shallow tunnels. We then confront the question of what are the depths or pressures where the problem becomes critical. No doubt these would depend on the physical properties of

the rock mass as well as the size of tunnel contemplated. Again, we are in need of study and data in order to develop criteria for answering this question.

ROCK DISINTEGRATION

This is recognized as the key to the excavation process, and the factor that ultimately limits the rate of advance. Of all of the aspects of the high-speed tunneling problem, this one has probably received the most attention and achieved the greatest results.

It is obvious that we are on the threshold of perfecting machines and methods to rapidly and continuously break in the heading the hardest of rock. As this development continues, there are two principal factors which will emerge. These are cost, and the effect on other aspects of the problem.

MATERIALS HANDLING

The removal of excavated material from the heading and transferring men and materials into the heading are critical elements in the tunneling process and they are receiving well-deserved attention in studies to improve our tunneling methods.

Because the trend in rock disintegration methods is toward a continuous process, it is natural to look for an associated method of continuous removal of excavation from the tunnel. While such attempts should certainly not be discouraged, it should not be taken for granted that a continuous muck removal system is either necessary or economical for a high speed excavation system.

At the present stage of development of our materials handling processes, it can be shown that railroad cars on steel rails offer the most efficient means for transporting large quantities of bulk materials for long fixed routes over relatively level grades. Belt conveyors, while apparently very efficient after the initial investment, are notorious consumers of power and maintenance when compared to a railroad. Therefore, they can usually be justified only on the basis of extenuating circumstances, such as terminal conditions, terrain to be traversed, or grades to be overcome.

While other methods should, of course, be given every consideration, the possibilities for tremendous improvement in current railroad practice in tunnels should be exploited. Speeds of more than 100 m.p.h. are practical on operating railroads and should not be barred from the field of tunnel construction. Hydraulic and pneumatic pipelines offer the possibility of occupying less of the tunnel space than a railroad, but do not offer a practical means for transporting men and construction materials into the tunnel.

GROUND CONTROL

Ground control, or the system for maintaining the shape, size, and integrity of the excavated tunnel, is intimately related to the speed with which the tunnel can be constructed. Much attention is being given to improving our procedures for designing support systems and for devising systems which are compatible with high-speed driving.

As discussed earlier, the mode of stress relief and redistribution as the tunnel is constructed is influenced by the method of construction and by the nature of the supporting system. In turn, this affects the ultimate demand on the supporting system. This is particularly true for supporting systems utilizing a maximum of soil-structure inaction, such as shotcrete or rock bolts.

Since both of these supporting systems are particularly adaptable to rapid excavation methods, they are likely to receive increasing attention. Consequently, we must increase our knowledge of soil-structure interaction as developed by these systems.

We know that a surprisingly small thickness of shotcrete, when properly applied at the right time, will safely support tunnels where we would ordinarily use much stronger support of conventional types. Yet, we have no rational method for designing the thickness of shotcrete for a given tunnel. Generally, the practice has been to utilize rule-of-thumb, or pure judgment, and then observe the results.

To help meet this problem which will become more important as our tunnel driving techniques improve, we are in urgent need of further work in two areas. These comprise the collection and correlation of information from actual projects and the performance of experimental studies in our laboratories.

Our interested governmental agencies should actively support a program to properly instrument and monitor every shotcrete tunnel job available, and classify the resulting information into usable form. The instrumentation program should measure the stresses and strains in the shotcrete, the apparent pressures on the shotcrete—rock interface, and the stress redistribution pattern in the surrounding rock. The resulting information should be correlated with the geology of the site, the method of tunnel construction, the size of the tunnel, the physical properties of the shotcrete and the surrounding ground, the depth of the tunnel, and other related factors. Only in this manner can we really evaluate the possibilities of this supporting system.

The same need applies to the system of support by means of rock bolting. Presently, our method for designing a rock bolt support system is based mainly on rule-of-thumb. Some designers try to maintain a given ratio of rock bolt length to tunnel width. Others relate rock bolt length to the spacing, which in turn may be chosen arbitrarily or with reference to the orientation and distribution of defects in the rock. Grouting of rock bolts is commonly specified in order to attain long-term corrosion resistance. However, the grouting may provide important structural benefits to the bolt and the surrounding rock.

Again, the need is two-fold. We must obtain more information from the field as to the actual behaviour of the bolts and the rock. We must obtain more data on the build-up of stress in the bolts and the deflections or movements of the rock mass, both for grouted and ungrouted bolts.

In our laboratories, we must perform more experiments to measure the effect of the rock bolts on rock mass behaviour under load.

All of the data obtained must be classified and correlated so that a more rational design theory than any now in use, can be devised.

Another item which will demand increasing attention as our capability for high speed tunnel driving increases is the effect of small areas of bad ground or different ground. As pointed out earlier, the greater the driving speed, the greater is the percentage effect of a slowdown to cope with different conditions.

One obvious answer is ground beneficiation, or the advance improvement of ground conditions. Various techniques and material for grouting adverse ground conditions have been used, and no doubt substantial improvements will be made in the future. Likewise, the technique of freezing difficult, water-bearing ground has been successfully used for many years.

Nature has utilized many other methods for consolidating loose materials. Heat and pressure are nature's most common tools, but electricity and seismic forces have also been used. Some of our research institutions could profitably study the possibility of utilizing some of these means for ground beneficiation.

Compressed air has long been utilized for ground control during tunnel driving under certain conditions. As our capability for driving at high speeds and with reduced manpower increases, it is quite possible that compressed air would be beneficial over a greater range of conditions. For example, at our present state of knowledge of the medical factors involved, it would be entirely feasible to utilize pressures well over seven atmospheres.

ENVIRONMENTAL CONTROL AND SAFETY

Many of the effects of the tunnel construction method upon its environment are obvious. The generation of explosive fumes associated with the drill and blast method and dust with the mechanical mole are well known. Good ventilation and dust collection equipment are the standard answers, and these are being improved as our excavation rate increases.

As driving speeds continue to rise, it is quite likely that new concepts will be necessary in order to cope with greatly increased volume of air pollutants. At the same time, it will be necessary to eliminate the pollution at its source whenever possible. Locomotives having the power and flexibility of the diesel, but without its fumes, must be developed.

One environmental hazard, although well-known, deserves special attention. That is heat. As our tunnels go deeper, the natural rock temperatures increase. Even with our current excavation methods, air temperatures in the tunnel frequently reach very high levels.

As we increase our tunneling speed, we must introduce tremendous increments of power into the tunnel and expend vast amounts of energy. This results in substantial increases in the temperature of the tunnel atmosphere. Even today, in some of our machine-mined tunnels, air temperatures rise above 90 degrees fahrenheit and the relative humidity is also high.

While refrigeration is the obvious answer, it is quite likely that in the future, this may not be sufficient. It may be necessary to exhaust the hot air from the heading through an insulated pipe and conduct fresh, refrigerated air in through another. It is even conceivable that sometime in the future, the air will be taken into the heading in liquid form, where its evaporation will absorb the heat generated by the equipment.

As far as the tunnel environment and safety are concerned, it must be remembered that as excavation rates increase, these problems will also increase, and probably at an accelerating pact. To develop the corrective measures after the conditions become unbearable will be too late and such procrastination could effectively block the progress of the entire endeavor.

AUTOMATION

One answer to many of the problems outlined above is automation. If we could eliminate the people from the heading, the environment there becomes less important. And delays due to bad ground become less costly. In fact, even extremely high speeds become less urgent.

One can conceive of the tunnel building process of the future almost completely automated, and monitored by closed-circuit television. The labor force, other than the controllers, would be the trouble-shooters and maintenance crews. These people would be highly trained and equipped to deal with unexpected situations and to keep the system working.

Regardless of the problems which our rapid tunnel driving system of the future must face, their effects will be greatly ameliorated by automation.

AREAS OF NEEDED WORK

It is obvious that as we solve the problems of rapid and more economical tunnel driving, related complications will arise. The method of rock disintegration affects the behaviour of the ground and this affects the ground control problems. The methods for coping with many of the production problems affect in turn, the tunnel environment.

As each aspect of the rapid excavation development program is attacked, its effect on the other aspects must constantly be kept in mind. In order to anticipate as many of these complications as possible, work is required now in the following areas:

1. The development of remote sensing methods for geologic exploration.

2. The correlation of rock behaviour with excavation methods.

3. Further research on soil-structure interaction as specifically applied to actual tunnel support systems.

4. Development of automation for all phases of tunnel construction.

Compared with other industries, and other branches of the construction industry, the problem of improving tunneling techniques is unique in that the focus of the work is centered at one point—the heading. There is only one way to get to it—through the completed work; and once there, there is no way to move aside to permit diversification of effort.

However, as long as the intimate interrelationship of each aspect of the problem is recognized, and as long as preconceived notions and conclusions are avoided, there is no reason why the challenge cannot be met.

CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL

Mr. BAYH. Mr. President, the Subcommittee on Constitutional Rights, under the chairmanship of the senior Senator from North Carolina (Mr. ERVIN), has been holding a series of very important hearings on the rights of mentally ill persons. Senator ERVIN is to be commended for taking the leadership in this most important area which the subcommittee has been studying for the past several years.

Recent decisions by State and Federal courts have focused increasing attention on the legal rights which should be accorded those unfortunate members of our society who become victims of mental illness. Evidence seems to be abundant that in many instances the laws, administrative standards and procedures, and judicial decisions have not always treated such persons on a completely equal basis with the majority of other citizens.

Recently an article was brought to my attention which highlights some of the representative difficulties and problems experienced by mental patients in one State. The New York Civil Liberties Union and the American Civil Liberties Union have sponsored a 2-year study of the denial and deprivation in New York of rights of the mentally ill. The director of this project, Mr. Bruce J. Ennis, has written a very informative and interesting description of the study and has spelled out a number of specific examples of treatment where there is doubt that the individuals concerned received full constitutional protection. Because this article, which was published in the October 1969, issue of Civil Liberties, is timely and presents first-hand knowledge about a question of national significance, I ask unanimous consent that it be printed in the RECORD.

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

[From Civil Liberties, October 1969]

MENTAL COMMITMENT

(By Bruce J. Ennis*)

In 1966, a federal circuit court announced two decisions that reflected serious concern for the civil liberties of the mentally ill. In *Lake* v. *Cameron*,[1] the court ruled that before an indigent person can involuntarily be committed to a mental hospital, the state must explore alternatives less drastic than full-time hospitalization. And in *Rouse* v. *Cameron*,[2] the court ruled that a mental patient must either be given *adequate* treatment, or be released. There were, of course, dissents in both *Lake* and *Rouse*. The dissenting opinion in *Lake* was written by a judge who, in a subsequent case, adopted the dissent in *Rouse*[3]. His name is Warren E. Burger. For advocates of increased civil liberties for the mentally ill, Judge Burger's appointment as Chief Justice of the Supreme Court may be a disappointment, but it should not be a surprise.

Judge Burger has been both praised and condemned for his criticism of the Supreme Court's liberal "law and order" rulings. But in the law of mental illness, Judge Burger is not a reactionary; he is very much in the mainstream. And that is what is disappointing. The majority opinions in *Lake* and *Rouse* are clearly the exception, not the rule. They are more honored in the breech than in the observance.

I, for one, believe that most, and perhaps all, mental patients should not involuntarily be confined. But challenges to the philosophical justification for their confinement, as in *Lake* and *Rouse*, and challenges even to the short-cut procedures by which they are confined, are difficult. They are difficult precisely because decisions to confine persons to mental hospitals are made, for the most part, by responsible men who, like me, are concerned with the dignity of human life.

There are, of course, exceptions.

For example, I know of a legal aid lawyer in Westchester County, N.Y., who was told he could not leave a mental hospital unless he surrendered a petition for a writ of habeas corpus signed by a patient of the hospital. He finally surrendered the petition, left the hospital, and filed a new petition, explaining to the judge why it was not signed by the patient. One week later, after a hearing, the judge found the patient was not mentally ill and ordered her release.

That type of experience is rare. Less rare, indeed distressingly common, are the myriad deprivations of civil liberties motivated not by malice but by concern. Let me give you a brief example.

PATERNALISM

In New York, a "voluntary" mental patient is not, as you might suppose, free to leave the hospital when he pleases. He must first give written notice of his desire to leave. The hospital can then hold the patient for 10 days, at the end of which it must either discharge him or convert him to involuntary status. (After conversion the patient can request judicial review.) The law provides no alternative.

I received a call one Wednesday afternoon from a voluntary patient at Brooklyn State Hospital. Twice he had requested release and twice the hospital had simply ignored his request. I spoke to his psychiatrist, who told me that he personally would prepare the papers authorizing the patient's discharge the following Tuesday. Tuesday came and went and, on a hunch, I called the psychiatrist to learn if the patient had, in fact, been released. He had not. The psychiatrist thought it would be better for the patient to remain in the hospital. Apparently, however, the patient was not sufficiently disturbed to warrant involuntary hospitalization. I called the hospital administrator and told him I was coming out to investigate the matter. By the time I arrived, the patient had been discharged.

It was clear the patient had been illegally held as a "voluntary" patient for many months. The reasons given for ignoring his request to be discharged were no doubt well intentioned: "first you have to get a job," "you have no place to live," "you're too sick." But those reasons do not justify abrogation of a clear legal right.

Because New York's Commissioner of Mental Hygiene is deeply concerned with civil liberties, I brought this case to his attention. After an investigation, he replied, ". . . there is a good possibility that [the patient's] rights were abrogated. It seems quite clear, however, that there was no malice involved and that the violation was motivated by a benign paternalism. This makes the problem more difficult since we must try to eliminate the paternalism without diluting the concern." [4]

Let me tell you a little of what the Civil Liberties Union is doing in this very difficult area of the law.

TEST CASE PROGRAM

The tax-free foundations of the ACLU and the New York CLU recently began a two-year litigation project designed to expand the civil liberties of the enormous number of persons alleged to be mentally ill. In the United States today, the number of persons involuntarily confined because of mental illness is three times the number of all prisoners, state and federal. If statistics did not lie, I could with confidence announce that every tenth reader of this article has been, or soon will be, an involuntary mental patient.[5] But statistics do lie. Very few in this audience are black, or poor, or both. And the population of our mental hospitals is notably devoid of white, middle-class Americans.[6]

The abuses in this area have prompted many scholarly and thoughtful criticisms. Much has been written, little has been done. The CLU project hopes to achieve through litigation, reforms which should long ago have been achieved through legislation.

Space permits discussion of only a very few of the issues the project has been and will be litigating.

Last May, in a habeas corpus proceeding, the project challenged the constitutionality of two sections of New York's civil commitment law. Most citizens would be surprised to learn that the standard civil commitment procedure in New York does not require or authorize a judicial hearing prior to commitment. Commitment for 60 days is generally based on the certificate of two physicians, who do not have to be psychiatrists. And *emergency* commitment for 30 days can be based on nothing more substantial than the unsworn and perhaps fraudulent allegation of a layman, unsupported and unconfirmed by any doctor, and unexamined, either prior or subsequent to commitment, by any court. The emergency commitment with which I am here concerned does not require any allegation that the prospective patient is dangerous to himself or others, only that he is "in need of immediate observation, care or treatment for mental illness."

The emergency, or 30-day, patient has very few rights. If he requests release, he can be held for 10 days and then administratively converted from emergency to non-emergency status and held for an additional 60 days. Only after he has been converted does he have the right to request judicial review, and that review, when it comes, will be limited to the need for his *retention*. It will not examine the legality or properiety of his emergency commitment.

NO NOTICE

I should mention, too, that patients committed for 30 days are not given any notice of their "right" to request release or conversion. And they are not given any notice of their ultimate right, after conversion, to request judicial review. Even if the emergency patient promptly initiates all the required steps, the time period between admission and judicial review can be, at a minimum, three weeks.

In the test case, I am arguing that a deprivation of liberty for a minimum of three

Footnotes at end of article.

weeks without notice or hearing is not consistent with due process of law. I argue also that, absent emergency, non-judicial commitment proceedings are impermissible under the equal protection clause. The irrationality of medical commitment of the non-dangerous mentally ill is evident when we consider that mental defectives, epileptics, narcotics addicts and persons afflicted with communicable diseases cannot involuntarily be deprived of liberty until after they have been heard in a court of law.

These arguments are so deeply rooted in American law that there should be no need to make them.

An entirely different type of problem is presented by the incompetent defendant.

The project is now working on two cases in which we are trying to secure for allegedly incompetent defendants substantially all the procedural protections they would receive if they were treated as civilians, as in fact they are, rather than as criminals. Specifically, we will assert that a defendant should have the right to have the factual question of his competence to stand trial decided by a jury, as it was at common law.[7]

People v. *Lally*[8] held that the present mental condition of a man acquitted of crime because of insanity at the time of the offense must be tried by jury. And the recent case of *Schuster* v. *Herold*[9], argued by NYCLU board members George Alexander and Faith Seidenberg, held that the mental condition of a prisoner serving an unexpired sentence must be tried by jury. Thus, before they can be committed to a mental hospital, persons acquitted of crime and persons convicted of crime have the right to demand a jury trial. No less protection should be given a person only *charged* with crime.

EX-PATIENT'S RIGHTS

Of course, the project is primarily concerned with the process of commitment and retention. But even after the patient is released, he is not free. I think it can be said without exaggeration that it is better to be an ex-felon than an ex-mental patient.

In May I argued a case which points up rather clearly the burden former mental patients bear.

In the first week of April, I received calls from three ex-mental patients who had been denied hack licenses. Each of the three had submitted current reports from psychiatrists attesting to his present mental soundness. But the New York City Hack Bureau has a written policy against licensing former mental patients.

The case involves a 30 year old man who was committed, with his father's consent, when he was 13, just after his mother's death. Following her death he had begun to act up in school and the father didn't know what to do with him. At the hospital his diagnosis was "primary behavior disorder in children, conduct disturbance." He was certainly not "mentally ill" as that term is commonly understood. And his diagnosis is not even *listed* in the American Psychiatric Association's glossary of psychiatric terms.

Shortly before he was 18, he was discharged. He finished high school and has worked steadily for the same employer for 11 years. For seven years he was a nurse's aid and for the last four years has been an ambulance attendant. Both jobs require better than average intelligence and mental and emotional stability. There is literally no doubt that he is, at present, competent to drive a cab, and six psychiatrists have so stated. But ex-mental patients don't get jobs, largely because of the incorrect assumption they are dangerous. The little evidence there is suggests the opposite.[10] For example, a five and a half year study of 5,000 patients discharged from New York mental hospitals showed that "patients with no record of prior arrest have a strikingly low rate of arrest after release . . . Their over-all rate of arrest is less than 1/12 that of the general population and the rate for each separate offense is also far lower, especially for more serious charges." [11]

Society is becoming increasingly aware first, that mental patients are no more dangerous than the average citizen, and second, that predictions of future dangerous behavior are incredibly inaccurate.[12] This awareness no doubt played an important part in the passage of California's revolutionary new Mental Hygiene Law, the Canterman-Petris-Short Act, which became effective July 1 of this year. The California law establishes three classes of persons: those who are "gravely disordered" and whose care can be entrusted to a conservator, those who are imminently suicidal, and those who are imminently dangerous to others.

Under that law, a person who is imminently suicidal can be confined for two successive 14-day periods. At the end of that time, even if he is still suicidal, he must be released. A person who is "imminently dangerous" to others and who has actually attempted or inflicted physical harm to another can be confined, after a hearing, for 90 days. Thereafter, he can be confined for an additional 90 days but only if he has threatened attempted or actually inflicted physical harm on another during his initial 90-day confinement.

In effect, except for persons for whom conservators are appointed, California has abolished long term hospitalization and has abolished commitments based solely on prediction of future dangerous behavior.

The NYCLU Board of Directors last January adopted this resolution: "Mental illness can never by itself be a justifiable reason for depriving a person of liberty or property, against his objection. Even when such deprivations are accompanied by fair procedures, they are unjustified except on a basis—for example, a violation of the criminal law—that would be equally applicable in the absence of mental illness."

The California law and the NYCLU resolution represent different but constructive approaches to expanding the civil liberties of the mentally ill. Hopefully, the current litigation project can contribute to that goal.

FOOTNOTES

*Mr. Ennis is director of the Civil Liberties and Mental Illness Project, sponsored by the tax-free funds of the New York CLU and the ACLU. His article is an adaptation of remarks he delivered to the ACLU Foundation's Board of Overseers, May 28, 1969.

[1] *364 F. 2d 657 (D.C. Cir.)*

[2] *373 F. 2d 451 (D.C. Cir.)*

[3] Dobson *v.* Cameron, *383 F.2d 519 (D.C. Cir. 1967) at pp. 523–524. And see* Rouse *v.* Cameron, *387 F.2d 241 (D.C. Cir. 1967), at pp. 246–247.*

[4] *Letter of April 9, 1969.*

[5] Mental Illness and Due Process, p. *v (1962).*

[6] *Hollingshead & Redlich,* Social Class & Mental Illness *at p. 301.*

[7] *4 Blackstone's Commentaries 25,* Frith's Case's, *22 How. St. Trials 307.*

[8] *19 N.Y. 2d 27 (1966).*

[9] *N.Y.L.J. April 25, 1969, p. 1 (2d Cir. 1969).*

[10] *See generally, Livermore, Malmquist and Meehl, "On the Justifications for Civil Commitment," 117 U. Pa. L. Rev. 75, at 81–85, and the authorities cited therein.*

[11] *Dr. H. Brill and Dr. B. Malzberg, "Statistical Report Based on the Arrest Record of 5354 Male ex-Patients Released from New York State Mental Hospitals During the Period 1946–8."*

[12] *See* Psychoanalysis, Psychiatry & Law, *Katz, Goldstein, Dershowitz, The Free Press, 1967, pp. 588–592. "The Psychiatrist's Power in Civil Commitment: A Knife that Cuts Both Ways," Dershowitz,* Psychology Today, *p. 47 (Feb., 1969).*

REDS DOMINATE VIETNAM PEACE MOVEMENT

Mr. DODD. Mr. President, on October 15, I issued a statement explaining why I refused to participate in the Vietnam moratorium.

I said that the moratorium's demand for an immediate withdrawal was, in fact, a demand for immediate surrender. I pointed out that some of the chief spokesmen for the moratorium committee had called for a Vietcong victory in Vietnam, and that the New Mobilization Committee, with which the moratorium committee was working, had a steering committee packed with Communists and known Communists.

I said that the demonstration was bound to give massive aid to Hanoi, and that the majority of the demonstrators, despite their sincerity, were being used for purposes which they did not approve or understand.

There were some at the time who considered my characterization of the peace movement harsh and unfair. But the evidence that this movement is controlled by Communists and other extremists is now so conclusive that no reasonable person can dispute it.

Today's Washington Post contains an article written by the liberal columnists Rowland Evans and Robert Novak to which I invite the attention of Senators. It is entitled "Liberals Capitulate to Extremists, Reds Dominate 'Peace' Movement."

The article is all the more remarkable because Evans and Novak have been anything but hawks on the Vietnam war and because they obviously lament the fact that the liberal opponents of the Vietnam war have permitted the far left to take control of the movement.

The article says that:

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the United States who openly support Communist forces in Vietnam.

Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Mr. President, I ask unanimous consent that the Evans and Novak column be printed in the RECORD.

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

[From the Washington Post, Nov. 12, 1969]

LIBERALS CAPITULATE TO EXTREMISTS, REDS DOMINATE "PEACE" MOVEMENT

(By Rowland Evans and Robert Novak)

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedy spent this week in frantic eleventh-hour efforts to co-opt Saturday's march, they had plenty of advance warning. The New Mobilization Committee to End the War in Vietnam (New Mobe), sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committee is moderate when compared with the 60-member steering committee, studded with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore the New Mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Sewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hardline speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

SENATOR TOWER'S ADDRESS CAPS SUCCESSFUL FREEDOM RALLY

Mr. FANNIN. Mr. President, yesterday on the grounds of the Washington Monument, thousands of people were stirred to a great outpouring of patriotism by the distinguished Senator from Texas, JOHN TOWER.

Many distinguished Americans were there for the occasion. I only regret that my own previously scheduled Veterans Day speaking engagements in Arizona kept me from attending.

Members of my staff who were there, and who talked with the U.S. Park Police, said they estimated the crowd to be at least as large as, possibly larger than, the October 15 gathering, when press reports put estimates of the crowd at above 20,000.

The Senator from Texas made one of the most cheered speeches of the afternoon. I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the speech was ordered printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN TOWER, REPUBLICAN, OF TEXAS, AT WASHINGTON MONUMENT "FREEDOM RALLY," NOVEMBER 11, 1969

It's an inspiring sight to see you here today as a manifestation of the fact that the silent majority has now become very vocal indeed. I trust this will not be the last such gathering. I am hopeful that we will have continuing demonstrations of the fact that we still love liberty more than life itself.

We are all rational people. I think we all know that war is ugly. War is a detestable means by which men resolve their differences. I think we recognize, too, that we Americans do not start wars, we only finish them. War is a terrible instrument of national policy. We Americans do not initiate war as an instrument of national policy. We have gone into four wars in this century reluctantly and ill prepared, but we are determined that if there is to be peace in this world we must convince the enemies of freedom that war is too costly an instrument of national policy for them to employ.

We today maintain the greatest military establishment the world has ever seen. We are indeed the strongest nation in the world militarily. We did not ask to become a great military power. After World War II we were on the way to disarmament. It was the Communist aggressors who started the arms race and don't let anybody forget that. And so today we maintain military superiority not just to defend our own shores against aggressive nations, but to try to create a climate in this world in which all people can aspire to self determination, to peace, and to security and have some reasonable hope of realizing that aspiration.

Today we have a commitment to Southeast Asia and should we unilaterally withdraw; should we accept a camouflaged surrender; should we do as the advocates of the moratorium and accept Hanoi's demand for unconditional withdrawal, we will destroy the credibility of the United States as a leader of the free world.

Generations of Americans have laid down their lives in the defense of liberty. I think that we would certainly break faith with those who created this great land for us and those who fought for it if we decided to surrender and to withdraw to fortress America and to let what will happen happen to the rest of the world and endanger any prospects for the continuing freedom of generations in this country yet to come.

There was a moving poem that came out of World War I and I think it expressed the sentiment that we must all accept as our own. The last stanza says:

"Take up our quarrel with the foe
To you from failing hands we throw the torch
Be yours to hold it high.
If you break faith in this, we die
We shall not sleep,
Though poppies grow in Flanders Field."

Let us today raise our voices so loudly that they are heard all the way over to Vietnam where our gallent lads are daily risking their lives and too often losing them.

Believe me this is a dirty filthy war. I've been through the field hospitals and I've seen our boys maimed and torn. I've seen the life ebbing from their bodies and I want this war to end as desperately as anyone, but I want this war to be the last war we have to fight.

So let us make sure our boys know the vast majority of Americans believe in them. This is the finest generation of American fighting men we have ever seen and I say that in the presence of my old buddies who fought in World War II. This is the greatest generation of American fighting men we have ever seen. He fights with guts and with intelligence. He does more than is required of him. He is a little bit puzzled by the attitude of some people in public light in this country who should know better.

So let's let him know without a doubt that those who have already died will not have died in vain, and those who make sacrifices will not have sacrificed in vain; that we believe in them, that we support them, and that this generation of Americans, as have all other generations of Americans, still know that freedom is our greatest gift and that we would rather die as free men than lives as slaves.

AMERICANS HAVE A DUTY TO SPEAK

Mr. HARTKE. Mr. President, Americans, as members of a democracy, have a duty to speak out courageously on controversial issues. In doing so, they honor their country's past and offer hope for its future. There are those, apparently, who do not understand that divergency and dissent are an integral part of democracy, and are in fact essential to the workings of democracy. There are those who apparently feel that the permissible limits of debate are the narrow limits of their own opinions. Unity that is forced is a false unity. Unity based on fear and intolerance is the unity of tyranny, not of democracy.

In yesterday's New York Times, Herbert Mitgang discussed the second moratorium. I believe that Mr. Mitgang, with his customary insight, raised important questions and suggested significant historical parallels. I ask unanimous consent that his article be printed in the RECORD.

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

SECOND STAGE OF THE VIETNAM MORATORIUM ROCKET

(By Herbert Mitgang)

Speaking out strongly for a moratorium, a Congressman who could be called a premature "effete snob" stood up in the House and said that the war was "unnecessarily and

unconstitutionally commenced." As for the President's speech to the nation asking for allegiance and patience, the Congressman said the big omission was the failure to fix a date when the war could be expected to end.

"The President is wandering and indefinite," continued Representative A. Lincoln (Whig, Ill.) in criticism of the Mexican War. At the time President Polk was strongly under the influence of the Southern wing of his party. But Lincoln wanted to cut the losses and leave what he considered an illegal little war. For daring to stick to his antiwar guns, the future President was branded a traitor to his country.

MORATORIUM PLANS

So will many thousands of Americans be maligned—perhaps by the Administration's phrasemaker, Vice President Agnew himself—for participating in the second Vietnam Moratorium this week. The plans call for a "march against death" in towns and cities Thursday and Friday, culminating in a huge rally in Washington Saturday.

The leaders of the Vietnam Moratorium have let the word go forth that participants should be nonviolent and nonexclusive. One of the venerable groups, the War Resisters League, stresses that the marches should be conducted peacefully with "non-violence, individual war resistance and individual responsibility." But some of the more leftist groups may choose not to be dignified demonstrators, especially if restricted by marching limitations.

WHAT MAY CAUSE DROPOUTS

Words can be more eloquent than nightsticks. If the marches are as educational as they were last month, fence-sitting public officials will join in and give them the impact of respectability. If unrully the so-called "silent majority"—which Mr. Nixon claims is his but which participated as a visible constituency in the first Vietnam Moratorium—will become dropouts. This will not mean that they are any less against the war; only that they will be embarrassed or afraid to take to the streets openly.

Two fundamental questions about the Vietnam Moratorium persist: Does the right of petition and assembly exist in 1969 as it did when inserted in the Constitution in 1791? Does another outpouring of people help to wind down the war sooner?

The first question would hardly have to be raised—the answer is found in the First Amendment—were it not for the fact that Attorney General Mitchell is putting roadblocks in the way of a direct march from the Capitol to the White House on grounds of possible violence and interference with the flow of normal traffic. But tying up the United States in an unwanted war in Vietnam for at least two more years seems more serious than a traffic tie-up on the way home to Georgetown for one day.

HOOPES'S TESTIMONY

The answer to the second question is not as ephemeral as it appears. A remarkable inside view of the effect of demonstrations has been given by Townsend Hoppes, who served President Johnson as Under Secretary of the Air Force. In his new book, "The Limits of Intervention," he tells how a small civilian group in the Pentagon and in other Government offices persuaded the President to halt the bombing of North Vietnam and scale down the war because (among other reasons) the American public was no longer behind him.

ANTIWAR ELEMENTS

The effect of demonstrations upon the decision-making process are cited by the former Pentagon Under Secretary. He quotes ex-Secretary of Defense Clifford heeding the anti-war crescendo: "What seems not to be understood is that major elements of the national constituency—the business community, the press, the churches, the professional groups, college presidents, students, and most of the intellectual community—have turned against the war."

Nobody believes that President Nixon is less of a political animal than President Johnson. Silent or vocal majorities in this country all vote. From civil rights demonstrations to anti-war demonstrations, there is precedent for the belief that the White House watches the numbers—especially in that middle constituency that makes or breaks Presidents.

DRAFT REFORM

Mr. SCHWEIKER. Mr. President, as a member of the Committee on Armed Services, I am delighted that the committee and the Senate will be proceeding in the immediate days ahead to take up the administration's proposal to repeal the language of the Selective Service Act of 1967 which prohibits a lottery form of draft selection.

As sponsor of S. 1433, the Draft Reform Act of 1969, I share the strong feeling of many Senators that comprehensive draft reform is essential. I look forward to the hearings which the chairman of the committee (Mr. STENNIS) will schedule early next year, and will work actively within the committee to help bring about the draft reform we all seek.

However, since lottery selection is a significant part of the reform package needed, removing the statutory impediment to the administration's ability to implement the lottery selection system President Nixon proposed in his May 13 message to Congress, is an important first step. The passage of the repealer bill at this time is an opportunity for progress which must not be missed.

Mr. President, in my newsletter for this month I wrote at length to my constituents about the prospects for draft reform. I ask unanimous consent that the article be printed in the RECORD.

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

DRAFT REFORM

Draft reform has moved from a good abstract idea to a concrete possibility because of the personal commitment and leadership President Nixon is giving it. Since many Pennsylvania parents and young people are interested in these developments, I want to devote most of this newsletter to the draft.

The President's leadership.—In May, President Nixon outlined many recommendations in a message to Congress on the draft, including a youngest-first order of call, a lottery form of random selection, continuation of undergraduate deferments, and a policy review of guidelines and standards for deferments and exemptions.

When no Congressional action resulted, the President, on October 10, wrote Congress that "I see no reason why this vital piece of legislation cannot be enacted *now*," and he warned, "We have the administrative power—and we will exercise it if Congress fails to act—to make far-reaching reforms in the Selective Service System." The President was referred to a number of steps he can take by executive order, without Congressional approval, including drafting youngest first, implementing national standards, revising the deferment and exemption system, modernizing the selective service administrative system, and reforming the appeals process within the selective service.

One thing the President can *not* do, however, is to institute a lottery selection system. The 1967 Selective Service Act contained language requiring Congressional action to change the mode of selection within age groups from the oldest-first system then in effect. However, the President sent a bill to repeal this prohibitory clause to the House, which has already been approved by the House Armed Services Committee, and I am hopeful that full House and Senate approval will take place soon. As a member of the Senate Armed Services Committee, I will be doing everything I can to speed passage on the Senate side.

Student advisory committees.—One positive step which the President and current Selective Service Director Lewis B. Hershey have taken is set up student advisory committees in the various States to discuss the draft system, and to make recommendations for improvements and changes. As I said in a letter I wrote in September to General Hershey commending him for his student advisory plans, I am confident these committees will be fruitful. By the end of October, more than 30 states and territories have instituted these committees, and although Pennsylvania unfortunately was not included in this list, I hope the State Selective Service System will follow suit in the near future.

A new director.—The President recently announced that General Hershey, who has served long and well as Selective Service Director, will become a Manpower Advisor, and that a soon-to-be-announced Deputy Director will take over the Selective Service. I have long felt that new blood is needed to bring about the many needed draft reforms, and I look forward to working actively with the new director.

Comprehensive reform.—Early next year, I will take part in Senate Armed Services Committee hearings on the subject of detailed and wide-spread review of the entire draft system, and I look on these hearings as an outstanding opportunity for Congress and the President to work together on vital and meaningful change.

Uniformity.—One of my main efforts will be to bring about mandatory national uniform standards. For too many years, men of equal background and experience have been treated differently merely because of the geographical location of their draft boards. In a day when we have national civil service examinations, national tax laws, and national communications of all issues through the various media, there is no reason why we do not have a truly national army. My bill, the "Draft Reform Act of 1969," includes this idea, as well as the idea of a computerized national pool of draft eligible men, and the idea of wider educational deferment policies, including vocational education, with the proviso that every deferred man spend a year in the prime eligible group.

I first became actively interested in the draft in 1965 when I discovered that Pennsylvania, which had 6% of the nation's draft-eligible men, was providing 10% of the draftees, and I will never forget my shock when in response to my complaints, a Selective Service officer came to my office with scribbled notepad figures, representing the draft "formula" in use since World War II. As a result of my inquiries, the formula was revised so that no State would have a disproportionate share of draftees, and Pennsylvania's quota dropped markedly.

My concern with this antiquated formula led to investigation in other areas of the draft, and I concluded that the entire Selective Service System needed drastic revamping. In 1967, I submitted a *mandatory* national standards amendment to the House draft bill in the Armed Services Committee, which passed both the committee and the full House, but which was watered down by the Senate-House Conference Committee to merely *authorize* national standards. Unfor-

tunately, nothing has been done to implement these standards.

President Nixon's leadership should prove to be the ingredient to enable us to have an equitable and efficient draft system, and I hope to be able to report significant progress in the near future.

TENNESSEE WALKING HORSE

Mr. TYDINGS. Mr. President, the soring of Tennessee walking horses, whereby the front feet of the horse are deliberately made sore in order to induce the desired gait, is a cruel practice. It is also unnecessary, because these horses can be trained to walk in their distinctive fashion.

I have introduced a bill to prohibit this practice and have been joined by 11 Senators. Hearings have been held on the bill, and I am hopeful of favorable consideration by both the Committee on Commerce and the Senate.

In the October, 1969, issue of Horse Show, the official publication of the American Horse Shows Association, a steward wrote of the cruelty practiced on the Tennessee walking horse. The article is vivid proof of both the cruelty involved in soring and its undeniable existence. I ask unanimous consent that the article be printed in the RECORD.

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

WALKING HORSE CRUELTY

The following is taken from a Steward's Report with the names of those persons involved deleted.

During inspection of Walking Horses, ten minutes before the start of this class on Wednesday evening, the Veterinarian, and I, AHSA Stewart, found a mare had an open sore which was bleeding. This sore had been covered by some medication but had cracked open and blood was seeping out. I excused the mare from competition, and then was asked by the Trainer, if the lady could go into the class just for the ride. This seemed to me an odd request as all of his horses appeared to be "sore" and in no condition to show. I told the trainer to put the mare back in the barn and not to show her again for the duration of the show.

The following I did not witness. Thursday morning early, six horsemen came to the Horse Show Office very much incensed by this same Trainer's treatment of all of his horses. They claimed he had to beat them to even get them out of their stalls. One mare fell flat after having been forced out of her stall. Then the Trainer and his grooms got her on her feet, put a rider on her, and she took three steps and fell again. She had to be helped back into the stall.

The Show Manager called me and I went over to the stable area and found the mare in serious condition; she looked to me as though she had been beaten all over. I told the Trainer he could not show any of his horses for the duration of the show.

The Manager then called the State Humane Officer who arrived a few minutes before the first class Thursday night and remained on the grounds until 1:00 a.m., checking on the Trainer and the horses under his care. He gave him three hours to get his horses off the grounds and he left the grounds just before 10 a.m. Friday morning.

What further action will be taken by the State Humane Officer, I do not know. I gave him my card and he said he would let me know, and I will so inform the Association. I expect to be called to attend a hearing on this matter.

THE UNITED STATES-THAI CONTINGENCY PLAN

Mr. CHURCH. Mr. President, for some months the Committee on Foreign Relations has been asking the executive branch to provide the committee with a copy of a plan prepared in 1964–65 for the combined use of American and Thai forces for the defense of Thailand, one of the members of SEATO. Neither the committee nor the Senate had knowledge of this document at the time of its preparation or subsequently. The committee discovered its existence by chance when, in connection with some of its work, there was received a top secret document prepared in the Department of Defense. That Defense Department document purported to summarize the activities which the United States and its Armed Forces would undertake upon the happening of certain events.

After referring to the Rusk-Thant understanding of March 6, 1962, which assured the Thais that the United States viewed the SEATO obligation as of bilateral significance—as well as multilateral—the official document in the committee's possession outlined plans that went far beyond anything approved directly or indirectly by Congress. Indeed, after many references to the commitment involved in the plan, it went so far as to assert that the plan had special political significance because its bilateral charter represented more concrete evidence of a U.S. commitment to Thailand.

As might have been suspected, language of this kind in an official document aroused the interest of the Committee on Foreign Relations, and it sought opportunity to examine the "agreement," "contingency plan," or "understanding"—whatever it might be.

On July 14, 1969, in a public session of the committee, Secretary of State Rogers, in answer to a specific request, stated that he would procure the plan for the committee.

When the plan was not forthcoming within a reasonable period, the Committee on Foreign Relations in executive session on July 29 unanimously instructed Chairman FULBRIGHT to renew the committee request that the agreement be delivered to the committee for its examination.

On August 4, Acting Secretary of State Richardson described the document sought by the committee as a "military contingency" plan "for Thailand, developed in connection with the SEATO Treaty" and stated that the Department of Defense was "extremely reluctant to allow the full text to get out of its own hands." Secretary Laird, continued the letter, had indicated that he would be happy to provide the committee with an extensive briefing on these plans by "officers from the Joint Staff" at the convenience of the committee.

When that briefing took place on August 12, 1969, the agreement was not made available to the committee. In fact, the representatives of the joint staff were quite explicit in stating that they were without authority to show the agreement to the committee. Some committee members received an oral summary of what were alleged to be its contents.

The chairman stated that such a procedure was "not satisfactory" to him. I stated, with respect to the document being withheld, that the committee was "entitled to have it, to examine it, to determine whether or not it does, in fact, extend our commitment beyond the treaty that the Senate ratified." I added that I "was not going to be a party" to just another briefing when the committee was entitled to the document. I left the meeting.

Two days later, on August 14, I held a press conference to elucidate my view that the administration's refusal had implications far deeper than a test of strength between a congressional committee and a Cabinet department. I ask unanimous consent that my statement opening that news conference be printed at this point in the RECORD.

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

[A news release from FRANK CHURCH, U.S. Senator from Idaho, Aug. 14, 1969]

THE PEOPLE HAVE THE RIGHT TO KNOW

What is the Pentagon concealing? What is it in the basic nature of the military contingency plans drawn up between the United States and Thailand that cannot be revealed? Why has the Pentagon repeatedly refused to submit the plans, behind closed doors, to the Senate Foreign Relations Committee?

We are told from all sides that there is nothing to worry about. The Pentagon assures us that the plans involve no commitment of any kind, least of all a commitment which goes beyond our formal obligation under the SEATO treaty. The President assures us that he has no intention of ordering American combat troops into another Asian country to put down a new insurgency like that which occurred in Vietnam. Even Thailand hastens to explain that it wants no foreign troops. Indeed, Foreign Minister Thanat Khoman has asserted that "local people" should fight "revolutionary wars," because foreign troops are unsuited "physiologically, psychologically and morally" for fighting wars of internal subversion. These are strange words from a government which for so long has served as the lustiest cheerleader for our mammoth military involvement in Vietnam. Strange words they are; but I hope we will hold our Thai friends to them.

If our contingency plans with Thailand are as innocent as portrayed, why hide them? Why should their examination be so long denied to a Senate Committee which is trying, against stubborn resistence from the Executive, to discharge its basic constitutional responsibilities?

The Pentagon's refusal to submit these plans to the Foreign Relations Committee has given rise to a crisis in confidence which extends far beyond this Capital. No longer is the question confined to a contest between the Senate and the Pentagon, nor can it be resolved on the basis of whether the Committee has a Constitutional right to see the plans in its own chambers or must go to the Pentagon, hat in hand, for a peek at them. The issue is much larger: it lies between the American people and their government.

Presumably this Republic is founded upon the sovereignty of the people. But, more and more, the Executive Branch of the government behaves as though it were the master—not the servant—of the people. Our last two foreign wars have been fought by conscript armies, without benefit of a declaration of war by Congress, as the Constitution prescribes. We have been involved by Presiden-

tial decision, implemented on the spot by a huge military machine which feeds on compulsory service. The draft has become a permanent fixture in American life.

An elementary civics lesson should hardly be necessary at the highest levels of government, but the Pentagon apparently needs to be reminded that it is the Congress which is supposed to declare wars and ratify foreign commitments; that it is our young people who pay with their lives for these wars in distant lands, and our people at home who bear the burden of war taxes and war-inflicted inflation.

Under these circumstances, the people have the right to know the general nature and the basic commitment involved in any military arrangements their government has entered into with the government of Thailand. Specifically, with regard to these contingency plans, the people are entitled to be told:

(1) If the contingency for which the plans are drawn is an insurgency in Thailand like that which developed in Vietnam.

(2) If, in case of such a contingency, the plans contemplate the use of American combat forces in Thailand.

(3) If, under such conditions, the plans provide for placing the American troops under the overall command of the Thai Government.

These questions do not relate to military tactics, troop levels or deployment, or to any other military matter that should properly remain confidential. These questions have to do with two fundamental issues. One is whether we are embarking, once again, upon a road that could lead to another Vietnam. The other is whether we are going to make these decisions through constitutional processes or through the devious and surreptitious means which have become all too familiar in recent years.

The American people have a right to know.

Mr. CHURCH. Mr. President, in view of these developments, and at the urging of other members of the committee, Chairman FULBRIGHT once again sought to have the original agreement sent to the committee for its examination.

On August 19, Secretary of Defense Laird wrote the committee, stating that "any member of your committee is welcome to come to my office and review the document."

This procedure, it seemed to me and to other members of the committee, was not only demanding, but a denigration of the constitutional responsibilities of the Senate and its agent, the Committee on Foreign Relations.

Negotiations on making this document available to the Committee on Foreign Relations have been continued since that time. With the permission of the chairman of the committee (Mr. FULBRIGHT), and in order that the historical record may be complete, I ask unanimous consent to have printed at this point in the RECORD a letter dated September 6, which the chairman sent to the Secretary of Defense.

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

SEPTEMBER 6, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: With further reference to our conversation on Friday and to your letter of August 19, 1969 responding to my request on behalf of the Committee on Foreign Relations for a copy of the 1965 agreement between Thailand and the United States relating to United States-Thai military actions on the happening of certain events.

Your letter to me states that "any member of your Committee is welcome to come to my office and review the document." This is in essence the same position taken verbally by officers of the Department of Defense in connection with this Committee's request for a copy of the Institute of Defense Analyses study of the Tonkin incident.

In the case of the Thai document, copies of which are presumably in the possession of that government, I believe the Committee on Foreign Relations, on behalf of the Senate, is entitled to know what is in the document and related instruments. Any arrangement, plan, or agreement signed or approved by officials of the United States and a foreign government and which stems directly or indirectly from a treaty approved in accordance with our constitutional processes should, without question, be made readily available to properly constituted authorities of the United States Senate.

The Committee does not request permanent possession of these documents. Rather, we seek opportunity to examine them with the care they deserve and in order independently to confirm for the benefit of the Committee your Department's determination that the arrangements with Thailand are within the scope authorized at the time the Senate approved the SEATO Treaty.

It is not satisfactory to the Committee that this examination be undertaken by Members themselves in your office. It is essential, because of their volume, that these documents be examined by a trusted and cleared member of the Committee staff who would report to the Committee calling members' attention to portions of particular interest or significance.

If your Department's main concern is that custody of these documents should not be removed from security control, I suggest the Department of Defense bring the documents to the Committee rooms under such continuous guard as the Department believes is necessary, but with the understanding that the documents would be available here to Members at fixed times and for staff analysis as indicated above.

As you know from our public hearings, I expected the Department of State to make this document available to the Committee, and, of course, if this can be arranged, it would still be satisfactory.

The Committee's long-standing request for access to the Tonkin study is of a different category in that it does not relate to communications to which a foreign government is privy. It would be my expectation, however, that should my suggestion for access and study of the Thai documents be satisfactorily arranged, similar arrangements might be made for study of the Tonkin document.

In conclusion, I express the hope that these irritants to our relations with the Department of Defense may be removed along the lines I have suggested. We have both had experience in the Executive and Legislative branches of our Government and respect the constitutional doctrine of the separation of powers. It does seem to me that the requests discussed in this letter are not of a nature to justify a claim of executive privilege which I am pleased to note you have not suggested.

I hope you will find this proposal acceptable, thus enabling the Members of this Committee, on behalf of the Senate, effectively to discharge their responsibilities.

May I again thank you for a good lunch and a very interesting exchange of views.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

Mr. CHURCH. Mr. President, I have gone to this length in discussing the efforts of the Committee on Foreign Relations on behalf of the Senate to examine the agreement between the Thais and ourselves because this is an event that should at least be footnoted in the history books.

On last Friday, November 7, the Thai plan was finally brought to the rooms of the Commitee on Foreign Relations and, with the assistance of the committee staff, examined at length and in depth by members of the committee.

Secretary of State Rogers and Secretary of Defense Laird, after months of footdragging, have taken the proper action, and for this they should be commended. I regret, however, that the document was not forthcoming earlier, because much acrimonious debate and needless speculation might have been avoided.

It is my view that agreements, plans, or understandings—whatever they may be called—which involve arrangements between governments, and which give foreign governments expectations of what may happen in certain contingencies, are documents to which the appropriate bodies of Congress are entitled to have access.

This is a subject which needs exploration in much greater depth than I wish to undertake at this time. But it should be examined most carefully.

Mr. President, I should like to conclude by asking unanimous consent that a portion of my September newsletter to the people of Idaho—in which I attempt to put this issue into its political perspective—be printed in the RECORD.

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

THE STRANGE STORY OF THE SECRET UNITED STATES-THAI WAR PLANS

As one of the first Senators to protest the American takeover in Vietnam, I often have wondered whether we might have escaped our deep involvement if Congress had been told, at the start, what it later discovered in the course of its own investigations.

The lesson is that Congress must insist, from the outset, on having all the facts. I decided never again to accept the assurances of others, but to hold out for the actual evidence itself, if ever we faced the threat of engulfment in another Asian war.

So, when secret military contingency plans between the United States and Thailand were withheld from the Senate Foreign Relations Committee last month, despite our repeated requests to examine them behind closed doors, I was determined that we should not acquiesce in the Pentagon's insistence that there was nothing to worry about, nor even in the President's declaration of his good intentions to avoid another Vietnam. After all, the road into the original Vietnam was paved with good intentions.

"If our contingency plans with Thailand are as innocent as portrayed, why hide them?" I asked. But Lt. General Stillwell came to the Committee with definite orders not to divulge the plans; he was to offer the customary "briefing" instead. When this became clear, I registered my objection and walked out of the meeting.

Later, at a crowded press conference, I said I no longer regarded the issue as confined to a contest between the Senate and the Pentagon. "This issue is much larger; it lies between the American people and their government."

"Specifically, with regard to these contingency plans, the people are entitled to know: (1) if the contingency is an insurgency in Thailand like that which developed in Vietnam; (2) if, in such event, the plans

contemplate use of American combat forces in Thailand; and (3) if, under such conditions, the plans provide for placing American troops under the overall command of the Thai government."

Once raised, such questions couldn't be ignored. The following day, a State Department spokesman acknowledged that the plans did call for use of American combat troops in Thailand and, furthermore, that they were to be placed under Thai command!

Such an admission, I felt, would compel a repudiation. It was not long in coming. Secretary of State Rogers announced the plans would not be invoked without "consulting" Congress. Then, Defense Secretary Laird completed the *de facto* repeal of the whole arrangement, declaring it "does not have the approval of this Administration."

The Thai government retaliated by calling for the withdrawal of the 45,000 American troops now in Thailand. Foreign Minister Thanat Khoman explained that "local people" should fight "revolutionary wars," because foreign troops are unsuited for fighting wars of internal subversion. It was a surprising statement, coming from the lustiest cheerleader of our mammoth military intervention in neighboring Vietnam. But I hope we have the good sense to hold him to it.

As the month ended, it looked as if the high tide of American penetration into Thailand had been reached. At long last, the grim prospects of another Vietnam began to fade.

ALASKA RESOURCES AND THE JONES ACT

Mr. STEVENS. Mr. President, the distinguished former Senator from California, Tom Kuchel, has made a most significant contribution to Alaska's future. He has clearly pointed out the impact of the Jones Act on the cost of transporting Alaska resources to market. For years, the Jones Act has caused Alaskans to pay higher prices for goods brought to Alaska by waterborne freight. Now, the resource consumer-oriented industries recognize that the Jones Act must be reckoned with.

We are indebted to former Senator Kuchel for his help.

I ask unanimous consent that the statement by former Senator Kuchel made before the Subcommittee on Minerals, Materials, and Fuels be printed in the RECORD.

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

STATEMENT BY MR. KUCHEL

Mr. Chairman and members of the subcommittee, my name is Thomas H. Kuchel. I am a partner in the firm of Wyman, Bautzer, Finell, Rothman & Kuchel, with offices in California and Washington, D.C. I am appearing today as an attorney for the Pacific Lighting System which, through its constitutents, Southern California Gas Company, Southern Counties Gas Company of California and Pacific Lighting Service Company, serves the greater part of Southern California including the City of Los Angeles. All of these companies are subsidiaries of the Pacific Lighting Corporation.

The Pacific Lighting companies constitute the country's largest and fastest growing natural gas distribution system. The two distribution companies, Southern California Gas Company and Southern Counties Gas Company, provide natural gas service to more than three million retail customers, and sell gas at wholesale to supply another 470,000 customers in Southern California. These sales represent a reliable and dependable supply of natural gas to more than 12 million people at a regulated, reasonable price. The gas operations of the Pacific Lighting System trace back over 100 years, and for at least 40 years, Southern Californians have been heavily dependent upon natural gas as an energy source. In Southern California this dependence has manifested itself in the investment of billions of dollars in gas-energized appliances and equipment.

For over 20 years, production of natural gas in Southern California has been inadequate to supply the needs of the Pacific Lighting System and its customers. This circumstance has prompted the Pacific Lighting Companies to look to out-of-state sources for their natural gas supplies. The major portion of their needs traditionally has been met by interstate pipeline companies . . . in particular, El Paso Natural Gas Company and Transwestern Pipeline Company.

The purpose of these hearings is to study the situation respecting supplies of natural gas and to make appropriate recommendations. You have invited parties concerned with production and distribution of natural gas to appear and testify. I appreciate this opportunity to present the facts with respect to the gas supply problems in Southern California.

In order to provide this Subcommittee with a perspective from which to view the gas supply problems of Southern California, I shall relate some of the recent history and future prospects of the natural gas market in Southern California. In 1960, the Pacific Lighting System supplied an average of 1¾ billion cubic feet of natural gas per day to Southern California. Today, the Southern California market consumes more than 3 billion cubic feet of gas per day. The Pacific Lighting companies anticipate that by 1978 the consumers they serve will require an average daily supply of about 4½ billion cubic feet of gas. Stating it another way, the users of natural gas in Southern California will on the average require an additional 58 billion cubic feet of gas each year.

The Pacific Lighting companies are presently engaged in a search for the most feasible means of satisfying this phenomenal increase in demand.

There is deep concern today about a coming national gas shortage. Such a shortage would be an economic, rather than a physical one. Potential gas supplies exist in the ground in large quantities, but must be found and brought to market at reasonable prices to be useful to the gas consumer. It is most important to bring to bear all the resources we can command to assure that adequate, reasonably priced supplies of natural gas continue to be available to meet the country's growing needs.

The Federal Power Commission has addressed itself to this problem. It is studying the role that incentives might play in bringing forth greater domestic gas supplies. Gas distributors—the Pacific Lighting companies among them—are investigating the possibility that imports from Canada might help meet their supply needs.

The Pacific Lighting Companies are also carefully canvassing the possibilities of utilizing Alaska gas supplies. The American Gas Association and the American Petroleum Institute estimate that the proven gas reserves in Southern Alaska alone totaled approximately 5¼ trillion cubic feet of gas as of December 31, 1968. Some of these Southern Alaska reserves have been committed to a project to supply natural gas to Japan. This Subcommittee is aware of the recent oil and gas discoveries on the North Slope of Alaska. It is estimated that the potential supplies from all of Alaska will exceed 400 trillion cubic feet.

The essential problem with utilizing Alaska gas in the "lower 48" United States stems from the fact that Alaska is noncontiguous and remote from the market. While it is theoretically possible to move gas from the proven reserves of Southern Alaska to United States centers of population by conventional pipelines, such pipelines would be extremely expensive since they would traverse some of the most difficult terrain possible for pipeline purposes. There is, however, another means of moving this valuable resource to the market place: specifically, the movement by sea of Alaska gas in liquefied form. Existing liquefied natural gas, or LNG, technology is such that natural gas can be transported by ship from one part of the world to another. Natural gas in liquefied form takes less than 1/600th of the space it would occupy in its natural state. It is shipped in tankers especially designed to maintain liquefied gas at the required temperature of minus 258 degrees Fahrenheit. These cryogenic vessels are essentially floating thermos bottles.

A substantial amount of commerce in LNG has already developed between North Africa and markets in Western Europe. Closer to home, El Paso Natural Gas Company has recently announced plans for the importation of LNG from Algeria to the East Coast of the United States. Still closer to home, Alaska gas is being exported now to Japan by this means. No Alaska LNG is being transported to any other state of the Union. The prospects for such commerce are materially handicapped by the operation of a federal statute. That statute—known as the Jones Act—prohibits the transportation in foreign-built vessels of goods between American ports.

It is estimated that LNG vessels constructed in the United States would cost 50 to 75 percent more than vessels built abroad. This difference in costs imposes a serious handicap on the ability of Alaska gas to compete in the domestic market. This construction differential is not offset under existing federal law. The law does authorize offsetting construction subsidies for U.S. vessels built for the foreign trade.

Other cost differentials arising from the Jones Act, such as the requirement for American crews, would not impede this LNG commerce.

The natural gas industry is faced with a paradox. The "lower 48" states are experiencing a rapid growth in the demand for natural gas, while generous supplies remain untouched in Alaska. Gas consumers in Japan and other countries may ultimately reap the benefit of these valuable Alaska reserves, since Alaska LNG can be transported to those countries in lower-cost, foreign-built vessels. On the other hand, American gas companies may find it economically advantageous to import LNG from foreign countries because such supplies can be carried in lower-cost tankers.

Mr. Chairman, Alaska Natural Gas should be available to the American consumer. We urge Congress to explore every reasonable means to achieve this goal. One way would be to provide that vessels built in the United States for the domestic LNG trade be eligible for construction differential subsidies. Another would be to provide appropriate tax incentives for construction of such vessels in domestic yards. A third alternative is appropriate modification of the construction requirements under the Jones Act. There may be other alternatives. The national interest requires that steps be taken now to assure an adequate supply of this important fuel—natural gas—for the growing domestic market.

I want to express my appreciation for the opportunity to appear before this Subcommittee.

A FITTING TRIBUTE TO A DESERVING COLLEAGUE

Mr. PELL. Mr. President, on October 20, the distinguished senior Senator from

West Virginia was singularly honored by the Davis and Elkins College when the library of that college was named "Jennings Randolph Hall." To my mind, this was a most fitting tribute, for, as a young man, the Senator served on the faculty of the school, and in his work as a Representative and a Senator he has championed the cause of education in Congress. I was honored when asked to speak at the dedication, but already committed to be out of the country.

Senator RANDOLPH remains one of the chief supporters of education programs. In the Subcommittee on Education of the Committee on Labor and Public Welfare, his counsel is most valued. He is, along with the Senator from New Mexico (Mr. MONTOYA), the Senator from New York (Mr. JAVITS), and myself, a principal sponsor of Senate Joint Resolution 163, which would fund education programs at a level substantially above either last year's appropriation or this year's administration budget request.

I ask unanimous consent that an article published in the Elkins Inter-Mountain newspaper, describing the honor bestowed upon Senator RANDOLPH, be printed in the RECORD.

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

[From the Elkins (W. Va.) Inter-Mountain, Oct. 11, 1969]

LIBRARY AT DAVIS AND ELKINS WILL BE NAMED "JENNINGS RANDOLPH HALL" OCTOBER 20

On Monday, Oct. 20, the Davis and Elkins College Library will be named "Jennings Randolph Hall" to honor the U.S. Senator who left D&E campus 36 years ago as a 30-year-old college professor who had just won an election as a member of Congress.

Senator Randolph, who was once a faculty member and athletic director at Davis and Elkins, will be given the Founders Award at a convocation prior to the library dedication. Dr. James E. Allen, Jr., U.S. Commissioner of Education and assistant secretary for Health, Education and Welfare will be the speaker at the convocation at 10:30 a.m. in the Memorial Gymnasium.

The library dedication will take place in front of the library at approximately 11:45 a.m. Following the dedication a reception will be held in Halliehurst Hall. College officials have extended an invitation to area residents to attend all the activities.

A photograph of Senator Randolph and a bronze plaque listing his achievements will be placed in the vestibule in the library.

The library is a two and one-half story brick structure which was built in 1959. An addition to the second floor was completed in August at a cost of $140,000.

Senator Randolph was a member of the faculty at Davis and Elkins from 1926 to 1932. He taught public speaking and journalism, coached the debating team, and served as adviser of the student newspaper, "The Senator."

In addition to his other duties, he served as athletic director and was responsible for scheduling games with leading teams from coast to coast. It was during his tenure as athletic director that the "Scarlet Hurricanes" gained nationwide recognition for their exploits in basketball and football.

Senator Randolph was employed at Davis and Elkins during the time that James E. Allen served as president. His son, the present U.S. Commissioner of Education, was a student in one of Senator Randolph's classes.

Dr. Allen and Senator Randolph have maintained a warm friendship through the years. When Dr. Allen appeared before the Labor and Public Welfare Committee at the time of his nomination for U.S. Commissioner of Education, Senator Randolph spoke in his behalf.

Both Dr. Allen and Senator Randolph have served on the Board of Trustees of Davis and Elkins.

College officials are expecting a large number of West Virginia college presidents, newsmen, industrial executives and personal friends of Senator Randolph and Dr. Allen to attend the Founders Day activities.

TITLE V OF MDTA SHOULD BE FUNDED

Mr. MURPHY. Mr. President, last year I offered, and the Senate accepted, an amendment adding a new title to the Manpower Development and Training Act. This new program, supplementary State programs, was designed to give the States flexibility and freedom so that they may develop imaginative programs in the manpower area.

I ask unanimous consent that my statement before the Appropriations Committee in support of $20 million, the amount requested in the administration's budget, be printed in the RECORD.

In addition, I ask unanimous consent that a description of the bipartisan package of bills enacted by the California State Legislature in 1968 be printed in the RECORD.

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

TITLE V, SUPPLEMENTARY STATE PROGRAMS OF THE MANPOWER DEVELOPMENT AND TRAINING ACT AS AMENDED

(Statement of Senator MURPHY before the Senate Appropriations Committee)

As the author of the Supplementary State Program of the Manpower Development and Training Act, I urge the Committee to appropriate the $20 million budgeted by the Administration to implement this promising new manpower program.

Members will recall that we considered the extension to the Manpower Development and Training Act in the closing days of the last session. As a result, there was considerable pressure to extend the Act without any amendments. Notwithstanding this pressure and the time problem, the Congress adopted my amendment adding the new Supplementary State Program to the Manpower Act. This, incidentally, was the only major new amendment added last year. I believe this indicates the importance of the program. The Supplementary State Program is designed to encourage State initiative, creativity, and coordination in an effort to improve manpower programs. Under this program, a state may receive federal matching funds not to exceed 75 per cent "for the purpose of supplementing, coordinating and improving the effectiveness of, or correcting imbalances among, the services available from all federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment".

Although enacted late in the last session, states have responded enthusiastically to the new program. Thirty states have already expressed interest in the program. Of those expressing an interest, twenty-four have said that they have state matching funds available. H.R. 13111, the Labor-HEW appropriation bill, passed by the House, fails to fund this important program. The reason given was "that grant programs in this area should be consolidated rather than proliferated . . ." Mr. Chairman, no one has been more concerned than I with the twin problems of program proliferation and inadequate coordination. As the ranking Republican on the Senate Labor and Public Welfare Subcommittee on Manpower, Employment, and Poverty, these problems have received my continued attention. When I introduced the Supplementary State Program amendment I spoke in some detail on the proliferation of programs and lacks of coordination.

Concern over program proliferation and inadequate coordination has been a recurrent theme sounded by experts, advisory committees and congressional committees. In the Senate Report accompanying the 1968 Manpower Amendments, the Senate Labor and Public Welfare Committee sharply criticized the "plethora of different and largely uncoordinated federal manpower programs" which "do not result in any comprehensive manpower policy." Instead, the Committee said "individual acts were written, considered and amended in rapid succession to meet current crises, real or imagined, with little attention to their interrelations." Although very critical of program proliferations and inadequate coordination, the Senate Labor and Public Welfare Committee and the full Senate adopted my amendment obviously feeling that the supplemental state program would help pull together and improve the total manpower effort. The 1969 report of the Department of Health, Education and Welfare on the Manpower Development Act also spoke of the program's potential. I quote:

"The new Title V program in the 1968 Amendments to the Manpower Development and Training Act provides potential to the states to strengthen their capabilities to plan and coordinate manpower programs".

Thus the Title V program in the judgment of the Congress, the Department of Labor, the Department of Health, Education, and Welfare, and the states has a great potential in helping to remedy some of the existing defects in the present manpower programs. Title V encourages state initiative and innovation towards meeting these defects. Under the Title V program, we should see:

Better coordination as states move to tie together manpower programs at the state and local levels;

Improved services for the program's participants as existing program gaps are filled and imbalances corrected;

New ideas and approaches by the states based on local and state experiences as the states move out and chart new directions in the manpower field.

No greater example of the program's potential can be found than my State of California where we have attempted to put together the various pieces of the manpower effort in a logical coordinated manner. In California, last year, the State Legislature passed a package of bipartisan measures designed to deal with the problems of the disadvantaged in an imaginative way. This legislation has been signed into law by Governor Reagan. I want to emphasize the bipartisan nature of this effort. Some have remarked that the cooperation by the two political parties in California during last year, an election year, was almost a "miracle". I personally attribute this meeting of the minds to the realization of the importance of the problems confronting California in the country and determination by the State Legislature and executive branches to shape programs to match the dimensions of the problems. California rightly has placed the problems of the people before the politics of the parties. This bipartisan effort is a tribute to the high level of state government in California.

One of the bills in the bipartisan package, Assembly Bill 1463, established a new state

Department of Human Resources and Development designed to coordinate the various state programs aimed at the disadvantaged. The State of California hopes to provide the hard core unemployed with a "unbroken sequence of services from intake through placement in a job and periodic followup and evaluation" so that we will know exactly what is being done and what progress is being made. It is the intent of all of us to try to break the barriers of the bureaucracy that tie up the getting of needed services to our people. Presently, we too often force people into existing programs. California hopes to make the individual the focus and tailor programs to fit the individual for employment rather than force an individual into a program. In other words, California hopes to personalize programs so they serve the needs of the individuals rather than force the individual to conform to the requirements of the program. To do this, a new civil servant, a "job agent" would be created and assigned the task of securing the necessary training needed by his disadvantaged unemployed client in order to make him employable. To accomplish this, California needs a little flexibility in the use of highly categorical federal aid funds. The Title V program would provide this flexibility and thus encourage California and other states to be creative.

I would also point out that many other states have started to reorganize their state structures to create departments similar to the California Department of Human Resources and Development.

Too often, however, creative state efforts are thwarted by restrictions and regulations of federal laws. On July 15, 1968, I outlined in some detail the problems that California was having in implementing its program. Other states have relayed to me similar frustrations as they attempted to embark on a new course in the manpower field.

Mr. Chairman, the problems of our country are so immense and diverse that initiatives and cooperations by all levels of government as well as the private sector is needed. We hear, Mr. Chairman, a great deal of criticism regarding the states. I realize that all the criticism is not without justification. Yet, I know too well that all the brainpower in this country is not centralized in Washington.

If there is one thing that is becoming clear, it is that Washington cannot prepackage "canned solutions" to solve all the local and state problems. There are too many local communities and the distances from Washington to them are too great for federal foresight to make a federal program work everywhere. Hindsight and experience clearly show us this.

The same is also true of program fragmentation and inadequate coordination. Steps taken at the federal level toward consolidation and coordination must be accompanied by similar strides at the state and local level or we will not accomplish our purpose. For program proliferation, multiplicity of funding, and lack of coordination are not problems solely peculiar to Washington. To the contrary, these problems seem to multiply at the local level. Secretary Shultz and the Administration recognize that "making sense" out of the present "manpower maze" requires leadership at all levels. The Secretary of Labor's reorganization of the Labor Department and the Administration's manpower proposals evidences such leadership at the national level. The Secretary also recognizes that planning, coordination and reorganization at the state and local levels are even more important for, after all, this is the action level where in the final analysis the success or failure of our programs will be determined.

Mr. Chairman, for the Congress to slam the door on the enthusiastic response made by the states to Title V's invitation to them to be creative in the manpower field would be a big blow to all our efforts to not only improve our manpower programs, but also to strengthen the states' roles and their responsibilities. I, therefore, strongly urge that the committee provide the $20 million recommended by the Administration to support this program.

BIPARTISAN JOB DEVELOPMENT AND TRAINING PACKAGE—SUMMARY

PREFACE

These bipartisan bills, which represent the most comprehensive effort developed by any state to deal with the problems of job training and development in economically disadvantaged areas, are supported by Governor Reagan, Lieutenant Governor Finch as well as legislative leaders of both parties.

AB 109—(CAMPBELL)—CALIFORNIA JOB DEVELOPMENT CORPORATION LAW

This bill authorizes the creation of regional non-profit California Job Development Corporations to provide loan capital and management assistance to create small business opportunities and create jobs in economically disadvantaged areas.

It would:

1. Set up a State Executive Board to set guidelines for the operation of regional corporations.

2. Provide that members (financial institutions, businesses, non-profit corporations) commit loan capital or other resources to the corporation as a condition of membership.

3. Provide $1 million for "start-up" loans for regional corporations and for regional guarantee funds to back up loans.

4. Require that persons who receive small business loans maintain a consulting relationship with the corporation for two years, to avoid business failures.

AB 1463—(UNRUH) CREATES DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

This measure:

1. Fixes responsibility for the delivery of services to the chronically unemployed, by establishing a single agency (the Department of Human Resources Development) to provide a full-range of needed services to the hard-core unemployed on an individualize basis.

2. Creates a new kind of civil servant—a "job agent"—who is held responsible for getting the necessary services to each client and following through until his client is on a job. The job agent develops a "plan" for each client and a timetable for providing those services. He may contract with public or private agencies in providing these services, be they education or vocational training, medical services or housing for the client.

3. Consolidates a number of existing state agencies dealing with employment and poverty problems into the new agency, including the Department of Employment, the Multi-Service Center program, and the State Anti-Poverty Office. The several scattered funds supporting these programs are consolidated within one "Manpower Development Fund".

4. Designates target areas within the state with the most serious unemployment problems and requires the department to focus its prime attention on those areas and their unemployed residents.

AB 1777—(MONAGAN) POOLED MONEY INVESTMENT FUND

This bill would:

1. Provide an incentive for banks to make high risk loans in urban poverty areas as members of a California Job Development Corporation.

2. Permit the Pooled Money Investment Board, consisting of the State Controller, Treasurer, and Finance Director, to increase the amount of state surplus money available for time deposits and place the money in banks which are members of CAL-JOB corporations and have made loans to such a corporation or to corporation-approved borrowers.

3. Declare the intent of the Legislature that the Pooled Money Investment Board give due regard to assisting such efforts as the CAL-JOB program established by AB 109 in administering its investment program.

It is anticipated that utilization of reserve funds to provide incentives could also bolster the entire state economy, as any new money made available to banks would be used and reused, having a "multiplier effect" of roughly two and one-half times the amount deposited.

AB 1046—(UNRUH) SMALL BUSINESS ASSISTANCE PROGRAM LAW

This bill:

1. Creates a two-year pilot program, to be administered through the CAL-JOB Executive Board formed by AB 109, whereby the state will contract with private non-profit associations to provide technical business assistance to small businessmen who live in and desire to locate their enterprises in specified disadvantaged urban areas.

2. The bill appropriates $150,000 and requires the CAL-JOB Executive Board to report to the 1970 Legislature on the effectiveness of the program.

AB 1966 (VENEMAN) TAX INCENTIVE FOR JOB TRAINING

This bill would:

1. Provide a tax incentive on a two year pilot basis for employers to hire long-term unemployed persons, with priority to recipients of public assistance. It is limited to 2,500 certified trainees per year or a revenue loss of no more than $300,000 per year.

2. Permit an employer to deduct from his gross income an amount equal to 50 percent of the training costs and wages paid an approved trainee, providing the term of employment is at least six months. It is anticipated that the resulting loss of tax revenue to the state would be offset by savings in public assistance expenditures on a minimum three to one dollar ratio. Employers would realize a tax saving up to seven percent of wages and training costs expended. This should encourage small and medium size employers, who account for most of the California labor force, to participate in training unskilled and unemployable workers.

3. Protect against potential abuse by providing that both the employer and trainee would have to be certified by the Administrator of the Health and Welfare Agency before the tax incentive could be claimed.

4. Appropriates $50,000 for administrative costs.

AB 1464—(RALPH) ELIMINATION OF DISCRIMINATION IN APPRENTICESHIP PROGRAMS

This bill requires the Joint Apprenticeship Council, which sets guidelines for apprenticeship programs, to insure that selection procedures are impartially administered without discrimination. It requires that complaints alleging discrimination be filed with the Fair Employment Practices Commission, but that the Division of Apprenticeship Standards investigate the complaint, holding at least one open hearing and act upon it within 60 days. Cases may be reassigned to FEPC upon their request at which time they would act upon it within 30 days.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, it is reported by Frank Mankiewicz and Tom Braden in today's Washington Post that Secretary Finch has signed an order banning the domestic sale of DDT, one of the best known and most persistent

pesticides. The story goes on to say that Secretary Finch's order has been sent to the White House for approval and will be made public shortly.

It is my hope that this story is correct, for I have long believed that both the Department of Agriculture and the Department of Health, Education, and Welfare have unwisely permitted the widespread and indiscriminate use of DDT and other poisonous chemicals.

Last summer I introduced wide-ranging legislation providing protection for our environment from these pesticides. The bill, S. 2747, is unlikely to be enacted, but it has contributed to the momentum now evident regarding these poisons. My bill, among other things, places a 4-year moratorium on DDT and three other particularly persistent pesticides. Such stringent action is necessary to protect our environment and I fully support Secretary Finch's reported action to ban the use of DDT here in the United States.

As Dr. Charles Wurster of the State University of New York at Stony Brook has stated, non-persistent alternatives to DDT exist. A Nation such as ours, with a growing population and an increasing concern over the deterioration of our environment, must now use these if we are to pass on to the next generation of Americans an environment that is both healthy and safe.

RURAL AFFAIRS COUNCIL

Mr. CURTIS. Mr. President, if the next generation of Americans is to enjoy a true freedom of opportunity and selection of a place to live, then the Nation must take urgent steps to see that rural America is prepared to provide a good life for most of them, in terms of jobs, services, and environment.

By the year 2000, America's population is expected to increase by 100 million. Since some 65 percent of Americans now live within metropolitan areas, most of the increase will probably be born in the cities, where conditions have already become intolerable for too many.

America's course lies in preparing both the cities and the countryside for the newcomers. It would be a grave mistake to prepare just the cities.

Recognizing this, the President took a vital step last Thursday to help rural America meet the challenge. He created the Rural Affairs Council.

On Monday of this week, Secretary of Agriculture Hardin outlined the goals of that Council and what the Department plans to do to help implement them.

The President's statement in announcing the Rural Affairs Council and Secretary Hardin's address to the 83d annual meeting of the National Association of State Universities and Land-Grant Colleges, in which he describes the Council and the departmental efforts, are both landmark documents in the history of this country.

I invite all Senators, both from rural and urban America, to examine them carefully.

Mr. President, I ask unanimous consent that the President's statement and the address by Secretary Hardin be printed in the RECORD.

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

[From the office of the White House Press Secretary, Nov. 6, 1969]

STATEMENT BY THE PRESIDENT

Shortly after I became President, I established a new Cabinet-level Urban Affairs Council to help me develop an overall strategy for meeting the problems of the cities and to coordinate the wide variety of government efforts in this area. It is a fact of our national life that the concerns of rural America also deserve more careful consideration and more effective coordination at the highest levels of government.

We are a nation of cities, to be sure, but we are also a nation of small towns and villages, farms and forests, mines and ranches, mountains and rivers and lakes. The people who live in rural America have urgent problems which deserve our attention. More importantly, they represent a great resource upon which all of us can draw.

It is for these reasons that I am announcing today the establishment of a new Rural Affairs Council at the Cabinet level. The Council will meet next week for the first time. The following officials will join me as members of the Council. The Vice President, the Secretary of Agriculture, the Secretary of Interior, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, the Secretary of Health, Education and Welfare, the Secretary of Labor, the Director of the Bureau of the Budget and the Chairman of the Council of Economic Advisors.

Is is to this Council that the Task Force on Rural Development will submit its report and recommendations.

As I announce the formation of the Rural Affairs Council, I would note several facts which underscore the importance of its work. It is shocking, for example, to discover that at least one-third of the housing in rural America is presently substandard. It is disturbing to realize that more than 3 million rural Americans have not completed five years of school. It is disheartening to see that one-third of our rural communities with a population over 1,000 have no public sewage facilities.

It is also important to note that the population of our country is likely to grow by 50 percent in the next thirty years. Where these next hundred million persons locate is a tremendously important question for our society. After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution of our population throughout our country. The Rural Affairs Council can help our nation to meet this challenge by helping rural America, once again, become an area of opportunity.

REMARKS OF SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN AT THE EIGHTY-THIRD ANNUAL MEETING OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES, LASALLE HOTEL, CHICAGO, ILL., NOVEMBER 10, 1969

For several reasons I welcome this opportunity to meet with old friends and colleagues in the National Association of State Universities and Land-Grant Colleges. I continue to view my own involvement in the affairs of the Association with pride and a touch of nostalgia.

Today I will touch principally on a topic which is not new, but which is becoming urgent. I am referring to the development of rural America—that part of our great nation that lies outside of the metropolitan areas—that part which encompases most of our geography and around a third of our people.

The further development of rural America must proceed with speed and dispatch because of the people and the problems that exist there, *and* also, because of the utter necessity of relieving the population pressures that are growing daily in our large cities.

While rural America is the home for around a third of our people, it contains approximately 60 percent of the sub-standard housing and nearly half of the nation's poor people. These facts, and the conditions associated with them, have accounted for a significant part of the large scale rural-urban migration that has occurred during the past two decades.

It is not enough that we think in terms of improving conditions and opportunity for the people living today in rural America, and thereby stemming the flow of people to the cities. We must do much more. We must make it a matter of urgent national policy that we create in, and around, the smaller cities and towns sufficiently good employment opportunities and living environments that large numbers of families will choose to rear their children there.

We are not talking about making the huge cities smaller, but in establishing conditions that will make it unnecessary for the great urban centers to have to somehow absorb most of the 100 million or so new Americans who will arrive during the next 30 years. And that most certainly will happen unless strong positive steps are taken to prevent it.

During the past 20 years the total population has grown by 54 million, and all of the growth has taken place in the metropolitan centers. Think of the problems and the expenses involved if that pattern should continue and an additional 100 million persons were crowded into the existing urban centers in the short span of 30 years.

These are some of the things President Nixon had in mind several weeks ago when he appointed a Task Force for Rural America and requested them to "review the effectiveness of present rural assistance programs, and make recommendations as to what might be done in the private and public sectors to stimulate rural development."

It was recognition of this same set of conditions that prompted the President to announce just four days ago the creation of a Rural Affairs Council within the Cabinet.

In making these moves, the President hopes to establish a national rural policy that will be coordinated with the drive for a new national urban policy that has been underway for several months.

The options are as varied as the face of America. But development of the magnitude that is necessary can come about only with the most energetic and innovative efforts on the part of State and local governments working in close cooperation with persons and corporations in the private sector. The Federal departments and agencies can provide assistance, and hopefully more in the future, but initiative must invariably come from the communities themselves.

And this is where the State universities and especially the Cooperative Extension Service comes in. These institutions played a vital role in an earlier movement, from East to West as Americans tamed the frontier and built a thriving nation. The acceptance of the mandate to educate the sons and daughters of the working classes may have been the most important component in our country's development and leadership.

In any event, the institutions represented here have long experience in working effectively with people in the private sector and with people in government at all levels. You have great competence in many areas and you enjoy the well-earned confidence of the

public. And this is why we call on you now to accept a position of leadership and to lend your efforts and know-how toward a mobilization of the people and the resources of rural America.

Development can occur in many directions. For example, the National Committee on Urban Growth policy—a non-government group—recommends Federal assistance in the creation of 100 new cities of 100,000 each and 10 new cities of a million each. That's a large vision! Yet even an effort as enormous as this would provide for only 20 percent of the additional people we expect in the next 30 years.

Perhaps community development can and should be based principally around existing towns and cities, thus gaining the economic advantages of existing institutions and services, existing history, culture, identity, character, and continuity.

In any case, the decisions must be made by people living within the communities and within the States. State and local policies for urban suburban and rural growth must be decided and promoted at the State and local level.

Communities which have already exhibited strong growth potential should be helped to development. When local community leadership and private enterprise have shown the initiative necessary for sound development, government at all levels should be willing to help.

This is in line with a philosophy expressed by President Nixon. He has stated many times his desire for the enhancement of the role and influence of State and local government and he has urged the Federal departments to cooperate fully toward this end. Additionally he has recommended to the Congress the sharing of Federal funds with States and local governments.

While the initiatives are expected to come from the State and communities, it is important that the resources and services of the Federal establishment be properly ordered and directed. The role of the Rural Affairs Council is to provide this sense of direction and to bring with it the dedicated support of the President.

In announcing the Rural Affairs Council, President Nixon said:

"It is a fact of our national life that the concerns of rural America also deserve more careful consideration and more effective coordination at the highest levels of government.

"We are a nation of cities, to be sure, but we are also a nation of small towns and villages, farms and forests, mines and ranches, mountains and rivers and lakes. The people who live in rural America have urgent problems which deserve our attention. More importantly, they represent a great resource upon which all of us can draw.

"After an era in which people have moved steadily from the countryside to large and crowded cities, we must now do what we can to encourage a more even distribution of our population throughout our country. The Rural Affairs Council can help our nation to meet this challenge. . . ."

Those words reflect the President's personal support of a program that goes beyond the idea of "mailing rural America a better place to live"—and looks toward major changes in the distribution of population in America—toward giving Americans a real choice as to where they want to live.

The Rural Affairs Council includes those officers of Cabinet level whose agencies can make a significant contribution to community development. The Council includes:

The President, the Vice President, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, the Secretary of the Interior, the Director of the Office of Economic Opportunity, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Commerce, the Director of the Budget and the Chairman of the Council of Economic Advisors.

The Rural Affairs Council will ensure that the government is a full partner, that all the programs that have application to rural America will be brought to bear—HUD's housing and planning money, Labor Department's training programs, HEW's educational and assistance programs, Commerce Department's economic development projects, the Small Business Administration's funds and guidance, these and many others.

The Council will carry on the closest cooperation with the Urban Affairs Council, and other Federal agencies.

Specifically, the Rural Affairs Council will see to:

Achieve coordination between Federal departments in all matters that may affect rural Americans.

Encourage decentralization of government and coordination of programs between the Federal and State and local governments.

Encourage the effective utilization of voluntary organizations.

Secure up-to-date comprehensive information on the problems that confront rural America. Then identify the causes of those problems and develop solutions, either through existing programs or by initiating new programs.

Encourage action on a regional, State and local basis.

We will seek to improve the effectiveness and timeliness of delivery of public services to rural America. Still, program responsibilities must remain vested to the greatest possible extent in State and local government.

The recommendations of the President's Task Force on Rural Development should provide guidelines for this work.

Immediately, we will get to work on such problems as:

The best means of creating new jobs and new economic opportunity to rural America.

How best to adapt extensive manpower training programs to small towns and rural areas.

How best to ensure decent housing for more rural people. Within the Department of Agriculture, we are moving in several ways to meet the challenge that the President has put before us.

We are asking the Federal Extension Service to work closely with the State Extension directors. In turn we are hoping that the Cooperative Extension Services will assume a leadership role in organizing and promoting community interest.

In urging this role for Extension, we are in no way reducing the responsibility of the other agencies of the Department.

Every agency in the Department with a contribution to make to rural development has been directed to provide aggressive leadership in its area, assigning appropriate resources and personnel to the effort.

We plan to choose a few special project areas in which to concentrate all Federal activities—areas that represent specific problems in rural America. We expect to learn a lot in those areas that will be useful in the rest of America, both urban and rural.

You know the programs of the Department that are especially important in rural development: the housing, water and sewer loans of the Farmers Home Administration; the small watersheds and resource conservation and development programs of the Soil Conservation Service; the credit potentials of REA and the resource surveys and development programs of the Forest Service. They are most effective when employed in coordination with all other available resources.

The administrators of these agencies, the FHA, SCS, REA, Forest Service, along with the Federal Extension Service, are meeting now as the Departmental Rural Development Committee. As a group, their assignment is to develop the vital policies, programs and priorities necessary for the Department to carry out its rural development mandate.

Dr. Tom Cowden, Assistant Secretary for Rural Development and Conservation, is chairman of this group. He will have a special rural development staff to assist him in program coordination and leadership.

Each member of this committee will be assigned specific liaison responsibilities with other departments of the Federal government, on a similarity-of-service basis. For example, the Farmers Home Administration will assign key men to coordinate with Housing and Urban Development.

Each agency also will be maintaining liaison with national organizations to help make their programs and services more available to rural people and their communities.

One of the key elements of USDA's rural development organization will be the committees set up in each State by the Director of that State's Cooperative Extension Service. These committees will maintain liaison with State governments, other agencies and whatever organizations are involved in the development of our countryside.

Department members on these committees in each State will be representatives of the Forest Service, Soil Conservation Service, Farmers Home Administration and Rural Electrification Administration. They will provide whatever staff services are needed to support activities of the committee.

These committees will decide what kind of USDA rural development organization should be established on a local basis.

Rural development begins at home. It is the responsibility of State and local organizations, groups and leaders. They will provide the channel through which the people may improve their situations: analyzing their local needs, assessing their local potentialities, matching their community's potential with private and public programs at all levels of government.

The work of the Cooperative Extension Services in these basic activities is obviously essential.

The effective development of America depends upon the Cooperative Extension Service working with public and private agencies at the State, regional and local levels. The Service is invaluable in developing an understanding of the nature of development, and in helping Federal agencies to assist in State and local development activities.

To quote from "A People and a Spirit," our joint report: "Extension can bring cohesiveness into many community development programs through its role in educational leadership. It can help people obtain the right kind of planning, financing and technical aid from other agencies."

The role of Extension, which is significant now, will become more so as it trains new personnel to meet modern demands; as it reorganizes to provide a wider variety of experts to serve more people; as the great State Colleges and Land-Grant Universities become even more active in community development.

Again, from "A People and a Spirit": "Extension's ability to extend the modern land-grant university to the people is limited only by the breadth of the university and Extension's willingness to function university-wide."

Each American has a role to play in determining the destiny of his country—in creating a fuller more attractive life for everyone—in both rural and urban America.

Beyond the boundaries of metropolitan America lies a fertile land of beautiful landscape, open space, rich resources and an energetic, proud people.

This rural and small town America offers opportunity and hope for a better life for all of us and our children's children, for those who prefer to live in the country and for those who prefer the city.

We can achieve this better life by joining together in common effort to reach our common and realistic goals.

STAND UP FOR AMERICA

Mr. DOLE. Mr. President, in our Nation is a small faction of anarchists, terrorists, and Communists who have set out deliberately to disrupt and hopefully, for them, to destroy our country.

Unfortunately, thousands of other fine young Americans who are concerned about the war in Vietnam and wars generally and who wish to make their voices heard may be unwittingly aiding the cause of those mentioned above.

Washington, D.C., is bracing now for a weekend of demonstrations which, it is hoped, will not end in violence leading to loss of life, personal body injury, or destruction of property. It should be clear, however, that there is widespread concern, not only by those who oppose any demonstration, but even by many of the responsible leaders of the so-called peace march itself. They know what has happened in California, in Chicago, in our Nation's Capital, and on many college campuses in the past, and there are some who are fearful it could happen here again before the week is out.

Those who are not concerned about the best interests of America have attacked policemen and innocent civilians, they have spit on the American flag and trampled it under foot and burned it. They have set out to disrupt governments and institutions. They have offered no tolerance or toleration of other points of view or of others' rights. They have lifted strident voices in shouts of pig, fascist, nazi, warmonger. We have heard them shout:

Hey, hey, L. B. J., how many babies have you killed today?

We have heard them speak out for victory for Hanoi and we have seen them carrying the Communist flag and heard their battle cry:

Ho, Ho, Ho Chi Minh.

We have seen and heard all these things and more. But only a few indignant voices have been raised in protest. Only a few have dared to point out who these people are and what they are and what their purpose is and what they are doing to our America.

One of these is the Vice President of the United States. He has dared to label these hatemongers for what they are. He has dared to attack those who use the word "peace" as they set out to foster revolt and inflame violence. He has dared to call on decent Americans "to raise our voices in spirited defense of the most successful society the world has yet known."

He has not, despite reports from a biased media, included all young Americans who dissent in his criticism because he recognizes this right is basic to the foundation of America's principles.

He has dared to stand up for the United States of America. And for this courage we see not only the far left and the new left, but others—loyal patriotic Americans who have differing political views—use the Vice President's statements to insult him.

In the name of fighting McCarthyism, we have seen them stoop to McCarthyist tactics against the second highest ranking elected official in our land.

And we have seen them blame him for dividing a nation because he has the courage to defend the institutions that have made that nation great.

Mr. President, there are those among us who decry a Vice President with the courage of his decent convictions, yet condone the convictions and actions of those who seek to divide and destroy us, who seek to drag the United States down to defeat.

Mr. President, those who are so eager to criticize the Vice President may be out of touch with the great majority of Americans. Again, despite the efforts of the liberal and biased media in America, who too often report only what might inflame Americans, the great majority has rallied behind the Vice President. He is fast becoming a symbol for the "forgotten" American, the man who works and pays his taxes, goes to church and thanks God he is an American. He does not profess to have the answers to all America's ills; he may not be satisfied with every governmental decision or policy, but he still has respect for his Government and is not hoodwinked by the self-appointed zealots who say they speak for America. These Americans, and countless others—by and large—are grateful to Vice President AGNEW for reflecting their views.

I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Post today.

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

LIBERALS CAPITULATE TO EXTREMISTS, REDS DOMINATE "PEACE" MOVEMENT

(By Rowland Evans and Robert Novak)

The tens of thousands of well-meaning war protesters set to converge on Washington Saturday will be joining a demonstration planned since summer by advocates of violent revolution in the U.S. who openly support Communist forces in Vietnam.

Accordingly, whatever happens here Saturday, the Nov. 15 march on Washington will mark a postwar highwater mark for the American far left. Responsible liberals have been enlisted as foot soldiers in an operation mapped out mainly by extremists—testimony to the present ineffectiveness of nonviolent, liberal elements in the peace movement.

Moreover, heavy-handed Nixon administration reaction by Deputy Attorney General Richard G. Kleindienst assures that any violence on Saturday will be blamed by liberals on the government, and the avoidance of violence will be credited by these same liberals to the self-restraint of the far left.

Although liberals belatedly spent this week in frantic eleventh-hour efforts to co-opt Saturday's march, they had plenty of advance warning. The New Mobilization Committee to End the War in Vietnam (New Mobe), sponsors of the march, was formed last July in Cleveland with an executive committee dominated by supporters of the Vietcong.

The executive committe is moderate when compared with the 60-member steering committee, studded with past and present Communist Party members (including veteran party functionary Arnold Johnson). Far more important than representation by the largely moribund American Communist Party, however, is inclusion on the steering committee of leaders in its newly invigorated Trotskyite movement.

The steering committee began eclipsing the executive committee in recent weeks under the leadership of the Trotskyite Socialist Workers Party and its fast growing youth arm, the Young Socialist Alliance. Fred Halstead of the Socialist Workers Party took over planning for a march calculated to end in violent confrontation.

Participating in planning sessions were elements even more violence-prone than the Trotskyites: extreme SDS factions calling themselves the revolutionary brigade. Wild scenarios for storming the White House, the Justice Department, and the South Vietnamese Embassy were prepared.

Furthermore, the New Mobe was in closer contact with Communist Vietnamese official circles than is generally realized. Ron Young, a member of the New Mobe steering committee, journeyed to Stockholm Oct. 11–12 for a meeting attended by representatives of the North Vietnam government and the Vietcong. Reporting on plans for Nov. 15, Young urged a worldwide propaganda campaign to boost the demonstration.

The link between Hanoi and elements of the New Mobe was again demonstrated Oct. 14 when Premier Pham Van Dong of North Vietnam sent greetings to American antiwar demonstrators. Halstead, the Trotskyite leader, drafted a friendly reply to Hanoi approved by a majority of the New Mobe's steering committee. Its transmission was blocked only by the intervention of Stewart Meachem of the American Friends Service Committee, one of the New Mobe's moderates.

Thus far-left orientation of the New Mobe for weeks has worried liberal doves, including the youthful leaders of the peaceful Oct. 15 Moratorium. Sen. Charles Goodell of New York, emerging as a leading congressional foe of the war, attempted—without success—to reduce extremist influence inside the New Mobe and argued against including far leftists on the steering committee.

But the liberals, having forgotten the fate of popular front movements a generation ago and unwilling to repudiate any antiwar forces, would not actually break with the New Mobe. Any chance of that was eliminated by President Nixon's relatively hardline speech Nov. 3 and government strategy laid down at the Justice Department by Kleindienst.

Goodell and Sen. George McGovern of South Dakota, after much deliberation, accepted invitations to address the demonstration in hopes of moderating it. Similarly, moratorium leaders this week have tried to insinuate themselves into control of the march. But the march remains essentially a project of the far left, constituting a tragic failure of leadership by liberal foes of the war.

THE MEANING OF PEACE

Mr. GRIFFIN. Mr. President, the news media tell us that on this coming Saturday there will be a mass demonstration in Washington against the war in Vietnam.

According to what we read, the demonstration will focus upon a demand for immediate withdrawal of American forces in Vietnam. I am sure that many of those who make such a demand sincerely believe they are advancing the cause of peace.

Now, Mr. President, I do not question in any way the right of Americans to protest and dissent peacefully—a right which is not enjoyed by those who live under Communist domination.

But I believe it would be well if those who are about to demonstrate were also aware of another important difference

between the free world and the Communists. I refer to the meaning and purpose of "peace."

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Keyes Beech, the distinguished foreign correspondent of the Chicago Daily News, and published in the Philadelphia Inquirer of November 4, 1969.

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

HANOI DEFECTORS WARNED UNITED STATES OF DUPLICITY, "PEACE" BLOODBATH

(By Keyes Beech)

SAIGON.—One year ago four senior Communist defectors from North Vietnam with a total of 89 years as loyal party members were interviewed on what they thought of the U.S. bombing halt over North Vietnam.

In the light of what has happened since then their comments make interesting reading. Here are excerpts:

Lt. Col. Phan Viet Dung, former Communist regimental commander: "Hanoi wants this bombing stop and the apparent peace it will bring only so that she can better prepare to gain her ends . . . Even after the bombing is halted the Paris talks will yield nothing for the U.S. because Hanoi will then claim the halt proves the Americans were guilty. This will be just what they need to boost morale in the north."

Lt. Col. Huynh Cu, 23 years a party member: "You must take a lesson from what happened in Laos in 1962. When our North Vietnamese forces attacked we could easily have taken Vientiane. Then Ho (Chi Minh) ordered the troops to pull back rather than risk any real military intervention by the U.S.

"Now, if North Vietnam moves some troops out of the South in an apparent move to de-escalate, the South must not be fooled but must go and take back the land regardless of what Hanoi or anybody else says.

"But I don't really understand what the Americans hope to gain. This is like any other kind of trading. If you give something, you must get something. But what are you going to get in exchange? Nothing but words . . .

"I want to remind you what an important Japanese Communist has said. The Westerner believes war and peace are two different things. The Westerner thinks it is right to deceive people in wartime but not in peacetime.

"The Communist believes that it is also right to deceive people in peacetime when making agreements with the enemy because the Communist believes war and peace are the same thing.

"Mao (Tse-tung) said the closer to peace, the greater the danger. Now is the time to be most alert. The idea of peace may blind you."

Lt. Col. Le Xuan Chuyen, 21 years a party member:

"Stopping the bombing is only going to lengthen the war and eventually you will suffer greater, not lesser casualties. Also you will see the antiwar movement in the U.S. become greater. You will encourage the demonstrators by convincing them they are right.

"When I first heard of the bombing halt I thought it must be a joke and I laughed. But when I realized the U.S. was serious I was dumfounded by their stupidity.

"Of course your people want peace, but if a cease-fire comes don't be happy. There will be really nothing to be happy about, for it will be sure to lead to great suffering here and many, many deaths * * *

"You will see, the deaths here in the South will be at least one thousand times greater. But by that time your Western press will have believed that peace is here and they will have gone home and won't be around to see it happen.

"Only the Vietnamese will be left for there is nowhere for them to go this time. There are 3 million people on the blood list and you will have condemned them."

Col. Tran Van Dac, 24 years a party member, who led 8000 men in an attack on Saigon during the 1968 Tet offensive:

"It will be impossible to get Hanoi to keep her promises. The only promise they will keep is the one they have made to themselves that nothing can keep them from eventually conquering South Vietnam.

"If there is a cease-fire many people will think that peace has really come and let their guard down. Then the Communists will act suddenly. You must be warned that when it seems like peace has come, then it will be the most dangerous time of all."

BRIEFING OF SENATORS ON SALT NEGOTIATIONS

Mr. GORE. Mr. President, I ask unanimous consent that a memorandum to the Foreign Relations Committee from my Subcommittee on International Organization and Disarmament Affairs be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
November 12, 1969.

Memorandum to: All Members of Foreign Relations Committee.

From: Albert Gore, Chairman, Subcommittee on International Organization and Disarmament Affairs.

The meeting in Executive Session of the Subcommittee on Disarmament, which was to be held at 4 o'clock this afternoon, is cancelled. As the notice sent to all members of the Committee yesterday inviting them to attend the meeting stated, the purpose of the Executive Session was to receive a briefing from the Arms Control and Disarmament Agency on the forthcoming SALT talks.

An authorized official of the Arms Control and Disarmament Agency informed a member of the Committee Staff yesterday afternoon that the Agency had been instructed to refer all requests for briefings on the SALT talks, and all congressional liaison matters relating to the talks to the Assistant to the President for National Security Affairs or to the Congressional Liaison office of the White House as the Agency had been directed not to conduct such briefings itself.

No one from the Office of the Assistant to the President for National Security Affairs, the Congressional Liaison office of the White House, or the Department of State (which has statutory responsibility in this field) has responded to the aforedescribed Subcommittee request for a briefing on the talks to begin on November 17th.

This is the first time to my knowledge that an Agency charged with a responsibility in the field of foreign affairs has not been willing, or, as in this case, free, to meet with the Disarmament Subcommittee on a subject on which the Subcommittee has had jurisdiction.

The reason for the prohibition upon the Agency's freedom to meet with and brief the Disarmament Subcommittee is beyond my understanding. It is particularly mystifying and disturbing in this case since members of the Subcommittee have been in the forefront in not only urging the necessity of this conference but have been in the forefront in both cooperation with previous Administrations and in securing approval of treaties and agreements in this field of armament limitation and control.

Inasmuch as the SALT talks will hopefully produce an agreement for some limitations regarding nuclear weapons, it is regrettable that officials charged with conducting these negotiations are prohibited from briefing responsible Members of the Senate so that the Senate will be in a position conscientiously to discharge its Constitutional responsibilities.

THE ST. LAWRENCE SEAWAY

Mr. TYDINGS. Mr. President, the St. Lawrence Seaway system is without doubt a major engineering accomplishment and has stimulated the economic development and prosperity of the Great Lakes region. Although at present unable to support regularly scheduled U.S.-flag vessel service, the seaway is indeed entitled to its description as the "fourth coast" of the United States.

At the present time the seaway is $148 million in debt. This includes $129 million of outstanding 50-year bonds and $19 million of accrued interest debt. Lately, however, some proposals have been advanced stating that the seaway's debt should be assumed by the Federal Government. Proponents of seaway refinancing contend that it is the only federally supported waterway that is required to be self-supporting. They feel that this is discriminatory.

Such a position was recently stated in the Senate. The question was posed: "If the Great Lakes are free and open to all, why should the seaway linking the lakes even have toll charges?"

This is an important question. The answer is quite simple: the legislation authorizing the St. Lawrence Seaway Development Corporation was accepted by the Senate in 1954 on the basis that the seaway would pay its own way. Let me for a moment refresh the memory of Senators and point out a statement made on the floor some 15 years ago by the late Senator Alexander Wiley. On January 13, 1954, Senator Wiley, one of the seaway's most forceful advocates, upon calling up the seaway legislation summarized the five reasons why he felt it should be passed. The No. 3 reason was that "the project would pay for itself, and the pending bill would not put an additional burden on the Treasury."

Senator Wiley no doubt felt then, as I do now, that the U.S. Treasury already has enough burdens without imposing additional and unnecessary ones.

The basic point to stress is that the Senate authorized the St. Lawrence Seaway on the condition and with the understanding that the seaway would pay for itself. Any proposal to have the Federal Government assume all or a part of the $178 million debt, thus permitting the seaway to forfeit its obligation, would constitute a breach of terms and have very serious implications indeed.

OIL POLLUTION SETTLEMENT

Mr. MUSKIE. Mr. President, as the conference between the Senate and the House approaches on the Water Quality Improvement Act of 1969 (S. 7 and H.R. 4148), I invite the attention of Members of both Houses of Congress to an article published today concerning the settlement of oil pollution claims arising from the *Torrey Canyon* disaster in 1967.

Although the Governments of France and England brought suits against the owners of the tanker for $22 million,

the settlement was made in the amount of $7.2 million. As the article points out, Britain alone was estimated to have spent more than the amount of the settlement in clean up costs, and no estimate was available from France.

This settlement comes at an auspicious time, as our conference approaches and as the International Maritime Consultative Organization meets in Brussels to consider changes in international maritime law. I hope that both of these bodies will accept the principle which the Senate approved in passing S. 7 last month; that is, that the responsibility for cleanup of oil spill should not be borne by the public, but must instead be considered to be a risk of doing business.

I ask unanimous consent that the article, published in the Washington Post, be printed in the RECORD.

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

FIRM PAYS TWO NATIONS $7.2 MILLION FOR TORREY CANYON'S OIL DAMAGE

LONDON, November 11.—The American owners of the oil tanker Torrey Canyon paid $7.2 million today to Britain and France in an out-of-court settlement for oil pollution claims filed after the giant ship ran aground off southwest England in March, 1967.

The payment, split evenly between the two nations, came from the Barracuda Tanker Corp. in Bermuda, a subsidiary of the Union Oil of California. The 119,000-ton vessel was under charter to Union Oil when it broke apart and spilled about 35 million gallons of crude oil.

The joint government announcement also said the owners had agreed to set aside another $60,000 to compensate any claims from persons not already reimbursed by the governments for their losses.

BIGGEST SETTLEMENT

British Attorney General Sir Elwyn Jones told the House of Commons it was "full and final settlement of the claims of the two governments." Lloyd's insurance brokers said they believed it was the biggest settlement in marine history for oil claims.

Britain virtually assured itself of legal satisfaction recently when it caught the Torrey Canyons sister ship, the Lake Palourde, in Singapore harbor when its captain put in for some minor supplies.

In order to gain the ship's release, the Barracuda firm was required to post a bond of $7.2 million—the precise amount of today's settlement.

$22 MILLION SOUGHT

In the aftermath of the Torrey Canyon spillage, the two governments sued the tanker owner for $22 million. But the owners claimed that under maritime law they were liable only for a certain value per ton of the ship's weight, which would have been $4.2 million.

In addition, there was a jurisdictional problem: the ship ran aground on the Seven Stones rocks off Land's End, which is British. But its cargo damaged 40 miles of French beach as well as 120 miles of English coastline.

In view of the "uncertainties, inevitable delays and expense of litigation, complex and unique points of law involved in proving liability, and finally the difficulty in qualifying and proving damages," Sir Elwyn told Parliament "this settlement is eminently fair and satisfactory to all parties."

Britain was estimated to have spent more than $7.2 million in 1967 to save beaches and wildlife from the oil. An estimated 50,000 sea birds perished and more than 25 million gallons of detergent were used to emulsify the crude oil so the beaches and birds could be cleaned. No French estimate was available.

The British also wanted the payment to cover the cost of the Royal Air Force bombing runs that finally destroyed the ship and sent it to the bottom. The ship reportedly was insured for $14 million.

Because the ship was registered in Liberia, a Liberian Board of Inquiry investigated and found Capt. Pastrengo Rugiati of Genoa, Italy, guilty of "a high degree of negligence." He is reportedly a broken man, his career and health shattered.

The settlement came while international lawyers are meeting in Brussels to consider revisions to maritime law covering oil tanker accidents.

The Union Oil Co. also faces claims involving an offshore rig in the Santa Barbara channel of California that leaked in January, creating an 800-square-mile oil slick that polluted more than 25 miles of coastline.

LEROY G. AUGENSTEIN

Mr. GRIFFIN. Mr. President, I invite attention to the unfortunate death of Dr. Leroy G. Augenstein, a personal friend and the distinguished chairman of the Biophysics Department at Michigan State University. He was killed Saturday, November 8, 1969, in the crash of his private plane.

Dr. Augenstein served ably and with imagination as a member of the State board of education.

His interests and pursuits were wide and varied. He was considered an expert in several fields of scientific endeavor. Regarded as a national authority in the field of genetics, he authored a book on the science of genetic manipulation entitled "Come Let Us Play God."

He had served as a research administrator for the Atomic Energy Commission. He was a national lecturer for the AEC, and was a consultant to the American Institute of Biological Sciences. He had served as science coordinator for the Seattle World's Fair.

Dr. Augenstein was also a theologian, serving as adjunct professor at the San Francisco Theological Seminary.

A devoted family man, he was a concerned, compassionate human being with a driving desire to improve the world in which we live.

His outstanding work touched the lives of millions who are living, and will serve generations yet unborn.

A great loss was suffered by his wife, Elizabeth, and their children, David and Kimberly. Mrs. Griffin joins me in extending to them our deepest sympathy.

Mr. President, I ask unanimous consent to have printed in the RECORD newspaper articles reporting the death of Dr. Augenstein.

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

[From the Detroit (Mich.) News, Nov. 10, 1969]

AUGENSTEIN RITES SLATED—VICTIM OF CHARLOTTE AIR CRASH

EAST LANSING.—Funeral services for Dr. Leroy G. Augenstein, State Board of Education member and a nationally known scientist and lay theologian, will be held at 2 p.m. tomorrow in the Peoples Church in East Lansing.

Dr. Augenstein, 41, chairman of the biophysics department at Michigan State University, was killed Saturday when his twin-engine plane crashed in the fog about two miles from Beech Airport at Charlotte, Mich.

Dr. Augenstein was returning home from Richmond, Ind., where he had given a speech Friday night at Earlham College.

He vanished after checking area landing conditions at 12:24 a.m. Saturday.

Eaton County sheriff's deputies found Dr. Augenstein's body and the wreckage of the plane about 8 p.m. Saturday, ending a 20-hour search by Civil Air Patrol volunteers and friends of Dr. Augenstein.

Sheriff Elwyn Smith said the apparent angle of the aircraft where it crashed indicated Dr. Augenstein may have lost his way in fog and low clouds and veered away from the airport. His plane was not equipped for instrument landings.

William Walbeck, president of the Eaton Flying Service at the Charlotte airfield, said Dr. Augenstein had complained to him on Friday of a defective gyroscope in the plane. Walbeck said the defect could lead to a pilot becoming disoriented on his directions during fog or clouds.

Dr. Augenstein, prominent in Republican politics, was elected to the State Board of Education in 1966. He campaigned for the GOP Senate-nomination in 1966 until the party picked Senator Robert P. Griffin, who had been named by Gov. George Romney to the seat vacated by the death of Patrick McNamara.

Dr. Augenstein had been expected to try again in 1970 for the GOP nomination for the Senate.

Gov. William Milliken said Dr. Augenstein's death "stills a vital voice. It is particularly tragic that his death occurred so early in an already outstanding career."

The governor said that Dr. Augenstein "embodied in that career the best tradition of public service—working in the public interest with energy, imagination and determination."

Dr. Augenstein's term on the State Board of Education was to run until the end of 1974. The law states that the governor is to fill any vacancy on the board by appointment.

The MSU professor's death leaves only one Republican on the eight-member board, James O'Neil, of Livonia.

The state board was to meet tomorrow and Wednesday in East Lansing. The meetings have been canceled as a measure of respect for Dr. Augenstein, officials announced.

Dr. Ira Polley, former superintendent of public instructions, said Dr. Augenstein's life "was characterized by excellence, high ethical values and ceaseless efforts to achieve a better life for all."

Dr. Walter Adams, acting president of Michigan State University, said Dr. Augenstein "lived an active and exciting life, combining a fervid interest in education and politics."

"Both as a faculty member at Michigan State and a member of the State Board of Education, he worked untiringly for what he believed to be the public good," Adams said.

* * * * *

He also was known as a lay adjunct professor at the San Francisco Theological Seminary.

In 1968 he said he received 1,200 requests for speaking engagements and estimated he was able to accept an astounding 500 during the year after he bought his 1955 Piper Apache to help whisk him about the state and nation.

Before 1962, when he joined MSU to become chairman of the biophysics department, he led research projects in biology at Brookhaven National Laboratories on Long Island, N.Y., and served with the Atomic Energy Commission in Washington.

Dr. Augenstein received his Ph.D. from the University of Illinois in 1956 after earn-

ing a master's degree at the University of Chicago.

He was a member of the People's church, where his funeral services will be held. Dr. Wallace Robertson, pastor of the church, will officiate.

Dr. Augenstein's family will receive friends in the church parlor following the service tomorrow.

There will be a private burial service Wednesday in Evergreen Cemetery near Lansing.

The body will lie in state at Gorsline-Runciman Funeral Home in East Lansing today. Friends may call between 2 p.m. and 4 p.m. and 7 p.m. and 9 p.m.

He is survived by his wife, Elizabeth; a son, David Leroy; a daughter, Kimberly Beth; his parents, Mr. and Mrs. Roy H. Augenstein, of Decatur, Ill., and a brother David, also of Decatur.

Michigan State University announced it has established the Leroy G. Augenstein Memorial Scholarship Fund and that donations may be made directly to the university.

[From the Grand Rapids (Mich.) Press, Nov. 10, 1969]

TRIBUTES SWELL FOR AUGENSTEIN

CHARLOTTE.—Politician-scholar Dr. Leroy G. Augenstein, killed early Saturday when his private plane crashed near here in heavy fog, will be buried at East Lansing Wednesday, a Michigan State University spokesman reported.

Augenstein, 41, a member of the State Board of Education and possible candidate for the U.S. Senate next year, had been returning home from a dinner speech at Earlham College in Richmond, Ind., when his twin-engine Piper Apache missed a landing here and smashed into a stump in a marshy area about two miles from the airport.

Funeral services were scheduled Tuesday at Peoples Church, East Lansing. A Leroy G. Augenstein Memorial Scholarship Fund has been established.

The biophysicist was flying alone in the plane. He did not have an instrument rating, although he had been flying about three years.

Kenneth Briggs, a farmer, discovered the wreckage some 18 hours after Augenstein was scheduled to have returned to the Charlotte airfield.

Sheriff Elwyn Smith of Eaton County said the apparent angle of the aircraft where it crashed indicated Augenstein may have lost his way in fog and low clouds and veered away from the airport.

Gov. William G. Milliken, like Augenstein, a Republican, said Augenstein "pursued public service with warmth, wisdom and compassion." Dr. Walter Adams, acting president of MSU, said he "lived an active and exciting life, combining a fervid interest in education and politics."

Dr. Peter Oppewall, president of the State Board of Education, and acting superintendent Dr. John Porter said Augenstein "personified the questing mind of the scientist together with a compassionate concern for people." Former superintendent Dr. Ira Polley said his life "was characterized by excellence, high ethical values, and ceaseless efforts to achieve a better life for all people."

James F. O'Neill, treasurer of the State Board of Education, canceled a scheduled Monday news conference "out of respect for my fallen colleague."

"Society is a better place because of Leroy Augenstein and those associated with him are better people as a result of having known and worked with Leroy Augenstein," O'Neil said.

There had been speculation O'Neil would announce his intentions of running for U.S. Senator against Philip Hart at the news conference.

A biophysicist with a wide reputation in the fields of genetics and brain function, he was the author of "Come Let Us Play God," a study of genetic manipulation. When astronauts reached the moon last summer, Augenstein gained national attention by protesting the precautions taken to prevent contamination from whatever might be found on the moon.

He also was known as a lay theologian and had served as adjunct professor at the San Francisco Theological Seminary.

In 1968 he said he received 1,200 requests for speaking engagements and estimated he was able to accept an astounding 500 during the year. It was in 1968 that he bought his 1955 Piper Apache to help whisk him about the state and nation.

Before 1962, when he joined MSU to become chairman of the Biophysics Department, he led research projects in biology at Brookhaven National Laboratories on Long Island, N.Y., and served with the Atomic Energy Commission in Washington.

Augenstein received his Ph.D. from the University of Illinois in 1956 after earning a master's degree at the University of Chicago.

He was elected to the State Board of Education in 1966. He campaigned for the GOP Senate nomination in 1966 until the party picked then-Rep. Robert P. Griffin to head off a primary battle. Augenstein had been expected to challenge Sen. Philip A. Hart, D-Mich., next year.

He is survived by his widow, Elizabeth; a son, David Leroy, 4; a daughter, Kimberly Beth, 1; his parents, Mr. and Mrs. Roy H. Augenstein of Decatur, Ill., and a brother, David, also of Decatur.

VETERANS DAY REMARKS BY THE HONORABLE DON E. JOHNSON, ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. DOLE. Mr. President, many speeches were given yesterday to honor our veterans. One of the most thoughtful was that delivered by the Honorable Don E. Johnson, Administrator of Veterans' Affairs, at Arlington National Cemetery. I ask unanimous consent that his remarks be printed in the RECORD.

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

SPEECH OF DON E. JOHNSON

President Nixon has given me the high honor of representing him at this Veterans Day National Ceremony.

President Nixon's Veterans Day proclamation . . . and the separate Veterans Day message which he sent to all of our hospitalized veterans . . . bespeak more eloquently than any words of mine his great esteem for America's veterans . . . his constant concern for their welfare . . . and his firm resolve that their government shall care for them and for their widow and their orphan.

I do not bring you President Nixon's message. And I do not presume to speak for him. However, I do know how dedicated he is to the task of achieving the theme of Veterans Day 1969 . . . peace with honor.

And we all know of his fervent hope for the understanding, the support, and the prayers of the American people.

Thus . . . as we pause today to remember . . . and to thank America's veterans of all wars for their service and sacrifice that all of us might live in freedom . . . let us ask ourselves:

What can we do . . . we citizens, Americans all . . . what can we do to help achieve peace with honor?

We can begin by recognizing the truth.

No American can quarrel with the noble and eternal goal of peace with honor.

But some of our people disagree today over the means . . . the strategy, if you like . . . of achieving this goal in Vietnam.

To those who may think . . . or would have others think . . . that they alone understand and abhor the suffering and savagery of war . . . to them I say now that they do an injustice to America's 40 million veterans, living and dead.

And they deceive themselves.

For America's veterans . . . there has never been a "popular" war . . . nor a cause for which they eagerly sought to die.

Our honored war dead desired and deserved to live just as much as any citizen of our nation.

And our disabled veterans would welcome moratorium in the pain and illness and injuries they now endure.

But they answered freedom's call because they understood freedom's cost.

In his inaugural address . . . President Nixon said that the greatest honor history can bestow is the title of peacemaker.

He is right.

However, on this day when we recognize and applaud honor and courage and duty . . . as exemplified by our veterans . . . on this day I would call the attention of all Americans to an inspiring inscription.

It is engraved on the Confederate War Memorial a short distance from this amphitheater in Arlington National Cemetery.

"Not for fame or reward
Not for place for for rank
Not lured by ambition
Or goaded by necessity
But in simple obedience to duty
As they understood it
These men suffered all
Sacrificed all
Dared all
And died."

We, the living, also have a duty.

A duty to unify America. A duty to bring together our great and good people.

The unity that has always been the bedrock of America needs expression today more than at any time in the past century.

Not as a facade . . . but as the firm foundation for the future America of freedom and opportunity and justice which we must build for ourselves and for our posterity.

As we build this future . . . on a foundation of unity . . . not unanimity . . . in our land . . . our citizens. Americans all, can learn from the veterans we honor today.

In battle . . . our veterans freely admitted the toughness of their enemy.

But they summoned forth the courage to attack him.

And they gained the confidence to defeat him.

We, too, need candor and courage and confidence.

Candor to admit the toughness of the problems we face at home and abroad.

Courage to do the difficult, to bear the costs . . . in understanding and fortitude as well as in money . . . demanded by these problems.

And confidence that peace will be won . . . and the wrongs that make us a less perfect union will be righted . . . if we but carry on.

It is precisely because America's veterans have demonstrated their love of our country . . . their understanding of the cost of freedom . . . and their leadership as responsible citizens . . . that we can use this day set aside to honor them to call for a new depth . . a new era . . . of unity.

Unity to save the America for which they have sacrificed so much . . . and which they have served . . . and still serve . . . so well.

Our veterans need no spokesman. For nearly two centuries . . . their valor has been their valedictory.

But it is gratifying . . . indeed inspiring . . . to note that today . . . in Veterans Day ceremonies throughout our land . . .

thousands of Americans are speaking up . . . proudly proclaiming their unashamed love of America . . . and urging the overwhelming silent majority of their fellow-Americans to join them in this declaration of love for . . . and faith in . . . our great country.

I believe sincerely that our honored war dead . . . to whom we pay special tribute today . . . would approve of this use of their "DAY."

The America they felt was worth fighting for is not a perfect America.

But only a united America can win the peace for which we all yearn . . . and for which we should all pray.

Only a united people will have the will and strength and the determination to curb inflation . . . combat crime . . cleanse our water and our air . . . alleviate poverty . . . end discrimination . . . train the undereducated . . . . provide meaningful work for the underemployed . . . and cure the other ills that beset us.

On this Veterans Day, then, let us pledge and let us act to make our beloved country . . . in fact as well as in name . . . the *United* States of America.

To succeed in this difficult but vital task will be to insure that no veteran shall have served in vain.

FAILURE OF AUTOMOBILE AND TIRE EQUIPMENT

Mr. NELSON. Mr. President, the National Highway Safety Bureau on November 10, 1969, disclosed that compliance testing in the last several months indicated a failure rate of about 10 percent of automobile and tire equipment. This rate will continue to undermine the confidence of the consumer in the manufacturing process of the automotive and tire industries.

I commend the National Highway Safety Bureau for its efforts to enforce the Federal tire safety standards. Constant vigilance is the price of insuring that the tire industry meets minimum standards. The tire industry, as the Wall Street Journal article I am submitting indicates, has made notable adjustments to the mandatory standards and is categorically not dragging its feet in the matter. Nevertheless, testing and production procedures by the tire industry are in need of notable improvement before an equitable balance is struck between public and private interests.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Nov. 11, 1969]

UNIROYAL TOLD TIRES FAILED SAFETY TESTS; UNITED STATES SEEKING PENALTIES—OTHER MAKERS MAY BE ACCUSED; BUREAU BEGINS RELEASING DATA ON AUTO, TIRE STANDARDS TRIALS

WASHINGTON.—The Transportation Department is seeking penalties against Uniroyal Inc. for alleged violation of the 1966 Federal auto and tire safety laws, and is considering whether to do the same to some other unnamed tire makers.

The department, on Friday, mailed a letter to Uniroyal, asking the tire maker to show cause why the Government shouldn't seek civil penalties for the alleged violations, David Wells, chief counsel for the department's Federal Highway Administration, said after a press conference here.

In New York, a Uniroyal official said the company couldn't "comment meaningfully" on its "alleged failure" to meet Federal tire safety standards because the Transportation Department's letter hadn't yet arrived. But he added that Uniroyal "believes that it has complied fully with the law."

At the press conference, officials of the National Highway Safety Bureau disclosed that three Ford Motor Co. cars, one General Motors Corp. car and a Checker Motors Corp. car, all 1968 models, had failed Government-financed tests run by outside contractors, involving seat-belt and other standards. The Bureau is a unit of the Highway Administration.

One Ford case and the Checker case have been closed, however, because of testing or standards technicalities, while the other cases are still under evaluation. All five involved the first test run on the vehicles.

The five failures were among 91 reports released by the Safety Bureau, dealing with tests to gauge compliance with Government standards under the 1966 law. The other 86 reports dealt with both failing and passing tires produced by General Tire & Rubber Co. and Mohawk Rubber Co.

The bureau also said all compliance testing from the program's start in May 1968 through September 1969 showed that vehicles, or car and tire equipment failed tests about 10% of the time. The tests dealt with such standards as tire performance, brake systems, seat belts, brake hoses and door latches.

The failures in the General Tire and Mohawk tests led to previously announced out-of-court settlements in the Government's first move toward civil penalties under the 1966 law. General Tire recently agreed to pay $50,000 in settlement of the tire-safety violation charges and Mohawk settled for $25,000. In a separate part of that civil-penalty move, Italy's Fiat Motor Co. agreed to settle for $15,000 on charges that rear-view mirrors on some 1968 Fiats violated Federal safety standards.

The alleged Uniroyal violations involve the Bonanza line of tires made by Uniroyal for Mohawk, and Uniroyal's own Laredo and Tiger Paw tire lines.

Mr. Wells said that in tests of the Bonanza line, one of 21 tires first tested failed to meet Government standards, and five of 49 failed in a second test. Three of 84 Laredo tire tests produced failures, then 46 of 100. Initial Tiger Paw failures totaled four of 48 tests, with subsequent testing turning up seven failures out of 42 trials.

In the past 30 days, the Safety Bureau has handed the Highway Administration 12 tire-test cases for possible action, Mr. Wells said. Three involve the Uniroyal tires, he said, and three were closed as being insignificant. Another three are likely to be closed, he said, but penalty-action may be decided on for remaining three in the next 10 days.

During the press conference, Mr. Wells mentioned the show-cause action against Uniroyal without naming the company; he was responding to charges made over the weekend by auto critic Ralph Nader that Mr. Wells has delayed in taking legal action against tire manufacturers, despite test failures of many tires.

Government tire tests deal with minimum requirements for endurance, strength, dimensions and high-speed performance. Under the 1966 law, violators of standards can be subjected to civil penalties of up to $1,000 for each violation, or a maximum of $400,000 for a related series of violations.

The 91 initial compliance-test reports are the first released by the Safety Bureau under a new policy of making public the results of all tests administered by outside contractors. The Transportation Department recently announced the new policy after coming under pressure from Congressional committees to drop its previous stance of secrecy.

They said the Government currently is investigating 70 cases of possible nonconformance, arising from compliance-test failures, accident reports, letters from vehicle owners or consumer magazine articles. The 91 reports are the first in a backlog of 800; the next group of 150 to 200 will be released in two weeks, Robert Brenner, acting bureau director, told newsmen.

The five 1968-model vehicle test failures were a Ford Mercury Cyclone hardtop, which failed a seat-anchorage test; a Mercury Colony Park, a Ford Mustang hardtop and a GM Chevy II Nova, all of which failed seat-belt assembly anchorage tests and a Checker Marathon sedan, which failed a fuel-tank test.

The Mustang seat-belt case was closed because of "ambiguities" in the standard, Mr. Brenner said. The Checker fuel-tank case was closed because the car was driven at 31.6 miles per hour, while the Federal standard requires adequate performance at 30 miles an hour. Safety Bureau officials said that the Checker fuel-tank connections ruptured during the test and spilled gasoline onto the road, but added that Checker has corrected the problem.

SUBCOMMITTEE ON INDIAN EDUCATION—FINAL REPORT

Mr. KENNEDY. Mr. President, today the final report of the Senate Subcommittee on Indian Education was made public. For more than 2 years the members of this subcommittee have been gaging how well American Indians are educated. We have traveled to all parts of the country, including Alaska; we have visited Indians in their homes and in their schools; we have listened to Indians, to Government officials, and to experts; and we have looked closely into every aspect of the educational opportunities this Nation offers its Indian citizens.

We are shocked at what we discovered.

Others before us were shocked. They recommended and made changes. Others after us will likely be shocked, too—despite our recommendations and efforts at reform. For there is so much to do—wrongs to right, omissions to fill, untruths to correct—that our own recommendations, concerned as they are with education alone, need supplementation with other recommendations covering all aspects of Indian life.

We have developed page after page of statistics. These cold figures mark a stain on our national conscience, a stain which has spread slowly for hundreds of years. They tell a story, to be sure.

Let me cite just a few of these statistics:

Drop-out rates are twice the national average in both public and Federal schools. Some school districts have drop-out rates approaching 100 percent;

Achievement levels of Indian children are 2 to 3 years below those of white students; and the Indian child falls progressively further behind the longer he stays in school;

The BIA spends only $18 per year per child on textbooks and supplies, compared to a national average of $40;

Only 18 percent of the students in Federal Indian schools go on to college; the national average is 50 percent;

Only 3 percent of Indian students who enroll in college graduate; the national average is 32 percent;

There is one Bureau of Indian Affairs employee for every 18 Indians;

If the BIA budget were divided up

among the Indian families, it would raise the average Indian family income from about $1,500 to about $5,500.

But these statistics cannot tell the whole story. They cannot, for example, tell of the despair, the frustration, the hopelessness, the poignancy, of children who want to learn but are not taught; of adults who try to read but have no one to teach them; of families which want to stay together but are forced apart; or of 9-year-old children who want neighborhood schools but are sent thousands of miles away to remote and alien boarding schools.

We have seen what these conditions do to Indian children and Indian families. The sights are not pleasant.

We have concluded that our national policies for educating American Indians are a failure of major proportions. They have not offered Indian children—either in years past or today—an educational opportunity anywhere near equal to that offered the great bulk of American children. Past generations of lawmakers and administrators have failed the American Indian. Our own generation thus faces a challenge—we can continue the unacceptable policies and programs of the past or we can recognize our failures, renew our commitments, and reinvest our efforts with new energy.

It is this latter course that the subcommittee chooses. We have made 60 separate recommendations. If they are all carried into force and effect, then we believe that all American Indians, children and adults, will have the unfettered opportunity to grow to their full potential. Decent education has been denied Indians in the past, and they have fallen far short of matching their promise with performance. But this need not always be so. Creative, imaginative, and above all, relevant educational experiences can blot the stain on our national conscience. This is the challenge the subcommittee believes faces our own generation of lawmakers, administrators and private citizens alike.

It is heartening that all the members of the subcommittee share this view, and have done so under the chairmanship of Senator Robert F. Kennedy, Senator Wayne Morse, Senator RALPH YARBOROUGH, and myself—all of whom have served as chairman at various times during the subcommittee's existence. Of particular importance in the development of this report were subcommittee members, Senator WALTER MONDALE and Senator PETER DOMINICK, the ranking minority Member. Both of them come from States with appreciable Indian populations, and both contributed their knowledge and experience to our deliberations.

We reacted to our findings by making a long series of specific recommendations. These recommendations embrace legislative changes; administrative changes; policy changes; structural changes—all of which are geared to making Indian education programs into models of excellence, not of bureaucratic calcification.

We have recommended that the Nation adopt as national policy a commitment to achieving educational excellence for American Indians. We have recommended that the Nation adopt as national goals a series of specific objectives relating to educational opportunities for American Indians. Taken together, this policy and these goals are a framework for a program of action. Clearly, this action program needs legislative and executive support if it is to meet its promise. Most of all, however, it needs dedicated and imaginative management by those Federal officials, and State and local officials as well, who have the principal responsibilities for educating American Indians.

One theme running through all our recommendations is increased Indian participation and control of their own education programs. For far too long, the nation has paid only token heed to the notion that Indians should have a strong voice in their own destiny. We have made a number of recommendations to correct this historic paternalism.

We have recommended programs to meet special, unmet needs in the Indian education field. Culturally-sensitive curriculum materials, for example, are seriously lacking; so are bi-lingual education efforts. Little educational material is available to Indians concerning nutrition and alcoholism. We have developed proposals in all these fields, and made strong recommendations to rectify their presently unacceptable status.

The scope of this subcommittee's work was limited by its authorizing resolution to education. But as we traveled, and listened, and saw, we learned that education cannot be isolated from the other aspects of Indian life. These aspects, too, have much room for improvement. This lies in part behind the recommendation for a Senate Select Committee on the Human Needs of American Indians. Economic development, job training, legal representation in water rights and oil lease matters—these are only a few of the correlative problems sorely in need of attention.

It also lies behind the recommendation for a White House Conference on American Indian Affairs, to be planned and run by the Indians themselves. It is time the Nation heard the Indians talk, and talk from a position of high national attention. No longer should we sweep this national disgrace under the rug.

Mr. President, let me say that this report is a strong indictment of the way we have, as a nation, treated the 600,000 American Indians who live in the United States. It traces a history of promises made, then broken; of good intentions developing, then falling idle; of hopes raised, then dashed; and of spirits of trust building, then breaching. It pictures a national failure of major proportion.

This is why we view it as a national challenge.

Mr. President, last week the Citizen's Advocate Center of Washington released a volume entitled "Our Brother's Keeper," analyzing Federal Indian policy and the implementation of that policy by the Bureau of Indian Affairs. I commend this book to all who are interested in the Indians' view of the programs affecting them, as it is the product of an American Indian Task Force called together by the Center and reflects the sensitivities of the Indians to their problems, viewed from a grassroots level.

This week the Indian Task Force came to Washington to discuss with Senators and Congressmen and representatives of the administration a number of issues and problems raised by the book and of pressing concern to the Indians and Alaskan natives. On Monday the Task Force met with the Vice President and White House staff, and on Wednesday with Congressmen and congressional staffs. I ask unanimous consent that the statements released by the Task Force on these two occasions including the names and addresses of the Task Force be printed in the RECORD.

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

THE TASK FORCE'S STATEMENT PRESENTED TO VICE PRESIDENT SPIRO AGNEW AND WHITE HOUSE STAFF, MONDAY, NOV. 10, 1969

We speak as Indians who care about what has happened to our people. We speak out because every individual must and there must be some who are willing to start a process. We do not view ourselves as "chosen leaders" or an "Indian elite", though we come from various backgrounds and diverse tribes. But we do claim to be a cross-section of concerned non-establishment Indians.

We came together initially to assist in providing information for the book "Our Brother's Keeper" and to state whether, within our own personal knowledge it spoke the truth.

The national concern aroused by "Our Brother's Keeper" cannot be allowed to dissipate. One of the main points made by this book is that, unlike most Americans, the Indians have little or no forum for redress of grievances and wrongs committed against them. The Task Force believes that there must be a direct channel of communication so that Indian voices are not lost in the Bureau of Indian Affairs, the Department of Interior, the Bureau of the Budget, Congressional Committees, or other parts of the bureaucratic and political maze in which Indians are now trapped. We are, therefore, proposing a process which could provide a way in which Indians could speak directly to the government of the United States, both to seek a redress of grievances and to initiate and shape Indian policy.

The Task Force has always and consistently been opposed to the idea of becoming another Indian organization. The membership has remained open and fluid. The length of time the Task Force will be in existence is limited in duration and consistent with this thought, that it views its objective to serve as a catalyst in beginning a process of dialogue for American Indians, and by American Indians, to have real input into the national decisions that affect our collective fates and national reality. We do not intend to supplant Indian organizations. We want this catalyst to be limited in scope of time to some definite period. We want the idea of an Indian controlled process to be one that transcends the limitations of various organizational agendas and is open to all. Today provides a forum to begin this process.

The Task Force proposes that a process of dialogue be initiated in all areas which shall coincide with the eleven area offices of the Bureau of Indian Affairs.

Each of these eleven areas is partially represented by individual members of the Task Force but it would be the responsibility of the entire Task Force, working with others, to expand in each area to insure that it included a broad spectrum of representation from numerous tribes, tribal chairmen, local organizations, individual spokesmen involved

in issues, and representatives of urban Indians from cities within each area. Thus, the Task Force will establish separate and broadly representative Boards of Inquiry which would conduct hearings, receive grievances, and generate recommendations in the manner set forth below.

1. That a working meeting of the Task Force, with NCIO, be convened to determine the best way to present the idea of conferences and hearings.

2. That further area conferences be held to explain the need to begin the hearing process with each area's representatives to the Task Force and NCIO to discuss ways to expand the concept and lay groundwork for the hearings.

3. That there be hearings in each of the eleven areas—these hearings are to take testimony in open meetings from groups, tribes, and individuals about the needs and situations of the various people and to call for specific recommendations from the people. We urge federal agencies to attend the hearings as observers.

A. After the hearings, there will be continued input into the process through complaint and evaluation process by having a local center or person to take complaints in each local community. A "circuit rider" is to be hired by the local Board of Inquiry who will take the complaints and make recommendations about solutions.

B. Red ribbon "grand juries," composed entirely of Indians, should be convened in order to investigate and report upon deprivations of rights, charges of inaction or unresponsiveness by officials, lack of effectiveness of educational, health and other services—and that where the facts appear to warrant it, the red ribbon "grand jury" shall not only come forward with findings of fact, but should also, by prior arrangement with the U.S. Attorney, present an "indictment" which the U.S. Attorney, or (in the event of conflict of interest) a lawyer provided by the government shall be called upon to investigate such charges and represent Indians in such a manner as to protect their rights and make government programs genuinely responsive to the desires and needs of Indians.

4. The Boards of Inquiry in the eleven areas are to meet again to evaluate the first round of hearings, include the continuing complaints, consider the circuit rider's findings, and take recommendation from another round of testimony to deal particularly with proposals and recommendations.

5. From each of the hearings and Boards of Inquiry, there is to be a National Board of Inquiry, composed of three members from each of the eleven areas to meet and make national recommendations. These members are to be chosen by an elective process by Indians. Finally the entire process will result in the creation of a permanent ongoing local watchdog on bureaucratic programs.

We make this proposal because as Indians, we choose to go beyond talking about process and dialogue and consultation and to try to think through what would be a process that would be honest and would give Indians a genuine opportunity to be heard, to seek a redress of grievances and to take the initiative in shaping government policy.

We propose that the Task Force, supplemented by additional Indians from additional tribes and organizations, form a core of a group which would contract to implement this proposal. We believe that the time has come, not only for Indians to be consulted, but for them to design and implement a process of consultation whereby they can speak out their own grievances as they know them, articulate their problems, shape proposals, draft recommendations, circulate proposed legislative or administrative action for widespread discussion among Indian peoples. We believe that such functions should be performed by Indians—that there is no question here as to whether qualified Indians exist when this proposal has come from Indians—and we believe there is a clear statutory duty to contract this function to Indians under 36 Stat. L. 861. We submit that this is not only desirable—but that it would be a major symbolic break with the past practice where no Indians have been the ones paid to become Indian experts, while Indians served as volunteer educators for non-Indians.

We do not come here to blame this administration for the failures of the past—it is our hope that by implementing a listening process, that another group like this, in some future time, will not be needed because this administration failed to hear the Indian peoples.

PRESS STATEMENT TO CONGRESS MADE BY AMERICAN INDIAN TASK FORCE, NOVEMBER 12, 1969

I

We, the first Americans, come to the Congress of the United States that you give us the chance to try to solve what you call the Indian problem. You have had two hundred years and you have not succeeded by your standards. It is clear that you have not succeeded in ours.

On Monday, we asked the Vice President of the United States to set into motion a process which would insure that our people could secure redress of grievances and could shape the government programs that affect and control their lives.

We know that a request to the Executive Branch—even if heeded—is not sufficient. We know that there are three branches—the Executive, the Legislative, and the Judiciary.

We come here today to ask you to do three things:

1. To serve as watchdog on the Executive Branch;

2. To facilitate—and certainly, not to bar—our access to the judicial branch; and

3. To use your legislative powers to make it possible for Indians to shape their own lives and control their own destinies.

We have asked the Vice President of the United States for Indian boards of inquiries which would hold hearings throughout the areas where Indians live, for area conferences, for red ribbon grand juries, for circuit riders to take complaints and for a National Board of Inquiry to meet and make national recommendations based upon the complaints and recommendations received on the grass roots level.

And we ask you to help us see that the process we proposed to the Vice President somehow becomes a reality. We hope that he will be willing to do it on his own. But we ask you, as the representatives of the people of the United States to serve as our representatives too—to help us see that assurances do not become empty promises. And, if necessary, to enact legislation which will create such a process where Indians can really shape government policy and control their own lives and destinies if that is not done by the Executive Branch.

II

We come to you with a sense of impending betrayal at a moment when we wish to seek redress of grievances to ask you to broaden our access to the courts to protect the rights guaranteed us by your treaties and statutes. And we find, with a sense of sorrow, and impending doom, that instead, the Congress of the United States is on the verge of passing an Amendment to the Economic Opportunity Act which would effectively diminish the slight access to the courts we have gained in recent years through the advent of the OEO Legal Service Program. And, it is an even greater irony that we find this to be the case when the Governor's veto in at least one state has already killed a legal service program for Indians. What right do the Governors have to interfere with what goes on on the reservation. What right do state governors have to interfere with the solemn promises made to us by the federal government in statutes and treaties which can only be enforced by resort to the courts. What right do you, or any generation of Americans, have to rip up the solemn promises of the past—promises made to us both by the Constitution and by the President of a nation which still holds and enjoys the land received in exchange for those treaties. There are none among you who would suggest that rights—and above all the right to petition one's government—can have any meaning at all without lawyers and without access to the forum where the people traditionally petition their government.

III

We come to you today to ask that you set your own house in order. We say that until the congressional committees which control nearly all Indian legislation cease to be hostile to the interests of the Indian, that we have been deprived of one of the three branches of what we have been repeatedly told is our government as well as yours.

The present committees have pushed for termination, and have fostered on Congress seemingly neutral and technical legislation, under the guise of Indian expertise, which has taken away our land, our water rights, our mineral resources and handed them over to the white man.

You have been duped—as we have been duped. These committees have created a monstrous bureaucracy insensitive to Indians which trembles and cringes before them. The Indian suffers—and the nation pays the bill. Nothing will change so long as this unholy alliance exists between the BIA and these Congressional Committees.

On Monday we asked the Vice President to seek a new arrangement within the Executive Branch of Government—one which will bypass those channels which are hostile and insensitive to our interests. We asked him to set in motion a process by which our voices could be heard on our needs within the Executive Branch of Government.

Today, we come to seek a new arrangement with the Congress. We have come to seek a change in the committees that deal in Indian affairs. We ask that the committees of Congress not be dominated by interests which are hostile to our own survival. We ask that these committees act as a watchdog on federal programs which are passed especially for our benefit but which do not in fact benefit us because of the way the BIA runs them. And, we ask that these committees insure that we get our fair share of general legislation passed to help all citizens—highway legislation, health legislation, education legislation, economic development legislation. We do not get our fair share of these programs now. And we do not have any means to seek redress when the very programs that are passed to help us in fact are used as means to enslave and oppress us.

We come here today to remind you that you are not just the representatives of local districts or of states. You are members of the Congress of the United States. You have national obligations. We know you are highly conscious of your national obligations when you deliberate on such problems as the war in Vietnam. We know that you have even taken those obligations seriously enough to go to Vietnam in order to personally inform yourself on how the Executive carries out the commitments of the United States.

We ask that you do no less at home—for the United States has made older and more sacred national commitments to the people who have occupied these shores for twenty-five thousand years. The United States has made national commitments in the form of treaties, legislation and the Constitution, itself, to our peoples. We ask you to come to our homes—in the cities and on the reservations. We ask that you seek with equal

vigilance to determine whether national commitments have been kept to us. Guided tours by bureaucrats will only serve to hamper you in your search for truth.

You, the Congress of the United States, are being asked to come to see how we really live and to try to understand the values, the culture and the way of life we are fighting to preserve—an American way of life. A way of life which we believe is built upon respect for differences, a tolerance of diversity.

We cannot come to Washington. We are not rich. And we cannot afford the high price of democracy.

In essence, we ask the restoration of what you claimed at the founding of your nation—the inalienable right to pursue happiness. We cannot fail worse than the experts and the bureaucrats. We do not lack for knowledge—and we are not ashamed to hire experts and technicians. But our people do not lack for leaders, for sensitivity, for talent and ability. We ask for the right to pursue our dream—and we ask for you to respect that dream. That is the American way. We claim our birthright.

CITIZENS ADVOCATE CENTER

INDIAN TASK FORCE

D. J. Banks, 1315 E. Franklin Street, Minneapolis, Minnesota 55404.

Thomas Banyacya, Sr., P.O. Box 112, Oraibi, Arizona 86039.

John Belindo, Executive Director, National Congress of American Indians, 1346 Connecticut Avenue, N.W., Room 1010, Washington, D.C. 20036.

Paul Bernal, Taos Pueblo, Taos, New Mexico.

H. Miles Brandon, 1535 Nelchina Street, Anchorage, Alaska.

E. Ray Briggs, 814 Lemmon Avenue, Rapid City, South Dakota.

Wendell Chino, Tribal Chairman, Mescalero Apache Tribe, Mescalero, New Mexico (former President, NCAI).

Mary Cornelius, Little Shell Tribe, Belcourt, North Dakota.

Mrs. Lucy Covington, P.O. Box 451, Nespelem, Washington.

Mrs. Rose Crow Flies High, New Town, North Dakota, 701–627–4878.

Kesley Edmo, Box 138, Fort Hall, Idaho.

Al Elgin, Intertribal Friendship House, 523 East 14th Street, Oakland, California 94606.

Mrs. Martha Grass, Route 1, Marland, Oklahoma 74044.

George Groundhog, Tahlequah, Oklahoma.

Mrs. Viola Hatch, P.O. Box 448, Canton, Oklahoma 73724.

Ted Holappa, P.O. Box 248, Skanee Road, L'Anse, Michigan.

Johnson Holy Rock, Oglala Sioux Tribe, P.O. Box 425, Pine Ridge, South Dakota.

Simon Howard, P.O. Box 42, Cass Lake, Minnesota.

Roger A. Jourdain, Red Lake Band of Chippewa Indians, Red Lake, Minnesota.

Archie J. LaCoote, Princeton, Maine.

Angelo LaMere, Great Lakes Intertribal Council, Community Action Program, Bowler, Wisconsin.

Charles H. Lohah, P.O. Box 141, Hominy, Oklahoma 74035.

Janet McCloud, Route 1, Box 709, Yelm, Washington 98597.

Peter MacDonald, Executive Director, Office of Navajo Economic Opportunity, Fort Defiance, New Mexico.

Dr. Taylor McKenzie, Shiprock, New Mexico.

Francis McKinley, 344 East Palmcroft Drive, Tempe, Arizona.

D'Arcy McNickle, 508–4545 Rae Street, Regina, Saskatchewan, Canada.

Cipriano Manuel, 1115 South Lebanon Street, Tempe, Arizona.

Mrs. Margaret Nick, P.O. Box 432, Bethel, Alaska.

Earl Old Person, Chairman, Blackfeet Tribal Council, President—NCAI, Blackfeet Indian Reservation, Browning, Montana.

William Pensoneau, 802 South Sixth Street, Ponca City, Oklahoma 74601.

David Risling, 1349 Crawford Road, Modesto, California.

Douglas L. Sakiestewa, Bureau of Indian Affairs, 5301 Central Avenue N.E., P.O. Box 8327, Albuquerque, New Mexico 87108.

Bernard Second, Mescalero Apache, General Delivery, Mescalero, New Mexico.

Jess Six Killer, American Indians—United, 1630 West Wilson Street, Chicago, Illinois.

Ernie Stevens, Intertribal Council of California, 2015 J Street, Suite 18 A, Sacramento, California.

Seferino Tenerio, 1901 Las Lomas, University of New Mexico, Albuquerque, New Mexico.

Cato Valandra, Rosebud Sioux, St. Francis, South Dakota.

James Vidovich, Chairman, Pyramid Lake Paiute Tribe, Nixon, Nevada.

James Wahpepah, P.O. Box 214, McLoud, Oklahoma 74851.

Monroe M. Weso, Keshina, Wisconsin.

Peterson Zah, DNA Legal Services, Window Rock, Arizona.

SUPPORT BUILDS FOR RATIFICATION OF HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, recently I received from the Milwaukee chapter of the Federal Bar Association a letter supporting the ratification of the three human rights conventions covering genocide, forced labor, and the political rights of women. The suppport of the Milwaukee chapter is most welcome and is now added to the growing number of groups and individuals favoring ratification of these treaties.

Mr. President, we cannot afford to ignore these treaties any longer. I ask unanimous consent that the text of the Milwaukee chapter's resolution be printed in the RECORD. The time for action on these treaties is now. Let us begin working toward ratification immediately.

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

THE FEDERAL BAR ASSOCIATION,
MILWAUKEE CHAPTER,
Milwaukee, Wis.

DEAR SIR: Please be advised that the Milwaukee Chapter of the Federal Bar Association has approved the following resolution:

"Whereas the United Nations Conventions on the Prevention and Punishment of the Crime of Genocide, the Political Rights of Women, and the Abolition of Forced Labor are pending before the United State Senate for advice and consent to ratification, and

"Whereas the United Nations treaty on the *elimination* of all *forms* of *racial discrimination* has been signed by the United States but not yet presented to the United States Senate for its advice and consent to ratification, and

"Whereas the ratification of these treaties by the United States would be in keeping with the tradition of our country and in the interest of the United States,

"Now, therefore, be it resolved by the Milwaukee Chapter of the Federal Bar Association that it favors ratification of these treaties, and be it resolved further that copies of this resolution be forwarded to the U.S. Senators from Wisconsin, to the President of the American Bar Association, and to the Secretary of State and to such other persons as the President of the Chapter now deems desirable.

"Be it further resolved that the Chairman of this Chapter, and such other persons as the Chairman may designate be authorized to appear before the appropriate committee of the Congress to present the views of this Chapter in support of ratification."

Very truly yours,

FRANKLYN M. GIMBEL,
President.

THE PROLONGED WAR IN VIETNAM

Mr. MURPHY. Mr. President, our country is nearing the end of the fifth year of combat involvement in what has become the longest war since the Revolution. Despite the continuing efforts of our Government to find a realistic and honorable solution to the conflict, one that will enable the people of South Vietnam to rebuild their lives in peace and under a government of their own choosing, an irresponsible segment of our population is raising a clamorous cry against our Nation's policies and leadership. Inspired by persons who would take pleasure in the downfall of our Government and encouraged by the leaders of North Vietnam, these voices call for peace—but only give nourishment to the tragic war that still goes on in Vietnam.

It might be well to ponder the factors which have drawn out the war over so many years. David Lawrence has stated them well in his editorial published in U.S. News & World Report for November 17. I ask unanimous consent that it be printed in the RECORD.

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

WHO IS PROLONGING THE WAR?

(By David Lawrence)

The United States is militarily the most powerful nation in the world. Certainly a tiny country like North Vietnam would never have been able to deprive an American army of victory if the commanders of our forces had been permitted to use military strategy and air power in the customary ways.

Who interfered with our own military operations? Who in this country prevented our armed services from using their maximum strength? Who, indeed, must accept the responsibility for the long list of casualties? This would never have been so large if American forces had been authorized to employ the military means necessary to attain victory.

But ever since we went to the aid of the South Vietnamese, there have been pressures inside the United States. These have been called "political." Basically they were influences which catered to pacifist elements and sought to sway the uninformed citizens who never really knew how or why the war was being lost.

General William C. Westmoreland, who commanded U.S. ground forces in Vietnam for four years and now is Chief of Staff of the Army, revealed in an interview in this magazine on Sept. 29, 1969, some of the frustrations of our military commanders. He said:

"One of the interesting things about this war is that responsibility has been divided. I had the U.S. ground war in the South, Admiral Sharpe had the air war in the North. The political, psychological, economic factors implicit in this entire equation were vested in the Ambassador in Saigon and the Secretary of State. Also, operations were conducted in the territory of an ally who exercised sovereign authority over his land and his people and control of his troops.

"No U.S. authority short of the President had cognizance over the entire conflict. Therefore, the President had to get into all sorts of details. And he had many pressures

brought to bear on him—numerous factors to consider: international opinion, domestic opinion, as well as the military situation. The war has been more than military. I'm not unaware of the many complex factors that had to be considered."

Psychological warfare is in some respects as important as military operations. The newspapers, radio and television are filled with pronouncements from persons, inside and outside of Congress, who have publicly denounced the foreign policy of their Government in the middle of a war.

In Hanoi, everything said in this country is studied carefully day by day. The Red Chinese and the Soviets also note that the United States seems to be wavering and apparently is unwilling to pursue the war to a military decision.

When President Johnson acceded to the wishes of the "anti-war" elements and announced that he would halt the bombing of North Vietnam in the hope of initiating peace negotiations, the enemy was sure that the critics of the Vietnam war within the United States were making headway. Hanoi concluded that it was just a question of time before America would have to acknowledge a humiliating defeat and withdraw from Asia altogether.

For more than a year now the United States has made every effort to get a constructive peace settlement. But North Vietnam has refused to negotiate meaningfully. Encouraged no doubt by both Peking and Moscow, Hanoi feels that it needs only to wait a year or two and all American troops will be withdrawn. Then the Saigon Government could be ousted and a Communist-controlled regime would take over.

Many people in America think that the Vietnam war is a remote affair and that the United States "has no business" in Asia. This is an erroneous concept because the underlying issues can make the difference between world war and world peace.

The safety of nearly every country—in Asia, Europe and Latin America—is at stake and will be threatened if Communism achieves a victory in Vietnam.

Speeches and statements being made day after day in the United States decrying American policy are giving "aid and comfort" to the Hanoi Government and are prolonging the war.

The demonstrations by so-called "peace" groups are helping to prolong the war.

The carping criticisms by politicians who mistakenly think they are currying favor with the public are also prolonging the war.

The war could be ended honorably by the President if he were given the wholehearted support of the American people.

If we could develop right now a united America, the fighting in Vietnam would be promptly terminated. We could, for instance, announce the date of a cease-fire. If it were not respected, we would be able to retaliate immediately with maximum military power.

When the enemy becomes convinced that the United States means what it says and that the dissenters in this country are a small minority, peace will come soon in Vietnam, and we might well avoid World War III.

TRAGEDY IN NIGERIA AND BIAFRA

Mr. KENNEDY. Mr. President, I wish to speak to the Senate on the tragedy in Nigeria-Biafra.

The civil war continues—and so does human suffering—and the death rate from starvation and disease steadily climbs. As the situation deteriorates even more, the active sense of urgency which is needed among governments to help bring peace and relief to a troubled area, seems further away than ever before.

The United Nations chooses silence over leadership.

Most governments stand paralyzed in selfish political concern. Our own Government, which earlier this year showed promise of moving on this issue, has conveniently pushed it aside. There is, today, little public or private evidence to suggest that we are really much concerned—let alone inclined to take some truly meaningful action.

It should be clear by now, however, that the war and the massive suffering of the people on both sides of the battle—but especially in Biafra—will not disappear by waiting a while longer for a final push by federal forces.

For our own Government, at least—if not for others—stalemate and death is the reality to which policy must be adjusted.

What does this mean for the United States? First of all, Mr. President, it means that we must do more to help save a starving people. We must attach more urgency—at the highest level of Government in helping to implement and support the maximum relief effort possible.

For months, the survival of some 3 million persons, mainly women and children in Biafra, has depended on the mercy airlifts operated by the International Committee of the Red Cross and joint church aid, an international consortium of religious groups. Since early June the Red Cross airlift has been unable to function, and efforts by Red Cross officials to renegotiate a mercy agreement with the combatant leaders have failed.

As a result the death rate from starvation and related causes has steadily climbed. It now stands at nearly 2,000 per day, according to some reports.

When this number is added to the estimated 1,500,000 persons who have lost their lives through starvation since early 1968, it is easy to see that we are in the midst of one of the greatest nightmares of modern times.

Admittedly, the situation is difficult and complex.

Political pressures from all sides seek to influence the concern and work of the relief agencies.

But should we be less concerned because our action to help might offend the political sensibilities of those who show too little human sensibilities?

Are we as a nation so morally bankrupt that the threatened death of thousands more—on both sides of the battle—can be swept under the rug and into the pages of history without an effort to save them by the United States?

Perhaps this massive starvation of people is not in our vital interest.

But it is in our conscience. And that is reason enough for this Nation to act.

The United States is great and powerful, and we freely use our influence and power in many ways, and for many ends.

But the power to heal, to salvage, and rehabilitate the hapless victims of conflict is not being exercised in a measure commensurate with other uses of our power, or the needs of our time in Nigeria-Biafra, and elsewhere.

Perhaps this is true, because, in purely political terms, humanitarian causes lack the strong lobbies and constituencies backing other interests. But great power creates and carries with it great responsibility.

In the continuing impasse over a resumption of the Red Cross airlift into Biafra, it is easy to shift the blame from one side to the other. It is easy to pass the buck. It is easy to take refuge in questioning the feasibility of what might be done—and so we hesitate. But starving people remain an unmistakable fact—and by the Department of State's own admission, the situation for hundreds of thousands is desperate, and the future is bleak.

Cannot our Government speak out on this issue in the United Nations and elsewhere—in terms of human values and lives? I think we can.

Cannot we move more decisively and strongly in using our diplomatic skills and influence to support the efforts of the Red Cross to resume its airlift? Again, I think we can.

Can we not lift the ceiling on what we are prepared to do in supporting the continuing airlift of joint church aid?

Again, Mr. President, I think we can.

In this connection, I am distressed to learn that what we are prepared to do is apparently measured more by what the Federal Nigerian Government is willing to tolerate, than by the maximum capabilities of joint church aid in delivering food and medicine into the Biafran enclave.

This is not a satisfactory situation. And I know I speak the view of many in the Congress and elsewhere, in suggesting that nothing should be lacking in the commitment of the United States to meet the overriding demands of humanity, on both sides of the battle.

Mr. President, in addition to a more energetic posture on the question of meeting the urgent relief needs produced by the war, I think the United States must finally move, as well, in taking a more active role in promoting a cessation of hostilities and a deescalation of great power involvement.

The overriding need today, as it has been for many months, is the honoring of a truce by both parties to the conflict, followed by negotiation under international auspices.

It is true that the conflict can be finally settled only by the Nigerians and Biafrans themselves. Nevertheless, third party diplomacy can contribute a great deal by helping both sides to understand their own interest in an early peace, and by assisting them to find formulas for a settlement.

As the only great power not involved in the military objectives of either side, the United States has a unique opportunity to lend its good offices, directly or through others.

I am skeptical of the administration's view that we lack influence with both sides—unless it is because of our continuing political support of British goals and action in the area.

The administration should not only review its policy in this regard, but change it.

For the evidence suggests that the degree of political and diplomatic support which we are giving to the campaign against Biafra—however passive this

support may be—is a decisive factor prolonging the conflict.

To help bring peace to Nigeria-Biafra, and better serve our humanitarian objective, the United States should use every tool of diplomatic leadership to help set the stage for a cessation of hostilities and the reconciliation of both sides.

I urge again that the President appoint a special representative to pursue the question of peace, as a complement to the activities of Ambassador C. Clyde Ferguson, Jr., the Department of State's special coordinator in relief to the civilian victims of the Nigerian civil war.

We should move as well in taking initiatives for early consultations among the Ambassadors to the United Nations from the United Kingdom, the Soviet Union, France, the United States, and perhaps others, on the question of an arms embargo and a general deescalation of great power involvement in the Nigerian conflict.

Mr. President, in conclusion let me add that I am deeply troubled by some of the projects in the current aid request for Nigeria. The aid presentation for fiscal year 1970 mentions, among others things, the rebuilding of key road sections as part of short-term rehabilitation assistance to Federal Nigeria.

I understand that a substantial amount of this so-called rehabilitation assistance is apparently slated for areas immediately adjacent to the Biafran enclave. I understand, as well, that part of this assistance has already been implemented.

In my own mind, it raises the question as to whether or not this assistance has military significance.

If it does, I strongly feel it should be withdrawn. I find it difficult to believe that our policy interests get a benefit commensurate with the risk of such involvement, including Biafran attacks on AID projects and the possible loss of American personnel.

Hopefully, the foreign relations committee will be able to pursue this matter before it reports the foreign aid authorization bill to the Senate floor.

Mr. President, today's Washington Post contains a relevant editorial on the Nigerian civil war. I ask unanimous consent that it be printed in the RECORD.

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

HOW TO END THE NIGERIAN WAR

The situation now in the Nigerian war is grotesque. Biafra, reduced to an enclave of valor and suffering, is putting out ambiguous signals of compromise. Nigeria, gripped by a heady vindictiveness, insists on surrender instead. The Biafran signals come down to an indicated willingness to accept something less than full sovereignty if guarantees of security can be put into effect. This is a reasonable condition, given the massacres Biafrans have previously incurred at Nigerians' hands and given, too, the passions of their 2½-year war. Lagos has offered security guarantees, but even as it offers them it applies military pressure, tightens the food noose and demands that Biafra renounce sovereignty at once. These are unreasonable conditions. Biafra cannot be expected to return to the federal union other than by gradual means allowing it to preserve respect as well as security.

The immediate political question is how to bring Nigeria to the understanding that its own best chances for national union lie in relaxing the pressures on Biafra. The United States, which supplies the bulk of Biafran relief but no arms to either side, could help most by assuring continued relief, so as to remove from Nigeria's hawks the sustaining expectation that Biafra can be starved into submission. Washington could, for instance, publicly criticize such Nigerian acts as the destruction of yet another relief aircraft just the other day. Washingon should also show more alarm and urgency about the failure of the International Committee of the Red Cross to arrange daylight relief flights to Biafra. That Biafra bears its own measure of blame for this failure is irrelevant. The central consideration should be to get more food into an area where thousands of humans are dying every week.

On Britain, however, falls the chief responsibility for bringing Nigeria to its senses. The British seem to have counted on Biafra being starved or shot into surrender. This has not happened, and Biafran fortitude makes it unlikely that it will happen. London should now recognize the bankruptcy of its previous policy. It should accept an obligation to urge accommodation upon Lagos. The best way to pursue this policy is in league with the French, who still—despite de Gaulle's exit—support Biafra. Certainly the British should be as insistent about urging negotiation as they are about selling arms.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further business? If not, morning business is concluded.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

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

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, 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 Appropriations with amendments.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW—UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the previous order under which the Senate was to convene at 12 noon tomorrow be vacated; that at the completion of business today, the Senate stand in adjournment until 10 a.m. tomorrow; that upon the disposition of the Journal, the Senator from South Carolina (Mr. THURMOND) be recognized for not to exceed 30 minutes; that after the completion of the statement by the Senator from South Carolina, there be a brief period for the transaction of routine business, not to extend beyond 10:40 a.m., with statements limited to 3 minutes therein; that if the pending business is completed today the Senate proceed to the consideration of Calendar No. 510, S. 2577, a bill to provide additional mortgage credit; that the debate on that bill be limited to 1 hour, and on any amendments to 1 half-hour on each amendment, the time to be equally controlled and divided between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Utah (Mr. BENNETT) with respect to the bill, and by the proponent of the amendment and the Senator from Wisconsin (Mr. PROXMIRE) with respect to amendments; and that no amendments not germane to the bill be considered.

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

Mr. MANSFIELD. Mr. President, this matter has been worked out, and it has been agreed to on all sides. The only kicker in the pot is that if we do not finish the Public Works appropriations bill which is now the pending business, it will remain the order of business rather than the bill to provide additional mortgage credit.

Mr. GRIFFIN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. GRIFFIN. Mr. President, it is my understanding that the ranking Republican member, the Senator from Utah (Mr. BENNETT) is aware of the time arrangement. Is that correct?

Mr. MANSFIELD. Yes; and it meets with his full approval.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That, effective on Thursday, November 13, 1969, at the conclusion of routine morning business, during the consideration of the bill S. 2577, to provide additional mortgage credit, and for other purposes, if the bill is then before the Senate, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Wisconsin (Mr. PROXMIRE): *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senators from Wisconsin and Utah (Mr. PROXMIRE and Mr. BENNETT): *Provided*, That the said Senators or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. DOLE. Mr. President, does the distinguished majority leader have any indication of whether we might consider

this afternoon the continuing resolution with reference to education appropriations?

Mr. MANSFIELD. I would be in a better position to answer the question of the distinguished Senator from Kansas around the hour of 3:30 or 4 o'clock, because the full Appropriations Committee has been called into session at 2:30 p.m. by its distinguished chairman, the President pro tempore, the senior Senator from Georgia, for the purpose of discussing the continuing resolution to which the Senator has referred.

Mr. DOLE. I thank the Senator.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Before the Senator from Louisiana begins, would aides and attachés of Senators be seated. There will be order in the Senate.

The Senator from Louisiana is recognized.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

COMMITTEE AMENDMENTS AGREED TO EN BLOC

Mr. ELLENDER. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

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

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 19, strike out "$1,884,269,000" and insert "$1,840,269,000".

On page 4, line 3, after the word "aircraft", strike out "$343,500,000" and insert "$377,525,000".

On page 5, line 22, after the word "construction", strike out "$40,600,000" and insert "$41,760,000".

On page 6, line 14, after the word "construction", strike out "$671,982,000" and insert "$740,469,000"; and, in line 15, after the word "expended", insert a comma and "of which $75,000 shall be available for the preparation of preconstruction planning for the flood control project at Minot, North Dakota, and such preconstruction planning is hereby authorized:".

On page 7, line 23, after "(33 U.S.C. 702a, 702g–1", strike out "$74,600,000" and insert "$87,040,000".

On page 8, line 14, after the word "navigation", strike out "$245,700,000" and insert "$253,000,000".

On page 9, line 3, after the word "investigations", strike out "$22,600,000" and insert "$22,980,000".

On page 9, line 18, after the word "exceed", strike out "$175,000,000" and insert "$178,000,000".

On page 14, at the beginning of line 10, strike out "$85,382,000" and insert "$86,482,000".

On page 14, line 15, after the word "expended", strike out "$600,000,000" and insert "$1,000,000,000".

On page 15, line 4, after the word "expended", strike out "$16,000,000" and insert "$16,060,000"; and, at the beginning of line 15, strike out "$14,900,000" and insert "$14,960,000".

On page 15, at the beginning of line 22, strike out "$146,381,500" and insert "$149,381,500".

On page 17, line 14, after the word "expended", strike out "$26,110,000" and insert "$30,240,000"; and, in line 15, after the word "which", strike out "$23,610,000" and insert "$27,740,000".

On page 18, line 8, after the word "Act", strike out "$1,000,000" and insert "$1,200,000".

On page 24, line 25, after the word "expended", insert a colon and "*Provided* that not more than $100,000 of the funds appropriated herein shall be available for preliminary engineering required by the Bonneville Power Administration in connection with the proposed agreements with the Portland General Electric Company and the Eugene Water and Electric Board to acquire from preference customers and pay by net billing for generating capability from nonfederally financed thermal generating plants in the manner described in the Committee report.".

On page 30, at the beginning of line 3, strike out "$50,600,000" and insert "$50,300,000".

On page 30, line 12, after the word "including", strike out "$760,000" and insert "$795,000"; and, in line 15, after the word "Act", strike out "$790,000" and insert "$755,000".

Mr. ELLENDER. Mr. President, we have under consideration H.R. 14159, a bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

Mr. President, the hearings on the bill started on March 19 and continued through October 15. The subcommittee held 45 sessions for the purpose of taking testimony, and an executive session for the purpose of marking up the bill. The subcommittee heard 1,215 witnesses, which included representatives of various organizations and local communities.

The hearings comprise seven volumes. The volumes are so voluminous we could not put them on each Senator's desk so we have stacked them under each Senator's desk and they are there for use. The hearings contain 7,194 pages of testimony. Heretofore the Subcommittee on Public Works was divided into three special panels of the subcommittee. One panel was handled by my good friend, the former Senator from Alabama, Senator Hill, who dealt with TVA and atomic energy. Then, we had reclamation hearings conducted under the supervision of Senator Hayden, who was chairman of the panel on the Department of the Interior and related agencies and chairman of the whole committee.

Mr. President, during this session of Congress the Subcommittee on Public Works held all hearings pertaining to public works, all surveys, construction items of the Corps of Engineers, and the Bureau of Reclamation, as well as the TVA and other independent agencies.

The hearings contained the basic information upon which the subcommittee based its recommendations to the full committee.

Mr. President, the amount of the bill as passed by the House totaled $4,505,446,500. The Senate Committee on Appropriations made net increases in the amounts approved by the House of $487,982,000. Therefore, the total in the bill as reported to the Senate is $4,993,428,500.

The amount of the budget estimates considered by the Senate committee for fiscal year 1970 was $4,203,978,000.

The bill as reported to the Senate is over the budget estimates by $789,450,500, of which $781,100,000 is for construction grants for waste treatment works, and for administration of these grants; and over the appropriations for 1969 by $310,443,500.

Mr. President, I have been a member of this subcommittee for over 20 years and its chairman for over 15 years, and the bill as recommended is inadequate to meet the water resource needs of the country.

I mentioned previously the increase recommended over the budget for construction grants for waste treatment works. The other major increases in the bill are for the construction program for the Corps of Engineers and the Bureau of Reclamation.

When President Johnson submitted his budget for construction for the Corps of Engineers and the Bureau of Reclamation of $1,037,920,000 it was represented as an austere request. Construction schedules for most projects were delayed. Subsequently, President Nixon reviewed the budget estimates and reduced the requests for these programs by $180,365,000. The House approved increases in these programs of $61,518,500 and the Senate committee recommended further increases of $88,057,000 for a total increase of $149,575,000 over the revised budget. The Senate bill as reported for these programs is still $30,789,500 below the austere budget recommended by President Johnson. Many additional worthy projects were presented to us which, unfortunately, we could not incorporate in the bill because of the fiscal situation.

Many of these projects were authorized anywhere from one to as long ago

as 20 years and many of them should have been included in the program.

The committee report explains the committee action. However, I will summarize the major changes recommended by the committee.

TITLE I. ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

The committee recommended a net reduction of $44 million.

The committee added $4 million to provide for full operation of the two K reactors at Richland, Wash.

The committee recommended a reduction of $2 million for the advanced systems research and development program which the House committee directed to be closed out; and an overall reduction for anticipated slippage of $46,000,000.

PLANT AND CAPITAL EQUIPMENT

The committee recommended an increase of $1,500,000 for waste storage tanks at Richland, associated with the full operation of the two K reactors restored under operation and maintenance; an increase of $25 million for the 200 Bev accelerator near Chicago; and an increase of $7,525,000 for capital equipment.

TITLE II.—DEPARTMENT OF DEFENSE, CORPS OF ENGINEERS

GENERAL INVESTIGATIONS

The committee increased navigation studies, $300,000; flood control studies, $350,000; beach erosion studies, $25,000; the San Francisco Bay study, $30,000; and International Hydrologic Decade to $445,000, for a total of $1,150,000.

CONSTRUCTION, GENERAL

PLANNING

There were 21 new starts, $2,355,000; with four increases, $660,000; and the restoration of three House cuts, $1,422,000. There were two decreases in planning, $1,000,000—a decrease of $500,000 for Gaysville; and for Union Reservoir the committee allowed $1,050,000 for construction in lieu of $500,000 for planning—the final planning total was $3,437,000.

Mr. AIKEN. Mr. President, will the Senator from Louisiana yield right there?

Mr. ELLENDER. I yield.

Mr. AIKEN. What is that item the Senator is reading?

Mr. ELLENDER. For Gaysville.

Mr. AIKEN. That is in Vermont. I thought that was stricken out.

Mr. ELLENDER. There are two separate projects, Gaysville and Union Reservoir.

Mr. AIKEN. Where is Union Reservoir?

Mr. ELLENDER. In Missouri.

Mr. AIKEN. I thank the Senator from Louisiana.

CONSTRUCTION

Mr. ELLENDER. Continuing reading the figures, Mr. President, 26 new starts, $15,788,000; 52 increases, $43,902,000; and seven miscellaneous, $5,350,000; total, $65,040,000.

MISSISSIPPI RIVER AND TRIBUTARIES

Increases: Investigations, $358,000; nine construction, $9,510,000; restoration of House cut, $172,000; and maintenance, $2,400,000; total, $12,400,000.

OPERATION AND MAINTENANCE

Increase of $7,300,000 for additional maintenance required as a result of Hurricane Camille.

GENERAL EXPENSES

Restoration of House cut of $380,000.

TITLE III. DEPARTMENT OF THE INTERIOR, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

POLLUTION CONTROL OPERATIONS

Increase for Great Lakes demonstration project, $800,000.

Increase for administration of construction grants for waste treatment works, $300,000.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

Increase of $400 million.

I have for months been working toward an appropriation very much above the administration's request of $214 million, as well as an increase over the $600 million approved earlier this year by the House. I was, therefore, very pleased that the Appropriations Committee approved the full billion dollars which I and my able subcommittee felt was necessary. I feel certain that the Senate will support the committee recommendation.

Unless we take positive action now, our great country will smother and drown in its own waste matter. Even dumb animals have enough sense to avoid that sort of ignominious end.

I propose to fight vigorously for the Senate position when this bill goes to conference with Members of the House of Representatives.

BUREAU OF RECLAMATION

General investigations: Increase of $60,000.

Construction and rehabilitation: three increases, $3,000,000.

UPPER COLORADO RIVER STORAGE PROJECT

One new planning, $130,000; and one increase in construction, $4,000,000.

BONNEVILLE POWER ADMINISTRATION

No change in the amount allowed. However, the committee approved a reprograming of the amount allowed by the House of Representatives as set forth on page 50 of the committee report.

That, by the way, simply authorizes Bonneville Power Administration to act as an agent for preference customers in obtaining power from non-Federal Government generating plants.

TITLE IV. TENNESSEE VALLEY AUTHORITY

The committee has recommended a net decrease of $300,000 as follows: Decrease of $1,300,000 for Duck River project. Increase of $1,000,000 for Mills River Reservoir.

Mr. President, in my opinion, the development of our land and water resources requires a substantial number of new starts each year if we are to protect and preserve these priceless resources for future generations. Last year the budget estimates provided for the completion of 42 Corps of Engineers projects and the initiation of six new projects; and the Congress added three additional new starts. This year, the budget provides for the completion of 21 Corps of Engineers projects and the initiation of only seven new construction starts.

Unless we assign a higher priority to water resource projects, in a few years we will have a water crisis similar to the one we are now facing in connection with water pollution. To adequately satisfy our water needs, we must have both the quantity and the quality available when and where the need arises. To meet these needs, both the House and Senate committees recommended some new starts for fiscal year 1970.

Mr. President, in its report, the committee set out reasons why we should continue, and expand, the programs authorized by the Congress for the future good of the Nation.

As all of us know, it takes almost 10 years from the surveying stage through the planning and then construction of many of our major conservation projects. It strikes me that we should not neglect our two precious resources of land and water.

It has been my privilege to see, with my own eyes, what happened in countries that neglected the protection and preservation of those two most important resources, land and water.

At one time, old Persia, in Asia, was capable of feeding a population of 100 million. The great area of Mesopotamia, between the Tigris and the Euphrates Rivers, sustained the lives of 50 million people. Today, that whole region can barely sustain the lives of 14 million people. The neglect of the great water resources of that area brought that about. The Tigris and the Euphrates Rivers were permitted to overflow year after year; and carry precious top soil into the Persian Gulf. The great port of Bushire, which I have visited, was at one time located on the Persian Gulf. Today it is 20 miles inland. A once fertile region has become largely desert.

It has been estimated that by the year 2000, which is just 30 years off, we will need 10 times more electricity than we now produce and 2½ times more water than we now have. The way to obtain it is simply by protecting and preserving the resources that we now have.

Land is a finite resource to which we cannot add. We lose from 2 to 2¼ million acres a year by erosion, and by the expansion of cities and roads. It seems to me every effort should be made to retain this great resource of ours, land, which is so often taken for granted but which has been protected for the last few years by means that were not known more than 40 years ago.

We have been able to harness many rivers in our country. Take, for instance, the great Mississippi Valley. At one time, the waters that dropped from the skies into that great valley, which constitutes almost 40 percent of our territory, went down the Mississippi River in the space of 3 months. Great floods were caused throughout the area. Now we have harnessed most of the rivers that flow into the Mississippi, so that today we can control the flow and let the water come down that great river system in 12 months instead of three, thereby preventing floods and ensuring and thereby providing a constant supply.

It is true that in many areas in the valley there are still flash floods, for which we have found no remedy as yet. But, Mr. President, what I am advocating with this bill is not for my time or the time of Senators here on the floor. We must think in terms of decades ahead, in order to sustain the vitality and the economy of our great Nation.

Mr. JAVITS. Mr. President, will the Senator yield very briefly if it is convenient?

Mr. ELLENDER. I yield.

Mr. JAVITS. I just wanted to thank the Senator, because he obviously reads his mail and pays very serious attention to what Senators submit to him. On three occasions I wrote the Senator from Louisiana concerning five projects of great importance to the State of New York including the New York Harbor anchorages program, the Fire Island-Montauk Point beach erosion prevention program, the Lake Erie-Lake Ontario Waterway study, the Port Jefferson Harbor dredging project, and the Great Lakes research and demonstration program.

The New York Harbor anchorages project in the port of New York to deepen the harbor's anchorages is one of the most critical needs of the port, and will benefit not only New York State, but the entire Nation. I have supported this ongoing project and am grateful to Senator ELLENDER and his subcommittee for recommending the Senate appropriate $2,900,000 for this program.

The beach erosion prevention program between Fire Island and Montauk Point on Long Island is of crucial importance to the preservation of one of the State's priceless natural resources. I requested the Senate Appropriations Committee consider reinstating the administration's cutback for this program, and the committee responded most responsibly and thoughtfully by increasing the appropriation to a total of $880,000. In view of the necessity for completion of this program at the earliest possible time, and in light of the new capability offered by the corps and the State's indication that sufficient State funds are available, I hope the House conferees will now see fit to concur with the Senate's support of this program.

With respect to the Lake Erie-Lake Ontario Waterway study, I requested an appropriation to permit the completion of this report which will permit the continued development of the St. Lawrence Seaway system so important to the maritime economies of this Nation and Canada. I am pleased to note the Senate Appropriations Committee has recommended $100,000 for this study.

I requested $50,000 to permit the Army Corps of Engineers to commence a preconstruction study for the dredging of the Port Jefferson Harbor on the north shore of Long Island and this amount was recommended by the committee. This study involves a reexamination of the plan of improvement and project economies.

The Great Lakes research and demonstration program is of great import to the abatement of pollution of the Great Lakes, and it is most gratifying to know that the Appropriations Committee has recommended the full $5.1 million capability of the Federal Water Pollution Control Administration for this program.

Examination of the work done by Mr. ELLENDER and his subcommittee indicates that serious attention and satisfaction were given to the needs of New York State.

I would like to express to Senator ELLENDER what I know to be the thanks of the people of New York for his courage, and that of the Senator from North Dakota (Mr. YOUNG), and my other colleagues on the Appropriations Committee, in directly meeting the problem of water pollution. I commend them for appropriating $1 billion for water pollution control construction projects, and I assure them that they have my support for that appropriation. The appropriation is of tremendous importance to us in New York where we have a great number of ongoing and planned projects. New York State, by voting for a $1 billion pure waters bond issue in 1965, has taken upon itself the initial task of cleaning up its waters, and I am proud to say that the Federal Government, under the distinguished leadership of the Senators from Louisiana (Mr. ELLENDER) and North Dakota (Mr. YOUNG), is now facing up to the Nation's needs for clean waters also by this appropriation of $1 billion.

I think it is a splendid example of what can be done by dedicated men when they see the great national issues involved.

I thank Senator ELLENDER and the members of the Appropriations Committee for their diligent efforts in preparing recommendations for the public works appropriations. I know they and their able assistants have weighed each appropriation according to its need. They deserve the thanks of the Senate.

I thank the Senator for yielding.

Mr. ELLENDER. I wish to thank my friend from New York. I also wish to add that we have a very hard-working subcommittee. When one has to sit behind a table or desk and listen to as many as 1,200 witnesses, as we have done, and have 45 sessions in which to hear those witnesses, either verbally or as a result of putting their statements in the hearing record, and then taking all that information and putting it together and then trying to distribute the small amount we have available for those projects, it becomes quite a tedious task to try to develop ways and means of taking the amount of money that can be provided and spreading it around so that no important area will be neglected.

The subcommittee and the whole committee were proud to do what we did for the great State of New York, and I am only sorry we could not have done more. We shall have to wait for another occasion. But I can assure the Senator from New York, as well as Senators representing all the 50 States, that, with the aid of the Senator from North Dakota (Mr. YOUNG) and the other members of the committee, we worked diligently to try, not necessarily to solve entirely the problems in the various States, but to do something to maintain the work already done, to try to protect and preserve our land and water resources, and to make the water more useful.

As I have stated to the Senate on many occasions during my tenure on the committee—for more than 20 years, now—and as chairman of the subcommittee, with the assistance of Senators who have served on that committee devotedly, we have recommended many unbudgeted items, which we felt at the time should be considered at once, I do not believe that we should wait for the White House to tell us how much to provide for the good of the Nation. I am proud, Mr. President, of the work this subcommittee has accomplished in the past. Taking as an example the Ohio Valley, in the past 20 years we have reconstructed many of the locks and dams that make possible the navigation on that great river. We have made it possible by these works to carry heavy loads of freight as far up the Ohio River as Pittsburgh and on down the Mississippi River to the Gulf of Mexico.

If we had not started this program 20 years ago, and if we had not provided the moneys even though they were not budgeted, today our national economy would be lacking in transportation facilities. Our railroads can no longer cope with the transportation requirements that exists in our great country today. Take, for example, the bulk transportation of oil, coal, or steel. The railroads do not usually make money by transporting these heavy loads; but by water, it has been made possible to carry huge amounts of these commodities at a much greater saving than would be the case otherwise. If it were not for the fact that we have spent many millions of dollars to provide adequate navigation on the Ohio, on the Missouri, and on the Mississippi, today our country would be caught short of means for meeting our transportation requirements.

We have built the intracoastal canal, starting at Brownsville, Tex., and following the Gulf Coast across Florida and on up the Atlantic coast to New Jersey in the Northeast. There is now only one missing link in it, the great Florida Canal, for additional work on which the committee has provided money in the bill. The justification for the construction of that canal has been shown by the large tonnages that have been carried over that waterway. We said originally that it would be advisable to build the Gulf Intracoastal Waterway when the tonnage was estimated at around 8 to 10 million tons. Now in excess of 80 million tons annually are being transported on that waterway.

What we have tried to do in the past has been not only to protect and preserve the water, but to make it work for us. In the case of the Ohio Valley, the record shows that we have constructed, or have almost completed, 14 new modern locks; and behind each of those locks great pools of fresh water have been formed. This improvement has attracted industry. In the Ohio Valley area, the estimates are that more than $30 billion of new industry has been developed because of the presence of fresh water and low-cost water transportation.

Or take the Mississippi River. In my own State, between Baton Rouge and New Orleans, it is now possible to control the flow of water. In the upper river,

and in all of the tributaries that flow into it, it is now possible, through control facilities, to maintain a constant flow of fresh water down that great river. As a result, several large chemical plants have recently been constructed in that reach of the river. I attended the dedication of the Union Carbide plant just a few weeks ago. That great organization started out intending to spend about $50 million there. When I visited their facility 2 weeks ago, they had spent $200 million, and propose to spend $200 million more.

Why? Because of the availability of deep water navigation, as well as a large supply of fresh water. That could not have been done, Mr. President, except that for the past 20 years we have been working to make the waters of the Mississippi and its tributaries flow down more or less evenly during a space of 12 months of the year, rather than only the 3 months when the spring floods come.

Through the methods that are now in effect, it is possible to control even salt water intrusion. Salt water had invaded the Port of New Orleans on occasions, but now the flow of water can be so regulated that it is possible to allow 200 million gallons a second to pass, let us say, Baton Rouge and New Orleans. All this has come about through the foresight of some of us in Congress and of the Corps of Engineers, who have worked on this program.

I want to see that this progress continues. There would be a shortage of facilities in many areas of this great country if the subcommittee of which I now have the honor to be chairman had not provided in the past for the construction of many facilities that have made these benefits possible.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I am happy to yield.

Mr. YOUNG of North Dakota. I want to give credit where credit belongs. Many persons have done much to develop the water resources of this Nation, as the Senator from Louisiana has just explained. But one of the most powerful advocates of the better use of water and the better conservation of soil and water resources is the distinguished Senator from Louisiana (Mr. ELLENDER). No one has given more consideration to any appropriation bill than he has to this public works bill.

In fact, the Subcommittee on Public Works Appropriations probably heard more witnesses than did the other 12 subcommittees on appropriations together.

I know something about the many long hours of work that the distinguished Senator from Louisiana and his able assistant, Mr. Kenneth Bouquet, devoted to the bill. The fair and thorough handling of the bill year after year by the Senator from Louisiana has won for him the high confidence of the Committee on Appropriations and of the Senate as a whole.

The work of the full subcommittee this year encompasses more agencies than ever before. For example, it includes the appropriation for the Atomic Energy Commission, with all its difficult, complicated problems. But the chairman held hearings on this item for days. He dug into it thoroughly, and for that he won the respect and admiration of the Atomic Energy Commission and of all others who witnessed those hearings. The Senate is deeply indebted to the distinguished Senator from Louisiana for his able and fair handling of the public works appropriation bill for many years.

Mr. ELLENDER. Mr. President, it is music to my ears to hear that commendation from my distinguished friend from North Dakota. But let us not overlook the fact that, as a whole, we have a good committee, one that works together.

The fact that we have the courage to speak out and advocate these projects, in the light of our present fiscal condition, is, to me, a tribute to all the members of the committee. I am hopeful that President Nixon will see to it that all the funds we are now appropriating will be spent for the purposes that we intend.

As I said, any new program of any consequence we initiate now will require at least 10 years to complete. And when we consider that the people of this country are now short of water and that we will have to spend billions of dollars to correct air and water pollution—since these things are handmaidens and go together—we realize that unless we take care of the situation now, tomorrow will be too late.

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

Mr. ELLENDER. I yield.

Mr. BIBLE. Mr. President, I asked the Senator to yield to me at this point because what I am about to say largely echoes what the distinguished Senator from North Dakota has just said so very well.

I rise to pay tribute, as did the Senator from North Dakota, to the distinguished chairman of the committee. I recognize that many people work in the field of conservation, protection, and development of our water resources. However, I am frank to say that I cannot think of anyone who works harder or more diligently or puts in longer or more tedious hours than does the Senator from Louisiana, the chairman of the subcommittee. I also want to commend the able staff work of Ken Bousquet, the able staff assistant assigned to this bill.

I note that the Senator started hearings on the bill back on March 19. He was still hard at work on October 15. He did not work every single one of those days, of course. However, he did work at 45 sessions, and almost invariably the Senator sat as chairman and presiding officer of the committee, with perhaps one or two exceptions.

I think, as was commented on, Senators only have to look under their desks to see the record that has been compiled from those hearings, some 7,194 pages. I think that is living testimony of the hard work involved in hearing more than 1,200 witnesses, either in person or through their written statements which were submitted to the committee. This is all immensely time consuming. It takes long hours and diligence and great patience.

If the distinguished senior Senator from Louisiana is not the foremost leader in this field, he is at least one of the foremost leaders. I commend the Senator for it.

I heard much of the Senator's opening statement. I am not sure that I heard it all. I hope that the Senator will develop the many benefits that flow from these projects. The Senator may have covered that before I came to the Chamber. If not, I think it is a message that should be told time and time again to the people of this country because the benefits that flow from flood control projects and reclamation projects save lives and dollars and build economy.

I do not know that we can reduce those things to dollars, but it certainly means that many billions of dollars worth of property has been saved by reason of projects that go to fruition.

Additionally, and I think this point should be underscored. I could not agree more with the statement the Senator just made urging the President of the United States to get on with these projects. I know that if they are delayed it will cost far more money. I do not know what figure that delay would occasion if translated into actual dollars.

I was very happy and very proud to support the Senator from Louisiana in his efforts to get a higher funding level and to get on to the work of water conservation and preservation.

I think that is an important point, because every year of delay is a costly year. And in the long run, we will pay very dearly for it.

Mr. ELLENDER. Mr. President, I thank my good friend, the Senator from Nevada.

It would require much more time than we have for me to stand here to tell the people of America what the protection and preservation of the two most important resources, land and water, have meant. I do not say this boastfully, but I have been working with the problem since I was a teenager. I lived on a farm. My father managed a large sugarcane farm. Even at that age I could see what could happen if we did not try to alleviate the conditions which existed at the time.

I saw the tragedies which happened in our country because of our neglect in permitting the rich topsoil to go out into the sea instead of trying to retain it.

As I began to look around, even as a teenager, I did some of the things that are now being done for soil conservation. I did these things to try to protect and retain this precious topsoil in our area.

I can well remember advising my father that we had to place lateral drains at a distance of about 150 feet apart to carry off the water. We had these drains from 2½ to 3 feet deep.

After plowing the land in between the drains, big rains would come. And I have seen these drains completely closed and clogged because the rains would carry the topsoil on into the bayous of south Louisiana.

I wondered why it was that we could not try to stop this. As time went on, we found ways and means to alleviate the situation.

I later became a farmowner. I bought

a farm on credit. There I practiced a lot of the soil conservation techniques which are today being practiced all over the Nation. And I am proud of that.

When I see some of these columnists writing article after article about this bill being a pork barrel, and the money being wasted and being used for the political advantage of Representatives and Senators, I could sometimes use a whip on them. I am sure that many of the people who write such columns do not understand the problems that are facing our Nation.

Today, the amount of land we have for cultivation is limited, and we cannot produce land as we can produce other matter. Unless we protect and preserve what we have now, with our population increasing at the rate of approximately 2 percent a year, I wonder what will happen, in 30, 40, or 50 years, when we will need more food and more fiber.

It has been my purpose all my life to try to protect and preserve these two great resources. To me, they are the greatest wealth the Nation has. You can have all the gold, diamonds, emeralds, and whatnot, but unless you protect your land resources and your water, so that food and fiber can be produced in order to sustain your population, all those things will amount to nothing.

I wish that some of the people who cry "pork barrel" would take the time to go out in the country and study these problems and see what is happening and see the efforts that are being put forth to prevent the washing away of our topsoil. In my opinion, if they have any sense at all, they will change their minds. To me, there is no doubt that unless we continue to protect and preserve these resources, the time will come when our land will be almost barren in many areas.

I have seen that happen all over the world, as I said earlier, one can trace back conditions that exist there now to neglect by the people of those areas to the protection and preservation of their land and water resources. I do not want that to happen in our country. It should not happen. That is why I have been insistent on seeing that as much money as possible be provided, so as to build these programs to protect our water resources and to make the water serve the needs of the Nation, instead of being a destructive force.

I could be more specific with respect to the good that has resulted.

Take the great Northwest, specifically the area drained by the Columbia River: We have been building programs there for many years, and I am proud that I was here to help and to vote for funds in order to develop the great dams that have been constructed to aid in the production of electricity. In the pending bill, funds are provided to develop more electricity at these great dams, because we were able to enter into an agreement with Canada whereby we could prevent the swift flow of water into the Columbia and could store it, so that more and more water could be used in order to produce more and more electricity at the facilities already built.

Take the Grand Coulee Dam. We are now producing there about 1,900,000 kilowatts. Because we entered into this agreement with Canada, we will be able to double the installed capacity there—all with the same dam—this additional power will require only the installation of new generators and powerhouse. This will be possible because we are able to hold back more water up the Columbia River in Canada and on its tributaries, so that a more regulated flow of water can be released down the Columbia. This higher regulated flow makes possible the installation of more generating facilities.

All these things can be done as we go along. We can add to the generating facilities at Grand Coulee, at Bonneville, at Gulf Joseph, at McNary, and the other great projects that have been built on the main stem of the Columbia. It will take time. It cannot be done overnight. Let us begin now, while we can.

I am hopeful that President Nixon is going to adhere to a letter that I mailed to him on August 26, 1969—I have not yet received an answer—in that letter I pointed out the necessity for the expenditure of the funds in order to maintain these programs and develop them now, for future generations.

Mr. President, I ask unanimous consent that this letter, which I wrote to President Nixon almost 3 months ago, be printed at this point in the RECORD.

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

U.S. SENATE, COMMITTEE ON
AGRICULTURE AND FORESTRY,
Washington, D.C., August 26, 1969.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During the past several weeks, the nation has witnessed several natural disasters and near-disasters which have worked extreme hardship on our people. For example, note the following:

The brutal hurricane Camille that wrecked the Gulf Coast and resulted in more than 250 known deaths and perhaps half a billion dollars of property damage in Mississippi and Louisiana alone.

The water shortage that threatened our Capital City in midsummer, followed immediately by severe flooding in the Washington metropolitan area.

The current floods on the James River in Virginia which may result in as many as 200 lives lost and missing and $150 million in property damage.

Although we do not have the means totally to prevent such natural disasters, this great and wealthy nation certainly does possess the means to fortify our most vulnerable areas against these ravages of nature and to minimize their toll of damage and human suffering.

We do have the know-how to minimize the effects of severe drought on our municipal and industrial water supplies. We do have the ability to prevent flooding of our great river valleys. We do know how to minimize the impact of the tidal waves which accompany coastal storms.

The fact is, however, that we are doing far too little either of a preventive or of a developmental nature and are in fact annually *decreasing*, rather than increasing, our actual effort in the field of water resources and flood control projects.

This unfortunate situtation seems to me to call for a reevaluation of our priorities in the allocation of Federal funds. In effect, the Congress and the Administration must become as generous and as urgently concerned in our efforts to guard against damage resulting from hurricanes and floods as you yourself have been in your recent efforts to bring relief and rehabilitation to those who have suffered so gravely on the Gulf Coast and in Virginia.

Appropriations for water resource development has been a matter of concern to me for a number of years. On April fourteenth of this year, the senior Senator from West Virginia, Senator Randolph, discussed on the Floor of the Senate a statement which Budget Director Robert P. Mayo had made before the Senate Committee on Finance, indicating that he was considering a freeze on public works construction. I joined in the colloquy that followed Senator Randolph's statement, at which time I discussed my growing concern over the delays in the completion schedule on most of the going public works projects which had been revealed to our Committee during the hearings on the Public Works appropriation bill I concluded my remarks by restating my belief that we must do what we can to protect our two most important resources, land and water. If we failed to do that, our country will sustain great losses.

Subsequently, in May, I addressed the National Rivers and Harbors Convention at which time I pointed out that in 1964 the construction program of the Corps of Engineers and the Bureau of Reclamation was $1,188,428,700, or about 1.09% of the 1964 budget. I noted that for fiscal year 1970, the original budget request for these two agencies was $1,038,920,000, or about .49% of the budget.

The request for the Corps of Engineers and the Bureau of Reclamation was subsequently cut by your Administration by $181 million. The revised budget represents a dollar reduction in the past six years of about 15.39%. When you take into account the rise in the cost of construction, the level of appropriations in the revised budget for these agencies represents a drop in construction capability of about 50% since 1964!

Similarly, the efforts being made by the Federal Government to control air and water pollution are completely inadequate to cope with the severe damage these problems are working on our environment and, in fact, on the very health of our citizens. For instance, in the last few years that the Federal Water Pollution Control program has been under the jurisdiction of the Subcommittee on Public Works, I have noticed an increased disparity between the authorization for construction grants for sewerage treatment facilities and the appropriations requested, as indicated below.

Fiscal year	Authorization	Appropriation requested in the budget	Percent of authorization request in budget
1968	$450,000,000	$200,000,000	44.4
1969	700,000,000	203,000,000	29.0
1970	1,000,000,000	214,000,000	21.4

I have received well over 1,000 letters from individuals and organizations urging the Committee on Appropriations to provide the full amount authorized for construction grants for fiscal year 1970. Most of these letters point out the extent to which the states and their political subdivisions have approved bond issues to finance the nonfederal costs, relying on the Federal Government's ability to meet its share of the cost.

In spite of the fact that next to the air we breathe, water is our most precious resource, it seems the Bureau of the Budget first looks to the water resource program for a disproportionate share of any contemplated cuts whenever there is a need to reduce Federal expenditures.

If we are to meet the water needs of the 300 million people that you recently esti-

mated will occupy our land by the year 2000, we must not only support adequate annual appropriations for the orderly development of these resources, but it is also essential that the unrealistic and arbitrary restrictions placed on project evaluations be removed.

For instance, the basis for the benefit-to-cost ratio for water resource projects had its origin in the 1936 Flood Control Act, where the policy was established that the Federal Government should improve or participate in the improvement of rivers and other waterways for flood control purposes in the interest of the general welfare if the benefits to whomsoever they may accrue are in excess of the estimated cost and if the lives and social security of people are otherwise adversely affected.

The terms, "benefits" and "costs", have no meaning in the abstract. They must be related to objectives in order to give these terms meaning. Since the passage of that Act, the technicians have chosen national economic efficiency as the sole criteria for project evaluation and have disregarded the phrases, "in the interest of the general welfare" and "if the lives and social security of the people are otherwise adversely affected".

The result of such an interpretation has been that as far as flood control and hurricane protection projects are concerned, we have become a "cow society". If, for instance, a thousand cows were lost in a flood or hurricane, we could consider the economic loss involved since a cow had an economic value in the market, and the monetary losses sustained can be used in the justification of protective works. On the other hand, if a thousand human lives were lost, it would not add one dollar to the all-important economic evaluation of the project. The loss of life and human suffering associated with the havoc wreaked on the Gulf Coast by Hurricane Camille transcends the imagination.

Fortunately, the Water Resources Council is attempting to find a way to deal with this problem of recognizing loss of life and misery associated with disastrous floods, by setting up four separate accounts which recognize national objectives other than economic efficiency such as regional development, environmental benefits, and the wellbeing of man. The Council's efforts along these lines are to be commended and they deserve and need your personal encouragement.

Had the center of Camille been 50 miles east, the damage to New Orleans in terms of lives lost and property damaged would have been incalculable. Yet, despite this near miss and in spite of the constant threat of hurricane damage to the New Orleans area, the hurricane protection project for Lake Pontchartrain will continue to drag along with inadequate appropriations, unless the Administration loosens the purse strings and cooperates with the Congress in revamping the national priorities vis-a-vis such projects.

The budget estimate for this project for fiscal year 1967 was $450,000 for planning, at a time when the Corps of Engineers had a capability of $1,600,000, which would have permitted the initiation of construction. Recognizing the potential danger to New Orleans, the Congress provided the full capability of the Corps of Engineers.

For fiscal year 1968, the original budget was $2,300,000, which was subsequently revised to $3,260,000, at a time when the Corps' capability was $4,500,000. Again, recognizing the potential loss of life and property, the Congress approved the $4,500,000.

For fiscal year 1969, the budget estimate was $7,800,000, compared with a Corps capability of $10,800,000. But in view of the expenditure ceiling contained in the Revenue and Expenditure Control Act of 1968, the Committee, although recognizing the risk involved in not moving forward expeditiously on this project, did not increase the budgeted amount for this project or any other project in the bill.

For fiscal year 1970, the budget estimate is only $6 million, compared with the Corps' capability of $8,500,000. Neither New Orleans nor the nation can afford the gamble of procrastination on this project.

Similarly, the hurricane protection project, New Orleans to Venice, proceeds at an alarmingly slow rate. Since 1967, the estimated completion date for this project has slipped from June 1975 to December 1977.

Two years ago, I secured authorization for a study of the Louisiana coastal area, looking toward hurricane protection, the protection of the physical features of the coastline, and reestablishment of the former ecology of the area which contributed so much not only to the wildlife but to the marine resources of the entire Gulf Coast. Naturally, I was disappointed this year to find that the budget provided only $60,000 for the continuation of this study in fiscal year 1970. At least double that amount will be required for satisfactory progress on the study, and I intend to urge my subcommittee and the Congress to expedite the project to this extent, at a minimum.

A few weeks ago, this nation—indeed, the whole world—was thrilled when man first set foot on the moon. In reflecting on this accomplishment, I had occasion to recall the hearings which I had recently completed on the Public Works appropriation bill, where the effect of the budget cuts which your Administration made in an already austere budget submitted by President Johnson were graphically revealed to the Committee.

Among the most serious cuts that I recall were those affecting the Southern Nevada Water District, the Folsom South Canal in Southern California, the Bonneville unit of Central Utah Project, the Chatfield Reservoir in Colorado, the Newark Bay, Hackensack and Passaic Rivers Project in New Jersey, the Wynoochee Reservoir in Washington, the New Melones Reservoir in California, the Lake Kemp Reservoir in Texas, and many more.

In a number of cases, we are finding that the expenditure ceilings imposed on the Corps will not permit contractors to pursue their work in accordance with the terms of the existing contracts, even though in many cases the funds are available or requested. Failure to provide funds and expenditure ceilings adequate to permit accomplishment of existing contracts inevitably will increase costs on all Government contracts and could even result in legal actions being taken by the contractor against the Government. I cannot help but feel that our priorities are out of balance.

These thoughts led me to a review of the requests for research and development appropriations requested by President Johnson for the NASA program, and I found that he had requested $3,051,427,000. Further research revealed that in the review of the 1970 budget, your Administration recommended a reduction of $45 million in this program, or about 1½%. In contrast, the "Construction, General" appropriation request of $769,420,000 for the Corps of Engineers was cut $142,415,000, or about 18½%. I realize that our space program is based on a national objective—but so is our water resource program.

It would require a good deal of imagination to attempt to identify the tangible benefits that will result from man's flight to the moon. Any attempt at a monetary evaluation of those benefits would be almost impossible. If, however, these benefits could be identified and evaluated, the realization of most of the benefits would be projected far into the future.

If we applied the same economic principles to the benefit-cost evaluation of our space program as are required in our water resource program (where future benefits are discounted at a rate of 4⅞ percent) the benefits expected to result from the space program would shrink drastically. For instance, benefits evaluated at $1 million to be realized 25 years from now would be worth only $304,200 in terms of economic justification for a project under today's regulations. A $1 million benefit to be realized 50 years from now would provide justification for the expenditure of only $92,600 today. Such a system would probably kill the space program, just as it is now strangling our vital water resources, flood control and hurricane protection programs.

I am enclosing a list of selected hurricanes and their damages, compiled from information provided by the Office of Emergency Preparedness. It should be recognized that many hurricanes of earlier years are not listed. In fact, during the recorded history of Louisiana alone at least 150 hurricanes or tropical storms have battered or threatened the coast of my state.

I think it is interesting to note that, based only on the partial statistics available to us, the average damage from hurricanes since the turn of the century is over $85 million per year. During the last 30 years, the damage averaged $185 million. During the last 20 years, the damage averaged $200 million and during the 10-year period from 1958 to 1968, the damage averaged about $320 million. If this progression continues, we can expect average damages of $500 million a year (or a total of $5 billion) over the next decade.

Such damage tabulations are always on the conservative side because, by their nature, they tend to exclude many categories of physical and economic loss. As I have already mentioned, the loss of human life is a factor that is incalculable in monetary terms. In addition, there are the inaccuracy of complete inventory estimates, the impossibility of fixing replacement costs, the loss of business and trade to local enterprises and to the local economy in general, the loss of employment income, the loss of earning ability by those who are too old to "get started" again and who instead become public charges. All of these factors and many others add substantially to the damage estimates that are ascribed to various hurricanes.

Yet, even these staggering figures tell only part of the story of the "cost" of hurricanes, for they generally do not include the multimillion dollar rehabilitation expenditures by Federal, State and local governments following the disaster. In the case of Camille, the Army, Navy, Air Force, NASA, SBA, HUD, HEW, GSA, USDA, OEP, and numerous other federal agencies are spending large sums to assist in the recovery effort. Also, in terms of the federal costs, over the next several years both individual and corporate tax payers will be deducting from their income taxes considerable sums to which they are eligible as a result of the hurricane damages suffered.

All things considered, we might properly *double* the so-called "damage estimates." In order that you might see the disparity between these enormous damages and the feeble efforts being made to provide protection, I am also enclosing a status report of the authorized hurricane protection projects for your review.

In view of the magnitude of the floods that this nation has experienced this year, the recent hurricane, and the lack of adequate progress being made in meeting the water resource needs of our expanding population, I expect that our Committee will respond to the needs of the Country. I cannot help but feel that you also will want to take another look at your recommendations for water resource development projects, particularly those relating to health,

safety and the protection of human life, prior to the time the Congress acts on the Public Works appropriations requests you have submitted, and I urge that you do so.

I would welcome the opportunity to discuss this matter with you personally, or with a small bipartisan group of concerned members of the Congress.

Respectfully yours,

ALLEN J. ELLENDER,
Chairman,
Subcommittee on Public Works.

RECENT HURRICANES AND TROPICAL STORMS

Name	Date	Areas affected	Deaths	Estimated damage (millions)
Carol	August 1954	North Carolina to Maine	60	$461
Edna	September 1954	New Jersey to Maine	21	7
Hazel	October 1954	South Carolina to New York	95	252
Connie	August 1955	North Carolina to New York	25	46
Dianne	do	North Carolina to New England.	184	832
Ione	September 1955	North Carolina	7	88
Audrey	June 1957	Texas and Louisiana	390	150
Donna	August 1960	Florida to New England	50	500
Carla	September 1961	Texas and Louisiana	46	408
Great Atlantic coast storm	March 1962	Florida to New England	33	200
Cleo	August 1964	Florida	3	129
Hilda	October 1964	Louisiana	38	100
Betsy	August 1965	Florida and Louisiana	75	1,420
Alma	June 1966	Florida	7	7
Beulah	September 1967	Texas	15	500
Gladys	September 1968	Florida	5	7
Camille	August 1969	Central gulf coast and Virginia	500	750

AUTHORIZED HURRICANE PROTECTION PROJECTS

Project	Year authorized	Total cost, estimated	Federal cost	Appropriation to date	1970 budget	Capability of corps
Freeport, Tex	1962	$19,000,000	$13,300,000	$4,637,000	$2,200,000	$2,200,000
Port Arthur, Tex	1962	59,900,000	41,600,000	8,557,000	5,000,000	5,000,000
Texas City, Tex	1958, 1968	44,714,000	31,200,000	15,132,000	1,100,000	1,100,000
Lake Pontchartrain, La	1965	166,000,000	113,562,000	12,498,000	6,000,000	8,500,000
Morgan City and vicinity, Louisiana	1965	6,067,000	4,180,000	347,000	150,000	200,000
New Orleans to Venice, La	1962	43,400,000	25,885,000	1,654,000	950,000	1,400,000
Grand Isle and vicinity, Louisiana	1965	11,310,000	3,393,000	408,000		
Hillsborough Bay, Fla	1968	13,088,200	9,163,200			15,000
North River dike, North Carolina	1966	500,000	358,000			(1)
Top Sail Beach and Surf City, North Carolina	1966	2,500,000	1,430,000			(1)
Brunswick County beaches, North Carolina	1966	24,400,000	14,400,000			110,000
Hyde County dike, North Carolina	1966	3,272,000	2,290,000			60,000
Neuse River barrier, North Carolina	1965	15,900,000	11,100,000			100,000
Ocracoke Island, North Carolina	1965	2,150,000	1,880,000	109,000		500,000
Bodie Island, North Carolina	1966	16,400,000	8,800,000			(1)
Fire Island Inlet to Montauk Point, New York	1960	68,600,000	33,900,000	3,578,000	500,000	500,000

[1] Awaiting action by local interests.

Mr. ELLENDER. I am going to ask the President again to look into this matter and be sure that the money we are appropriating today, and what we have appropriated in the past, will be used for the purposes that Congress intends.

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

Mr. ELLENDER. I yield.

Mr. BIBLE. I repeat my commendation of the Senator for his great leadership and his vigorous chairmanship of this committee in moving this bill forward. I subscribe to what he has said—he is the true leader in this field—because it does take money to get these projects going.

I am still interested in just rough figures as to the amount of money spent, and the benefits that have resulted. The Senator has already mentioned the benefits that come back to the people in terms of property saved by virtue of flood control projects. That must be measurable in billions of dollars, I would think.

Mr. ELLENDER. As the Senator will recall, we had two great floods on the Missouri River 8 or 9 years ago. We had them in 2 successive years, as I recall—perhaps one in 1 year and one 2 years later. The estimate of the loss sustained in that area alone, which was over $2 billion, would have at least paid for the construction of all the projects that were then authorized.

Mr. BIBLE. That was the additional question I was asking. I did not expect the Senator to total them all together, but he is just naming two projects.

Mr. ELLENDER. When Hurricane Camille occurred, the eye of the hurricane passed approximately 60 miles east of New Orleans. We had started a project there 4 years before, and we had spent $11 or $12 million on it. The Engineers told me that if those projects had not been started and the work that was then done had not been there, the loss in that area would have been over $91 million—almost as much as it will cost to complete the protection program.

I say that it is shortsighted on the part of the President—not only President Nixon but also President Johnson. President Johnson did not spend all the money that was appropriated, but it is my belief that the expenditure of that money in order to protect and preserve these resources for future generations is as important to us as to win a war anywhere. Without those resources, our country would simply die on the vine. That is what would happen.

Mr. BIBLE. I agree with the Senator.

Is it not also true that every year 5 percent is added to the construction cost of these projects?

Mr. ELLENDER. At least 5 percent. As to some of the projects, the increase may be as much as 7½ to 8 percent. And that is a cost that continues to increase. In other words, on a project that could have been constructed 10 years ago for a million dollars, the amount might have to be doubled today.

Mr. BIBLE. I certainly agree with the Senator from Louisiana and I salute him for his able leadership in this field.

I have one last observation. Coming from the West, I am interested in reclamation. There are 18 reclamation States. The Senator commented on the benefits from these projects. Largely, I think they pay their own way. I think it is safe to say that reclamation projects in the West, when they pay out with interest, pay about 90 percent of the investment. Of course, there are nonreimbursables, such as flood control, navigation, and wildlife, but over and above that they will pay about 90 percent of their way.

I want to underscore that as far as it deals with reclamation projects, those are necessarily an adjunct of the overall water conservation and preservation program.

Mr. ELLENDER. Without those projects—and the Senator knows because he lives there and he has seen it—the economy of States such as Nevada, Washington, Oregon, and California, where there are huge deserts and where water is brought to the land, and the land has been made to bloom, never would have been developed except for the fact that we built these projects to preserve and protect the water and bring it to those areas.

In some instances, I might say to my good friend from Nevada, we have gone a little far in providing Federal funds. I do not wish to be critical by any means but a few years ago I found some instances in the reclamation program where the cost to the Government was as much as $2,500 per acre to bring water to the thristy ground. That is a little excessive, but examples of that kind are rare.

Mr. BIBLE. They certainly are.

Mr. ELLENDER. We have a lot of them, though, in which the Government puts up as much as 30 to 40 percent of the cost. In some instances this money is put up from the profits that are made from a generating plant that was established in the area to be irrigated. Those are all right.

I want to continue that process, and in order to continue that process we have to have a minimum amount of money each year. Here we have provided a good deal of money for 1967, 1968, and 1969, which we voted on, in order to continue this great work. But we are doing now about 50 percent of what we did 6 years ago. That is unconscionable. We can afford to let that decline in appropriations go on as it has been in the past 3 years.

Mr. BIBLE. It is also true is it not that the population is growing?

Mr. ELLENDER. Certainly.

Mr. BIBLE. We have more people now.

Mr. ELLENDER. Certainly.

Mr. BIBLE. So that creates more demand for water, as well as food and fiber.

I salute the distinguished chairman of the committee.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in connection with the questions asked by my good friend from Nevada, some of the language in the report of the Subcommittee on Public Works of the Committee on Appropriations of the House of Representatives that is specific on some of the benefits that have been derived from these water resource projects.

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

PROJECT BENEFITS

The present value to the Nation of completed projects for flood control, pollution control, navigation, water supply, reclamation, power development, and recreation is evident from the following:

Flood control.—Benefits realized to date, compared with expenditures for construction of flood control facilities by the Corps of Engineers, the Bureau of Reclamation, and the Tennessee Valley Authority are as follows:

[In millions of dollars]

	Estimated flood damages prevented	Expenditures for flood control facilities
Corps of Engineers	18,000	5,400
Bureau of Reclamation	674	576
Tennessee Valley Authority	500	200
Total	19,174	6,176

Water pollution control benefits.—From the inception of the program 12 years ago, more than 9,500 grants have been made to local communities to assist in the construction of waste treatment works. These facilities, in providing or upgrading the treatment of waste from approximately 75 million persons residing in the areas served, are helping to prevent or abate pollution of the Nation's waters. The total Federal cost has been $1.36 billion with State and local investment totaling nearly $4.7 billion.

Navigation benefits.—The navigation system of harbors and waterways constructed by the Corps of Engineers now carry almost 1.4 billion tons of traffic annually, principally in those commercial items which do not require rapid movement, but which are essential to the growing industrial economy of the Nation. Prominent among these commodities are 504 million tons (about 148 billion gallons) of petroleum and its products, 221 million tons of coal and coke, 152 million tons of iron ore, iron and steel, and 110 million tons of sand, gravel and stone. The waterways now carry annually about 281 billion ton-miles of freight traffic, continuing their increasing trend, and account for the movement of approximately one-sixth of the total ton-mileage of the Nation's intercity traffic.

Water supply benefits.—Storage in the reservoirs constructed by the Corps of Engineers and the Bureau of Reclamation furnishes about 2,516 billion gallons of municipal and industrial water to about 18 million people annually.

Annual power benefits.—Power benefits arising from hydro-electric projects constructed and operated by the Bureau of Reclamation, Corps of Engineers, and Tennessee Valley Authority annually provide the following:

Installed generating capacity, 36.4 million kilowatts.

Net generation, 179.4 billion kilowatt hours.

Gross revenues, $700 million.

Reclamation benefits.—The 201 completed reservoirs and facilities constructed by the Bureau of Reclamation now irrigate about 8 million acres producing annually crops valued at over $1.8 billion.

Federal income tax payments on reclamation projects since 1940 of about $8.3 billion exceed the total appropriations (since 1902) of $7.4 billion for project facilities, of which 89 percent will be repaid by the immediate beneficiaries.

Recreation benefits—	*Visitors days annually*
Corps of Engineer projects	227,000,000
Bureau of Reclamation projects	49,500,000
Tennessee Valley Authority projects	45,400,000
Total	321,900,000

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

Mr. ELLENDER. I yield.

Mr. HANSEN. Mr. President, I wish to call to the attention of the distinguished chairman page 47 of the report. On page 47 I find this language:

The committee has no objection to the Secretary of the Interior, pursuant to section 303(b) of the Colorado River Basin Project Act (Public Law 90–537), entering into an agreement, including provisions for indemnification and liability, with non-Federal interests to acquire thermal generating capacity required to provide pumping power for the Central Arizona project. The committee allowance includes provision for payment of the Government's share of the costs to be incurred in fiscal year 1970 for initiating construction of the Navajo steam-electric plant. The committee has no objection to the advance of funds by local interests to expedite planning on the Central Arizona project.

I am well aware of the fact that studies undertaken by the Secretary of the Interior have led him to conclude that the best way to provide water for the central Arizona project is to build a thermal generating plant and to pump water from the river onto the higher elevations, which would be typical of the central Arizona project.

I assume that this language in the report deals only with the determination as to a practical way to bring the water up. Am I right about that?

Mr. ELLENDER. The Senator is correct. We have, of course, a similar situation, as the Senator will recall, at Grand Coulee.

Mr. HANSEN. Yes.

Mr. ELLENDER. We raise water there from the Columbia River about 250 feet above the level of the river so as to create a lake in the old bottom of the Columbia River and by use of that water we have been able to irrigate there some 2 million acres of land. The Senator is familiar with that.

Mr. HANSEN. Yes.

Mr. ELLENDER. There is much of that which is going to be done in the Arizona project.

Mr. HANSEN. I wish to ask another question of the distinguished chairman of the committee.

We have two basic compacts which constitute the law of the river on the Colorado. One is the Colorado River compact, and the other is the Upper Colorado River compact. The committee, in the language used here, is not trying to make any determination insofar as the amount of water that would go to Arizona.

Mr. ELLENDER. No.

Mr. HANSEN. Nor to invalidate in any way those two compacts. Am I right about that?

Mr. ELLENDER. The Senator is correct. In other words, that is fixed already.

Mr. HANSEN. Yes, it is fixed according to those compacts.

Mr. ELLENDER. This would not abrogate those compacts by any means.

Mr. HANSEN. And it is not intended to in any manner change or abrogate them.

Mr. ELLENDER. The Senator is correct.

Mr. HANSEN. I thank the Senator from Louisiana.

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

Mr. ELLENDER. I yield.

Mr. TYDINGS. Mr. President, I wish to congratulate the distinguished chairman of the Subcommittee on Public Works of the Committee on Appropriations for his responsible and forward-looking action with respect to the appropriation for the construction of water quality treatment facilities. This particular appropriation was increased $400,000 over the House figure to the full Clean Water Restoration Act authorization of $1 billion.

There are few actions by Congress which will meet with greater response and acclamation, at least among the citizens of my State, than this action by the committee. In my judgment, the committee has met a critical problem in the United States; namely, the problem of water pollution, with foresight and understanding.

The pollution of our waterways is a national disgrace. Every major river system in the country is in part polluted. In Maryland, the Potomac, Patapsco, Severn, and Patuxent Rivers have all been fouled. The fact is that our Nation is no longer a land of clean and sparkling waters. We have permitted these resources to be abused and are now, individually and collectively, paying the price for our foolish, wasteful, and costly ways.

In order to clean up our waters, substantial funding of Federal programs is required. The programs already exist. The technology is available. All that is lacking is the money and the action of the committee, if accepted by the Senate and then the House, will do much to alleviate this. I congratulate again the Senator and the committee for the leadership in taking that very forward-looking position. I fully support this appropriation recommendation and urge the committee to accept it.

Mr. President, three other items in H.R. 14159 are of particular interest to me. The first is the Chesapeake Bay Basin study which includes the hydraulic model of the bay to be constructed on the Eastern Shore of Maryland.

In 1965 Congress recognized the im-

portance of the Chesapeake by authorizing a special study made necessary by the fragile ecology of the basin, the great growth of the area, and our basic lack of knowledge about this great body of water. In the River and Harbor Act of 1965, $6 million was authorized for the study and model. In June of this year the two Maryland Senators, advised that the costs had escalated, introduced legislation, S. 2356, increasing the authorization to $15 million.

In this present bill, only $330,000 is provided for the Chesapeake Bay Basin study. This, really, is sufficient only to keep the preliminary planning alive. While disappointed in this appropriation, I recognize the financial restrictions under which the committee operated. I wish to call attention to the Bay study and model and express both my hope and the urgent necessity of next year providing the appropriate level of funding for this most important project.

The second item of interest is the Chesapeake & Delaware Canal. This canal is vital to the economic prosperity of Baltimore and the entire State of Maryland. Presently, it is being enlarged by the corps in order to accommodate the larger ships, particularly container ships, now coming into service. The project was authorized in 1954 with actual construction begun in 1962. Fifteen miles of the canal's 46-mile length have yet to be enlarged. Already the project has been delayed 42 months, and I feel it is imperative that these 15 remaining miles be completed at the earliest possible date. The action of the committee, in recommending a $7 million appropriation, which is a full million dollars above the administration's budget request and $750,000 above the House appropriation, will do much to accelerate the completion of the canal. I thank and congratulate the distinguished Senator from Louisiana for his consideration of this project. The Chesapeake & Delaware Canal is essential to Maryland's well-being and the funds appropriated are urgently required.

The third item concerns our national coastal erosion program.

Mr. President, I wish to ask the distinguished chairman whether or not he would now consider an amendment increasing the appropriation for the national shoreline study by $100,000. If I may for a moment refresh the Senator's recollection, in 1967 Congress enacted my legislation authorizing a 3-year study by the Corps of Engineers to determine the extent of coastal erosion on the 93,000 miles of our tidal and Great Lakes shoreline. A third of this, approximately 33,000 miles is probably eroding at a rather uncomfortable and rapid rate, resulting in well over a loss of $50 million per year. The legislation provided for a 3-year authorization of $1 million. Funds were to be appropriated in fiscal year 1969, fiscal year 1970, and fiscal year 1971.

However, the Appropriations Committee had already passed out the fiscal year 1969 appropriations before the legislation authorizing the study was passed on in 1968 so that, in effect, this is the first year we will be appropriating for that study. The corps, thus, has to compress 3 years of work into 2. The Bureau of the Budget requested, the House appropriated, and the committee recommended $150,000 for this, the second year of the study, although actually it is the first year funds have been appropriated.

The additional $100,000 would be used to assist the corps in accelerating its study, and provide a more balanced allocation of funds.

Mr. President, I am told that erosion exists along the coastline of Maine with some 3,000 miles; South Carolina, 2,000 miles; Georgia 1,000 miles; Louisiana 7,000 miles; Texas 3,000 miles; Washington 3,000 miles; Alaska 5,000 miles; Michigan 2,800 miles; Massachusetts 1,000 miles; and Oregon 1,000 miles. Other States have erosion problems also.

In these areas, we have very little actual identification as to just how bad the erosion is, or what steps should be taken. We do not know the cost of the damage or of the required protection desired.

The 1969 Authorization Act directed the Corps of Engineers, first of all, to conduct a basic inventory to determine the extent of erosion, to determine those areas where significant erosion takes place, to describe generally the remedial action required and to estimate roughly its cost, to provide a set of priorities for remedial action, and then to set up shore protection guidelines and coastline management guidelines for proper protection and management of our coasts. A final report from the Secretary of the Army is to be submitted to Congress.

The $150,000 included in the budgetary request this year would enable or would begin the fieldwork of the district Corps of Engineers in collecting data and examining inventory. The fact that only 2 years remain before submission of a report to Congress means that the $150,000 would have to provide that most of the fieldwork and much of the inventory analysis be completed during fiscal 1970. This would leave the finishing of the inventory analysis, the establishment of shoreline protection and management guidelines, and the wrap-up and final report to fiscal 1971. This is a great deal of work for 1 year, regardless of funds appropriated.

However, in view of the fact that the authorization runs out next year, I should like to request that the distinguished chairman accept an amendment increasing the amount by $100,000—that is, from $150,000 to $250,000, in order, this year, to finish up both the identification of the erosion areas and the analysis part of the inventory in the first year.

This latter part would cover the general plans for protective devices and the general cost estimates, and leave for next year the protection and management guidelines, the wrap-up, and the final report. The additional $100,000 would enable the corps to complete the fieldwork, to cover the data collection, and the plans and cost of protective devices that together make up the inventory. Otherwise I am fearful that we will not be able to get the project properly completed within the 3 years of the original authorization.

I feel that this problem of coastal erosion is of such significant national concern that the additional $100,000 is warranted. The finding of the study is out of balance, considering that only 2 rather than 3 years are left for the corps to complete the study. I would like to point out that this amendment benefits the whole country. Its scope is national rather than regional or limited to a single State. And the amount, $100,000 is relatively small.

Already, each year, the cost of erosion runs into literally millions of dollars, particularly when we have hurricanes where there are no protective devices to begin with.

We have never had a complete inventory on the problem of coastal erosion, particularly in regard to priorities and guidelines. I should now like to get the thinking of the distinguished chairman of the committee on my proposed amendment.

Mr. ELLENDER. Mr. President, let me say to my good friend from Maryland that no one appeared before the committee asking for the sum he is now requesting. It is my belief that there are erosion control studies now being made in many areas of the country which will assist in assessing the overall requirements which the study referred to is intended to provide. The committee has had a rule in the past of confining the allocation of increases recommended by the Senate to requests for moneys by the witnesses that come in and show why additional funds are required. There are many other studies for which requests were made, that we had to pass over, as the Senator knows, which are of longer vintage than this one. Because of the fact that we have funds here which will eventually assist the program that the Senator has in mind. I would suggest that he postpone action on this matter.

Next year, when the committee meets, and that will not be far off now, we will again consider this matter. I have not gone beyond the requests made by witnesses that appeared before the committee. That was my reason for calling in the Corps of Engineers after we heard from all the private groups, and the local people in the various areas who desired certain projects.

In this case, as I said, there is no testimony supporting the increase, I would therefore hesitate to accept his amendment, particularly in view of the fact that there were many others, on which we heard a lot of witnesses whose cases we did not feel to be justified.

So far as I am personally concerned, I would like to put in all the funds possible. At the same time, we have to meet with the House and maintain our responsibility to the Senate here. What the subcommittee and committee is trying to do is provide for certain areas enough moneys to proceed with vital projects. This project covers many more States than the State of Maryland. As I said, I will be glad to go into the matter the next year, and try to comply with the Senator's wishes.

Mr. TYDINGS. Mr. President, I defer to the thinking of the distinguished

chairman on it and I will not offer the amendment. I appreciate the opportunity to engage in this colloquy.

Mr. ELLENDER. We must consider the capabilities of the Corps of Engineers. They are so busy with other things that we should not overload them but should see to it that they carry on as they should.

Mr. TYDINGS. I thank the Senator.

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the Senate report, beginning on page 2 and containing all of page 3 down to the last full paragraph of the three pages. It covers some of the matters we discussed and puts it in a succinct form and I think it will be very informative for readers of the CONGRESSIONAL RECORD.

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

WATER RESOURCE DEVELOPMENT

The House committee, in its report, clearly set forth the urgent requirements for water resource development to meet the needs of our expanding population, and the critical funding situation facing the projects which are under construction by the Corps of Engineers and the Bureau of Reclamation.

The importance of water and its conservation and development was placed in its proper perspective by President Johnson on September 30, 1968, on the occasion of his signing of the Colorado River project bill, when he asked those present to consider several very crucial facts of the time in which we live.

Fact No. 1. Next to the air we breathe, water is our most precious resource.

Because of its inflexibility as to quantity, water is somewhat comparable to real estate since it increases in value with increased population similar to the increase in land values as our population increases and competition grows for the land and water. One has little value without the other.

On September 17, 1964, President Johnson stated:

"By the year 2000, more than 300 million Americans will need 10 times the power and 2½ times the water that we now consume."

Four years later, President Johnson transmitted to Congress the first national assessment of the Nation's water resources under the Water Resources Planning Act of 1965. That report showed a population projection of 340 million by the year 2000 and 468 million by the year 2020.

Many areas of the country are experiencing falling ground water levels, necessitating deeper wells and increased pumping costs. These are just signposts of things to come. Testimony before the committee this year revealed that in one area the water pumped from wells, based on carbon-14 tests, was last exposed to the atmosphere 6,000 years ago; and in another area the subsidence of ground levels resulting from the mining of water is increasing construction costs about 2½ percent a year.

When one considers the time required to develop a major project—3 years or more for planning and 8 to 10 years for construction—it is evident that it is none too early to start projects needed and justified. They will become critically urgent long before they can be completed on an economical program. Crash programs should be avoided if at all possible, since they are always more expensive than necessary, and frequently do not provide for the optimum use of the site.

President Johnson, in his budget message on the fiscal year 1970 budget, pointed out that between 1964 and 1970 the outlays for major social programs increased by 123 percent. During this same period, there was an actual reduction in the funds recommended for water resources development.

The total budget estimate for fiscal year 1964 was $109 billion, of which the construction programs of the Corps of Engineers and the Bureau of Reclamation were $1,188,428,700, or about 1.09 percent of the budget. For fiscal year 1970, the budget estimates total $210.1 billion, and the estimate for the construction programs of the Corps of Engineers and the Bureau of Reclamation totals $1,038,920,000, or about 0.49 percent of the budget. In actual dollars, there is a reduction of $149,508,700, or about a 12.5-percent decrease.

When one considers the fact that the cost of construction has increased about 5 percent a year, the estimate is about the equivalent of $727,300,000 in terms of construction costs in 1964. From the standpoint of actual construction which can be accomplished, the 1970 program shows a reduction of about 39 percent.

The budget submitted by President Johnson has subsequently been reviewed by President Nixon and the construction requests of the Corps of Engineers and the Bureau of Reclamation were reduced by another $181 million. This represents a dollar reduction of 15.3 percent, and a drop in construction potential since 1964 of almost 50 percent.

On September 4, 1969, the President directed all agencies of the Federal Government to put into effect immediately a 75-percent reduction in new contracts for government construction.

This year has been a year of disaster. The months of January and February saw unusually destructive floods in California; the spring floods of the Midwest were particularly damaging and, except for the costly emergency work undertaken by the Government in Operation Foresight, would have been the most destructive floods in the history of that area. In August, the devastation resulting from Hurricane Camille along the gulf coast and the accompanying heavy flood-producing rains as far north as Virginia resulted in damages exceeding any other storm of this century.

For these reasons, the committee feels that duty and responsibility to provide the funds for the continuation of the water resources program in excess of the budget requests, and, notwithstanding the President's directive for a 75-percent reduction, for new contracts for Government construction. The committee believes that the Congress has the duty and responsibility to provide the funds necessary to continue these essential programs. If the administration refuses to spend the funds appropriated, it will be their responsibility to explain to the victims of flood and hurricane disasters the higher priority of other Federal programs over the programs for the protection of their lives and security.

In line with the above, the committee has provided increases in projects underway and for additional new planning and construction starts.

Mr. ELLENDER. Mr. President, all in all, it is my opinion that we have reported a good bill to the Senate. I wholeheartedly support it. I hope that my colleagues will join me in supporting the bill and voting for it, so that we can go soon to conference with the House.

CONGRESS MUST APPROPRIATE NECESSARY FUNDS TO PURIFY OUR WATERS

Mr. RANDOLPH. Mr. President, a new sense of urgency for national environmental quality is embodied in title 3 of the appropriation bill pending in the Senate today. This legislation, very importantly reasserts the initiative of the Congress in funding the water quality improvement program.

I commend my colleague, the Senator from Louisiana (Mr. ELLENDER), as I commend also all members of the Senate Appropriations Committee, for emphasizing, as we do in this measure, the need to protect this Nation's water quality.

We have been, until now too timid, in that we have not followed the authorizations with the necessary appropriations to come to grips with the contamination of the water supplies of this country, especially in the metropolitan areas of the Nation.

Those Members of the Senate who have worked on this particular matter—that is, the approval of $1 billion for water pollution control—have my sincere thanks. They have taken another and a significant step in what I hope will be a united frontal attack on the very serious problem of improving water quality.

Mr. President, I am not a carping critic, but I do remind my colleagues that the present administration has requested only $214 million for this program. That amount, of course, was raised considerably in the House, when $600 million was approved. But now the Senator from Louisiana (Mr. ELLENDER) ably presents a well-reasoned argument for the full authorization of $1 billion to take care of this imperative need, which affects millions and millions, directly or indirectly, of the people of this country.

I call attention to the fact that in the House of Representatives, although the $1 billion was not contained in the affirmative action taken there, the figure that is now contained in this appropriation bill failed by only two votes. So it is my hope that, after the measure is passed in the Senate and goes to conference with the House, the almost even vote, as it were, in the House will prevail as the conferees of that body meet with the conferees of the Senate, hopefully to agree upon the $1 billion figure.

I think it is appropriate for me to commend by name certain Senators who serve on the Public Works Committee, the authorizing committee in the Senate. I have the very greatest admiration for the pioneering work which is being carried forward by the Senator from Maine (Mr. MUSKIE) in this field. He chairs our Subcommittee on Air and Water Pollution. The efforts which he and other Senators have made, including Senator COOPER and Senator BOGGS, regardless of party, have reenforced my feeling, as the chairman of that committee, that our work has begun, but in no sense has it been completed, and we must move forward.

The members of the Public Works Committee, the authorizing committee, have been privileged to have had the superb leadership of the Senator from Louisiana (Mr. ELLENDER) in developing the sound basis for the $1 billion appropriation. If we had not justified it, if it had not been needed, then it would be another figure. But the need is there. The urgency is there. The reasons why we should do it now, and not later, are apparent.

As I said, this measure provides for $1

billion, but I think it is important to point out that it is a cooperative effort. The program cannot succeed solely by the Federal Government's spending money. It must proceed with the cooperation of the States and other political subdivisions. The political subdivisions must provide necessary funds.

So to what use do we put the $1 billion in Federal funds? This is matching money. It will contribute to the construction of sewage treatment facilities throughout the country.

It will serve as a stimulus to the States as they undertake, with the political subdivisions, to do the job which must be done. It is a commitment, and Congress must not fail in its responsibility to provide the necessary moneys after authorizing the program.

Let us think, as this appropriation comes before us today, what the background is. I remind my colleagues that it was 3 years ago that the Senate unanimously passed the bill that came from the Committee on Public Works, which provided a dynamic new program of grant-in-aid to State and local governments for the construction of these facilities, sewage treatment plants, which I have emphasized today.

We remember that the Clean Water Restoration Act of 1966 was, in a sense, the finalization of our effort.

I want my colleagues to realize that when the Congress enacted the $3.5 billion program in 1966, compromised down from the Senate-passed version of $6 billion, we recognized the time which was necessary to move this program forward. It was to be a 5-year effort.

Only slightly more than $550 million have been appropriated for the original authorization of $3.5 billion.

I repeat, the administration asked only $214 million this year. There are only 2 years remaining, I remind my colleagues, and it is obvious that we have fallen far behind the commitment which the Congress made in the area of improving the environment and purifying the water supply for many sources and for many needs in the United States.

The issue is clearly stressed in editorial comment in the Morgantown, W. Va., Dominion-Post of this past Sunday, the editorial emphasizes that: "clean streams are a lofty ideal toward which Americans in general and West Virginians in general are proceeding in an agonizingly slow manner." I agree with that statement.

We made a promise, Mr. President, in 1966, to help the States aid their municipalities to develop clean water programs, which would assure benefits not to just segments of our population, but to all Americans; and we did it not only with the thought of partially meeting the immediate need—although we were too late then—but in terms of realistic programs for the future.

The Federal Water Pollution Control Administration has estimated the backlog of projects for 5 years—that would be through 1973—at $8 billion. We had $3.5 billion, I repeat, in the measure as finally authorized. So we have already failed in part; how can we continue to lag in our effort to meet the responsibility which we have set for ourselves by our past authorizations?

Some of the States, Mr. President, in anticipation of Federal expenditures, have set aside sums for construction, in anticipation of reimbursement. They expect the Federal Government to help them in these areas, in fact, there are seven States which have already prefinanced construction; and, if the RECORD does not show it at another point, I ask unanimous consent to have printed in the RECORD at this point a chart showing that information.

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

ALLOCATIONS OF REIMBURSEMENT FUNDS UNDER PROPOSED TYDINGS AMENDMENT

States	States' funds Advanced	Percentage of total prefinancing	Possible appropriations		
			$300,000,000	$200,000,000	$100,000,000
Connecticut	$60,900,000	20.79	$62,370,000	$41,580,000	$20,790,000
New York	150,315,000	51.31	153,930,000	102,620,000	51,310,000
Maine	3,500,000	1.19	3,570,000	2,380,000	1,190,000
Massachusetts	8,500,000	2.90	8,700,000	5,800,000	2,900,000
Vermont	677,000	.23	690,000	460,000	230,000
Pennsylvania	16,095,000	5.50	16,500,000	11,000,000	5,500,000
Maryland	52,957,000	18.08	54,240,000	36,160,000	18,080,000
Total prefinancing	292,944,000				

Mr. RANDOLPH. This legislation, I conclude, is a reaffirmation of our commitment—a commitment, I think, to all the alert citizens of our country. If we are to be a responsible Congress, we must be responsive to responsible citizens; and in this area of legislation, there exists an almost unanimous agreement by the American people, crossing all party lines, that the job must be done, and must be done now, to purify the waters of the United States and insure to all of our people, including the little children, fresh, clean water in our rivers and our lakes. In West Virginia, the State which we call the Mother of Rivers because so many rivers originate in our highlands, we understand this problem full well.

Again I commend all those Senators, particularly the Senator from Louisiana (Mr. ELLENDER), and the members of the Appropriations Committee and the Committee on Public Works, who have brought this measure before us today. I respectfully suggest that our action on this measure will be in the nature of underscoring our recognition of the need for not partial, but full commitment to the effort envisioned by the action of Congress in 1966.

Mr. SPONG. Mr. President, I am gratified that the committee has recommended an appropriation of $1 billion in fiscal 1970 to provide Federal grants for construction of sewage treatment plants.

I support the appropriation as an indication of my desire to improve the quality of the Nation's water resources. The Congress committed itself in 1966 to funding the program at the billion-dollar level in fiscal 1970.

The urgency of solving the Nation's water pollution problems amply justifies an appropriation in excess of the $214 million recommended by the administration. The committee is to be commended for its action on this matter.

The PRESIDING OFFICER. The bill is open to amendment.

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

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

Mr. ELLENDER. Mr. President, I understand that the distinguished senior Senator from Tennessee desires to offer an amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. Mr. President, on behalf of my distinguished colleague (Mr. BAKER) and myself, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the benefit of the Senate.

The legislative clerk read as follows:

On page 30, line 3, strike out the figure $50,300,000 and insert in lieu thereof the figure $51,600,000.

Mr. GORE. Mr. President, the amendment would provide for beginning a very worthwhile and severely needed development of the Duck River tributary of the Tennessee River.

This river valley is a populous area. It is a rapidly growing area in which the need for a fresh water supply is very pressing.

The project has been carefully surveyed and several towns and communities within the area have formed the Duck River Association. They have a close working relationship. It is remarkably cooperative. They have approached the Tennessee Valley Authority for consideration of their needs. The TVA in turn has surveyed the proposed project. And as I understand it, the Tennessee Valley Authority has favorably recommended the project.

I am very hopeful that the distinguished chairman of the committee will be willing to accept the amendment. An expenditure of this sort would in no sense be wasted. The benefits to be realized from this development will be lasting and will be very substantial.

I will not take the time of the Senator to give a detailed discussion. However, I ask unanimous consent to have printed into the RECORD a justification for the project.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

INTRODUCTION

The purpose of this report is to provide evidence to show that the benefits derived from public investment are more likely to be maximized if the investment is made in an area where a regional agency as the Upper Duck River Development Agency exists. The report describes the activities of the Upper Duck River Development Agency and Association and considers its projects in relation to the expansion benefits which will result from the public investment in the Upper Duck River Area.

The Upper Duck River Development Agency, Upper Duck River Development Association, and the Upper Duck River Regional Planning Commission work together on both long range and short range plans for comprehensive development of the natural and human resources of the Upper Duck River Valley. The activities include a wholesome working relationship with other Agencies and groups on local, State, and Federal levels.

A summary of the history and aims of the Agency and Association are given as background information.

HISTORY

Leaders in the Upper Duck River Basin recognized there were problems and tasks that require the unified efforts of several communitiss and several Counties. In July, 1964, the Upper Duck River Development Association was organized for the purpose of planning and executing programs to implement development of the resources in the four-County Upper Duck River Basin. In due course of time, the Association was chartered under the laws of the State of Tennessee as a tributary area. The Association's first task was an inventory of its resources. Resource work groups were organized with the cooperation of the technical representatives from TVA, and resource inventory reports were prepared and published in June, 1965.

The leaders in this area-wide effort recognized the need for legal status and financial assistance. This was accomplished with the enactment of legislation creating the Upper Duck River Development Agency, which was signed into law on March 3, 1965, by the Governor. The Agency Directors were appointed in July, 1965, and the organization of the Agency was finally consummated in September, 1965. One of the early efforts of the Agency was toward the establishment of a junior college to serve a seven-county area in the Upper Duck and Elk River Watersheds. This was undertaken in cooperation with the Elk River Development Association and Agency. There was complete unity of effort toward the establishment of the college to be located in Moore County.

In order to utilize the assistance available from various Federal programs, it was essential that the Upper Duck River Area have a comprehensive Planning Program. Early in 1966, the four Counties Quarterly Courts and the City Councils passed Resolutions urging the exploration of a regional planning commission. The Commission was organized and became a reality in May, 1966. The Commission consists of representatives from each of the Quarterly Courts, each of the City Planning Commissions, the Upper Duck River Development Association, and the Upper Duck River Development Agency.

The Association represents some 130,000 people in the Upper Duck River Watershed. The Agency represents the power structure of the County, City, and State levels. The planning commission is a technical servant which assists the Association and the Agency in regional planning. With the respective functions of these organizations, the area is well-equipped to handle a wide variety of regional projects. These organizations are supported by the financial participation of the Counties, the Cities of the area, the State, and an individual participating membership in the Association of $1.00.

The people of the Upper Duck River Basin recognized that its development is multi-purpose and involves an inter-relationship of one resource with another. They also recognize the fact that water is our most important resource as it is basic to industrial expansion, economic growth, and development.

AIMS

The hope of our future involves the faith of the individual, the governmentally independent individual's right to think, to plan, to create, to stand on his own feet and to be rewarded. The ultimate objectives of the Upper Duck River Development Agency and Association are to maximum the economic development of the watershed, provide gainful employment for its people, and to make the area in general a better place in which to live. We will extend the benefits of our inventiveness, enterprise and skill to our people.

The foregoing broad objectives may be broken down into several parts as they relate to our various resources.

1. To provide for adequate water supply and flood control by establishing a series of dams and a water-control system on Duck River.

2. To up-grade the areas' educational systems with particular emphasis on vocational training.

3. To develop health-education programs that will bring about a better understanding of the health services available to the areas.

4. To work with various Agencies at the local, State and Federal levels to up-grade our environmental conditions and industrial climate.

5. To work with TVA, State Industrial Department, Middle Tennessee Industrial Development Association, and others to interest industrial firms in locating their plants and distribution centers in the Upper Duck River Area.

6. To improve transportation facilities throughout the basin with the establishment of an East-West Highway that will meet primary highway specifications.

7. To encourage the estalishment of both public and private recreational, facilities throughout the watershed.

8. To organize agricultural commodity management clubs and to strive for an average gross annual income of $10,000 per farm family.

PROJECTS

The above objectives provide a framework for an almost limitless resource development. The Agency is a leader in coordinating the activities of local government which relate to the economic development on an area-wide basis. UDRDA has worked closely with various State Agencies—The Tennessee Valley Authority, Housing and Urban Development Department and other groups. The Agency and the Association have embarked on promotional campaigns and work projects designed to maximize economic growth and make the valley a better place in which to live.

Duck River project

The Duck River Project (Normandy and Columbia Reservoirs) Planning Report No. 65–100–1 was submitted to the Bureau of Budgets by TVA in October of 1968.

This project was determined feasible by TVA and provides for construction of a water control system on Duck River consisting of Normandy Dam and Reservoir and Columbia Dam and Reservoir at an estimated cost of 73.5 million dollars. The reservoirs will consist of sixteen thousand surface acres of water at normal pool. Certainly this project will mean much to the Duck River area and to the State as a tool in total resource development. Recognizing the importance of public support for any project, we proceeded with the campaign to mobilize support. Resolutions endorsing this project and urging Congress to approve and fund it at an early date. It was passed by the four Quarterly Courts of the area, twelve City Councils, and many Civic Clubs and organizations. A House Joint Resolution was passed by the Tennessee General Assembly in April of 1969. All of these Resolutions were forwarded to our Congressmen and Senators. On Wednesday, April 30, 1969, Congressman Joe L. Evins introduced House Joint Resolution No. 72 into the Congressional Record: It is significant what Congressman Evins said:

"Mr. Speaker: The Tennessee General Assembly has passed House Joint Resolution 72 calling for construction of Columbia and Normandy Dams by the Tennessee Valley Authority on the Upper Duck River."

"The Tennessee Legislature in its resolution urged the appropriation of funds to initiate construction of these two most important projects."

"Mr. Speaker, the Tennessee Valley Authority has recommended these two projects to the Bureau of the Budget which has denied TVA's request despite the broad range of support by the Upper Duck River Development Association and counties and cities in the area."

"These are needed projects, fundamental to the growth and progress of this area, and funds to initiate construction should be appropriated for the next fiscal year."

"Because of the importance of these projects to our people, I herewith place in the Record House Joint Resolution 72."

The Agency designated a special Committee to work with TVA, State and local Governments in developing contractural arrangements with TVA that will depict non-federal participation in the Duck River Project. The Committee has had two meetings with the various Departments of State Government and TVA. The Department Representatives were keenly interested and willingly pledged participation and support. Progress in this endeavor has been made. Subsequent meetings between the State Departments of Government, local Government and TVA will be necessary to finalize this arrangement.

Although Duck River Project was not included in the President's budget submitted to Congress, the people of the area were not discouraged. In June, 1969, nine of the Duck River leaders appeared before the House Public Works Sub Committee on Appropriations, in behalf of the Duck River Project Report No. 65–100–1. Formal statement was filed and there was an interchange of questions and answers with members of the Committee. The Duck River group was encouraged with the hearing before the Committee. We are hopeful this project will be approved and funded by the Congress this year.

Water grid system

During the year very substantial progress has been made in the construction of the Water Grid System. The objective of this project is to distribute potable water to smaller communities and rural areas throughout the watershed.

1. The first phase of the Lewisburg segment was completed last year. The second phase application of Lewisburg has been filed with HUD.

2. The first phase of the Columbia project was completed. Columbia's second phase was approved by HUD with a $500,000 grant. Bids on the second phase have been received, opened, and the contract awarded.

3. The Shelbyville first phase has been completed. It is contemplated that the second phase application will be submitted in the next fiscal year.

4. Tullahoma's first phase is complete. Their consulting engineering firm is working on the second phase application.

5. Manchester's first phase got underway late in the fiscal year.

6. Cornersville, a small community serviced from the Lewisburg Water Grid System made application to up-grade their water distribution. Cornersville received a grant of $75,000.00 and a loan of $90,000.00 from HUD.

7. The Wartrace community has submitted application to HUD, for an expansion of their rural distribution and will provide tie-in with the Shelbyville System and ultimately the Manchester System at Beech Grove.

Legislators and State officials

The Agency and the Association had a joint meeting in December to which they invited their Legislators and State Officials. The meeting provided a means of communication and exchange of ideas relative to the Upper Duck River program. This meeting was very worthwhile and it resulted in a better understanding between our Legislators, State Officials and Duck River Leadership.

UDRDA brochure

A brochure entitled "Economic Development in the Duck River Area" was prepared and printed. The brochure treats three phases of our program: the Upper Duck River Area, a program of action and partners in development. This publication has been effective and has created a great deal of interest among the children in Junior and Senior high schools within the Duck River area and was helpful in the Duck River membership campaign.

TVA support

The Duck River leaders recognize the need for public support of TVA, not only in our immediate Valley, but throughout the Tennessee River Region. We prompted Tennessee River Valley Association of Decatur, Alabama to hold a series of meetings toward the development, organization of public support for TVA. We hope these meetings will result in far reaching support.

Transportation center idea

The Duck River people conceived the idea for a Transportation Center which might be located within the Northern region of the Upper Duck River Watershed. Such a Center would serve Metropolitan Nashville and all of Middle Tennessee. It would enhance all modes of transportation, including international and domestic flights, air freight, rapid rail facilities into Metropolitan Nashville, rapid automotive transportation, pipelines, rail and trucking services for air freight. Preliminary studies show there are many pluses in favor of such a development. The aircraft of the 70's will have to avoid Metropolitan areas because of safety factors. FAA has indicated that Nashville needs a new airport facility. The number of air passengers, transportation to and from the airports, indicate the need for a Transportation Center. Working with TVA representatives a study of the transportation situation is in process. In addition, Duck River is maintaining contact with the aviation and transportation leaders of Metropolitan Nashville. The Duck River people and the Legislators from this rural area cooperated with the Metropolitan areas of the State in the passing of legislation which provides for setting up of an airport transportation authority. It is felt that this legislation was the initial step in the development of the Transportation Center idea.

Planning project

Late in the year the Upper Duck River Planning Commission and Agency entered into a contract with the Tennessee State Planning Commission to perform the services as outlined in Developmental Planning Project Tenn P–66. This Project includes three major phases:

1. Long range planning (20 or more years).
2. 5 year planning.
3. A year to year plan (this phase is designed to meet the planning situation for any development project that may be initiated).

Tennessee State Planning Commission is scheduled to initiate work on July 1, 1969.

BENEFITS FROM PUBLIC INVESTMENTS

It is obvious from the nature of the various projects undertaken by UDRDA that the benefits from the Agency's and Association's activities extend into all phases of economic development in the watershed. The Agency and Association offer the organization framework through which leaders in the watershed communities can participate in the developmental work. Past efforts of the area's citizens acting through the Agency and Association have demonstrated their ability to initiate and follow through with projects which have beneficial effects on income in the area. The leaders in the Agency and Association believe that the additional income to the region, which will be projected as expansion benefits in the Duck River Project, (Normandy and Columbia Reservoirs), can become a reality through the cooperative efforts of UDRDA, the local, State and Federal governments, and the people of the Upper Duck Watershed.

The amount of total income to the area's residents which will result from the proposed project on the Upper Duck is dependent not only on the increment income in the form of new wages which are directly attributed to the projects, but also on the income generated by respending the wages. Total income generated in a given period of time will depend on the frequency of respending which in turn will depend on the relative amount of economic activity in the watershed. Leaders in the Agency and Association believe that the generation of new income, called the multiplier effect, will be of relatively large magnitude in the Upper Duck River area because of the activities of the Agency and Association which tend to promote economic development within the watershed and surrounding areas.

Activities to attract new industry and provide support for existing industry will create more jobs in the four County area. New gains in manufacturing will result in the addition of new jobs in trades and service industries. Projects to improve education and skill levels have the effect of up-grading the area's labor force and preparing young people to take advantage of better job opportunities within the watershed. The Water Grid System will affect practically every citizen in the area through improved water supply for residential, commercial, and industrial developments. Other activities in the fields of highway construction, agriculture, recreation, and water pollution control will help stimulate economic expansion in the four County area which will be affected by the proposed projects on the Upper Duck River. This economic expansion will, in turn, supply the necessary acceleration to maximize the new income to the area resulting from the project.

MEMBERSHIP

The Upper Duck River Development Association has an active membership of 2,548. The general public is enthusiastic about the Upper Duck River Development Program and its several projects. The Agency and Association, Officers, Directors, and Committeemen and Work Group Members have given voluntarily of their time, talents and energies to promote and improve the Upper Duck River Watershed. The citizens participation for the fiscal year of 1968–1969 was as follows:

3,217 man hours.

31,077 automobile miles.

Other expenses $1,595.00 (to attend the regular meetings, work group meetings, committee meetings, and other activities).

PUBLICITY AND PUBLIC RELATIONS

Projects and activities of the Agency and Association have been of local and wide spread interest. The press, radio, and television have been most helpful in publicizing our efforts, our dreams, and our accomplishments in the development of the Upper Duck River Area. A wholesale awareness of our program exists through the four County area. Some of our projects have attracted interest in many areas. The Water Grid System Project has national recognition. HUD representatives speaking before the Governor's conference in Honolulu made numerous references to this project. Several regional and national magazines have carried featured stories pertaining to the UDRDA activities.

The Officers, Directors, and Staff have maintained contact with our public officials in the State and in Washington. We have endeavored to keep them fully apprised of the problems and developments in our program. Congressman Joe L. Evins, Congressman William Anderson, Senator Albert Gore, Senator Howard Baker, Governor Ellington, State Senator Reagor Motlow, State Senator Ernest Crouch, State Senator Joe Kelley, Representative Pat Lynch, Representative Joe Majors, Representative W. R. (Spot) Lowe, Representative Thornton Taylor, Representative W. A. Richardson, Representative Edward Blank, Officials and Staff of TVA, HUD, and TSPC have been most helpful with the many aspects of our Upper Duck River Program. To them individually and collectively we express our sincere thanks.

PLANS FOR 1969–1970

The people of the Upper Duck River Valley are dedicated to the goal of total resource development of the area. All of our activities and projects are designed to obtain maximum benefits and optimum economic development.

An immediate task is to obtain Congressional approval and initial funds for construction of the Duck River Project (Normandy and Columbia Dams and Reservoirs, Report No. 65–100–1).

The people will continue their efforts on the Water Grid System, recruit and expand industry, maintain amicable relationship with all the Agencies, on local, State and Federal levels and pledge unity in our actions.

Upper Duck River Development Agency Financial Report, July 1, 1968 Through June 30, 1969

RECEIPTS

General account:	
Brought forward	$1,907.64
Town of Spring Hill	50.00
Maury County	1,000.00
Town of Normandy	25.00
Town of Bell Buckle	30.00
City of Columbia	1,000.00
City of Tullahoma	750.00
City of Lewisburg	1,000.00
Marshall County	750.00
Coffee County	750.00
City of Shelbyville	750.00
City of Manchester	750.00
Town of Wartrace	25.00
State of Tennessee	5,000.00
Bedford County	750.00
Town of Chapel Hill	50.00
Total	14,587.64
Water account: Brought forward	50.54
Planning account:	
Brought forward	8,751.28
City of Manchester	1,250.00
Coffee County	1,250.00
Marshall County	1,750.00
Maury County	2,500.00
City of Shelbyville	1,750.00
City of Lewisburg	1,500.00
City of Tullahoma	1,500.00
City of Columbia	2,500.00
Bedford County (cash $1,270.00, Rent $480.00)	1,750.00
Total	24,501.23
Total receipts	39,139.46

Upper Duck River Development Agency Financial Report, July 1, 1968 Through June 30, 1969—Continued

EXPENSES

General account:	
Salaries	10,500.00
Taxes	443.40
Office supplies postage	216.79
Printing	129.60
Telephone	634.60
Travel	1,256.38
Equipment	203.77
Contingency	$124.78
Bond	50.00
Travel insurance	55.00
Total	13,614.32
Water account	48.73
Planning account:	
Salaries	11,000.00
Taxes	394.55
Travel	1,729.52
Office supplies and postage	21.00
Rent	480.00
Total	13,625.07
Total expenses	27,288.12
Balance—General account	973.32
Balance—Water account	1.81
Balance—Planning account	10,876.21
Total balance	11,851.34

THE TENNESSEE UPPER DUCK RIVER DEVELOPMENT AGENCY, SHELBYVILLE, TENNESSEE, 1968–69 REPORT TO THE GOVERNOR

OFFICERS AND DIRECTORS

Mr. Hardin Hill, President—Columbia, Maury County.
Mr. Theron Bracey, Vice President—Shelbyville, Bedford County.
Judge Sam Clark, Secretary—Lewisburg, Marshall County.
Judge John W. Ray, Treasurer, Manchester, Coffee County.
Mr. L. B. Jennings, Tullahoma, Coffee County.
Judge Mac Farrar, Shelbyville, Bedford County.
Judge John S. Stanton, Columbia, Maury County.
Mr. Wade Arnold, Shelbyville, Bedford County.
Mr. Kennie Moses, Chapel Hill, Marshall County.
Mr. Clair Eoff, Jr., Tullahoma, Coffee County.
Mr. E. Boyd Garrett, Nashville, State of Tennessee.
Mayor James H. Dowdy, Columbia, Maury County.
Mayor J. A. Biggs, Lewisburg, Marshall County.
Mr. Edwin Allen, Lewisburg, Marshall County.
Mr. Sam Worley, Jr., Maury County.

THE UPPER DUCK RIVER DEVELOPMENT ASSOCIATION, 1968–69

OFFICERS AND DIRECTORS

Mr. L. B. Jennings, President, Tullahoma. Coffee County.
Mr. Hardin Hill, Vice President, Columbia, Maury County.
Mr. W. D. Copeland, Secretary, Shelbyville, Bedford County.
Mr. James Stammer, Treasurer, Lewisburg, Marshall County.
Mr. Tom Green, Nashville, Davidson County.
Mr. Theron Bracey, Shelbyville, Bedford County.
Mr. John P. Jewell, Columbia, Maury County.
Mr. Lloyd Payne Shelbyville, Bedford County.
Dr. J. C. Leonard, Lewisburg, Marshall County.
Mr. Floyd Mitchell, Tullahoma, Coffee County.
Mr. Sam Kennedy, Columbia, Maury County.
Mr. Franklin Yates, Shelbyville, Bedford County.
Mr. C. F. Norman, Manchester, Coffee County.
Mr. Frank Grisard, Manchester, Coffee County.
Mr. Lon McFarland, Columbia, Maury County.
Mr. Doug Rogers, Chapel Hill, Marshall County.

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

Mr. GORE. I yield.

Mr. BAKER. Mr. President, we are dealing with an additional item of $1,300,000 for these two projects. That is a substantial amount of money. However, I point out, as my distinguished senior colleague has pointed out, that the projects are well justified by cost benefit ratios and the House of Representatives has seen fit to include it in its appropriations. It is an innovative program uniquely suited to the pattern in our area for the development of water resources, electrical energy, or recreation in industrial location.

I believe these projects are eminently worthy of the consideration of the Senate for inclusion in this appropriation measure.

Mr. President, this amendment would increase the appropriation for the Tennessee Valley Authority from $50,300,000 as recommended by the committee to $51,600,000, an increase of $1,300,000.

The purpose of the amendment is to restore to the pending bill $1.3 million included by the House for preliminary planning and land acquisition for two interrelated Tennessee Valley Authority projects on the Upper Duck River in Tennessee, the Normandy Dam project and the Columbia Dam project.

Mr. President, these two projects are vital parts of an overall plan for the development of a five-county region in the south central part of my State. The Upper Duck River Development Agency, chartered by the General Assembly of the State of Tennessee, has developed and begun the implementation of a bold and innovative redevelopment plan that has gained national attention. An ambitious multi-county water grid system is well under way, a system that could well serve as a model for rural water supply throughout the country. Many other Federal, State, and local programs—including urban renewal projects and OEO community action programs—have been developed and coordinated by the Upper Duck River Development Association.

The Columbia and Normandy dams and the reservoirs that they will create form the heart of this promising experiment in local redevelopment. The two projects combined have an annual combined benefit to the area of nearly $5 million and a cost benefit ratio of 1.2 to 1. These benefits are allocated to such improvements as flood control, water supply, water quality control, recreation, shoreline development, fish and wildlife, transportation, and job expansion.

The most urgent of these needs is a chronic water shortage that grows worse every year and which severely limits the opportunities for industrial and residential expansion within this area. The reservoirs that would be created by these two projects are essential to the future growth of the region and to the success of the water grid system that I mentioned earlier.

Mr. President, $1.3 million is a relatively small amount of money. The House committee and the House as a whole saw fit to include these funds in H.R. 14159. The Senate committee, in its wisdom, saw fit to delete this modest amount, at the same time providing $1 million not in the House bill for a very similar series of dams on the Upper French Broad River in the great State of North Carolina. I am confident that the Upper French Broad project is an excellent one—it has a benefit cost ratio of 1.4 to 1—and I am delighted for the people of North Carolina that the distinguished committee has seen fit to recommend to the Senate that this project not funded by the House be funded in this body. But I am not so happy that the committee has seen fit to delete a similar amount for a similar project in Tennessee where I feel, and the House feels, the need is just as great.

Mr. GORE. Mr. President, I thank my distinguished colleague. I am very pleased to join in the amendment which he drafted and which I cosigned and sent to the desk.

I noticed that the committee has approved an item of some $1 million for a project in North Carolina. From my limited knowledge of this project—and it is a worthy project—I do not wish to offer any criticism of the project or offer any hindrance to that project. I suggest to my distinguished friend, the able chairman of the subcommittee, that we receive similar sympathetic treatment.

Mr. ELLENDER. Mr. President, I wish to state to the able Senators from Tennessee that the subcommittee gave a good deal of thought to the projects that were submitted by the Tennessee Valley Authority.

In working out a program, as I stated earlier, we tried to see to it that the various States were treated similarly. Three States in particular benefit a great deal from the TVA, and those States obtain money for resource development from at least three sources of which I know—the Corps of Engineers, civil; the Tennessee Valley Authority; and the Appalachia development program.

It will be recalled that I did not speak against the Tellico Dam, which is in the Tennessee Valley Authority program, but at the time it was put in the bill for appropriation, I stated that I thought it should be postponed. I did the same thing with respect to the Tims Ford Dam, and I am now doing the same with respect to the Duck River project.

I assure the Senators from Tennessee that I do not look with disfavor upon these projects, by any means, and I am all for the TVA. I have been for it ever since its inception.

It will be recalled, however, that the TVA was originally authorized in order

to produce electricity from falling water. There were great rivers across which dams could be constructed, and as long as these great water resources could be used, I am sure the Senators from Tennessee will agree that the TVA had my individual support.

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

Mr. ELLENDER. I yield.

Mr. GORE. I want to affirm the record of the able Senator as he has stated it and to express, on my own behalf and on behalf of the people of Tennessee—and I presume on behalf of all the people who are served by the TVA—our gratitude for the support he has steadily given for hydroelectric development.

As the Senator has said, he also has consistently questioned the advisability of the generation of power by steam, by fossil fuels. So, insofar as the development of the water resources of the Tennessee Valley is concerned, the Senator has been a firm champion.

Mr. ELLENDER. I have never been found wanting, I may say to the Senator from Tennessee.

As I have said, the TVA was established originally on the assumption that the great rivers in that area would be developed to the end that large amounts of hydroelectric power would be produced. But the power needs grew so fast, that it was felt necessary by some to advocate that steam plants be constructed in order to provide more electricity. I voted for steamplants in order to firm the hydro power that was then being produced in the valley. I never objected to that.

Later, as time went on, with the greater demand for electricity, more steamplants were constructed. That is when I began to object to the use of money from Texas, from California, from New York, and from other States in order to construct more steam-generation plants.

I got the last report from the Administrator of the Tennessee Valley Authority indicating that, of all the electricity that is produced by the TVA, 79 percent comes from steamplants; the early steamplants were paid for out of the general fund. Of course, the cost is ultimately paid back, only 21 percent of the power produced is hydroelectric. It was my belief at the time that other States would like to have the Federal Government construct steamplants to produce more cheap electricity, to help bring in industry. I objected, but to no avail. The Senators from Tennessee, as well as the Senators from Mississippi and other States, were all for it, and we proceeded to build these plants. Later, as the Senator knows, we permitted the bonding of some of the revenues in order to produce more power from hydroelectric sources.

It is my understanding that studies are being made as to whether more hydroelectric power can be developed. I hope they do find it feasible to develop more power from this source.

Three or four years ago we started Tellico Dam. We provided the funds for it, and there was a great deal of opposition to it from people in the area and from all across the country. Those objecting felt it simply was not good for the Nation to put dams on those wild rivers and cover the wilderness areas with water. Many desired that the region remain in the natural state. But we were overridden with respect to that.

The Tims Ford Dam is another one which we started, and it is now in the process of being constructed.

I want to tell my good friends from Tennessee that we are going to conference with this matter. The Duck River project was put in by the House. There is no budget estimate for it.

I would like to find out more about it. I would like to find out more about the benefits that are reflected in the benefit-cost ratio and things of that nature. Then, there is quite a bit of opposition. Many letters came in opposing the construction of these dams. As a result of all of these factors, the subcommittee decided to strike it out. We did add another item for the area, to take up with the House.

Since the proposal of the Senator is in the bill, it is my hope, and I feel reasonably certain that in conference, we will come to some conclusion as to both of them.

We do have language in the bill leaving the funds in, but with the understanding that they are to be used only for planning the dredging of the port and not for construction of the other facilities, because it is my belief, in a case like that, that we are going a little too far.

I know that in New York, New Orleans, and in all the great cities in the country where we have great harbors, all the engineers did was to provide the depth of water in the main channels, but when we came to the construction of warehouses or railroad tracks necessary to operate the harbor, that is usually left to the local authorities to provide, and is a condition of local cooperation that must be met before any Federal funds are expended. We did not examine this project in depth, but it appears that all the State of Mississippi is going to furnish, as I understand it, is some 1,200 acres of land. I do not know if that much land is needed. The committee agreed to go along with the planning and the actual dredging of the port. We will look into this entire matter later and get our teeth into it and decide the extent to which we can go along with the project as contemplated.

We had another project included by the House, a project for the State of my good friend from Mississippi, the Yellow Creek Port project. I had never heard of the Federal Government building a harbor project, and providing at Federal expense all the facilities necessary for that harbor, including railroad tracks, highway connections, warehouses, pilings for the wharves, and so forth. I thought we should look into that more thoroughly before we agreed to construct it.

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

Mr. ELLENDER. I yield.

Mr. GORE. Mr. President, first I want to thank the able Senator for complying with the personal request I made of him with respect to the construction of a small bridge in Crocket County in west Tennessee. It was ultimately to be in the plan for Corps of Engineers construction, but it has become in such dilapidated condition now that a schoolbus must stop and the children must walk across the rickety bridge, no mater how hard it might be raining.

The Senator kindly provided for the construction of this bridge in the bill and I want now publicly, on behalf of the people of Crockett and Gibson Counties, to thank him for so doing.

I take encouragement with respect to what the Senator said with reference to the two projects, one on the Duck River in Tennessee, and the other in North Carolina.

There is no greater bargainer in the Senate than the Senator from Louisiana. He is experienced at it and successful.

If my distinguished colleague from Tennessee is agreeable with the understanding as I interpret it to be, that in conference these two projects will be considered together on their merits, if the merits indicate a division of the funds, that would be a bargaining position.

Mr. ELLENDER. We can certainly come to some agreement, as the Senator knows, and we have done that before. I do want to be frank and candid in saying to my good friend that it is always good to have some bargaining power in these bills, not only in connection with public works or the Tennessee Valley Authority but also in other bills. I am very hopeful we can come to some conclusion which will be satisfactory to both of the Senators from Tennessee.

Mr. GORE. Mr. President, in view of the colloquy, for which I express gratitude, and seeing a favorable nod from my distinguished junior colleague, I wish to ask my distinguished colleague if he joins me in withdrawing the amendment.

Mr. BAKER. I am happy to join the senior Senator from Tennessee. I think the purpose is resolved, and I am perfectly agreeable.

Mr. GORE. Mr. President, I ask unanimous consent that I may withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ELLENDER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, in my experience in the Senate there have been very few occasions when a committee has reported out a bill containing the highest appropriation possible for a particular program, one that is 100 percent equal to the authorization. There have been even fewer instances when a Senate Committee, the Senate itself, or the Congress for that matter, has reflected the funding levels needed to make a major impact on our environmental problem. So my enthusiasm for the $1 billion appropriation approved by the Senate Appropriations Committee for matching grants with the States for water treatment plants is understandable and great. And it is a cause which has the enthusiastic support of the American people.

I have spoken before in the Senate regarding what I believe to be the dwindling odds of our civilization surviving as we have known it in the midst of a polluted environment. We have come

perilously close to losing this battle; the public in past years has remained largely unaware of the enormity and importance of the pollution problem; technological advances have been primarily academic accomplishments since funds were unavailable for their implementation; and elected officials at every level of government have failed to accept the initiative in sounding the battle call. Thus pollution has flourished while pollution control efforts have floundered.

The immediate problem has been evaluated in money terms, and Congress has committed itself to meeting this amount when it authorized the $1 billion appropriation in 1966. Congress record in fulfilling the $3.5 billion program unanimously approved in 1966 to extend over 5 years has been embarrassingly inadequate: in fiscal year 1968, out of $400 million authorized only $203 million was appropriated; in fiscal year 1969, only $214 million was appropriated from the $700 million authorized. In fiscal year 1970, $1 billion was authorized and the committee has recommended an appropriation in that same amount. I commend the members of the Appropriations Committee for their foresight, wisdom, and leadership. All that remains is for the Senate to make good its earlier commitment. The country will welcome Congress new resolve to improve and control the quality of our environment.

Had the committee reported an appropriation less than the full $1 billion amount, I was prepared to offer an amendment to meet this deficit. I have discussed environmental issues with numerous experts through the years. In closely studying the whole water pollution problem, and in taking many other key factors into account, I am completely convinced that we would be doing a great disservice to the American people were we to appropriate less than the full $1 billion amount at this time.

In Illinois, even with the $1 billion appropriation, we would not receive enough Federal funds to meet anywhere near the existing needs. However, that for which we are eligible is substantially greater—some $22.3 million more—than would have been available with the House-passed appropriation of $600 million.

I shall be working hard in the future, in league with my colleagues in the Senate, to make sure that we have sufficient amounts appropriated to meet the Nation's continuing and critical water pollution control needs.

Once Lake Michigan goes the way of Lake Erie and becomes another dead sea, one of the Nation's great resources serving Illinois and its sister States will be lost to the millions of citizens it serves.

Today, we have the opportunity to further the effort to curb the downward course of this country's environment. On October 8 the Senate passed the Water Quality Improvement Act. This legislation offered a good beginning to our water cleanup efforts. I am keenly aware that by appropriating this $1 billion we are choosing among many national priorities, a choice which is made more difficult at this time when every effort is being made to control Federal spending. But in my judgment, as I have stressed so often, there are adequate financial resources available if the Congress establishes proper priorities to meet the public needs. In this case, the pollution threat is so grave, and the need for remedial action so great, that we must support an all-out effort to bring water pollution under control.

Mr. ELLENDER. Mr. President, I am very glad to note the support given to the bill by our good friend from Illinois. As I said during the course of debate, it is my belief that it will be rather easy for us to appropriate the money. Where our trouble will be will be in getting the executive branch to spend the funds I am hopeful that the Senator from Illinois will join a little committee, which I hope to put together, and go to the White House with us to prevail upon the President. These needs should be met now, without delay.

I have no doubt that Congress itself will support and vote for this program of pollution control. The same proposal was put before the House and it lost there by only two votes. I am quite sure that Congress will provide much more than the $214 million which is in the budget. Thus, with Congress taking favorable action, I am very hopeful that we can get to work and get the executive branch to see to it that the money is made available for the purpose intended.

Mr. PERCY. Mr. President, I thank the distinguished Senator from Louisiana. I would not only be happy to join such a committee and call upon the President, or whomever he should designate, but I would also do so taking into account that inflation is the great hazard in this country today and that we must live within our budget means. Not only must we balance the budget but also show a surplus in order to combat inflation. In the adjusting of national priorities, I would even accept the target that we stay within the overall budget and find other areas of a less critical nature where the damage to society, our environment, and to humanity in general will be less if we deferred expenditures of those funds.

As to public works, I have supported the administration, not even continuing the construction of the Federal building which is leaving a hole in the middle of the downtown area of Chicago right now. But there are other and more urgent needs that must be put ahead of those projects. I would be happy to take a share out of Illinois in order to place the highest priority on the control of water pollution and the stability that must be provided to our environment.

Mr. BOGGS. Mr. President, I wish to state my strong endorsement of the recommendation by the committee for an appropriation of $1 billion for construction grants for waste treatment works. As the committee's report states:

> The urgency of moving forward in the program of water pollution control fully justifies the appropriation of one billion dollars.

Also, I wish to congratulate and thank Chairman ELLENDER and the members of his subcommittee for their lengthy investigation of the needs of this program, an investigation that led to what I believe is a very wise decision on the level of appropriation.

Without an appropriation of this magnitude, we will see a continued deterioration in water quality across the country, with the States failing to meet water quality standards.

In a recent report to the Congress, the General Accounting Office made this assessment:

> A serious question exists, however, as to the attainability of the water quality standards by the dates in the implementation schedules because, due to Federal funding in amounts significantly less than amounts authorized, construction is proceeding at a rate well below that which was anticipated.

The report then arrives at this conclusion:

> G-A-O believes that the present level of Federal funding will not be sufficient to enable a significant increase in the effectiveness of the program in abating, controlling, and preventing water pollution.

The message is clear: The Federal Government has failed in its pledge of support to the States and to the people. The Congress must fund this program to the level of need, as established in the authorizations laid down in the Clean Water Restoration Act of 1966.

In case there is any doubt, it should be pointed out that the States are fully capable of utilizing the full $1 billion. The Federal Water Pollution Control Administration has applications on hand for projects that require well in excess of $800 million in Federal funds. Another half a billion dollars has been advanced by the States and local communities as prefinancing of the Federal share on various projects. The States and local governments are entitled to reimbursement on this money.

Money spent on water pollution control benefits every single American alive today, and every American who will ever live. By supporting the $1 billion appropriation, we are insuring these benefits to the Nation. In addition, we are telling the States that the Federal water pollution abatement program no longer is one of promises met by fractional appropriation.

Therefore, I urge my colleagues to support unanimously the committee recommendation of $1 billion.

Mr. YARBOROUGH. Mr. President, I congratulate the distinguished Senator from Louisiana (Mr. ELLENDER) for his great work on this public works bill. He has done so much work which has made it possible for the bill to come before the Senate today.

Senators will note the seven volumes of books stacked on my desk, which I placed there to show the tremendous amount of work that went into the bill. These volumes comprise over 7,200 pages of hearings and contain a 93-page index.

I congratulate the Senator from Louisiana on one of the greatest series of hearings on an appropriation bill ever held in the history of the Senate.

I want to say that while I am personally very thankful to the Senator from Louisiana for what he has done for some of the specific projects that I was interested in in my State, and I congratulate him even more for his job, his foresight, and his wisdom, as well as his fairness and concern for all concerned. Above all, I congratulate him on his great leadership in connection with appropria-

tions for pollution control. He has shown great leadership not only in the committee but also in the Senate and for the Nation.

Mr. President, the public works appropriation bill, as reported by the Senate Appropriations Committee, represents one of the most equitable and effective efforts of the Congress to meet the Nation's needs for water development and pollution control that I have seen since becoming a Senator over 12 years ago.

I strongly urge its passage. The Senate reported bill, H.R. 14159, with amendments, calls for a total appropriation of $4,968,703,500, which exceeds the amount appropriated by the House by $463,257,000, and the amount in the revised budget by $764,725,500. The Senate committee increase is vital and badly needed for several reasons.

The increase includes provision for several new starts for water development projects which have been delayed for far too long, and individual appropriations for each of the new starts is very small when compared to the benefits which will be received in a few years. In other words, for comparatively small additional amounts several new projects can be started which are vital to the future water needs of different areas of the country.

An example of this is the Millican Reservoir, a dam to be built on the Navasota River, approximately 7 miles north of Navasota, Tex. This dam will be the first stage of a two-stage development consisting of Millican and Navasota No. 2 Dams, both of which would be units in the overall plan of improvement for the Brazos River Basin.

The appropriations for Millican Dam is based on the long-range needs of the Texas gulf coast. The Texas Water Development Board has reported that Millican Dam will be needed in the future to supply water to portions of Harris, Brazoria, and Galveston Counties. I have been working for years to secure the initial appropriation. I rejoice with the people of that area who have waited so long for this dam.

Preconstruction planning money has been desperately needed for this project. Not only will this dam ease the future demand for water, but it will also be of tremendous value as a flood control dam and as a recreational site, with an anticipated 2,800,000 annual visitors. Excellent provisions have been made for the protection and extension of fish and wildlife. We cannot sit by and flirt with disaster. Funding for the project is necessary to meet the flood control and water needs of the Texas gulf coast.

Senator ELLENDER and the committee recognized that further delay would jeopardize the future water needs of the Texas gulf coast. It was in response to this critical need and the committee included $200,000 for the Millican Reservoir. This is a relatively small amount, but a big step forward for the people of Texas.

Other examples of new starts in Texas, where Senator ELLENDER and the Appropriations Committee responded to critical situations, were the Aubrey Reservoir near Dallas, Cedar Bayou on the gulf coast, and the Corpus Christi ship channel. In the case of the Aubrey Reservoir, the committee allocated the small sum of $150,000 in preconstruction planning money, but here again, this constituted a response to a situation that was becoming desperate. It is no secret, Mr. President, that the construction of an average-size reservoir normally requires 10 years from preconstruction planning to the reality of a full reservoir. The Dallas Water Survey Committee and other studies conducted by the Texas Water Development Board demonstrated that Metropolitan Dallas, particularly the west half thereof, and Denton County, will need water from Aubrey Reservoir before it is completed. Thus, it is imperative to set the preconstruction activities in motion and this can be done with the Senate committee's recommendation of $150,000.

In the case of Cedars Bayou and Corpus Christi ship channel, the Senate committee allocated $15,000 and $35,000, respectively. Again, these small amounts have a disproportionate salutory impact in enabling vital projects to have a beginning.

Allocations made by the House for other projects, including some in Texas, were increased by the Senate Committee and in each instance those increases were not only wise, but essential. They include an additional $300,000 for the Sabine-Neches Waterway in the east gulf coast area of Texas, $150,000 for the Whitney Reservoir in central Texas and $250,000 for additional land acquisition on the San Gabriel River tributary to the Brazos River.

The Sabine-Neches Waterway is another example of how the Senate committee acted to meet critical needs.

The Sabine-Neches Waterway is approximately 75 miles of navigable channel ranging from 30 to 40 feet in depth. Since 1937, the tonnage shipped on the waterway has nearly doubled, from 41 million tons to 77 million tons. Industry has grown rapidly, thanks to the availability of water transportation, but greater progress would be made, if we had a sufficiently deep channel. The presently authorized project—including the deepening and widening of the channel in various places, the construction of three turning points and a new shallow-draft extension of the Sabine River Channel—is 41 percent completed. The project is a proven success and if the Senate committee had failed to increase the allocation, the delay could have been crippling to the far eastern gulf coast.

For example, local government would be hurt. A large portion of these funds for this project were raised by local participation in a bond issue. These funds must be used on a cost-sharing basis with Federal funds. This leaves the local communities paying large amounts in interest for money they cannot spend.

The petroleum industry would be hurt. About 10 percent of the Nation's petroleum products are refined by the oil companies with refineries along his waterway. The city of Port Arthur has modernized its harbor facilities to handle the larger vessels which could be accommodated by the deeper channel. Until the deeper channel is completed, vessels in and out of the harbor must reduce their capacity load by 10 to 20 percent.

Our transportation system would be hurt if this work is not done. The bridge across the Sabine-Neches Canal at Port Arthur is the only incomplete U.S. link in the "hug-the-coast" highway from the Yucatan Peninsula through Louisiana. Mexico has completed 95 percent of her part of the highway.

Mr. President, I do not want to infer that all the legislative initiative was taken by the Senate committee. A great deal was taken by the House and I want to commend them for it. The House appropriated moneys for a great number of projects which were entirely omitted from the budget or for which the budget had allocated too little. Examples of this action in connection with Texas projects were the Belton Reservoir, which the House increased from $100,000 to $200,000; the Cooper Reservoir and channel, increased by the House from $500,000 to $1,580,000; the El Paso project, from $300,000 to $350,000; the Highland Bayou, from $100,000 to $300,000; the Lavon Reservoir modification and channel improvement, from $2,500,000 to $3,750,000; the mouth of the Colorado River which had been budgeted no money but was allocated by the House $75,000; the San Antonio Channel, which was increased from $900,000 to $1,200,000; Taylor's Bayou in which case, again, the budget allocated nothing, but the House appropriated $250,000; the important Trinity River bridges project, which was raised by the House from the budget allowance of $1,300,000 to $1,400,000 and the critically needed Palmetto Bend reclamation project, for which the budget made no allowance, but the House allocated $200,000. In all of these instances, these vitally needed increases, made by the House, were wisely retained by the Senate committee.

Mr. President, the pollution of our water and air threatens the very existence of man. I am not a doomsdayer but I am realistic and willing to face up to facts. The fact is that with the world population doubling, from 3.5 billion to 7 billion by the year 2000, and with the accelerating amount of pollution that will be produced by these people and their industrial and technological activities, we are fast approaching the day when the process of the decay of our environment will be irreversible.

Mr. President, I want to report that this morning, at 10:30 a.m., a delegation of the IPU arrived from Tokyo. Tokyo is located on a plain which is the main area of Japan. There are some 11 million people in Tokyo and the pollution problem there is one of the worst in the world.

The problem of air pollution is worldwide. It is threatening the very atmosphere of the entire earth. It is a world problem. The distinguished Senator is doing a great job in placing this hazard before the Nation.

We have too much talk about pollution control and too little action. The time to act is now. The appropriation of money with which to act is proof in the pudding.

An effort was made in the House to increase the amount allocated to construction grants for waste treatment works from $600 million to $1 billion. This effort failed on a teller vote by only two votes, though by a wider margin on a later roll-call vote.

During the debate in the House, Gov. Preston Smith, of Texas, wired that the success of the amendment to increase the treatment facilities appropriation to $1 billion "would be significant to controlling water pollution and to the economy of Texas."

I ask unanimous consent that the telegram from Governor Smith to Representative BOB ECKHARDT, dated October 7, 1969, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, the increase for pollution control facilities, reported by the Senate committee, acting in response to the leadership of Senator ELLENDER, is, I am frank to say, the most important increase in the bill. The Congress must give priority to those programs which seek to halt environmental deterioration.

It has been argued by the Secretary of the Interior that "no more than $600 million in Federal grants effectively could be used." But a survey of State officials conducted by the Izaak Walton League of America, and reported to Senator ELLENDER, revealed that at least 29 States, including Texas, could utilize grants in addition to their respective shares of the $600 million allocated by the House. There is no question about the need for the increase to $1 billion, and there is no question about its being utilized.

Mr. President, the battle to save and preserve our environment must become one of the highest and most urgent priorities of our Nation. Time is running out. But we can do something about it now by adopting the Senate committee's recommended increase, and if the executive branch will carry out the mandate of Congress. The Executive has said, remember, that if Congress appropriated the money, it would not spend it; in other words, that it would defy the Constitution of the United States.

The Constitution vests in Congress the duty to levy and vote taxes. It also vests in Congress the duty and the power to vote appropriations. When we vote the taxes and vote the appropriations, it is the duty of the executive branch to spend the appropriations and not to hold them up, or, if given the opportunity, to spend them in some other part of the world. That is what the Executive has been doing for years—both parties. It is time for Congress to call a halt to that. We are entitled to call a halt to it. If the Executive continues to do that, we can cut off their salaries. The legislative bodies of England and of this Nation have done that. That kind of parliamentary control is written into the Constitution of the United States.

Once again, to the distinguished Senator from Louisiana, I say a great job, well done, and I congratulate him.

Mr. President, an excellent editorial which appeared in this morning's Washington Post, entitled "The Pollution Crisis," points up the urgency in approving the increase for pollution funds. As the editorial notes:

> The issue in this instance is not so much whether the country can afford $1 billion for clean water as it is whether we can afford continued inaction in the face of progressive pollution of our environment.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. YARBOROUGH. Mr. President, I urge adoption of H.R. 14159 as reported to the floor by the Senate Appropriations Committee.

EXHIBIT 1

AUSTIN, TEX.,
October 7, 1969.

Hon. BOB ECKHARDT,
House Office Building,
Washington, D.C.:

When H.R. 14159 for waste treatment facilities construction is considered on floor of House tomorrow, October 8, your earnest consideration and support respectfully urged to bipartisan amendment to increase fiscal 1970 appropriation to one billion dollars which is the amount authorized by the Clean Water Restoration Act. Success would be significant to controlling water pollution and to the economy of Texas. Thank you.

Sincerely,

PRESTON SMITH,
Governor of Texas.

EXHIBIT 2

[From the Washington (D.C.) Post, Nov. 12, 1969]

THE POLLUTION CRISIS

The Senate Appropriations Committee has once more raised, the clean-water issue in very pointed fashion. Its call for $1 billion in the form of matching grants to the states for water-treatment plants is in line with the demands of many civic, political and conservation groups that are alarmed by the deterioration in our environment. If the Senate looks at the problem as carefully as its committee has done, it is difficult to see how it could reach a different conclusion.

No one seems to question the need for at least $1 billion for clean water this year. That goal was set in 1966 when Congress passed the Clean Water Restoration Act. But the government has been long on promises and short on performance. Last year Congress authorized the expenditure of $700 million for treatment-facility grants but appropriated only $214 million. The same figure was kept in both the Johnson and Nixon budgets for fiscal 1970, but the present administration is said to have offered a compromise figure of $750 million when the demand for appropriation of the entire sum authorized was being pushed in the House.

In view of the fact that the $1-billion-for-clean-water proposal failed by only two votes in the House, it is difficult to explain the final acceptance in that body of a compromise figure of $600 million. If the Senate now takes a strong and positive stand for rescuing the country's rivers and lakes from their man-made filth, the chance of finding the two extra votes needed in the House would seem to be excellent.

Congress must be mindful, of course, of excessive spending in this era of inflation. But the issue in this instance is not so much whether the country can afford $1 billion for clean water as it is whether we can afford continued inaction in the face of progressive pollution of our environment. It is not a question of voting a luxury which the country cannot afford. It is a question of reclaiming an asset which the country once had and has now lost from neglect.

Mr. YARBOROUGH. Mr. President, again, I congratulate my colleague from our neighboring State.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2864.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Housing and Urban Development Act of 1969".

SEC. 2. Section 305(g) of the National Housing Act is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu thereof "$2,500,000,000";

(2) by inserting "at par" immediately after "and to purchase"; and

(3) by striking out "$15,000", "$17,500", and "$22,500" and inserting in lieu thereof "$17,500", "$20,000", and "$25,000", respectively.

TITLE I—MORTGAGE CREDIT

EXTENSION OF PROGRAMS

SEC. 101. (a) Section 2(a) of the National Housing Act is amended by striking out "1969" in the first sentence and inserting in lieu thereof "1970".

(b) Section 217 of such Act is amended—

(1) by striking out "or title X" and inserting in lieu thereof "title X, or title XI"; and

(2) by striking out "1969" and inserting in lieu thereof "1970".

(c) Section 221(f) of such Act is amended by striking out "1969" in the fifth sentence and inserting in lieu thereof "1970".

(d) Section 809(f) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(e) Section 810(k) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(f) Section 1002(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

(g) Section 1101(a) of such Act is amended by striking out "1969" in the second sentence and inserting in lieu thereof "1970".

LOWER DOWNPAYMENTS FOR FHA-FINANCED SALES HOUSING

SEC. 102. (a) Section 203(b)(2) of the National Housing Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(b) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(c) Section 222(b)(3) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

(d) Section 234(c) of such Act is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$25,000".

MOBILE HOMES

SEC. 103. (a)(1) Section 207(a) of the National Housing Act is amended—

(A) by striking out "trailer coach mobile dwellings" in paragraph (1) and inserting in lieu thereof "mobile homes";

(B) by striking out "trailer court or park" in paragraph (6) and inserting in lieu thereof "mobile home court or park"; and

(C) by striking out "trailer coach mobile dwellings" in paragraph (6) and inserting in lieu thereof "mobile homes".

(2) Section 207(c)(3) of such Act is amended by striking out "trailer courts or parks" and inserting in lieu thereof "mobile home courts or parks".

(b) Section 207(c)(3) of such Act is amended by striking out "$1,800 per space" and inserting in lieu thereof "$2,500 per space".

(c) The last paragraph of section 207(c) of such Act (immediately following paragraph numbered (3)) is amended by inserting after "such term as the Secretary shall prescribe" in the first sentence the following: "(not exceeding 20 years in the case of a mortage for a mobile home court or park)".

MAXIMUM MORTGAGE AMOUNT UNDER SECTION 220 MULTIFAMILY HOUSING PROGRAM

SEC. 104. Section 220(d)(3)(B)(i) of the National Housing Act is amended to read as follows:

"(i) not exceed $50,000,000;".

MORTGAGE INSURANCE ON CONDOMINIUM UNITS FOR SERVICEMEN

SEC. 105. Section 222(b)(1) of the National Housing Act is amended by inserting "or 234(c)," immediately after "221(d)(2),".

ASSISTANCE PAYMENTS UNDER SECTION 235 FOR PURCHASER ASSUMING MORTGAGE

SEC. 106. (a) Section 235(c) of the National Housing Act is amended by striking out "subsection (j)(4)" and inserting in lieu thereof "subsection (i) or (j)(4)".

(b) Section 235(b)(2) of such Act is amended by striking out the first proviso and inserting in lieu thereof the following: ": *Provided*, That if any cooperative member who has received assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary and undertakes the obligation to pay occupancy charges, the new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him".

AUTHORIZATION FOR ASSISTANCE PAYMENTS UNDER SECTIONS 235 AND 236

SEC. 107. (a) The second sentence of section 235(h) of the National Housing Act is amended by striking out "by $100,000,000 on July 1, 1969" and inserting in lieu thereof "by $125,000,000 on July 1, 1969".

(b) The second sentence of section 236(i)(1) of such Act is amended by striking out "by $100,000,000 on July 1, 1969" and inserting in lieu thereof "by $125,000,000 on July 1, 1969".

INTEREST REDUCTION PAYMENTS UNDER SECTION 236 ON CERTAIN PROJECTS FINANCED UNDER STATE OR LOCAL HOUSING PROGRAMS

SEC. 108. The proviso in section 236(b) of the National Housing Act is amended by striking out "with respect to a rental or cooperative housing project" and inserting in lieu thereof "with respect to a mortgage or part thereof on a rental or cooperative housing project".

MAXIMUM RENTALS FOR UNITS IN SECTION 236 PROJECTS AND UNITS QUALIFYING FOR RENT SUPPLEMENT PAYMENTS

SEC. 109. (a) The second sentence of section 236(f) of the National Housing Act is amended by striking out "25 per centum of the tenant's income" and inserting in lieu thereof "20 per centum of the tenant's income".

(b) Section 101(d) of the Housing and Urban Development Act of 1965 is amended by striking out "one-fourth of the tenant's income" and inserting in lieu thereof "20 per centum of the tenant's income".

ASSISTANCE PAYMENTS WITH RESPECT TO EXISTING DWELLINGS UNDER SECTION 235

SEC. 110. Section 235(h)(3) of the National Housing Act is amended—

(1) by inserting "and" at the end of subparagraph (A); and

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following:

"(B) 30 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made prior to July 1, 1971,".

SECTION 236 PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES

SEC. 111. (a) Section 236(a) of the National Housing Act is amended by inserting after "occupancy by lower income families" the following: "(including a project designed primarily by occupancy by lower income elderly or handicapped families)".

(b) The second sentence of section 236(e) of such Act is amended by striking out "at intervals of two years" and inserting in lieu thereof "at intervals of five years in the case of elderly or handicapped families and two years in any other case".

(c) The second sentence of section 236(f) of such Act is amended by striking out "or such greater amount" and inserting in lieu thereof "or (except in the case of a dwelling unit in a project designed primarily for occupancy by lower income elderly or handicapped families) such greater amount".

(d) The first sentence of section 236(i)(2) of such Act is amended—

(1) by striking out "shall in no case exceed 90 per centum" and inserting in lieu thereof "shall in no case exceed (A) $5,500 a year for an individual or $6,600 a year for a couple in the case of an elderly or handicapped family, or (B) 90 per centum"; and

(2) by inserting before the period at the end thereof the following: "in any other case".

(e) The second sentence of section 236(i)(2) is amended by inserting "in any project" after "accord a preference".

(f) Section 236(j)(2) of such Act is amended—

(1) by inserting "and" after the semicolon at the end of subparagraph (A),

(2) by striking out subparagraph (B), and

(3) by redesignating subparagraph (C) as subparagraph (B).

(g) Section 236 of such Act is further amended by adding at the end thereof the following new subsection:

"(n)(1) In making and contracting to make interest reduction payments and insuring mortgages under this section in the case of projects designed primarily for occupancy by elderly or handicapped families, and in administering the provisions of this section insofar as they involve or relate to such projects, the Secretary shall to the maximum extent possible apply the same definitions, terms, and conditions and utilize the same personnel, facilities, and procedures as in the case of loans under section 202 of the Housing Act of 1959."

(b) As used in this section, the term "elderly or handicapped families" shall have the same meaning as in section 202 of the Housing Act of 1959.

10 PER CENTUM INCREASE IN MAXIMUM MORTGAGE AMOUNTS UNDER FHA INSURANCE PROGRAMS

SEC. 112. (a)(1) Section 203(b)(2) of the National Housing Act is amended by striking out "$30,000", "$32,500", and "$37,500" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", and "$41,250", respectively.

(2) Section 203(h) of such Act is amended by striking out "$12,000" and inserting in lieu thereof "$13,200".

(3) Section 203(i) of such Act is amended by striking out "$13,500" and inserting in lieu thereof "$14,850".

(4) Section 203(m) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(b)(1) Section 207(c)(3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(2) Section 207(c)(3) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "24,750", and "$28,050", respectively.

(c)(1) Section 213(b)(2) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(2) Section 213(b)(2) of such Act is further amended by striking out "$10,500", "18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(d)(1) Section 220(d)(3)(A)(i) of such Act is amended by striking out "$30,000", "$32,500", "$37,500", and "$7,000" wherever they appear and inserting in lieu thereof "$33,000", "$35,750", "$41,250", and "$7,700", respectively.

(2) Section 220(d)(3)(B)(iii) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500" and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 220(d)(3)(B)(iii) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" wherever they appear and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(4) Section 220(h)(2) of such Act is amended by striking out "$10,000" and inserting in lieu thereof "$11,000".

(e)(1) Section 221(d)(2) of such Act is amended by striking out "$15,000", "$17,500", "$20,000", "$27,000", and "$33,000" wherever they appear and inserting in lieu thereof "$16,500", "$19,250", "$22,000", "$29,700", and "$36,300", respectively.

(2) Section 221(d)(2) of such Act is further amended by striking out "$25,000", "$32,000", and "$38,000" and inserting in lieu thereof "$27,500", "$35,200", and "$41,800", respectively.

(3) Section 221(d)(3)(ii) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", and "$21,175", respectively.

(4) Section 221(d)(3)(ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(5) Section 221(d)(4)(ii) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", and "$21,175", respectively.

(6) Section 221(d)(4)(ii) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(7) Section 221(h)(6)(A) of such Act is amended by striking out "$15,000" and inserting in lieu thereof "$16,500".

(f) Section 222(b)(2) of such Act is

amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(g)(1) Section 231(c)(2) of such Act is amended by striking out "$8,000", "$11,250", "$13,500", "$17,000", and "$19,250" wherever they appear and inserting in lieu thereof "$8,800", "$12,375", "$14,850", "$18,700", "$21,175", respectively.

(2) Section 231(c)(2) of such Act is further amended by striking out "$9,500", "$16,000", "$20,000", and "$22,750" and inserting in lieu thereof "$10,450", "$17,600", "$22,000", and "$25,025", respectively.

(h)(1) Section 234(c) of such Act is amended by striking out "$30,000" and inserting in lieu thereof "$33,000".

(2)) Section 234(e)(3) of such Act is amended by striking out "$9,000", "$12,500", "$15,000", "$18,500", and "$21,000" wherever they appear and inserting in lieu thereof "$9,900", "$13,750", "$16,500", "$20,350", and "$23,100", respectively.

(3) Section 234(e)(3) of such Act is further amended by striking out "$10,500", "$18,000", "$22,500", and "$25,500" and inserting in lieu thereof "$11,550", "$19,800", "$24,750", and "$28,050", respectively.

(i) Section 235 of such Act is amended by striking out "$15,000", "$17,500", and "$20,000" wherever they appear and inserting in lieu thereof "$16,500", "$19,250", and "$22,000", respectively.

(j) Section 237(c)(2) of such Act is amended by striking out "$15,000" and "$17,500" and inserting in lieu thereof "$16,500" and "$19,250", respectively.

INCREASE IN GNMA PURCHASE AUTHORITY

SEC. 113. Section 302(b) of the National Housing Act is amended—

(1) by striking out "exceeds or exceeded $17,500" in clause (3) of the proviso in the first sentence and inserting in lieu thereof "exceeds or exceeded $22,000";

(2) by striking out "that exceeds $17,500" in the second sentence and inserting in lieu thereof "that exceeds the otherwise applicable maximum amount"; and

(3) by striking out "did not exceed $17,500" in the second sentence and inserting in lieu thereof "did not exceed the otherwise applicable maximum amount".

GNMA SPECIAL ASSISTANCE PURCHASES

SEC. 114. Section 305 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other provision of this Act, the Association is authorized to purchase pursuant to commitments or otherwise mortgages otherwise eligible for purchase under this section at a price equal to the unpaid principal amount thereof at the time of purchase, with adjustments for interest and any comparable items, and to sell such mortgages at any time at a price within the range of market prices for the particular class of mortgages involved at the time of sale as determined by the Association. Mortgages issued under title V of the Housing Act of 1949, except mortgages for above moderate income families issued under section 517(a) of such Act, are eligible for purchase under this section."

TITLE II—URBAN RENEWAL AND HOUSING ASSISTANCE PROGRAMS

URBAN RENEWAL GRANT AUTHORITY

SEC. 201. (a) The first sentence of section 103(b) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", of which increase at least $400,000,000 shall be for grants under part B, and which amount shall be further increased by $2,000,000,000 on July 1, 1970, of which increase at least 35 per centum shall be for grants under part B".

(b) The first paragraph of section 103(b) of such Act is further amended by adding at the end thereof (immediately after the sentence amended by subsection (a) of this section) the following new sentence: "In making any grants under this title, the Secretary shall give priority to applications for projects which are identified and scheduled to be carried out as projects or activities included within approved comprehensive city demonstration programs assisted under the provisions of section 105(c) of the Demonstration Cities and Metropolitan Development Act of 1966."

NEIGHBORHOOD DEVELOPMENT PROGRAMS

SEC. 202. (a) Section 131 of the Housing Act of 1949 is amended by striking out "annual" in subsections (b) and (c)(1) and inserting in lieu thereof "twenty-four month".

(b) Section 132 of such Act is amended—

(1) by striking out "twelve-month period" in subsections (a)(1) and (b) and inserting in lieu there of "twenty-four month period"; and

(2) by striking out "twelve months" in subsection (a)(1) and inserting in lieu thereof "twenty-four months".

(c) Section 133(b) of such Act is amended by striking out "twelve-month period" and inserting in lieu thereof "twenty-four month period".

(d) Section 134(a) of such Act is amended by striking out "annual" in paragraphs (3) and (5) and inserting in lieu thereof "twenty-four month".

(e) Section 134(b) of such Act is amended to read as follows:

"(b) The approval by the Secretary of financial assistance for one or more twenty-four-month increments of a neighborhood development program shall not be considered as obligating him to provide financial assistance for subsequent increments; except that amounts approved by the Secretary for the succeeding twenty-four-month increment shall be reserved for obligation out of grant funds which may be provided under section 103(b) for the fiscal year applicable to such subsequent increment."

(f) The amendments made by this section shall apply with respect to contracts under part B of title I of the Housing Act of 1949 executed on and after July 1, 1970; and any contract under such part B executed prior to July 1, 1970, shall, at the request of the municipality involved, be amended (effective on or after such date) to reflect such amendments.

EXTENSION OF PERIOD OF ELIGIBILITY OF LOCAL GRANTS-IN-AID FOR CERTAIN URBAN RENEWAL AND NEIGHBORHOOD DEVELOPMENT PROJECTS

SEC. 203. (a) The second paragraph of section 110(d) of the Housing Act of 1949 is amended—

(1) by inserting "(except the second sentence of this paragraph)" after "any other provision of this subsection"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the three-year period referred to above shall be extended to a period of four years prior to the authorization by the Secretary of a contract for loan or capital grant for the project."

(b) Section 112(b) of such Act is amended—

(1) by striking out "No expenditure" and inserting in lieu thereof "Subject to the second sentence of this subsection, no expenditure"; and

(2) by adding at the end thereof the following new sentence: "In connection with any project for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and which has not received Federal recognition (other than a project to which clause (2) of the second sentence of section 133(a) applies), the seven-year period referred to in clause (1) of the preceding sentence shall be extended to a period of eight years prior to the authorization by the Secretary of a contract for a loan or capital grant for the project."

(c) Section 133(a) of such Act is amended—

(1) by striking out "For" and inserting in lieu thereof "Except as otherwise provided in this subsection, for";

(2) by striking out "the second paragraph" and inserting in lieu thereof "the first sentence of the second paragraph"; and

(3) by adding at the end thereof the following new sentence: "In connection with any neighborhood development program for which an application is filed not later than the date of the enactment of the Housing and Urban Development Act of 1969 and for which no contract for financial assistance under the program has been authorized by the Secretary, the three-year and seven-year periods referred to above shall be extended to periods of four and eight years, respectively, prior to authorization of (1) the first contract for financial assistance under the program which includes the urban renewal area benefited by the public improvement or facility, or the expenditures, for which credit is claimed, or (2) a contract for a loan or capital grant for an urban renewal project authorized after the date of the enactment of the Housing and Urban Development Act of 1969, in an area which is benefited by the public improvement or facility, or the expenditures, for which credit is claimed and which was included in the neighborhood development program application."

INCLUSION OF ENCLOSED PEDESTRIAN MALLS AS ELIGIBLE URBAN RENEWAL ACTIVITIES

SEC. 204. (a) Section 110(c)(3) of the Housing Act of 1949 is amended by inserting after "playgrounds," the following: "pedestrian malls and walkways (including in the case of an enclosed mall or walkway any necessary roofs, walls, columns, lighting, and climate control facilities),".

(b) The first sentence of the second unnumbered paragraph following paragraph (10) of section 110(c) of such Act is amended by inserting after "provided" the following: "in paragraph (3) with respect to enclosed pedestrian malls and walkways and as provided".

REHABILITATION GRANTS

SEC. 205. Section 115(c) of the Housing Act of 1949 is amended by striking out "or (2) $3,000" and inserting in lieu thereof "or (2) $3,500".

LOCAL GRANT-IN-AID CREDIT FOR CERTAIN FACILITIES BUILT ON BEHALF OF PUBLIC UNIVERSITIES

SEC. 206. Clause (A)(ii) of the second proviso in section 110(d) of the Housing Act of 1949 is amended by striking out "by a public university" and inserting in lieu thereof "by or on behalf of a public university".

INCOME LIMITATION UNDER REHABILITATION LOAN PROGRAM

SEC. 207. Section 312(a) of the Housing Act of 1964 is amended by striking out the last sentence and inserting in lieu thereof the following:

"In making loans with respect to residential property under this section, priority shall be given to applications made by persons whose annual income, as determined pursuant to criteria and procedures established by the Secretary, is within the limitations prescribed by the Secretary for occupants of projects financed with below-market interest rate mortgages insured (in the area involved) under section 221(d)(3) of the National Housing Act."

SEC. 208. The proviso in the first paragraph of section 102(c) of the Housing Act of 1949 is amended by—

(1) striking ", if";

(2) striking ", the interest rate on such a loan from a source other than the Federal Government is greater than the rate at which funds could be made available under the Federal loan contract,";

(3) striking "from such sources" and inserting in lieu thereof "from a source other than the Federal Government"; and

(4) inserting "or a supplemental grant in an amount which he determines is necessary to enable a local public agency to obtain funds from a source other than the Federal Government" immediately following "contract rate".

LOANS FOR PUBLIC HOUSING PROJECTS

SEC. 209. Section 9 of the United States Housing Act of 1937 is amended by striking out the third sentence.

PUBLIC HOUSING ANNUAL CONTRIBUTIONS

SEC. 210. (a) The proviso in section 10(b) of the United States Housing Act of 1937 is amended by inserting after "any contract" the following: ", although not limited to debt service requirements,".

(b) The first sentence of section 10(e) of such Act is amended by striking out "on July 1 in each of the years 1969 and 1970" and inserting in lieu thereof "on July 1, 1969, and $170,000,000 on July 1, 1970".

ROOM COST LIMITATIONS FOR PUBLIC HOUSING PROJECTS

SEC. 211. The first sentence of section 15(5) of the United States Housing Act of 1937 is amended by striking out "$2,400", "$3,500", "$4,000", and "$750" wherever they appear and inserting in lieu thereof "$2,640", "$3,850", "$4,400", and "$825", respectively.

MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

SEC. 212. The last sentence of section 15(10) of the United States Housing Act of 1937 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

ELIMINATION OF WORKING PROGRAM REQUIREMENT WITH RESPECT TO LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS AND OTHER LOW-RENT PUBLIC HOUSING, AND WITH RESPECT TO MORTGAGE INSURANCE UNDER SECTION 221(d)(3) PROGRAM

SEC. 213. (a) Section 101(c) of the Housing Act of 1949 is amended—

(1) by striking out "or for annual contributions or capital grants pursuant to the United States Housing Act of 1937, as amended, for any project or projects not constructed or covered by a contract for annual contributions prior to August 1, 1956,";

(2) by striking out "or section 221(d)(3)";

(3) by striking out "(i)", and "or (ii) section 221(d)(3) of the National Housing Act if payments with respect to the mortgaged property are made or are to be made under section 101 of the Housing and Urban Development Act of 1965,", in the first proviso; and

(4) by striking out "or a contract for annual contributions or capital grants was entered into pursuant to the United States Housing Act of 1937,".

(b) The second proviso in section 10(e) of the United States Housing Act of 1937 is amended by striking out "no such new contract" and all that follows down through "Housing Act of 1949, and".

(c) Section 23(f) of the United States Housing Act of 1937 is amended by striking out all that follows "this Act" where it first appears and inserting in lieu thereof "shall not apply to low-rent housing assisted or to be assisted under this section."

REVIEW OF RELOCATION PLANS UNDER URBAN RENEWAL PROGRAM

SEC. 214. Section 105(c) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraph:

"(3) Within one year after the date of enactment of this paragraph, and every two years thereafter, the Secretary shall review each locality's relocation plan under this subsection and its effectiveness in carrying out such plan."

REQUIREMENT OF SUBSTANTIAL RESIDENTIAL REDEVELOPMENT WHERE PROJECT INVOLVES DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES

SEC. 215. Section 105 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

"(h) In the case of any project which includes the demolition or removal of any residential structure or structures and which receives Federal recognition after the date of the enactment of this subsection (whether or not it is a project taken into account for purposes of applying subsection (f))—

"(1) the redevelopment of the urban renewal area shall include the provision of standard housing units for law and moderate income families and individuals at least equal in number to the total number of dwelling units in the structure or structure demolished or removed; and

"(2) the portion of the total cost of such redevelopment which is attributable to the provision of standard housing units for low and moderate income families and individuals (as determined by the Secretary) shall be at least 35 per centum or, if greater, a percentage bearing the same ratio to 100 as the total appraised value of such residential structure or structures bore to the total appraised value of all the structures in the urban renewal area immediately prior to their demolition or removal (as determined by the Secretary, without regard to any decrease in such value which may have resulted from the imminence of such demolition or removal)."

AUTHORIZATION FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

SEC. 216. Section 202(a)(4) of the Housing act of 1959 is amended to read as follows:

"(4) There is authorized to be appropriated for the purposes of this section not to exceed $500,000,000, which amount shall be increased by $150,000,000 on July 1, 1969. Amounts so appropriated shall constitute a revolving fund to be used by the Secretary in carrying out this section."

AUTHORIZATION FOR COLLEGE HOUSING DEBT SERVICE GRANTS

SEC. 217. Section 401(f)(2) of the Housing Act of 1950 is amended by striking out all that follows "exceed" and inserting in lieu thereof "$20,000,000, which amount shall be increased by $4,200,000 on July 1, 1970."

TITLE III—MODEL CITIES AND METROPOLITAN DEVELOPMENT PROGRAMS

AUTHORIZATION FOR MODEL CITIES PROGRAM

SEC. 301. (a) Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears;

(2) by inserting before the period at the end thereof the following: ", and not to exceed $750,000,000 for the fiscal year ending June 30, 1971"; and

(3) by adding at the end thereof the following new sentence: "Under regulations prescribed by the Secretary, 10 per centum of the amounts appropriated pursuant to this subsection for the fiscal year ending June 30, 1970, and for any fiscal year thereafter shall be used for assistance to city demonstration agencies in smaller cities, and may be so used (to the extent specifically provided in such regulations) without regard to the limitation set forth in the first sentence of section 105(c)."

(b) Section 111(c) of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

AUTHORIZATION FOR COMPREHENSIVE PLANNING GRANTS

SEC. 302. The fifth sentence of section 701(b) of the Housing Act of 1954 is amended by striking out "and not to exceed $390,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $390,000,000 prior to July 1, 1971".

URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES

SEC. 303. (a) Section 701(a) of the Housing Act of 1954 is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) States, including statewide agencies or instrumentalities of a State or its political subdivisions which are designated by the Governor of the State and acceptable to the Secretary, for programs focused upon the needs of communities having populations less than one hundred thousand which provide information and data on urban needs and urban assistance programs and activities and technical assistance to such communities with respect to the solution of local problems."

(b) Title IX of the Demonstration Cities and Metropolitan Development Act of 1966 is repealed.

AUTHORIZATION FOR OPEN SPACE, URBAN BEAUTIFICATION, AND HISTORIC PRESERVATION GRANTS

SEC. 304. The first sentence of section 702(b) of the Housing Act of 1961 is amended by striking out "and not to exceed $460,000,000 prior to July 1, 1970" and inserting in lieu thereof "and not to exceed $460,000,000 prior to July 1, 1971".

AUTHORIZATION FOR NEW COMMUNITY SUPPLEMENTARY ASSISTANCE GRANTS

SEC. 305. Section 412(d) of the Housing and Urban Development Act of 1968 is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1971".

COMMUNITY FACILITIES GRANTS

SEC. 306. (a) Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "1969" in clause (2) and inserting in lieu thereof "1970".

(b) Section 708(b) of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

(c) The second sentence of section 708(a) of such Act is amended by inserting before the period at the end thereof the following: ", and not to exceed $100,000,000 for the fiscal year commencing July 1, 1970".

URBAN MASS TRANSPORTATION

SEC. 307. (a) The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "and" the second time it appears; and

(2) by striking out the period and inserting in lieu thereof "; and $300,000,000 for fiscal year 1971."

(b) Section 5 of such Act is amended by striking out "1970" and inserting in lieu thereof "1971".

TRAINING AND FELLOWSHIP PROGRAMS

SEC. 308. Title VIII of the Housing Act of 1964 is amended to read as follows:

"TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed

for economic and efficient community development, and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists, and to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers and with business firms and associations, labor unions, and other interested associations and organizations, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibility for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs, and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"SEC. 802. (a) The Secretary is authorized to provide fellowships for the graduate training of professional city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

"(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the 'Board'), which shall consist of nine members to be appointed by the Secretary as follows: Three from public institutions of higher learning and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Secretary and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

"MATCHING GRANTS TO STATES

"SEC. 803. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Secretary may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical, professional, and other persons with the capacity to master and employ such skills who are, or are training to be, employed by a governmental or public body which has responsibilities for community development, or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this section unless the Secretary has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this section;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State's program under this section; and

"(5) provides that such officer or agency will make such reports to the Secretary, in such form, and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this section.

"(c) No grant may be made under this section for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"STATE LIMIT

"SEC. 804. Not more than 10 per centum of the total amount appropriated for the purposes of this title may be used for making grants to any one State.

"TECHNICAL ASSISTANCE, STUDIES, AND PUBLICATION OF INFORMATION

"SEC. 805. In order to carry out the purpose of this title, the Secretary is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Secretary under any other provision of law.

"APPROPRIATIONS

"SEC. 806. There is authorized to be appropriated for the purpose of making grants and providing fellowships under this title, without fiscal year limitation, not to exceed $30,000,000. Any amounts appropriated under this section shall remain available until expended.

"MISCELLANEOUS

"SEC. 807. (a) As used in this title the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands; and the term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title."

TITLE IV—MISCELLANEOUS

AUTHORIZATION FOR PROPERTY ACQUISITIONS IN APPLYING ADVANCES IN TECHNOLOGY TO HOUSING AND URBAN DEVELOPMENT

SEC. 401. Section 1010(a) of the Demonstration Cities and Metropolitan Development Act of 1966, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (3) a new paragraph as follows:

"(4) assure, to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under this section, that there is no restraint by contract building codes, zoning ordinances or practice against the employment of new or improved technologies, techniques, materials and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under such programs, except where such restraint is necessary to insure safe and healthful working and living conditions."

SEC. 402. The first sentence of section 1010 (c) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by inserting "(1)" after "authorized"; and

(2) by inserting before the period at the end thereof the following: ", and (2) notwithstanding any other provision of law, to acquire, use, and dispose of land and other property as he deems necessary to carry out the purposes of subsection (a)(1) of this section".

EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH HUD-ASSISTED PROJECTS

SEC. 403. Section 3 of the Housing and Urban Development Act of 1968 is amended to read as follows:

"EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

"SEC. 3. In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—

"(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and

"(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project."

URBAN PROPERTY PROTECTION AND REINSURANCE—ENTRY INTO REINSURANCE CONTRACTS

SEC. 404. Section 1222(d) of the National Housing Act is amended by striking out all that follows "thereafter" the first time that word appears and inserting in lieu thereof a period.

URBAN PROPERTY PROTECTION AND REINSURANCE—STATE SHARE OF REINSURED LOSSES

SEC. 405. Section 1223(a) of the National Housing Act is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) in any State which has not, after the close of the second full regular session of the appropriate State legislative body following the date of the enactment of this title,

adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary for any reinsured losses in that State in any reinsurance contract year, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the calendar year immediately preceding the end of the reinsurance contract year on those lines of insurance reinsured by the Secretary in that State during the contract year, to the extent that reinsured losses paid by the Secretary for such year exceed the total of (A) reinsurance premiums earned in that State during that reinsurance contract year plus (B) the excess of (i) the total premiums earned by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent reinsurance contract year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that were incurred during such period;".

STUDY OF REINSURANCE AND OTHER PROGRAMS

SEC. 406. Section 1235(b) of the National Housing Act is amended by striking out "one year following the date of the enactment of this title" and inserting in lieu thereof "June 30, 1970".

EMERGENCY FLOOD INSURANCE PROGRAM

SEC. 407. Part A of chapter II of title XIII of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new section:

"EMERGENCY IMPLEMENTATION OF PROGRAM

"SEC. 1336. (a) Notwithstanding any other provisions of this title, for the purpose of providing flood insurance coverage at the earliest possible time, the Secretary shall carry out the flood insurance program authorized under chapter I during the period ending December 31, 1971, in accordance with the provisions of this part and the other provisions of this title insofar as they relate to this part but subject to the modifications made by or under subsection (b).

"(b) In carrying out the flood insurance program pursuant to subsection (a), the Secretary—

"(1) shall provide insurance coverage without regard to any estimated risk premium rates which would otherwise be determined under section 1307; and

"(2) shall utilize the provisions and procedures contained in or prescribed by this part (other than section 1334) and sections 1345 and 1346 to such extent and in such manner as he may consider necessary or appropriate to carry out the purpose of this section."

EXTENSION OF FLOOD INSURANCE PROGRAM TO COVER LOSSES FROM WATER-CAUSED MUDSLIDES

SEC. 408. (a) Section 1302 of the Housing and Urban Development Act of 1968 is amended by adding at the end thereof the following new subsection:

"(f) The Congress also finds that (1) the damage and loss which results from mudslides is related in cause and similar in effect to that which results directly from storms, deluges, overflowing waters, and other forms of flooding, and (2) the problems involved in providing protection against this damage and loss, and the possibilities for making such protection available through a Federal or federally sponsored program, are similar to those which exist in connection with efforts to provide protection against damage and loss caused by such other forms of flooding. It is therefore the further purpose of this title to make available, by means of the methods, procedures, and instrumentalities which are otherwise established or available under this title for purposes of the flood insurance program, protection against damage and loss resulting from mudslides that are caused by accumulations of water on or under the ground."

(b) Section 1370 of such Act is amended by inserting "(a) after "SEC. 1370.", and by adding at the end thereof the following new subsection:

"(b) The term 'flood' shall also include inundation from mudslides which are caused by accumulations of water on or under the ground; and all of the provisions of this title shall apply with respect to such mudslides in the same manner and to the same extent as with respect to floods described in paragraph (1), subject to and in accordance with such regulations, modifying the provisions of this title (including the provisions relating to land management and use) to the extent necessary to insure that they can be effectively so applied, as the Secretary may prescribe to achieve (with respect to such mudslides) the purposes of this title and the objectives of the program."

NATIONAL FLOOD INSURANCE PROGRAM—ADOPTION OF LOCAL FLOOD CONTROL MEASURES

SEC. 409. (a) Section 1305(c)(2) of the Housing and Urban Development Act of 1968 is amended by striking out "June 30, 1970, permanent" and inserting in lieu thereof "December 31, 1971, adequate".

(b) Section 1315 of such Act is amended—

(1) by striking out "June 30, 1970" and inserting in lieu thereof "December 31, 1971"; and

(2) by striking out "permanent" and inserting in lieu thereof "adequate".

(c) Section 1361(c) of such Act is amended by striking out "permanent" and inserting in lieu thereof "adequate".

INTERSTATE LAND SALES

SEC. 410. Section 1403(a)(10) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(10) the sale or lease of real estate which is free and clear of all liens, encumbrances, and adverse claims if each and every purchaser or his or her spouse has made a personal on-the-lot inspection of the real estate which he purchased and if the developer executes a written affirmation to that effect to be made a matter of record in accordance with rules and regulations of the Secretary. As used in this subparagraph, the terms 'liens', 'encumbrances', and 'adverse claims' do not refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, nor to taxes and assessments imposed by a State or other public body having authority to assess and tax property which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision, if (A) the developer, prior to the time the contract of sale or lease is entered into, has furnished each purchaser or lessee with a statement, the form and content of which has been approved by the Secretary, setting forth in descriptive and concise terms all such reservations, taxes, assessments, and restrictions which are applicable to the lot to be purchased or leased, and (B) receipt of such statement has been acknowledged in writing by the purchaser or lessee, and a copy of the acknowledged statement is filed with the Secretary in accordance with such rules and regulations as he may require."

REPORTS

SEC. 411. Section 1603 of the Housing and Urban Development Act of 1968 is amended by striking out "January 15" and inserting in lieu thereof "February 15".

RURAL HOUSING

SEC. 412. (a) Sections 513, 515(b)(5), and 517(a)(1) of the Housing Act of 1949 are each amended by striking out "October 1, 1969" wherever it appears and inserting in lieu thereof "October 1, 1970".

(b) Section 517(c) of such Act is amended by striking out all that follows "section" and inserting in lieu thereof a period.

(c) Section 517 of such Act is amended by adding at the end thereof the following new subsection:

"(k) Any sale by the Secretary of loans individually or in blocks, pursuant to subsections (c) and (g), shall be treated as a sale of assets for the purposes of the Budget and Accounting Act, 1921, notwithstanding the fact that the Secretary, under an agreement with the purchaser, holds the debt instruments evidencing the loans and holds or reinvests payments thereon as trustee and custodian for the purchaser."

(d) Section 517 of such Act is further amended by adding at the end thereof (after subsection (k), as added by subsection (c) of this section) the following new subsection:

"(l) The Secretary may also, upon the application of lenders, builders, or sellers and upon compliance with requirements specified by him, make commitments upon such terms and conditions as he shall prescribe to make or insure loans under this section to eligible applicants."

(e)(1) Section 517 of such Act is further amended by adding at the end thereof (after subsection (l), as added by subsection (d) of this section) the following new subsection:

"(m) The assets and liabilities of, and authorizations applicable to, the Rural Housing Direct Loan Account are hereby transferred to the Fund, and such Account is hereby abolished. Such assets and their proceeds, including loans made out of the Fund pursuant to this section, shall be subject to all of the provisions of this section."

(2) The first sentence of section 517(d) of such Act is amended—

(A) by striking out "(a) and (b)" and inserting in lieu thereof "(a), (b), and (m)"; and

(B) by inserting "or otherwise acquired by" after "loans made from".

(3) Section 518 of such Act is repealed.

(4) Section 519 of such Act is amended by striking out "or the Rural Housing Direct Loan Account" and "or Account".

(f) Section 520 of such Act is repealed.

AUTHORITY TO TRANSFER ADDITIONAL AMOUNTS FROM GENERAL INSURANCE FUND TO SPECIAL RISK INSURANCE FUND

SEC. 413. Section 238(b) of the National Housing Act is amended by striking out "the sum of $5,000,000" in the first sentence and inserting in lieu thereof ", at such times and in such amounts as he may determine to be necessary, a total sum of $20,000,000".

SAVINGS AND LOAN ASSOCIATIONS

SEC. 414. (a) Section 5 of the Federal Home Loan Bank Act (12 U.S.C. 1425) is amended to read as follows:

"SEC. 5. No institution shall be admitted to or retained in membership, or granted the privileges of nonmember borrowers, if the combined total of the amounts paid to it for interest, commission, bonus, discount, premium, and other similar charges, less a proper deduction for all dividends, refunds, and cash credits of all kinds, creates an actual net cost to the home owner in excess of the lawful contract rate of interest applicable to such transactions, or, in case there is no lawful contract rate of interest applicable to such transactions, in excess of such rates as may be prescibed in writing by the Board acting in its discretion from time to time. This section applies only to home mortgage loans on single-family dwellings."

(b) Section 5(c) of the Home Owners' Loan

Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof the following new paragraph:

"Without regard to any other provision of this subsection, any such association is authorized to invest in shares of stock issued by a corporation authorized to be created pursuant to title IX of the Housing and Urban Development Act of 1968, and is authorized to invest in any partnership, limited partnership, or joint venture formed pursuant to section 907(a) or 907(c) of that Act."

(c)(1) Section 404(d)(2)(B) of the National Housing Act (12 U.S.C. 1727(d)(2)(B)) is amended by striking out "1966" and inserting in lieu thereof "1965".

(2) Section 6(b) of the Act of September 21, 1968 (Public Law 90–505), is amended by striking out "1968" and inserting in lieu thereof "1965".

(d) Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended by adding at the end thereof the following new subsection:

"(c) Subject to such regulations as may be prescribed by the Board, one or more Federal home loan banks may acquire, hold, or dispose of, in whole or in part, or facilitate such acquisition, holding, or disposition by members of any such bank, of loans (or interests in loans) having the benefit of insurance under section 221(d)(3), 221(h), 235, or 236 of the National Housing Act, as now or hereafter in effect, or any commitment or agreement therefor."

TEMPORARY EXTENSION OF FLEXIBLE INTEREST RATE AUTHORITY

SEC. 415. Section 3(a) of the Act of May 7, 1968 (Public Law 90–301), is amended by striking out "October 1, 1969" and inserting in lieu thereof "October 1, 1971", and by amending the proviso to such section to read as follows: *"Provided,* That notwithstanding any other provision of law, the Administrator of Veterans' Affairs is authorized, until October 1, 1971, to establish a maximum interest rate for guaranteed or insured loans to veterans under chapter 37 of title 38, United States Code, not in excess of such rate as he may from time to time find the loan market demands.".

MEDICINE CABINETS IN FEDERALLY ASSISTED HOUSING

SEC. 416. (a) The head of the appropriate Federal agency shall prescribe reasonable standards with respect to the type or design of latches hereafter installed on medicine cabinets in federally assisted housing with a view to preventing injury to young children as a result of gaining access to the contents of such cabinets.

(b) As used in this section—

(1) The term "federally assisted housing" means (A) housing constructed, rehabilitated, or otherwise provided with assistance under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, section 202 of the Housing Act of 1959, title V of the Housing Act of 1949, the Consolidated Farmers Home Administration Act of 1961, section 7(b) of the Small Business Act, or chapter 37 of title 38, United States Code; and (B) family housing constructed by the Department of Defense.

(2) The term "appropriate Federal agency" means (A) the Secretary of Housing and Urban Development with respect to housing constructed, rehabilitated, or otherwise provided under the National Housing Act, the United States Housing Act of 1937, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959; (B) the Secretary of Agriculture with respect to housing constructed, rehabilitated, or otherwise provided under title V of the Housing Act of 1949, or the Consolidated Farmers Home Administration Act of 1961; (C) the Administrator of the Small Business Administration with respect to housing constructed or repaired with assistance under section 7(b) of the Small Business Act; and (D) the Secretary of Defense with respect to family housing constructed by the Department of Defense.

(c) The respective appropriate Federal agencies shall, in prescribing standards under this section, seek, through consultation or otherwise, to achieve the greatest practicable uniformity in such standards.

MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 417. (a) Section 235(c) of the National Housing Act is amended by inserting immediately before the period at the end of the first sentence the following: ": *Provided further,* That the Secretary is authorized to continue making such assistance payments where the mortgage has been assigned to the Secretary".

(b) Section 236(b) of such Act is amended by striking out *"Provided,* That" and inserting in lieu thereof the following: *"Provided,* That the Secretary is authorized to continue making such interest reduction payments where the mortgage has been assigned to the Secretary: *Provided further,* That".

(c) Section 223(d) of such Act is amended by inserting at the end thereof the following new sentence: "A loan involving a project covered by a mortgages insured under section 213 that is the obligation of the Cooperative Management Housing Insurance Fund shall be the obligation of such fund, and loans involving projects covered by mortgages insured under section 236 or under any section of this title pursuant to section 223(e) shall be the obligation of the Special Risk Insurance Fund."

(d) Section 214 of such Act is amended by inserting "or mobile home courts or parks" in the first sentence after "construct dwellings".

(e) Section 1101(c)(2) of such Act is amended—

(1) by striking out "value of the property or project" and inserting in lieu thereof "replacement cost of the property or project"; and

(2) by striking out "The value" and inserting in lieu thereof "The replacement cost".

FHA FINANCING FOR MOBILE HOMES

SEC. 418. Section 2 of the National Housing Act is amended by—

(1) inserting "(i)" after the words "for the purpose of" in the first sentence of subsection (a);

(2) inserting "; and for the purpose of (ii) financing the purchase of a mobile home to be used by the owner as his principal residence" before the period at the end of the first sentence of subsection (a);

(3) inserting "(other than mobile homes)" after "new residential structures" in clause (1) of subparagraph (iii) of the second paragraph of subsection (a);

(4) inserting the following new sentence at the end of subsection (a): "The Secretary is hereby authorized and directed, with respect to mobile homes to be financed under this section, to (i) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located; and (ii) obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.";

(5) inserting ", except that an obligation financing the purchase of a mobile home may be in an amount not exceeding $10,000" before the semicolon at the end of clause (1) in the first sentence of subsection (b);

(6) inserting ": *Provided,* That an obligation financing the purchase of a mobile home may have a maturity not in excess of twelve years and thirty-two days" before the semicolon at the end of clause (2) in the first sentence of subsection (b); and

(7) striking out "real property" each place it appears in subsection (c)(2) and inserting in lieu thereof "real or personal property".

Mr. SPARKMAN. Mr. President, the House-passed bill differs from the Senate-passed bill. The House has asked for a conference and requested that the Senate appoint conferees.

I move that the Senate disagree to the amendment of the House to the bill (S. 2864); agree to the request of the House for a conference on the disagreeing votes 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. SPARKMAN, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. BENNETT, Mr. TOWER, and Mr. BROOKE conferees on the part of the Senate.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

Mr. ALLOTT. Mr. President, I am happy to see the distinguished Senator from Florida (Mr. HOLLAND) is present on the floor. If I may have the attention of the distinguished chairman of the subcommittee, I would like to draw his attention to pages 24 and 25 of the committee report, dealing with the central and southern Florida project. As the chairman is very much aware, the issue of assuring an adequate water supply for the Everglades National Park was one of the primary reasons for the 1968 modifications which the Congress authorized with regard to the central and southern Florida project.

Also I am sure the chairman is aware that the Committee on Interior and Insular Affairs of the Senate conducted informational hearings in June of this year on the problems facing the Everglades National Park.

This subject of providing an adequate water supply for the Everglades National Park has been a subject of tremendous controversy in the past, and has been rankled by historic divisiveness between various competing interests. I think that everyone recognizes that there has been recently an effort on the part of all the competing interests to deal with a certain measure of good faith in trying to resolve this most important issue. Certainly one of the great leaders here in the Senate is the senior Senator from Florida, who has historically balanced his strong views in support of the park with recognition of

the legitimate interests of the State of Florida to certain waters produced by the central and southern Florida project. In addition, of course, representatives of the Department of the Interior have been working very actively in this particular field, and I want to pay particular tribute to their fine efforts, which have shown a good deal of the cooperative spirit which is so important to the resolution of this matter. As the Senator well knows, members of his staff as well as those of my own have been working on this issue for some time prior to the final markup of this bill to see if there was not some way in which the issue might be resolved at an early date.

I do have several questions I would like to ask the Senator at this time. It is my understanding that none of the funds for fiscal year 1970 are being appropriated for the 1968 modification of the project. I note, for example, that $10 million is recommended in this bill for appropriation for fiscal year 1970 for flood control for the central and southern Florida project. Is this correct?

Mr. ELLENDER. That is correct. I understand that discussions and negotiations are currently going on between the Department of the Interior, the Corps of Engineers, and the State of Florida in an effort to come to some conclusion. As the Senator knows, this matter cannot be settled overnight. It will require a great deal of time, and I am sure it will require money to raise the levees of Lake Okeechobee.

The Senator from Florida is, of course, better versed in this matter than I am. I would like to have him comment.

Mr. ALLOTT. I wonder, then, if the Senator from Florida would assist in answering some questions on this matter to enlighten the Senator from Colorado and other Senators who have had to deal with the matter in the Committee on Interior and Insular Affairs.

Mr. ELLENDER. Mr. President, I shall be most pleased to yield to the Senator from Florida. He is most familiar with it. He has lived with it. It is his home State. He has participated in the work done, in order to get the central and southern Florida project on the way.

I feel confident that, with the cooperation of the Corps of Engineers as well as the Department of the Interior, we can reach some conclusion.

Mr. ALLOTT. I thank the Senator.

I note that $170,470,000 has been allocated to date for the construction of the central and southern Florida project. Am I correct that the funds recommended for appropriation for fiscal year 1970 are included in this bill for the previously authorized raising of the levees around Lake Okeechobee which, when completed, will provide some increase in the storage capacity of the lake?

Can the distinguished Senator from Florida answer that question?

Mr. HOLLAND. Mr. President, I am informed by the able clerk of the committee that that is correct. All I know is that we are well behind the expected appropriations and the expected dates of completion of this project, due to the reduction in appropriations and reductions in the budget which have reached us in recent years.

I simply answer now, on information given me by Mr. Bousquet, that these appropriations do in part apply to the raising of the dikes of Lake Okeechobee.

Mr. ALLOTT. I thank the Senator.

Mr. HOLLAND. I think I should make it clear, nowever, that there are two acts providing for that raising. One of them is the act of 1954, which would provide for the raising of the dikes to impound water at 2 feet above the level permitted prior to that time. The other is the act of 1968, which we passed last year.

It is my understanding that we have not yet seriously entered upon the completion of the works required by the act of 1954, and that part of these appropriations will go to the raising of the dikes, to reach, as speedily as we can, that height of the dikes that was provided by the amendment of 1954, which would have been to such a height as to allow the raising of the waters of Lake Okeechobee, which is the principal storage area of some 750 square miles, 2 feet above the prior permitted level.

Mr. ALLOTT. That is also my understanding. I thank the Senator.

I note on page ix of House Document 369, which contains the recommendation of the Corps of Engineers with regard to the modification of this important project, that the Bureau of the Budget stated, on July 24, 1968, that the Bureau was making no commitment as to when any estimate of appropriation would be submitted for the construction on the project if authorized, "Since this would be governed by the President's budgetary objectives as determined by the then prevailing fiscal situation."

In light of this information, can the Senator from Florida give me any information as to when it is estimated that the first money will be recommended for appropriation for the 1968 modification, which we passed last year?

Mr. HOLLAND. Upon seeing that language which the Senator from Colorado has read, and upon inquiry of Mr. Bousquet, I understand that that is the language that is normally included by the Bureau of the Budget in clearing such a report for transmission to the Congress, because the Bureau cannot speak for later actions of the administration or of the Bureau of the Budget.

As to when the Bureau of the Budget will begin to recommend amounts to raise further the level of the dikes, as provided by the act of 1968, I wish I could say that that would take place in the next year. It would certainly be acceptable to me if that were the case. But knowing the budgetary situation, as both the Senator from Colorado and I do, I am not at all sure that it will take place in the next year.

First, it will be necessary to complete the elevation of the dikes to the degree required by the 1954 amendment, and then to raise the level of the dikes further to the degree required by the 1968 amendment. Of course, those two things cannot be done at the same time, because the lake has a long perimeter, and it will be necessary to complete the work up to the 1954 requirement level, and then, having done that, proceed to the higher level authorized by the 1968 act. I do not think we have reached that point yet. I would be most happy if we were reaching it today, but we are not.

By way of background, I may say to the distinguished Senator from Colorado, first, that I have had a most active and enthusiastic interest in the Everglades National Park, dating back into the 1930's, when I was a member of the State Senate. The completion of that park was one of my primary planks when I was elected Governor in 1940.

After struggling with it for 4 years while I was Governor, we got the matter firmly on the tracks in December of the last year of my 4 years' service. Since I have been here, I have been working on it in every way I know how, and I do not suppose there is any other Member of the Senate, with all due regard to my distinguished friend from Colorado and my distinguished friend from Wisconsin, who has anything like the degree of enthusiastic interest in the preservation of the park that the Senator from Florida has, because it is a part of his efforts, in a way. It is one of his public children, and he will always feel that way.

The raising of the level of the storage of water in Lake Okeechobee is directly related to the continuing supply of water to the Everglades National Park, as the distinguished Senator knows. I thought that, by the wording in our report to which the Senator has referred—I believe it is on pages 24 and 25 of the report—the committee had shown its complete interest in that objective, and was insisting upon that objective being carried over. If that is not the case, I shall be disappointed, because that was the effort of the committee.

Mr. ALLOTT. I must say to the distinguished Senator two things. First, I think that the committee report does do what the Senator has stated, particularly in the first paragraph on page 24 and in the second paragraph on page 25, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the excerpts from the committee report (No. 91-528) were ordered to be printed in the RECORD, as follows:

> The committee recognizes the Everglades National Park as a legitimate water user and the maintenance of an adequate water supply to the park is essential to its unique ecosystem and all efforts must be made to provide the 315,000 acre-feet of water annually to the park, as provided for in paragraph 127b (2) of House Document 369, 90th Congress, second session. The 1968 modification is designed to provide additional capacity for storing water to further alleviate water shortages in the park and southern Florida.
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> * * * * *
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> Accordingly, the committee desires that the State of Florida, the Department of the Interior, and the Department of the Army complete as soon as possible their current negotiations in developing an operating agreement which will insure deliveries of water to the park whenever adequate water is available to meet park purposes, as stated in paragraph 127b of the project report. The committee further desires that these agencies continue their negotiations to develop operating regulations for the sharing of adversity in water-short years.

Mr. ALLOTT. Second, my distinguished friend certainly does not have to

convince me of his great devotion and paternal interest in this national park. He will recall that some years ago, at his request, I went down to Florida as a member of the Committee on Interior and Insular Affairs to find out some facts to adjust the boundary of the park. I subsequently, because of the considerable interest I had acquired in the Everglades, spent a very interesting vacation down there, of which the Senator well knows.

Mr. HOLLAND. May I say, to digress a moment, that every time I go to the park now, I am asked, "When is that handsome Senator from Colorado coming to see us again? I hope it will be soon." That is a common expression of the personnel down at the park. They enjoyed his visit and his enthusiastic interest in the park.

Mr. ALLOTT. I thank the Senator for his comments, which I am sure are undeserved. I should like to ask another question on this matter. Is it possible, considering the budgetary restrictions which have been in effect for the last few years, that the 1968 modification of the Central and Southern Flood Control project might not be completed until sometime around 1985? I do not know whether the Senator has that figure at his fingertips or not.

Mr. HOLLAND. I do not have it at my fingertips, but it would be my ardent hope that it will be completed long before that time. Of course, the answer to that question depends upon congressional appropriations, though the State pays 20 percent of that construction cost, and all the cost of the acquisition of rights-of-way, storage areas, and the like, so that the State is now paying, in a State and local way, better than 30 percent of the total cost, in addition to supplemental work, the cost of which has now risen, as I recall it, to about $85 million. The clerk tells me it is more than that, but that was my recollection.

There are 13 subdrainage districts down there, with which the Federal Government has no connection at all insofar as financing is concerned, and then there are a number of pumping plants, able to pump in both directions, which have to do with water control in that area, and which were put in by private interests.

My recollection is that the figure was $85-million. We will have that exact figure in a moment.

Mr. ALLOTT. I might say to the distinguished Senator that, while I said "around 1985," the graphs in the House document to which I referred show the date of possible completion as 1984. This is taken from the third chart in the graphs of the House of Representatives, which appear in the House document at page 72.

It is my understanding also that the Corps of Engineers is preparing an additional report, which I would assume would be available prior to 1985, regarding additional recommendations concerning southern Florida's water requirements.

Mr. HOLLAND. May I supplement what I stated earlier?

Mr. ALLOTT. Yes.

Mr. HOLLAND. The budget justification on this matter shows that the cost of the central and south Florida works themselves is divided as follows: $330 million from the Federal Government, $146,300,000 from the State and local governments, plus some $85 million necessary secondary work, as described in the budget, which is supplied either by local landholders or by the local units of government, such as drainage districts and the like.

So this is by no means solely a Federal project, and it should not be. I supported its original enactment. I have supported its amendments from time to time, because I am not one of those who think that the State should come here for a solution to all of its problems. I think we should do our share in solving them, and we have done that insofar as this project is concerned, as the figures indicate. In addition, in the way of supplemental work, local governments and individuals are contributing some $85 million, over what the budget justification shows, as I have indicated to the distinguished Senator.

Mr. ALLOTT. I thank the distinguished Senator for that information. It is my understanding that the modified project added about $66 million to the previous authorization. The Federal Government bears about 75 percent of these costs, I believe, and 48 percent of the costs are attributed to the park benefits. I believe the House document makes it very clear that although the cost estimates include the costs of works for the benefit of Everglades National Park, the evaluation of benefits to the park was not attempted because of the unique nature of the park, its importance to the Nation and posterity, and the impracticability of expressing these values in monetary terms. The benefit-cost ratio, estimated at about 2.8 to 1, would be even higher for the modification if it were feasible to evaluate park benefits. Now, my question is this: In light of the corps findings and recommendations as found in House Document 369, paragraph 127 b(2), is it the Senator's view that the Appropriations Committee in the language of the report which accompanies the bill before us, tried to make it clear that all efforts should be made to provide 315,000 acre-feet of water annually to Everglades National Park?

Mr. HOLLAND. That is quite clear to me, with one exception, and that is that if there are starvation years, drought years, it is understood by all concerned that the loss will be ratably felt by all concerned, including the park; and that has never been otherwise, because even in the days before there was any central and south Florida flood control district, there were times of drought when the park did not get the water from the north at all, but was confined, as to its receipt of fresh water, solely to what fell by way of rainfall within the park. I know that, because I have been there after disastrous fires during such times, one of which, incidentally, was after the Federal Government had taken over the whole park area under a deed signed by the Senator from Florida when he was serving as executive of his State.

They took it over through the Fish and Wildlife Service for a period of years until the requirements of Federal law as to how much land could be drawn together contiguously to justify the creation of the park as such and be put under the Park Service. Even when the Fish and Wildlife Service was there, through its personnel, trying to defend and protect the area, and particularly the most interesting parts, there was a disastrous fire.

I never dreamt when I saw the result of the fire that nature could so quickly and completely repair it. If the Senator was there at the Tamiami Trail and the other area known as the Royal Palm Hammock, I doubt if he saw any evidence at that time of the fact that a terrific fire had swept through there.

I am therefore telling him that following that fire I went there. The area looked as if it could never be repaired. However, nature is kind in that climate, and with that amount of water and soil available, I doubt if anyone, except for the fact that there were still a few stalks of royal palm that were destroyed and still standing there above the trees, could see any serious fire damage.

There had been periods of water shortage resulting from drought long before there was any flood control program there, and so forth—Geological Survey records show that in the first 12 years after the construction of that part of the central and south Florida flood control program about which we are particularly concerned—that is the storage area three, and so forth—the park received more water than it had over the preceding 12 years and received more water regularly. However, there will never be any arrangement under which it can have an equal amount of water each month of each year. And there will never be such a time unless we can control rainfall much better than we can over the whole peninsula of Florida so that the park will be able to get a uniform amount of water throughout the year.

All I can say is that we are doing our best with the wording with which the Senator is familiar, as mentioned in the report, to point out that we expect the park to be taken care of as set forth in the official documents mentioned by us which I hope the Senator will have printed in the RECORD at this time.

Mr. ALLOTT. Mr. President, I just asked to have that printed in the RECORD a few moments ago.

Mr. HOLLAND. Mr. President, the Senator had printed in the RECORD the recitals from our report. However, I did not hear him ask unanimous consent to have printed in the RECORD the section of the engineer's report mentioned in our report.

Mr. ALLOTT. Mr. President, the Senator is quite correct. I ask unanimous consent that that material be printed at this point in the RECORD.

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

[From paragraph 127b(2) of House Document 369, 90th Congress, second session]

127. b. *Project purposes.*—The specific purposes that are to be served by the works of the authorized project plus those of the plan here recommended are summarized as follows:

(2) Provide water for Everglades National Park—such amounts are now estimated to be an objective of 315,000 acre-feet annu-

ally—and provide, to the maximum feasible extent, for the delivery of excess waters.

Mr. HOLLAND. Mr. President, I thank the Senator. I think that shows the whole picture as to what we were trying to do. I believe it shows rather conclusively that we were trying to do the fair thing and the decent thing for the park. If I did not think so, I would not be a party to it. I have already stated my long-standing interest in the park.

Mr. ALLOTT. Mr. President, that brings us now to the nub of the situation as I see it, and that is the preparation of an agreement regarding operating procedures for sharing adversity in water-short years. This is one of the most difficult water problems I have ever encountered.

I suppose I have difficulty in understanding it because in our area of the country, as the distinguished Senator knows, we have a lot of water law which is based upon the doctrine of prior appropriation, which does not apply here. So I do not quite know how to deal with it.

Mr. HOLLAND. Mr. President, I point out that in the Senator's State—and it is a great one—they have an abundance of ups and downs which we do not have. There is just a 1 inch to 1 mile of slope in the 65 miles from Lake Okeechobee to the Tamiami Trail. In times of great drought, the release of water from Lake Okeechobee does not mean that any of the released water will get to the park. We have to realize that because of thirsty muck and substructure which is very porous in between the two locations, unfortunately much of the water which is released 65 miles away on a gradual slope of only 1 inch to 1 mile does not get down to the park. It does make the whole problem an exceedingly difficult one.

Mr. ALLOTT. Mr. President, I appreciate that. It is my understanding from the committee report that the committee suggests that in the negotiations for sharing adversity, the State of Florida, the Corps of Engineers, and the Interior Department should recognize that demand graph as it appears in House Document No. 369, found in figure 11, following page 72 of the House document in question.

I think it is very important to point out that the committee language specifically excludes from sharing in times of adversity any demands for water which exceed those contemplated in the project document.

Mr. HOLLAND. We put those in specifically because we know that we cannot foresee what the additional developments will be. And we do know that the Engineers did their very best to try to foresee what future demands would be created. We thought that since we were trying to do something specific there, we had to rely upon some standards. We are relying upon the standards set forth in the Engineers' reports. If there are developments that go beyond that, we are saying in very clear words that the park shall not be adversely affected by the specific other interests not projected in the report of the Engineers which included present developments and developments anticipated during these years when these improvements are going on and being regarded on parity with the park, but no developments which are not anticipated. They will just have to take what is left.

I do not see how we could be any fairer than that.

Mr. ALLOTT. Mr. President, according to the House document, whenever this project modification is completed, possibly after 1985, approximately 655,000 acre-feet of additional water will be made available. It seems to me, and perhaps I am in error—but I would like to have the Senator's comment on this—that during times of adversity, the park would be required to share the increasing demand as projected by the Corps of Engineers in House Document 369. Accordingly, there seems to be an element of inequity here, because the park's proportional interest in the available supply of water will be diminished as these demands for water go up. This is proposed even though no one has any idea as to when an additional supply of water will be available. I want it clearly understood that I would like to see the State of Florida, the Corps of Engineers, and the Department of the Interior try to negotiate this aspect so that a guaranteed proportion of an available supply of water could be made available as quickly as possible. I would like to see this tied to the availability of water—that is the water supply, rather than the demands as they may appear at a particular date contemplated in House Document 369.

This is a very difficult subject, but I would be happy to have the Senator's comments on it.

Mr. HOLLAND. Mr. President, I thank the Senator. This is the first time that I find myself in a minor disagreement with him.

The amendment of 1954 and the amendment of 1968—and we have not reached really the construction under that later amendment—were both passed in the light of certain anticipated uses, including the Everglades National Park use. It took into consideration prospective increases in agricultural and urban demands. Whether those increased authorizations and the appropriations thereunder could be acquired from Congress without having had a balanced approach of that kind, I am very doubtful.

I could not have had the united support I have had from Florida on all of the amendments unless it had been done under the standards set up under the Engineers prior to the 1954 and the 1968 acts.

Therefore, the idea of holding the participation of the park to figures now and holding the participation of the urban and the agricultural interests to figures now, when the authorizations were made against the projected needs that were fully known to Congress and were fully supported by the whole State, including the legislature, which incurred substantial additional claims upon the State budget in connection with both of these functions would not be fair. Whether or not it could possibly be fair to ignore what was set up by the Engineers as anticipated, I think would be hard to conclude.

To the contrary, it seems to me that we have been completely fair in holding the distribution of the water to those standards, stating that if the developments were greater than anticipated by the Engineers and then shown to Congress when these two modifications were viewed with the degree of their exceeding the reports of the Engineers, they would not be permitted to share equitably with the park and with the other interests that were estimated by the Engineers. I think we would have immediate trouble, both in Florida and elsewhere, if we applied this kind of standard.

It seems to me that the committee has done all it could do and all it should do in what it has stated. The Senator from Florida is going to be here at least next year. He hopes to see the result of what we have done this year. He is happy to report that there has been no shortage of water this year, as yet. He is happy to report that, in his opinion, the requirement now in the report for a new survey and report on this situation in 1980 is about the best that can be done to bring the project to date prior to the time that the excess quantity of water that will be made available through the 1968 modification will become available.

Mr. ALLOTT. I thank the Senator for his patience and his discussion and his explanation of this matter.

I wish to make one thing clear on behalf of myself. My interest in this matter does not relate to imposing unreasonable or inequitable restrictions on the water development of the great State of Florida. But I do have a genuine interest in seeing that Everglades National Park receives an equitable share of water, even when there is a severe shortage of water.

I do not think anybody wants to see any situation develop in which anyone would be disastrously affected in the time of short water supply, and I come from an area of the country where we are fully cognizant of what that means.

In light of the committee language on this subject, I would hope that negotiations among the State of Florida, the Department of the Interior, and the Corps of Engineers can begin at a very early time for the time of entering into a permanent arrangement which will be satisfactory to the people of Florida, who are basically involved in this. The rest of us are involved in it in a broad, general sense, with our natural interest in the Everglades National Park.

I just want to express my appreciation to the Senator and to the distinguished chairman of the subcommittee for engaging in this colloquy on what will be, I am sure, a very important matter.

Mr. HOLLAND. I thank my distinguished friend.

I think the Senator from Louisiana, the chairman, has been fully cognizant of the difficulties involved in this matter. I believe that his instructions to our able staff engineer, who wrote the reports—which, of course, were somewhat modified later—were to take care of the park as fairly as could be done under the modifications of 1954 and 1968. That is certainly my intention and my hope. I will be very active in trying to carry that out.

There are other comments I wish to make about the park, but it is my under-

standing that my distinguished friend, the Senator from Wisconsin (Mr. NELSON), has an amendment he wants to offer; and I shall withhold any further statement until he has had a chance to be heard.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that after the remarks by the Senator from Washington, I be permitted to explain the amendment.

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

The amendment is as follows:

On page 6, line 23, after the colon insert "*Provided further,* That no part of his appropriation shall be used for the Central and Southern Florida Project until June 1, 1970:"

Mr. JACKSON. Mr. President, I should like to make a brief statement on the Everglades National Park matter, as a follow-up to the colloquy that has already occurred.

The PRESIDING OFFICER. The Senator from Washington is recognized.

RELATIONSHIP OF THE CENTRAL AND SOUTHERN FLORIDA PROJECT OF THE CORPS OF ENGINEERS TO THE WATER SUPPLY FOR THE EVERGLADES NATIONAL PARK

HISTORY OF DEVELOPMENT

Mr. JACKSON. Mr. President, the Everglades National Park was authorized by the Congress in 1934 (48 Stat. 816 as amended). It was formally opened in June of 1947.

In the fall of 1947, floods resulting from hurricanes and heavy rains caused nearly $60 million in damages in south Florida. The severe and persistent damage coincided with completion of a flood control plan by the Corps of Engineers.

The initial plan, known as the central and southern Florida flood control project was authorized by the Congress in the Flood Control Act of 1948 (62 Stat. 1175). Construction of the works was initiated in 1949. The project plan involved water control and conveyance features to intercept flood flows and store them in large, shallow reservoirs known as conservation areas. Construction based on this plan is still underway.

In 1964, the corps initiated a further study of a comprehensive water supply plan for central and southern Florida known as the water resources plan. This plan, which was completed in 1968, recommended additions to the earlier plan to provide for the projected water supply needs of the project area until the year 2000. The plan involved increases in the capacity and improvements in the operations of Lake Okeechobee and improvements in conveyance facilities. Construction of the water resources plan was authorized by the Flood Control Act of 1968 (82 Stat. 731) and it is contemplated that it will proceed concurrently with the continuing construction of the previously authorized work.

The Central and Southern Florida Flood Control District, created by the State legislature in 1949, is the agency which cooperates with the corps on this development. The total cost of all authorized features of the project is $476,300,000, of which $330,000,000 will be Federal costs. Through fiscal year 1969, $170,479,000 of the Federal funds were appropriated and allocated to the project.

HYDROLOGIC SITUATION

The natural water supply of the Everglades depends upon the flow of surface waters generally from north to south, not in defined channels but in a massive and slow moving sheet covering many square miles. The ecology of the Everglades requires for its maintenance not only minimum quantities of water but also deliveries on a prescribed schedule approximating the natural wet and dry cycles of the region.

As development of southern Florida took place, both by community expansion and agricultural development, drainage and diversion works were constructed. Significant work of this kind existed prior to the authorization of the corps project in 1948.

The progressive development of water control works in the area now has increased the capability of controlling natural flows for retention in Lake Okeechobee or diversion and storage in conservation areas. The water supply available to the Everglades National Park is now substantially controlled by the facilities of the corps' project, and the park depends upon the project's operations for its continued biological existance. The project must deliver sufficient water on a schedule which reproduces the natural hydrologic cycles for unique ecology of the Everglades will be lost.

During the period 1961 to 1965, south Florida experienced a severe drought. The entire area suffered from water shortages, and the park was particularly hard hit. The loss of wildlife was great and public demands for relief were strong.

As a result of public opinion and negotiations among the Department of the Interior, the Corps of Engineers, the Central and South Florida Flood Control District, and the State of Florida, an interim regulation schedule was finally arrived at which provided water to the park from Lake Okeechobee and the conservation areas. Releases under the schedule were initiated in March of 1966. Apparently, an important factor causing delay in giving relief to the park during this emergency situation was the corps' insistence that it had no authority to establish a schedule of operations for the project without the concurrence of the flood control district.

The interim schedule has remained in effect since 1966. It has delivered adequate supplies in 1966, 1968, and 1969. In 1967, the deliveries fell short because of dry conditions.

The park requires a minimum of 315,000 acre-feet of water annually, supplied according to a monthly distribution schedule. The interim regulation schedule does not fully satisfy this requirement. The corps and the flood control district have proposed a new schedule, in conjunction with the water resource plan, which appears adequate.

The water resources plan is designed to meet the water supply requirements of the project area until the year 2000 and to accommodate the needs of the Everglades National Park among those of existing users and future increases in demand. If the contemplated construction program is maintained and if the projections of demand prove realistic, it will provide an adequate water supply for the park until the year 2000.

PRIORITY OF USE

Agreement seems iminent upon an operating schedule for the central and southern Florida project which will provide a satisfactory water supply for the Everglades National Park under existing conditions. It is clear, however, that development will continue in the area and that new municipal, industrial, and agricultural users will be competing for water in the future.

The new water resources plan is intended to meet the new demands until the year 2000, however, if the growth should prove to exceed projections or if the funding of construction should be inadequate, the park's water supply will be in jeopardy at some earlier date.

The Department of the Interior, in commenting upon various Corps of Engineers project proposals, has requested that the park be given a priority to use of water from the project, at least against the uses which result from future development. The Corps of Engineers has repeatedly and emphatically denied that it has the authority or any obligation to establish priorities among the users of project water.

The legal question of the corp's authority remains unresolved. An opinion from the Attorney General was requested by the Department of the Interior in November of 1968 but was not made prior to the close of the past administration. No request for such an opinion has been made during this administration.

ANALYSIS

The Everglades National Park was established by the Congress as a national asset for the use and enjoyment of all of the people of the Nation in perpetuity. The park, besides having unique natural values, represents a significant national investment in acquisition and maintenance costs.

The natural values of the park depend upon an insured water supply. It is an unfortunate discredit to the environmental management mechanism of the Federal Government that the central and southern Florida project was planned, and has been permitted to be implemented, without provisions for the protection or replacement of the park's natural water supply.

The situation now exists that a project has been constructed with the help of a very sizable Federal investment, much of which is a nonreimbursable investment financed by the taxpayers of the entire Nation. The viability of another signifi-

cant national property, the park, depends upon the operation of the project, and yet the taxpayers of the Nation are refused a guaranteed share in the new water supply which is being made available by the project. Furthermore, significant future Federal investments are being sought to provide new water supplies for further development of central and southern Florida. And the park still is to be denied a priority against the water demands of these new users.

In justice to the interests of the American public, the Everglades National Park should receive an assurance of an equitable share of the water made available by the central and southern Florida project. Agreement should be reached upon a suitable operating schedule based upon current conditions. The park, of course, may be expected to share shortages with existing users when natural drought conditions preclude the provision of a full supply by the project.

As the project is expanded to accommodate new users, however, the park's water supply should be guaranteed against shortages resulting from the new demands. This priority would be a reasonable consideration for the additional Federal investment contemplated, even without regard to the Federal investment which has already been made. The park requires only a fraction of the increased water supply which is being made available by the project, and future expansion of the project under the water resources plan would replace the water provided to the park many times over.

The division of shortages which has been recommended in the report of the Senate Committee on Appropriations is a step in the right direction. I believe, however, that the Park deserves a better priority than that set forth in the report.

A priority to the park over future water users should be required as a condition of continued Federal funding of the project. If the State of Florida and the central and southern Florida flood control district would concur in such a priority, there would be no necessity to establish the Corps of Engineers' authority or obligation to impose such regulations.

Furthermore, it is logical for the State and the district to recognize the needs of the park. Such recognition would provide a basis for sound planning to provide other sources of water when future growth requires them. If the State refuses to recognize the park's water supply as an established priority, it must be assumed that the State views this water as available to defer shortages which may occur as a result of new uses.

If this latter situation exists, it is incumbent upon the Congress and the administration to explore all alternative means of protecting the national interests in the park. The legal authority of the Corps of Engineers to establish priorities should be ascertained, and the situation should be a consideration of future appropriations for further work on the project.

Mr. President, lastly, I wish to observe that the able Senator from Florida has been very diligent and has worked very hard on this matter. I fully appreciate the complex and conflicting problems in his State, in trying to resolve this difficult situation. I wanted to make that statement very clear because, as chairman of the Committee on Interior and Insular Affairs, I know of his fine support for conservation measures, not only in Florida but also throughout the United States. I commend him very highly.

I want to emphasize what I think is the remaining problem here. It is the problem of future development of the project area which could impinge rather severely on the water supply required for the national park.

THE 200 BEV WESTON ACCELERATOR

Mr. PERCY. Mr. President, I rise to support the recommendation of the Appropriations Committee for $89 million to continue construction of the National Accelerator Laboratory in Weston, Ill. This sum is absolutely necessary to keep the construction of this 200-Bev particle accelerator on schedule.

The initial estimated cost for building the accelerator was $350 million. Three years ago, Dr. Robert Rathbun Wilson, director of the project, committed himself to building the accelerator for $250 million. His commitment, however, was conditioned upon his receiving adequate funding on time to keep the project on schedule. To maintain this schedule, Congress must appropriate $89 million for fiscal year 1970 as the barest minimum required. Dr. Wilson's commitment was placed in severe jeopardy, therefore, when the House passed an appropriation of only $64 million.

The magnitude of this threatened reduction would not be clearly reflected merely in the dollar cut of $25 million. Rather, due to the delays in construction and the need to revise engineering requirements due to the appropriations cut, a minimum of $20 million in additional funds would have to be added to the already committed cost. In all likelihood the actual additional wasted cost could be double or triple this amount.

In our desire to conserve public funds today, an inordinate cutback in the necessary appropriations clearly would be dollar foolish. In effect what we are doing today by restoring $25 million is to save taxpayers $50 million or more in the Congress.

As important as it is to conserve the taxpayers' money, however, it is even more important to spend the public's money wisely for essential priority purposes.

The 200 Bev. accelerator will be one of the great technical achievements of our age. The accelerator, when constructed, will provide the United States with the most advanced nuclear research facility in the world. It is through such basic tools of research that our country develops the knowledge to support a modern industrial base, to produce amazing breakthroughs in the physical sciences and medicine, and to preserve our national security. Many of the basic building blocks and forces of nature are yet to be uncovered. Some, so we are told, may be on the verge of discovery. The construction of the accelerator will help us realize these discoveries. A sizable staff of eminent scientists and engineers have been gathered at Weston to work in this behalf both for the benefit of mankind and for the prestige of our country. We must support this endeavor.

Thanks to the farsighted leadership of Senator ELLENDER, Senator PASTORE, and Senator YOUNG of North Dakota, the Appropriations Committee has reported out the necessary $89 million. It is through the action of this committee and the Senate that Congress will be able to fulfill its original commitment through support for this most promising scientific endeavor.

Mr. HARTKE. I wish to commend the distinguished Senator from Louisiana for the splendid job he has done in handling this public works appropriation. Once again he has demonstrated not only a superb understanding of public works projects but has also shown a compassionate concern for the flood control needs of this Nation.

I am especially appreciative that the esteemed chairman has seen fit, once again, to look kindly on the flood control needs of my home city of Evansville, where I was honored to serve as mayor.

The recommendation of his subcommittee that $500,000 be appropriated for the Evansville floodwall will enable construction to be resumed on this vital project. I know the people of Evansville share my sentiments when I state that this appropriation will greatly decrease the chances of a disastrous flooding such as that experienced by the city in 1937 and 1938.

As well, I wish to commend the distinguished Senator for his foresight, and that of his subcommittee, in appropriating $750,000 for the much-needed Lafayette Reservoir. At long last it would appear that the initiation of construction will not be long off.

Likewise, the recommendation of $3,600,000 for the Newburgh locks and dam project on the Ohio River is greeted with great enthusiasm by myself and other Indiana and Kentucky, residents who live close to the still untamed Ohio River.

By way of conclusion, let me again express my compliments, and thanks, to the Senator from Louisiana for the fine work, and foresight, exhibited in this appropriation bill.

Mr. ELLENDER. I thank the Senator.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. SMITH of Illinois in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment offered by the Senator from Wisconsin (Mr. NELSON), which the clerk will state.

The assistant legislative clerk read as follows:

On page 6, line 23, after the colon insert *"Provided further*, That no part of this appropriation shall be used for the Central and

Southern Florida Project until June 1, 1970:"

Mr. NELSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, the amendment which I have sent to the desk would withhold the use of funds in this appropriations bill for the corps' central and southern Florida flood control project until June 1, 1970. This action is necessary in order to prevent the destruction of Everglades National Park.

The $10 million contained in the bill for the corps' project would be delayed for the sole purpose of putting the U.S. Army Corps of Engineers and the Department of the Interior on notice that they must reach and report to Congress a mutually satisfactory arrangement for providing an adequate water supply from the corps' project to Everglades National Park.

The history of the corps' project and the testimony of Federal witnesses at a Senate Interior Committee hearing in June make it quite clear that without such congressional action the corps and the Interior Department will not reach an agreement that will prevent the park's destruction by a lack of water.

The corps project goes back 20 years, and is programed through the year 2000. Congress has appropriated $170 million on the project thus far, and has authorized an additional $160 million. It is the responsibility of Congress to assure that before any of these further funds are expended, the necessary steps are taken to protect the park.

The objective of the amendment is merely to call to the attention of the Corps of Engineers quite directly, that many Members of both Houses of Congress are interested and anxious to see that the Corps of Engineers reaches an agreement with the Interior Department to guarantee the 315,000 acres of Federal water in the Everglades National Park annually; and in water-short years, to agree that the park will share adversity for that particular year only with users existing at the time of the agreement.

Mr. President, I appeared before the Appropriations Committee in June on behalf of the Senator from Florida (Mr. HOLLAND), and presented a proposal, and sent a letter to members of the committee in June or July, explaining my position.

I have discussed this issue with the distinguished senior Senator from Florida. I recognize, as does every conservationist in the country that the Senator from Florida (Mr. HOLLAND) is recognized as the father of the Everglades National Park and that he has spent more than a quarter of a century, even before he was Governor of Florida, and since the time he came to the Senate, he has been the primary spokesman on behalf of the Everglades. He has defended it, promoted it, and protected it. He must receive the greatest credit from all conservationists and all thoughtful people who know anything about the Everglades. The Senator from Florida has made a great and lasting conservation contribution to this country.

Mr. President, the Everglades National Park is a unique park. It has the most extensive combination and variety of birds, animals, marine creatures, and flora found in such abundance, greater than any other area in the world. It is the greatest source of information and study of the creatures that live there, more than in any other place in the world.

The contribution of the Senator from Florida has certainly been a great one, and continues to be so.

My concern is with the position of the Corps of Engineers, in the hearings before the committee, that it was not necessary to reach an agreement to guarantee the water supply to the Everglades until, as General Cassidy put it, the "crunch" was on some time 20 to 30 years from now.

Mr. President, I do not agree with that, and there is not a single conservation organization in America that agrees with that position of the Corps of Engineers.

The problem, as I see it, is that as long as the Senator from Florida is here, there is no doubt in my mind that the interests of the Everglades National Park will be protected. The Senator has made it almost a lifetime career. If we wait as long as General Cassidy thinks we should wait, the Senator from Florida (Mr. HOLLAND) will not be here to protect that park, and neither will any other current Member of the U.S. Senate.

Mr. GURNEY. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. I yield.

Mr. GURNEY. I would remind the Senator from Wisconsin that there are other people in Congress who represent Florida, both in this Chamber and on the other side of the Capitol, and they are just as keenly interested in this project in Florida as the senior Senator from Florida (Mr. HOLLAND).

I can also assure the Senator that there is able representation in the State of Florida which is just as keenly interested in the preservation of the Everglades National Park as is the Senator from Wisconsin.

Mr. NELSON. I am sure there is. I am addressing my remarks to the distinguished senior Senator from Florida (Mr. HOLLAND) because he has been the outstanding leader and spokesman on behalf of the park for a quarter of a century.

I am well aware that the junior Senator from Florida (Mr. GURNEY) and other members of the congressional delegation from Florida are certainly interested in this matter and are concerned with the quality and the future of the park.

I assure the Senator that I do not wish to imply that they were not interested. I know that they are.

Mr. President, the crux of the issue is that the guarantees can and should be made right now by the Corps of Engineers.

In many parts of the report the language is excellent; there is no question about that. But, in my judgment, there is one serious fault in the language, and that appears on page 25, which reads:

The committee further desires that these agencies—

The State of Florida, the Department of the Interior, and the Department of the Army—

continue their negotiations to develop operating regulations for the sharing of adversity in water-short years.

I know very well that the members of the committee hope and desire that the agencies involved will reach agreement. I do not think there is any question about the desires of the two Senators from Florida, the other members of the Florida delegation, and conservationists throughout the country that the Corps of Engineers should reach agreement with the Department of the Interior and the State of Florida.

My concern is that they may not reach agreement, and my hope is to put some additional pressure upon the corps, to let them know that many Members of Congress are insisting that agreement be reached.

Starting in 1948, the Corps of Engineers said that one of the objectives of the project was to assure water to the park on an orderly basis.

In 1968, according to the House document that has been referred to so frequently, the Corps of Engineers agreed with the Department of the Interior on a formula that would guarantee 315,000 acre-feet of water a year to the Everglades. The commanding general wrote his agreement to the Secretary of the Interior. I shall place that in the RECORD.

Mr. HOLLAND. It has already been placed in the RECORD.

Mr. NELSON. Then the Corps of Engineers backed off from the agreement.

A chart, figure 11, in House Document No. 369, demonstrates the agreement that the park will be guaranteed 315,000 acre-feet starting in 1970 and continuing through 2020. As projected, everyone thought that it was a fine agreement. But the Corps of Engineers backed off, and that is the only reason we are speaking on this subject today.

I know from my reading of the committee report that the corps, because of the influence of the committee, will carefully read the desires of the committee.

But as one Senator, who has the responsibility along with all other Senators, I am not satisfied to rely upon the corps' agreeing or consenting to this proposal, after they agreed once, put it in writing, then backed away without an inadequate explanation to anyone.

Anyone who wishes to look at the chart will see that the guarantee of 315,000 acre-feet starts in 1970 and extends all the way to the year 2020; and that in years of adversity, the water shortage will be shared with current users of the water. That is the crux of the matter. If the park must share adversity with additional users 10, 20, or 30 years from now, we may just as well close up the park, because it will be dead. Everybody knows that. Every conservation organization in the country, including all the major ones that appeared before the Committee on Interior and Insular Affairs, made that point.

I do not see any reason why we should not require the Corps of Engineers to act now. This is not an issue of the Senator from Wisconsin. The Republican Secretary of the Interior, Mr. Hickel, wants that agreement now. The previous Secretary of the Interior wanted that agreement. The Department of the Interior supports the agreement now. It is the Corps of Engineers that is not for the agreement. Obviously, I am not seeking out some strange position that nobody else holds.

There are important nationwide reasons for this issue to be raised and settled as soon as possible. One of them is that this is a national park. Every single person in this country has an interest in the uniqueness of Everglades National Park. Second, the appropriations of taxpayers' money for corps projects, from 1948 to 1968, have totaled $160 million.

The projected further appropriations for the completion of the works are $170 million, of which the State will pay approximately one-third. This is not a reclamation project. None of the Federal moneys will be paid back. So the taxpayers have an interest.

This project has been supported by conservationists across this Nation since 1948 on the assumption and the assurance that the water of the Everglades would be protected. We have a contract—a moral contract—with the people of this country who furnished the money to be sure that their part of the project, the Everglades itself, is protected.

Mr. President, I want to read from a letter written to General Cassidy by the Assistant Secretary of the Interior on June 12, 1968:

DEAR GENERAL CASSIDY: We have reviewed the Martin County Report and the Water Resources Report for Central and Southern Florida and concur in the principal features of the project and the proposed operation of the plan. We have also compared it with the National Park Service letter of October 20, 1967 by Deputy Director H. L. Bill. (Appendix K, Exhibit K–11). In that letter we stated in part, that:

"The park shares adversity whenever the supply of water is insufficient to provide 315,000 acre-feet * * *. To share further adversity requires that we restrict that sharing with contemporaneous water demands. * * * The National Park Service, therefore, cannot accede to sharing water shortages with demands that develop after the establishment of the park. * * *"

In our October 20 letter, we noted that when our comments appeared in House Document 643, we expressed "concern over the lack of a guarantee of sufficient water." Continuing in that letter we said: "Problems that have remained unresolved in the past must be resolved with specific clarity. The obligation of the Corps to supply the water necessary to preserve and restore the park, as stated in 1948, must be given strong emphasis in the current report. The report must claim water for the park as a Federal project purpose and establish a priority right to a given quantity of water from the project. Otherwise, the needs of the park will continue to be evaluated relative to all other project needs. * * *"

We are pleased to see that the report recognizes that furnishing water to the Everglades National Park is a Federal purpose of the project. The report of the Board of Engineers for Rivers and Harbors provides additional clarity in designating 315,000 acre-feet per annum would be available for the Federal requirements in Everglades National Park in addition to providing supplemental supplies of water during times of flood. These supplies are recognized in the report as Federal project purposes and objectives. These are seen as desirable features, but there does remain, however, a major deficiency in the report in that it fails to clearly and unequivocally establish that the basis water supply to the park will be unaffected by reductions caused by future demands of urban and agricultural growth. As we noted above, the basic supply to the park must not be diminished if this park is to survive.

I emphasize the Assistant Secretary's comment that if this park is to survive, the basic supply must not be diminished.

We, therefore, cannot recommend the plan without written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report, undiminished by new incursions.

Technical comments, including comments of other Bureaus of this Department, will follow.

Signed by the Assistant Secretary of the Interior.

That was June 12, 1968. Two days later, on June 14, 1968, F. J. Clarke, major general, Acting Chief of Engineers, gave that assurance in writing, and then they backed off it. That is my objection.

On June 14, 1968, General Clarke wrote:

By letter of 12 June 1968 the Assistant Secretary of the Interior stated that although the general objectives of the project and the purposes for which the project would be operated were acceptable, the Department requires further assurances in order to support the proposed modification of the Central and Southern Florida Flood Control Project.

In particular, it was indicated that your Department cannot recommend the plan unless the Secretary of the Army assures you of future delivery of the water supply as set forth in the report undiminished by new incursions.

The concept expressed in the report and in the graphs—

This is the graph, figure 11—

is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report.

I understand that the letter of 12 June 1968 constitutes the official comments of the Secretary of the Interior; the technical comments of the other Bureaus will be addressed in the advance engineering and design stage.

Copies of the letter from your Department and this reply will accompany the report of the Chief of Engineers when it is transmitted to Congress.

All I am proposing to do with this amendment is simply to provide that none of the $10 million for the central and southern Florida flood control project may be spent prior to June 1.

The reason I am doing that is to serve notice on the Corps of Engineers that there are many Members of Congress who do not propose to continue to support the provision of further money for these projects unless the national interest in the Everglades Park is protected. It is as simple as that. It is a reasonable amendment, and I believe that the Senate should adopt it.

Mr. President, I ask unanimous consent to have printed in the RECORD the following items:

A letter dated June 12, 1968, from the Assistant Secretary of the Interior to General Cassidy.

A letter dated June 14, 1968, from General Clarke, the Acting Chief of Engineers, to the Secretary of the Interior.

A statement which I made to the Senate Appropriations Subcommittee on Public Works on June 12, 1969.

A letter which I sent to all members of the Subcommittee on Public Works on July 1, 1969.

A letter which I sent on July 21, 1969, to Dr. DuBridge, Executive Secretary of the Environmental Quality Council.

An opinion by the Solicitor of the Department of the Interior dated October 8, 1968.

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

COMMENTS OF THE DEPARTMENT OF THE INTERIOR

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 12, 1968.

Lt. Gen. WILLIAM F. CASSIDY,
U.S. Army, Chief of Engineers,
Department of the Army, Washington, D.C.

DEAR GENERAL CASSIDY: We have reviewed the Martin County Report and the Water Resources Report for Central and Southern Florida and concur in the principal features of the project and the proposed operation of the plan. We have also compared it with the National Park Service letter of October 20, 1967 by Deputy Director H. L. Bill. (Appendix K. Exhibit K–11). In that letter we stated in part, that:

"* * * the park shares adversity whenever the supply of water is insufficient to provide 315,000 acre-feet * * *. To share further adversity requires that we restrict that sharing with contemporaneous water demands. * * * The National Park Service, therefore, cannot accede to sharing water shortages with demands that develop after the establishment of the park. * * *"

In our October 20 letter, we noted that when our comments appeared in House Document 643, we expressed "concern over the lack of a guarantee of sufficient water." Continuing in that letter we said:

"Problems that have remained unresolved in the past must be resolved with specific clarity. The obligation of the Corps to supply the water necessary to preserve and restore the park, as stated in 1948, must be given strong emphasis in the current report. The report must claim water for the park as a Federal project purpose and establish a priority right to a given quantity of water from the project. Otherwise, the needs of the park will continue to be evaluated relative to all other project needs. * * *"

We are pleased to see that the report recognizes that furnishing water to the Everglades National Park is a Federal purpose of the project. The report of the Board of Engineers for Rivers and Harbors provides additional clarity in designating 315,000 acre-feet per annum would be available for the Federal requirements in Everglades National Park in addition to providing supplemental supplies of water during times of flood. These supplies are recognized in the report as Federal project purposes and objectives. These are seen as desirable features, but there does remain, however, a major deficiency in the report in that it fails to clearly and unequivocally establish that the basic water supply to the park will be unaffected by reductions caused by future demands of urban and agricultural growth. As we noted above, the basic supply to the park must not be diminished if

this park is to survive. We, therefore, cannot recommend the plan without written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report, undiminished by new incursions.

Technical comments, including comments of other Bureaus of this Department, will follow.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

LETTER TO THE SECRETARY OF THE INTERIOR
DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., June 14, 1968.

Hon. STEWART L. UDALL,
The Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: By letter of 12 June 1968 the Assistant Secretary of the Interior stated that although the general objectives of the project and the purposes for which the project would be operated were acceptable, the Department requires further assurances in order to support the proposed modification of the Central and Southern Florida Flood Control Project. In particular, it was indicated that your Department cannot recommend the plan unless the Secretary of the Army assures you of future delivery of the water supply as set forth in the report undiminished by new incursions.

The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report.

I understand that the letter of 12 June 1968 constitutes the official comments of the Secretary of the Interior; the technical comments of the other Bureaus will be addressed in the advance engineering and design stage.

Copies of the letter from your Department and this reply will accompany the report of the Chief of Engineers when it is transmitted to Congress.

Sincerely yours,

F. J. CLARKE,
Major General, USA, Acting Chief of Engineers.

THURSDAY, JUNE 12, 1969.

To: The Chairman and Members of the Senate Appropriations Subcommittee on Public Works.

From: Senator Gaylord Nelson.

Subject: Central and southern Florida flood control project and the Everglades National Park.

This memorandum proposes that in the appropriations bill or in the committee report accompanying the bill, the committee require that no part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Evergades National Park.

In 1934, Congress authorized the Everglades National Park. Fourteen years later, in 1948, the Congress authorized the Corps of Engineers to construct the Central and Southern Florida Flood Control Project.

Congress did not place these projects in conflict with each other, and yet, the experiences of the Everglades National Park since the advent of the flood control project have been such that the very life of the park, which is dependent upon an assured supply of water, is being continuously threatened. As a result, the intent of Congress in 1934 to preserve a unique area in its pristine state has been and continues to be frustrated.

Water is the life blood of the park. Its normal inflow is absolutely essential, if the extraordinary life processes which in themselves provide the uniqueness of the Everglades National Park are to be maintained. Fish populations swell with the rising waters of summer and fall, and as the water runs off to the sea, these millions of fish concentrate to the densities required by the hundreds of bird species, including some that are rare and endangered, that depend on the park for food and habitat. The water which runs off to the sea greatly influences the food production of the estuaries by providing salinity changes needed to accommodate the great fishery resources which the park supports. It is hardly a coincidence that the pink shrimp, newly spawned in the Gulf of Mexico, arrive at the park estuaries when these salinities are at their optimum. Within these nurseries, the shrimp grow to maturity and leave to return to the Gulf where they are harvested.

In 1948, when the Department of the Interior provided its comments to the Corps of Engineer report (H.R. Doc. 643, 80th Congress, Second Session), it wrote that the park's problem was not one of too much water but of too little water. The Department had misgivings about the project in 1948 because it recognized then that the park's vital water supply could be cut off. However, it was recognized that timely releases of water from the project could be complementary to the park.

As the project progressed, releases were anything but timely, and the National Park Service has been hard pressed to preserve the park as the Congress intended. If the park is to last forever, then so must its water supply. To date, long range efforts to ensure that supply have been thwarted.

In 1962, a levee was constructed by the Corps of Engineers across the Shark River, the principal drainageway which brings water to the park from the great Everglades region to the north. The flow was blocked and no water released for the next two years, and then only meager amounts until 1966, when heavy rainfall outside the park brought relief. The consequence was a systematic dehydration. The park has now become critically dependent on releases from the project for its water supply, and can not survive on the rain falling within its boundaries. It must have the historic pattern of inflow across these boundaries. It is for this reason that the supply to the park must be resolved.

Water shortages have destroyed multitudes of fish and wildlife and encouraged an unnatural succession of vegetative changes which may forever alter the unique ecology of this subtropical park. Securing an assured supply of water is the single most critical element in meeting the intent of Congress when it authorized the park.

Last year the Corps of Engineers completed a new study to improve the water supply for the park, and these improvements were authorized by Congress. The 1968 report indicates that water to meet the park's needs will be available and could have been made available in the past had certain operational practices been met.

However, the evidence is clear and amply supported by the report (House Doc. 369, 90th Congress, Second Session) that in the future, conflict between all water users is inevitable.

The plan acknowledges that by the year 2,000 the increased growth of southern Florida largely encouraged by this project will, in effect, use the park's minimum requirement of 315,000 acre feet per year as a pool from which all further growth and new water demands may draw upon.

The disastrous consequence is inevitable: the park will be destroyed by gradual but positive dehydration, and what was once one of the wettest places in the world will become the Death Valley of Florida.

Included in the Corps of Engineers' 1968 report is a June 12, 1968 letter from the Department of the Interior to the Corps which stated that the Department of the Interior could not recommend the Corps' plan without written assurance from the Secretary of the Army that he would provide the water supplies required by the park unaffected by reductions caused by future demands of urban and agricultural growth.

In his reply of June 14, 1968, Major General F. J. Clarke, as acting Chief of Engineers, acknowledged the condition required for Department of Interior approval and went on to say:

"The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report."

The 1968 report itself is based on the requirements of the water users. The requirements for the park were furnished by the National Park Service and were used in the development of the plan of modifications of the Central and Southern Florida Flood Control project, justified by the report. And the report further shows that had the plan been in operation throughout the period of rainfall record, which reaches back to 1930, the water supply to the park could have been provided in all years with only one exception.

Despite this exchange of correspondence, however, and the apparent agreement therein, a mutually satisfactory arrangement for protecting the park's water supply from future demands still does not exist.

There can be no reasonable doubt that the Corps has the power to regulate the project. The original 1948 authorization of the flood control project specifies that the project will be managed in accordance with House Document 643, which states that the works may be turned over to the responsible local interests for operation but that they will be operated "in accordance with regulations prescribed by the Secretary of the Army . . ."

Testimony presented before the Senate Interior Committee's informational hearings on Everglades National Park matters June 3 and June 11 by the Corps of Engineers, the Department of the Interior and conservation organizations makes it very clear that the question of adequate water supply for the Everglades National Park remains unresolved notwithstanding any of the commitments which have been made. I ask unanimous consent that an opinion by the Solicitor of the Department of the Interior on this matter be included in the hearing record.

Your committee, in its responsibilities for programs constructing the great public works of this country, should seek to bring the Department of the Interior and the Corps of Engineers together and require of them that they bring back a satisfactory arrangement for the review and approval of this committee before any further funds are expended on the Central and Southern Florida Flood Control Project.

In the absence of such an agreement, the expenditure of further funds adds to the confusion and conflict in the administration and the management of the park and the flood control project.

Over the past 20 years, the Federal government has expended some $170 million on this project. We are being asked to expend nearly $160 million more in years to come, $9 million in this appropriation. In all, we will be making somewhat more than three million

acre feet of water available for Florida water users, including the park. The park requires from the project but a small fraction of that total amount, far less proportionally than the amount of Federal investment. There seems to be little purpose in spending millions to acquire and protect the park and even more millions to develop the water project, a principal purpose of which is to provide the park with water, without requiring a satisfactory arrangement for supplying the park with waters now and in the future.

Therefore, I propose that language be added to the appropriation bill or to the committee report which states that: "No part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Everglades National Park."

I would like to add that it is my understanding that Senator Jackson, Chairman of the Interior Committee, and with whom I have co-chaired the Everglades informational hearings, will be submitting a letter shortly to the Appropriations Committee for the hearing record supporting my general position in this matter.

I very much appreciate this opportunity to appear before the committee to propose this language and discuss this matter with you.

LETTER TO MEMBERS OF SUBCOMMITTEE ON PUBLIC WORKS, SENATE APPROPRIATIONS COMMITTEE, JULY 1, 1969

Recently I testified before the Senate Appropriations Subcommittee on Public Works in regard to the impact of the Corps of Engineers' Southern and Central Florida Flood Control Project on the water supply of Everglades National Park.

I enclose a copy of the memorandum which I presented for the hearing record, in which I proposed that your committee act to require a resolution of the long standing dispute about water supply to the park before further federal funds are expended for the flood control project.

However, after reviewing the hearing transcript, I am not sure that I made it clear that the proposal I urged the committee to accept is based on the fact that the Department of the Interior and the Corps of Engineers last year reached agreement on a formula for providing water to the park.

The agreement was reached in an exchange of correspondence between the two departments. Interior wrote the Corps that it could not support proposed modifications in the Southern and Central Florida Control Project without written assurance that the Corps would provide the water supplies required by the park unaffected by reductions caused by future demands of urban and agricultural growth.

In his reply of June 14, 1968, Major General F. J. Clarke, as acting Chief of Engineers, acknowledged the condition required for Interior approval, and went on to say:

"The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not diminished as the requirements to support growth and new development increase. Accordingly, under the authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report."

Under the formula in the report to Congress referred to in General Clarke's letter, the park would have no priority over current water users, and would be required to share adversity equally with them. The park would receive no guarantee beyond the capacity of the water project. But the formula would assure that new users could not be brought into the picture on the assumption that they could take water from the park's supply.

Regulations should be adopted now to put the formula into effect as the project is completed. Establishing the rules now for the use of additional waters the project will be making available is essential if there is to be rational planning and development by current and future users. In the meantime, temporary arrangements for supplying water to the park could be continued.

Since 1948, the Federal government has spent $170 million on the Corps' water project. The situation which concerns conservationists and certainly concerns me is that, from the beginning, the project has been supported on the assumption that the park would be protected by a reasonable formula for water supply—and yet, after 20 years, we still have no assurances that this will be done, even though one of the project's principal purposes has been to provide the park with water. To date, the Corps of Engineers has not put the 1968 agreement into effect, and apparently has no intention of doing so.

We are being asked to spend nearly $160 million more in the future for the water project, including the $9 million in this year's appropriation request. I don't see how we can in good conscience expend further funds for the project until this matter is resolved.

Protection for the park can readily be accomplished with language in the Public Works Appropriation Bill or the committee report. I have prepared an amendment which I will introduce to the committee when the House appropriation bill arrives. The amendment will state that: "No part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Everglades National Park."

However, it seems to me that we could just as effectively assure that a reasonable formula—such as the one agreed to in 1968—would be implemented by including the above language in the committee report.

It seems to me this is the time for appropriate Congressional action to assure that Everglades National Park will be protected in perpetuity. Further delay will only make a satisfactory solution more difficult, if not impossible, to achieve.

If there is any aspect of this which you wish to discuss further, I am available at your convenience.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

JULY 21, 1969.

DR. LEE DUBRIDGE,
Executive Secretary, Environmental Quality Council, Office of the President, the White House, Washington, D.C.

DEAR DR. DUBRIDGE: Enclosed is a copy of a letter and a memorandum I have sent to all members of the Senate Appropriations Subcommittee on Public Works regarding the water supply difficulties faced by Everglades National Park.

Since 1948, the federal government has spent $170 million on the Corps of Engineers' Southern and Central Florida Flood Control Project. From the beginning, Congress and conservationists have supported the project on the assumption that it would provide the park an adequate or even enhanced water supply.

And last year, as the enclosed material indicates, the Corps and the Department of the Interior worked out a formula for water supply to the park to which the Corps agreed in writing. The formula would assure that new water users would not be brought into the picture on the assumption that they could take water from the park's supply.

Now, however, the Corps is refusing to implement the agreement, and instead, is taking the position that it should wait until a squeeze is on from new water demands before it takes action. By then, it will be too late. As was pointed out at a recent Congressional hearing, the practicalities will be that without the adoption of effective regulations now, people will come first, agriculture will come second, and the park will come last in any crunch on water supply.

As the enclosures indicate, I have asked the Senate Appropriations Committee to require that before any further funds are expended for the Corps project, the Corps and Interior must reach mutually satisfactory arrangement on water supply to the park. Senator Jackson, chairman of the Interior Committee, has also written the subcommittee members in support of this position. However, there is no assurance that the committee will require such action.

It seems to me that the park's water supply is a problem that is uniquely subject to settlement by the President's Environmental Quality Council. It is a classic case of the lack of coordination and cooperation between federal agencies which has contributed to one environmental disaster after the other. Yet as last year's agreement between Interior and the Corps demonstrated, a proper water management plan *can* be arranged, and it can be implemented administratively.

In my judgment, the Council could solve this matter very readily by using its authorities and responsibilities for interdepartmental coordination to bring the Corps and Interior together to get agreement on water supply plan that will protect the park and to assure that the plan is implemented.

In this regard, I was pleased to see that in the May 29 press conference announcing the establishment of the Council, you took note of the President's deep interest in the preservation of the Everglades. You also noted that through the Council, necessary action could be taken at the top levels of the government to resolve the tough environmental problems that come up.

Everglades is just such a problem. It is a test of whether or not we are really committed in this country to protecting our environment. And I am convinced that if we don't act now, we are going to allow the destruction of the park.

I urge the Council to take the leadership in this important matter, and I would be happy to be of any assistance that I can.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., October 8, 1968.

MEMORANDUM

To: Secretary of the Interior.
From: Solicitor.
Subject: Authority and responsibility of the Secretary of the Army to deliver water to the Everglades National Park.

In the course of negotiations between this Department and the Department of the Army regarding the delivery of water to the Everglades National Park from the Corps of Engineers Central and Southern Florida Flood Control Project, the Department of the Army has asserted that although it recognizes the desirability of delivering water from the project to the park, the Secretary of the Army, must, as a matter of law, obtain the concurrence of the State of Florida in promulgating any regulations which would accomplish this objective.

In view of this position and the frequent droughts which have plagued the park, you have requested my opinion on the following question: "Does the Secretary of the Army have authority to issue, unilaterally, regulations for the delivery of project water to the Everglades National Park"

At the threshold it is necessary to review the establishment of the park, the water

problems affecting the park, and the authorization and modification of the Central and Southern Florida Flood Control Project.

In 1934 Congress authorized the establishment of the Everglades National Park by the act of May 30, 1934, 48 Stat. 816, as amended, 16 U.S.C. 410 (1964), in order to preserve a variety of subtropical ecosystems found nowhere else in the world. On October 22, 1934, President Roosevelt, by Executive Order 6883, withdrew from settlement, location, sale or entry all unappropriated and unreserved public lands within the established park boundary. The park was formally opened on June 20, 1947 (12 F.R. 4189).

Under natural conditions, which predated the establishment of the park, water flowed into the park area from a hydrologic drainageway beginning in the Kissimmee River Basin 100 miles north of Lake Okeechobee, through the lake into the broad expanse of everglades south of the lake. Earliest efforts at drainage began in the 1880's, but were largely ineffective. The major works began after 1907 by the Everglades Drainage District. In the early 1920's dikes were constructed along portions of the southerly shore of Lake Okeechobee. These developments, which are more fully summarized in House Document No. 643, 80th Congress, 2d Session, interferred, in only a limited respect, with the water supply of the park area.

The increased drainage works, however, affected normal flow conditions and increased flood hazards. Occasionally, flood waters caused severe damage to local communities. To alleviate flood damage and conserve water for other uses Congress, in the Flood Control Act of 1948, 62 Stat. 1175, authorized the Corps of Engineers to construct the Central and Southern Florida Flood Control Project, in accordance with the Corps of Engineers comprehensive plan presented to Congress in House Document 643, *supra*.

In the initial authorization of the project the Corps of Engineers represented to Congress in House Document 643 that water would be released from project storage facilities to assist in restoring and maintaining natural conditions within the park by reducing damage due to drought. H.R. Doc. 643, *supra*., pp. 4, 35, 56. House Document 643 also stated:

"In dry periods it would be possible, because of the proposed conservation areas, to release water into the park area which would assist in reducing fires and other damages [sic] which accompany periods of drought. In brief, it is believed that this comprehensive water-control plan and the national park plan are complementary features of Federal activity necessary to restore and preserve the unique Everglades region." (*Ibid*., p. 56.)

The concern of this Department was never a question of too much water for the park, but rather an assurance that there shall not be too little water. *Ibid*., p. vi.

Recent events have proven this concern of the Department to be well justified. The construction and operation of the project facilities have had a detrimental impact upon the Everglades National Park. The extent to which the authorized project facilities interfere with the natural flow of water into the park can be readily observed from the attached map of the project. The project intercepts and retains almost all of the water which once flowed into the park from the north. As a result, the park has become directly dependent upon the project for its water supply.

On many occasions the project has been operated in such a manner that surplus project water was wasted to the ocean, even though there was a critical need for the water in the park. In addition, the project has been operated so that other water demands were given a priority over the Federal water needs of the park. In summary, the survival of the ecosystems, which were intended to be preserved by Congress by the establishment of the park, are today dependent upon the park receiving an adequate supply of fresh water from project storage and distribution facilities.

In view of the manner in which the project has been operated, serious water shortages which plagued the park in the 1960's and their devastating effect on the park ecology, Congress directed the Corps of Engineers to restudy the project for the purpose of modifying the project and its operation. (See attached resolutions of House and Senate Public Works Committees). The 1968 modification of the project was intended to resolve, among other things, the delivery of sufficient water to the park.

As a result of the restudy of this project and its operation, the Corps of Engineers proposed to reauthorize the project and modify its operation. This modification, which is presented in House Document 369, 90th Congress, 2nd Session, restates the fact that the supply of water to the park is a project purpose and commits the Secretary of the Army to regulate the project in a manner so as to provide 315,000 acre-feet of water annually to the park in accordance with a monthly distribution schedule. (See paragraphs 67, 105, 127(b) of the District Engineer Report, H.R. Doc. 369).

The District Engineer's Report, however, went on to say:

"b. *Project purposes*.—The specific purposes that are to be served by the works of the authorized project plus those of the plan here recommended are summarized as follows:

* * * * *

"(4) Use a system-sharing concept of meeting any unsatisfied water demands in the area from the Lake Okeechobee water service area . . . . In extremely dry periods, when all demands outlined above could not be met, the water available would be shared in order to meet the purpose of the project to the extent possible. (Section 127(b)(4) of the District Engineers Rept. H.R. Doc. No. 369).

"(5) . . . In addition, a supply of water for present and projected other water uses to permit continuing urban, agricultural, and other development is also recognized as a project purpose. (*Ibid*., section 127(b)(5))."

The Department of the Interior took exception to sharing water shortages with new water users resulting from increasing urban, agricultural and other water uses. This Department was of the opinion that the total project must be operated to assure that the minimum water requirement of 315,000 acre-feet for the park would not be diminished by the new developments which may occur within the project area. To require the park to share water with these new developments would result in the park sharing water with an ever increasing number of new water users. The consequence of this course of action could only be the eventual loss of the park and its unique water-based ecology.

In commenting on the project, as proposed by the District Engineer in House Document 369, Assistant Secretary of the Interior Cain stated by letter of June 12 (copy attached) to the Chief of Engineers:

". . . but there does remain, however, a major deficiency in the report in that it fails to clearly and unequivocally establish that the basic water supply to the park will be unaffected by reduction caused by future demands of urban and agricultural growth. As we noted above, the basic supply to the park must not be diminished if this park is to survive. We, therefore, cannot recommend the plans without the written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report, undiminished by new incursions."

By letter of June 14, 1968, the Acting Chief of Engineers acceded to the requests of the Department of the Interior and corrected the deficiencies by providing the requested assurance. (Copy attached). This letter stated that the Chief of Engineers would assure that the project is regulated so as to provide the water requirements of the park and that these water requirements would not be diminished as the requirements to support new developments or water uses increase.

The exchange of correspondence also accompanied and became a part of the report of the Chief of Engineers, which was transmitted to Congress as House Document 369.

The understanding reflected by this exchange of correspondence was reconfirmed by representatives of the Secretary of the Army in a meeting with the Secretary of the Interior. (See attached copy of July 24, 1968, letter from the Secretary of the Interior to Special Assistant to Secretary of the Army (Civil Function)).

This correspondence, in my view, removed any doubt as to operation of the project in water short years. The assurances of the Acting Chief of Engineers to the Assistant Secretary constitutes a modification of the recommendations of the District Engineer.

Under the provisions of the *Flood Control Act of 1968, supra*, the report of the Chief of Engineers, including the exchange of correspondence, was incorporated into the Congressional authorization of the project. This act, as did the 1948 Flood Control Act, directs that the project be prosecuted in accordance with the plans contained in the reports of the Chief Engineers and subject to the conditions set forth therein. (See section 203 of the Flood Control Act of 1968, 82 Stat. 731, 739). The specific section of the 1968 act modifying the project provides:

"The project for the Central and Southern Florida authorized by the Flood Control Act of June 30, 1948, is further modified in accordance with the recommendations of the Chief of Engineers in Senate Document numbered 101, Ninetieth Congress at an estimated cost of $8,072,000 [this as the Martin County plan], and in accordance with House Document Numbered 369, Ninetieth Congress at an estimated cost of $58,182,000." (82 Stat. 740).

* * * * *

Initially, it seems obvious that making provision for the water supply of the park as a project purpose and that purpose being superior to other uses subsequently arising, it follows that the Secretary of the Army possesses the necessary authority to operate the project or to direct its operation to accomplish that objective without resort to approval of the State of Florida. It is fundamental constitutional law under the supremacy clause of the Constitution that the various states may not interfere with or regulate an authorized Federal activity. U.S. Const., art. VI, clause 2; *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819); *Ohio* v. *Thomas*, 173 U.S. 276 (1899); *Johnson* v. *Maryland*, 245 U.S. 51 (1920); *Arizona* v. *California*, 283 U.S. 423 (1931); *Mayo* v. *United States*, 319 U.S. 441 (1943); *Federal Power Commission* v. *Oregon*, 349 U.S. 435 (1955).

Moreover, far from imposing a requirement that the Secretary of the Army secure the consent of the State of Florida to his operating regulations, the Congress has, in fact, imposed the opposite requirement. That is to say, the Congress has made it a condition of the project that the State or any local authorities involved give assurances that they would comply with the Army's operating regulations.

The Congressional authorization of the Central and Southern Florida Flood Control Project in 1948 and the modification of the project in 1968 are expressly subject to the provisions of section 3 of the act of June 22, 1936, 49 Stat. 1571, as amended, 33 U.S.C. 701(c)(1964). [See section 201 of the Flood Control Act of 1968, 82 Stat. 731, 739]. Section 3 provides, *inter alia*, that no money "shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of the Army that they

will . . . (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army."

Nothing in the legislative history of the 1936 act, the Flood Control Act of 1968 or House Documents 643 and 369 supports a contrary conclusion. [See H. Repts. 1223, 2918, S. Rept. 1963, 74th Cong., 2nd Sess., and H. Rept. 1709, 90th Congress, 2nd Sess., 132.] The plain language of these acts supports the regulatory authority of the Secretary of the Army.

It may be noted that in recognition of this requirement of the Federal law, Florida has enacted legislation which empowers local flood control districts to cooperate with the United States and furnish the assurances concerning the maintenance and operation of project works after completion. Fla. Stat. Ann. section 378.07 (1960).

There can be no question of the power of Congress to authorize the Corps of Engineers to construct, operate and regulate a project of this type in accordance with the terms and conditions of the Congressional authorization and of the administering agency. This power stems from its authority under both the commerce and general welfare clauses of the Constitution. U.S. Const. art. I, section 8, clauses 1 and 3; *Ivanhoe Irr. Dist.* v. *McCraken*, 357 U.S. 275 (1958); *United States* v. *Gerlach Livestock Co.*, 339 U.S. 725 (1950); *United States* v. *Commodore Park Inc.*, 324 U.S. 386 (1945); *Oklahoma* v. *Atkinson*, 313 U.S. 508 (1941).

In conclusion, it is my opinion that the Secretary of the Army not only has the statutory authority but also a Congressional mandate to issue, unilaterally, regulations for the delivery of project water to the park, and that the regulations must grant the park a priority over all future uses of water within the project area.

EDWARD WEINBERG,
Solicitor.

Mr. ELLENDER. Mr. President, I shall not indulge in discussing this question too long. I know that the Senator from Florida wishes to take part in the debate on this issue. But I wish to say that I do not like this kind of legislation, by offering amendments wherein it is sought to use a big stick to get a department to do certain things which particular interests want accomplished.

I think the language that was placed in the report which states that it is the desire of the committee that the agreement take place, or that a meeting of the minds takes place between the Department of the Interior, the Corps of Engineers, and the State of Florida, is very strong. I do not know of any law that would give the right to the Corps of Engineers or the Department of the Interior to allocate waters within the State of Florida. That is why the committee wanted the State of Florida brought into the picture, so as to be a party to any agreements that are made pertaining to the question involved.

As the Senator from Wisconsin has stated, this project was authorized in 1948, and there have been six modifications of the project. The current estimate of the cost of the project is $476,300,000, of which $330,000,000 is Federal and $146,300,000 is non-Federal. Moneys have been appropriated from year to year to carry on the project. So far, the amount appropriated by the Federal Government totals $170 million. The amount that will be provided by Florida through State contributions totals $146,300,000 for the primary works.

Aside from that, Mr. President, the residents of Florida will have to put up more than $85 million for secondary works to carry the water for irrigation purposes. In addition, local interests pay an annual operation and maintenance cost of $4,200,000.

It strikes me that the proposal to deny this appropriation is wrong. For the information of the Senator from Wisconsin, a good deal of this $10 million he refers to will be used to raise the levee around Lake Okeechobee, so that more water can be stored for use. This will benefit not only the park but the farmers and the urban areas also. Mr. President, I think this is a fine program. Congress thought so in 1948, and every year, without fail, it has put up a sizable amount of money to carry on the project as proposed in 1948.

As I have stated, the committee desires that an agreement soon be entered into between the Interior Department, the Corps of Engineers, and the State of Florida. It is my hope and belief that will be accomplished. The next time we consider this project I believe such an agreement will have been reached.

All of these difficulties concerning the Senator from Wisconsin have occurred only as a result of a drought that occurred a few years ago; before the conservation areas were operable. There was a very severe drought in that area. There has never been any trouble to such a degree before that drought, and it is my belief that some agreement can and will be worked out. But to try and force the issue by the method and in the manner suggested by the Senator from Wisconsin is not the proper procedure for the Senate. It allows one Federal department to hold a big stick over another, and also over the Governor of Florida. I do not think that is proper, and I very much hope that the amendment proposed by the Senator from Wisconsin will be decisively defeated.

I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad we have some new friends for the Everglades National Park in Florida. I have been fighting for it a long time. I started fighting for it in 1933, when I went to the Florida State Senate. It was one of the principal planks in my platform when I was elected Governor in 1940 to set up that park. I did all that I could to set it up, and signed the deed conveying 850,000 acres of State lands and waters to the Federal Government before I left office as Governor.

I subsequently came here, and I have sponsored all the legislation that has been considered, or all that has been passed and all that I know about that has been considered, since I have been here; and I am now in my 24th year.

If anyone has a personal interest in this park, it is the senior Senator from Florida. And I appreciate the kind words of the Senator from Wisconsin who mentioned my interest in connection with the park.

Let us go a little further. If any State has an interest in the park, it is the State of Florida. I have already mentioned the fact that we conveyed 850,000 acres of State land and water, some of it being very valuable land, as an inducement to the setting up of the park.

I could add to that statement the fact that the Collier interests, which at the time owned nearly all of Collier County named for the late Baron Collier, conveyed the site containing between 30,000 and 35,000 acres of land to the park, which was accepted by the Federal Government in the 1958 legislation which my then colleague, Senator Smathers, and I introduced in 1957, which was passed in 1958.

In addition to that, the Federation of Women's Clubs from Florida many years ago bought the Royal Palm Hammock, which comprises two of the leading attractions of the park, especially the Tamiami Trail and that portion of the Taylor Creek which runs through the Royal Palm Hammock. They conveyed that to the Federal Government. That, of course, is a highly valuable area.

In addition to that, the State of Florida, later, under the jurisdiction of my distinguished successor as Governor, Millard Caldwell, granted $2 million to the Federal Government to allow the acquisition of certain inholdings which were necessary to set up the first part, a contiguous area big enough to comprise a park, but always with the understanding that we go ahead and enlarge the park to that size the Park Service felt was adequate.

Later, the park was enlarged. At the time of enlargement, the Collier grant was accepted and certain grants from the State were accepted. The legislation in 1958 finalized the borders of the park, cut out some that had been along the Tamiami Trail, but included everything within the present borders of the park.

I am sorry to say that Congress has not been as interested in following up the park efforts up to this time as I would have liked them to be.

My 1957 legislation proposed an authorization for acquiring all of the remaining inholdings in the park and included and recommended open-ended authorization. No one could tell how much it would cost at that time to accomplish that purpose.

The Committee on Interior and Insular Affairs at that time saw fit to amend that portion of my bill to cut down to $2 million the money authorization for the acquisition of inholdings which has long ago been used up.

There is now pending in Congress a bill to authorize the acquisition of the remaining 66,000 acres, as I remember the figure, that are still inholdings in the park.

Congress has recently passed—and I am highly appreciative of the diligence of the present Committee on Interior and Insular Affairs in pushing the enactment of that bill—a bill which authorized an appropriation to acquire 6,640 acres known as the Flagler Tract, which is in a very strategic position and was very badly needed in the park. That has been done.

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

Mr. HOLLAND. I yield.

Mr. NELSON. Mr. President, as a member of the Committee on Interior and Insular Affairs, I strongly supported the authorization for the acquisition of inholdings which the Senator from Florida has advocated for the past 10 years, recognizing, as I know he does, that it is important to the protection of the integrity of the park that the inholdings be acquired and protected rather than developed as some of them are now being developed.

Mr. HOLLAND. Mr. President, I thank the Senator. The Senator from Wisconsin was active in supporting that bill. And I appreciate it.

I hope that he will be equally active in supporting the enactment of the bill now pending before Congress which was introduced at the time of the other bill. However, the other measure was in the nature of an emergency bill and was properly handled first.

I hope that the Senator will support with equal vigor the bill to authorize the acquisition of 66,000 acres of inholdings.

The point I make is that Congress has not always had the interest in this park that now exists. I am glad there is getting to be a keener appreciation of the value of the park and of the needs of the park.

One of its pressing needs now is for the completion of the acquisition of the inholdings.

I hope that the distinguished members of the Committee on Interior and Insular Affairs will support my efforts which are so ably supported by my distinguished colleague from Florida, Senator GURNEY, to authorize that measure and complete the acquisition of inholdings.

I should add that the final boundaries of the park were set up by the Park Service itself. They drew the bill and sent it over. It was for a lesser amount of acreage than I had expected.

I called Mr. Wirth, who at the time was the Director of the Park Service, and he explained to me why the borders were to be as he suggested.

I am sure the distinguished Senator from Wisconsin has read his testimony in the hearings which ensued and in which he made it very clear that he felt that the borders he was suggesting were those which were required and which would be necessary to allow the park to fulfill its objective. He did so testify in no unmeasured way.

I have called attention to this matter because I want the Senate to understand that the State of Florida has a very material interest in this park from the standpoint of having contributed so heavily to its being set up, not only by official contributions but also by the contributions of many of its fine citizens.

The State of Florida also has probably a greater interest in this park than any other part of the Nation, because this park brings to our State many people. Last year, as I recall, there were about 1,300,000 guests of the park. I suspect that some two-thirds of them were Florida people. However, that is only my rough estimate, which I have heard expressed by others. That would still leave several hundred thousand people who have come to our State from outside of our State to see the park.

I am sure that they have enjoyed what they have seen there.

Florida is a large State from the standpoint of trying to attract tourists and visitors. It is no small thing to have this park attract so many good friends from outside our State.

So we have an enormous interest in the park.

I want to go a little further. The central and south Florida flood control program is not a one-sided program.

The State of Florida had to supply all of the storage areas and had to supply 20 percent of the construction costs and had to maintain the various structures after they were completed.

I do not know what the total contribution of the State of Florida will finally be. However, the contribution through the time of the construction and acquisition of rights-of-way and storage areas will be something better than 30 percent of the total.

The State of Florida has not been behind in contributing its portion. It is right that Florida should contribute its portion, because while the program is an important flood control program—and that, of course, is chargeable to the Federal Government flood control program—it is also a program to make available more land, a program to conserve water and make the water available for agriculture, and a program to conserve water in the storage areas underneath the surface for the supply of our great cities along the east coast.

It also has made possible the continued cultivation of crops, because in times of drought water is available and in times of flood water is kept off the crops.

So we should have to pay a substantial part of this cost, and we are paying it, and we are glad to pay it, because we think it subserves our own local interests as well as fulfills the national concern for flood control.

I do not think I have to say for the record that the floods around Lake Okeechobee in 1926 took something over 300 human lives, in 1928 took 2,200 human lives, and the disastrous flood of 1947, which immediately preceded the setting up of the central and southern Florida flood control program, cost between $57 and $58 million in measurable damages to that area. So Florida gets its benefits from this project and is paying for them.

The reason why I mention this is that at the time of the enactment of the 1954 modification and at the time of the enactment of the 1968 modification, both of which called for impounding more water in the storage area of Lake Okeechobee by raising the dikes, the State of Florida had to accept, if it saw fit to do so, 20 percent of that construction cost besides the additional costs of acquisition of rights-of-way and other properties as well as maintaining and operating the structures when completed.

The three major storage areas which we acquired and which the State of Florida, through its various agencies, has paid for are twice as big as Lake Okeechobee. Lake Okeechobee is 700 square miles. These three storage areas are between 1,400 and 1,500 square miles. In addition, we are now acquiring the great storage area behind Cape Kennedy, which is underway.

Incidentally, one of the contracts underway now, which is a continuing contract and which will have to go ahead or be stopped at great loss, is the contract for the storage area behind Cape Kennedy, with which I am sure the Senator from Wisconsin is familiar.

I state these things for two reasons: First, I want to make it clear that at the time of the 1954 and 1968 modifications of this act, what Congress did was not a completion of the program. The State of Florida, through its legislature, had also to complete its commitment to pay 20 percent of the additional construction cost, which it has done. The State of Florida, therefore, has a substantial interest in what occurs, first, when the raising of the dikes around Lake Okeechobee, under the 1954 act, is completed; and, second, when the even greater raising of the dikes around Lake Okeechobee, under the 1968 act, is completed; because the State of Florida is being required to pay and will pay its full share as assessed by the Engineers, which I understand is 20 percent of the added cost.

The second reason for my mentioning this fact is that we could not expect to do either of these two things without the joinder of the State of Florida through its legislature, through its putting up the money by the State or a subdivision of the State, and it remains a joint venture to this date. Part of the joint venture is to provide added storage for waters which, among other things, will supply more uniform and adequate supply of water to the Everglades National Park.

Mr. President, much as we would wish it, it can never be said that prior to the completion of the 1954 level of the lake or of the 1968 section of the lake, the objectives that are to be fulfilled through those two construction measures can be realized, because they simply cannot be. The water is not going to be there.

I say to my distinguished friend that I object very greatly to his amendment, for two reasons, aside from what has been stated by the distinguished chairman. I do think that this is in the nature of compulsion. It is in the nature of trying to force the State and property owners, the Central and Southern Florida Flood Control District and all others concerned—the great urban areas which are so vitally affected as to their water supply—to come along with what my distinguished friend thinks is a fair settlement of this matter. I do not think that is the way to go at this kind of measure. I would never be a party to it.

In addition to those things, I just want to make it completely clear that these ongoing contracts have to be continued; and if they are shut down, the cost is very greatly increased. The amendment offered by my distinguished friend will do nothing else than shut down these continuing contracts, because it says, in effect, as I hope to quote it without looking at it—I can be corrected if I am wrong—that none of the funds made available for the central and southern Florida flood control program by this act shall be expended or committed for

expenditure until June 1 of 1970. That will simply cut the heart of continuing contracts underway.

I want my distinguished friend to understand that some of the continuing contracts underway relate to structures which tend to serve the Everglades National Park, and others have no relation whatever to that objective. Particularly, the one behind Cape Kennedy is an effort to make available a continuing water supply through the installations of the Federal Government that are there—Patrick Air Force Base, the Kennedy Space Center—and the cities which have grown up around those great ventures, to the point where the county is now several times as big in population as it was before those activities were located there.

That is only a part of the picture. One of the things that would be interfered with is the completion of important structures necessary to permit the completion of Disney World, which is being constructed southwest of Orlando, and which I visited only a few weeks ago. I do not think that my distinguished friend wants to be a party to shutting down continuing contracts which will be shut down if his amendment prevails.

I am willing to help work out this matter. I would be willing to have a sense of the Senate expressed here, to the effect that if this is not worked out within the course of this particular commitment of the funds appropriated here, the Senate expects to reexamine the entire situation and retains freedom of action as to what it regards as necessary. But I think it is not a wise provision and is an exceedingly uneconomical provision, and it tends to defeat the very thing the Senator is interested in, because part of this money is being expended in assuring quicker flow and readier flow of water from Lake Okeechobee and from the storage areas into the Everglades National Park, and the cutting off of those continuing contracts will be harmful.

So I am just suggesting that I think this amendment is ill conceived and unfair. I would not be a party to urging it as such an amendment to an appropriation for any other Senator's State. I happen to know a good bit about this matter. I happen to know that this would be a very hurtful amendment.

I might add that I have been working with the authorities in trying to get this underway. The Senator, of course, is familiar with the recent discussions with reference to the projected new airport. I was glad to see the other day that Secretary Hickel had set underway some surveys which will tend to give us more light on that picture.

Mr. President, I ask to have printed at this point in the RECORD a copy of my letter of November 11 to the Honorable Walter J. Hickel, Secretary of the Interior, with respect to these matters, because I am eagerly hoping that those surveys will throw additional light on the matter, which will help us to solve these problems with greater wisdom.

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

NOVEMBER 11, 1969.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I was pleased to read your announcement of Friday, November 7, 1969, that you had directed the U.S. Geological Survey to make a study of the water resources in the Big Cypress Swamp watershed, site of the proposed jetport facility near the Everglades National Park, Florida, and that you had also directed the Bureau of Outdoor Recreation, National Park Service, and the Bureau of Sport Fisheries and Wildlife to work with state and local agencies on how best to utilize the Big Cypress Swamp for fish, wildlife and recreation. I note also that the study is intended to determine how much of the Big Cypress must be preserved to maintain an adequate supply of water to those communities on Florida's west coast which depend upon the area for their domestic water needs.

I am hopeful that this study, which you indicate will be undertaken immediately and on which a preliminary report is expected in 180 days, will encompass the many factors which are involved and that coordination with other interested agencies will be obtained. I feel this is essential since there have been many studies, all of which endeavor to stress certain aspects of the water problem and needs of South Florida but to date I know of no study that considers all factors involved, including the population growth, pollution, and the manner in which the area could be utilized to the best general public interest. Unless all of these factors are considered, the study to be undertaken will be just one of many that have limited objectives in mind.

I also feel that the U.S. Geological Survey in its study should determine once and for all the volume of water that the Big Cypress Swamp provides the Everglades National Park. Your release indicates that source provides 40% of the water coming from outside the Park. Information currently available from Geological Survey reports indicates that the Park relies on natural rainfall for 81% of its fresh water and 19% from sources outside the Park, such as the Central and Southern Florida Flood Control District and the Big Cypress Swamp. If this is correct, the Park may rely on the Big Cypress for about 7.6% of its fresh water.

With kind regards, I remain

Yours faithfully,

SPESSARD L. HOLLAND.

Mr. HOLLAND. These problems are great because of two things: One is the flatness of the land. From Lake Okeechobee to the Tamiami Trail, where waters could enter the Everglades National Park, some 65 miles, as I remember it, and the incline is so small that any water released at Lake Okeechobee in a time of drought, when the land is thirsty and the underground porous rock is thirsty, does not get to the Tamiami Trail or to the Everglades National Park. It is hard for us to realize when we are in an area of ups and downs and slopes and valleys just what the situation is. The mere release of water from Lake Okeechobee does not mean that a drop will ever get to the park. We are trying to improve that situation.

My assistant, who is a civil engineer, has said that the slope is somewhat less than 1 inch to the mile from Lake Okeechobee. That is one of the things that make this problem so very difficult.

There is another problem involved. I shall not go into great detail. I have discussed the matter with my good friend, the Senator from Wisconsin. I want the RECORD to show that I have no doubt that he is making a conscientious effort, only I do not think he understands all the factors involved. I have no objection and in fact I welcome his interest in the park. When he gets through with it I am sure he will not be as interested over as long a period of time as the Senator from Florida extending back 33 years, including 8 years in the Florida State Senate, 4 years as Governor of Florida, and going on 24 years I have been here. I welcome his interest. I do not think he wants to do a hurtful thing. If this amendment were agreed to it would be a hurtful thing because it would require knocking out continuing contracts which should continue, and this project covers 18 counties, the entire eastern part of the peninsula from Orlando to Cape Sable, and extending out through Florida Bay to the Keys.

The amendment of the Senator from Wisconsin would provide that this money should be arbitrarily withheld until June 1, and it is something to which he would not want to be a party if he understood what is involved.

I have a little more to say. I have taken too much time already, but I am terribly interested in this matter, as is my colleague, the junior Senator from Florida.

I want to make clear that the money spent from the State of Florida, and it has been a very large amount, has come from Republican pockets and Democratic pockets, as well. I want the Senator to understand that those persons who enjoy the park belong to both parties. They are from both parties in our State, and I am sure that is true of other States.

I want the Senator from Wisconsin to understand that the legislature is comprised of people of both parties. Our present Governor, and this has not happened for some time, is a member of the party represented by my friend the junior Senator from Florida. This is not a party issue. This is not a local issue. We think we have made a large contribution to the national welfare by various things we have done in connection with the park.

We would be the last people to hurt it; we are the first people to help it. We simply protest against this kind of help because we think it will be hurtful.

Does my friend, the junior Senator from Florida desire that I yield to him now; or he may have the floor if he wishes.

Mr. GURNEY. I will wait until the Senator has completed his remarks.

Mr. HOLLAND. Mr. President, before yielding I wish to say that anybody who thinks the great cities of Miami, Fort Lauderdale, and West Palm Beach and similar areas are going to stop growing is not thinking very soundly.

Anyone who thinks the Engineers, in making their studies, neglected to take into account the possibility of such growth; and anyone who thinks an act could be passed here or that a similar act could be passed in Florida without taking into account growth, is not thinking soundly.

This has been a joint effort from the

beginning, an expensive effort for our State and more so for our State than for the Federal Government.

My feeling is that my distinguished friend from Wisconsin should realize we are anxious to help in this matter and we are going to help in every way we can. We thought we had done so by the wording we put in the report. But we cannot forget that the State, its legislature, and its people have a part in this matter also.

The growth of the State must be included in connection with this matter and the modifications of the height of Lake Okeechobee. They were not made just to take over the Everglades National Park. That was one of the objectives. We urged it at the time those estimates were made. But we also took into account estimates made by the Corps of Engineers.

We are saying now if those estimates were inadequate we are willing to be bound by them. We also want to make clear that 315,000 acre-feet of water can be made available to the park. We are glad to do that and we are willing to make it available in the meantime on a basis of sharing of misfortune, sharing of shortage when we do have drought. There will be droughts and there will be times when not a drop of water flows from storage area No. 3 into the park simply because the Good Master had not let the rain fall in a sufficient amount. That was true before it came into existence and since the park it has been getting more water.

There are three parts of the park. One is not affected by storage area No. 3, another is only modestly affected and one is affected in a great way by water from storage area No. 3.

I want to make clear that a geological survey already has reported that natural rainfall within the park contributes 81 percent of the fresh water supply of the park, which means only 19 percent comes from outside from any source.

So we are talking about something here which applies to only one source and applies very importantly to that area.

We think we are doing what we should to take care of this park. We have an immense interest and we hope our friend will not insist on the amendment.

I am glad to yield to the junior Senator from Florida.

Mr. GURNEY. Mr. President, I wish to join my distinguished colleague, the senior Senator from Florida, and also the distinguished chairman of the subcommittee, the Senator from Louisiana, in urging the defeat of the amendment. The amendment is unsound and it should be rejected.

First of all, I think it assumes bad faith on the part of the executive branch of the Government, in this case the Department of the Army, and bad faith in the past and bad faith in the future by suggesting the language of the amendment.

In reading the committee report, as I have carefully done here on the central and south Florida flood control project, I call attention to pages 24 and 25. I do not see how the language of the report could be any stronger.

I invite the attention of the Senate to some quotations in the report. I read from page 24, where the language of the report could hardly be stronger, in calling attention to the problems of water supply in the Everglades National Park and urging that all parties cooperate, the Corps of Engineers, the Department of Interior, and the State of Florida.

On page 24, it states, in part:

> It is the committee's belief that every effort must be made to furnish an adequate water supply to the Everglades National Park.

It goes on to say:

> It is the opinion of the committee that any adversity in the water supply to meet the projected demands, as set forth in a report, must be equally shared by all.

Mr. President, on page 25, it states, in part:

> The park should not be required to share adversity to a greater extent than contemplated in the report.

Then it says that the committee further desires that the agencies continue their negotiations to develop operating regulations for the sharing of adversity in water short years.

Mr. NELSON. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. If the Senator will let me finish, then I shall be glad to yield.

Continuing reading:

> The park's share of the available supply of water will not be diminished as a result of any demands for water in Southern Florida exceeding those contemplated in the projected document.

Mr. President, it seems to me it is hard to contemplate a stronger use of language in urging adoption of the agreement among the parties on water supply to the park.

I am now happy to yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I was going to point out the language on page 25, that the committee desires that the agencies continue their negotiations to develop operating regulations for sharing adversity in water-short years. Where the Senator suggests that the language could not possibly be stronger, that is the heart of the matter.

When there is no shortage of water, it would not make any difference whether we had a guarantee of 315,000 acre-feet of water or not. Many times they get all the water they need without any guarantee.

The heart of the matter is that the committee report does not take the position, as the Secretary of the Interior indicates, or the position that the Corps of Engineers agreed to in 1968, in which they established the formula and put the chart figure of 11 in the House document and agreed to guarantee the 315,000 acre-feet of water without agreeing to share adversity only with current users, that is the heart of the whole argument. I know that the committee is urging and believes and wants and desires that they reach an agreement. My point is that if they do not—and it has been the wish on the part of the committee and the agreement of the Corps of Engineers and the Department of the Interior in their exchange of letters—it is much, much stronger than the language here.

Mr. GURNEY. I thank the Senator for bringing to the attention of the Senate that particular language. I also had it underlined. I skipped over it here, but it strengthens the argument I was making that the language in the report, of course, is strong and does urge that the very thing the Senator wants occur and take place.

One thing that I think should be brought to the attention of the Senate is that in the amendment, and in the arguments of the Senator from Wisconsin, the central and southern Florida flood control project is being used as a whipping boy. The Everglades National Park was there millions of years before the C. & S. ever came on the horizon. As the Senator from Florida has so ably pointed out, what this flood project does, so far as the Everglades National Park is concerned, is to augment and insure an adequate water supply to the park through water that goes through the park itself.

Any money that goes into the central and southern Florida flood control project is accomplishing the very thing that the Senator from Wisconsin wants accomplished. But I would also like to point out, because this argument is being made here, and again it is fallacious, some sort of notion is being espoused that the central and southern is shortstopping water and stealing water from the Everglades National Park. Nothing could be further from the truth. Of the water supply that goes into the park, 95 percent comes from the heavens in the way of rainfall. The 300,000-odd figure mentioned by the Senator from Wisconsin is only 5 percent of the water that flows into the Everglades National Park. The rest of it comes from rainfall.

I should like to point out also that the importance of the central and southern Florida flood control project, insofar as the State of Florida is concerned, cannot be overemphasized. One would be led to believe, in listening to the arguments, that the C. & S. has to do only with furnishing a water supply or taking a water supply from the park. As a matter of fact, this area encompasses a vast area in the State of Florida in which some 2.5 million people live. The counties go from the southern part of Florida up through the central part, through two river basins, one is St. Johns—one of the largest rivers in this country—and the other is the Kissimmee River Basin.

As a representative from that area of Cape Canaveral, again and again, year after year, I emphasized the importance of the C. & S. for this area so that we would have an adequate water supply.

What the Senator from Wisconsin proposes to do is, perhaps, to hold up water that is absolutely essential to the needs of about 2½ million people in Florida. It is essential to the needs of the Nation's space program because without an adequate water supply in this particular area of central Florida, in which C. & S. plays a very important part in the storage of the water, we will not have a water supply to take care of the Nation's space program.

Of course, the Senator from Wisconsin says that there is no danger of there being a shortage of water because of his agreement, which says that there shall be an agreement. Of course, if they do not get any money down there, then they will be forced to sign an agreement. That is all well and good. Let me point out that very often it takes time to get an agreement from a State, from a Department of the Interior, or from a Department of the Army. As a matter of fact, it takes a little time in the Senate to accomplish some routine things sometimes.

I expect we will get an agreement one of these days, but there is no telling that we might get it within a few months that the Senator's amendment permits us here. If we are not able to get it, then the water supply for 2½ million people in a vast area of the State of Florida will be in severe jeopardy. It seems to me that this is a most unsound, unwise way to force an agreement. I really do not believe that the Senator from Wisconsin, if he considers the implications of this, and its possible results, would want to continue to force this sort of agreement.

Mr. President, in closing, let me say that I, for one, am happy and confident to rely upon the judgment in this matter of my senior colleague from Florida. If anyone could be called the father and the guardian of any specific project, certainly the senior Senator from Florida (Mr. HOLLAND) would be considered so in this case. No man in our State has interested himself in public life in any project as long and as deeply as the Senator from Florida (Mr. HOLLAND) has in the Everglades National Park.

It has been his opinion through the years that this is the proper way to get at this and work out the solution among the three parties involved, all of whom have a very vital interest.

The Federal Government plays only a part of this. The State and local interests play a large part. I might point out, at that point, that it would be interesting to take a look at some of the other national parks in the country and see whether the local interests surrounding the parks actually subject themselves to taxes in order to carry on the business of the parks. Yet, in this particular instance, so far as furnishing water supply to the Everglades National Park and to the Central and Southern Florida Flood Control District is concerned, indeed, the local citizens of the State of Florida are taxing themselves to augment and help the Everglades National Park.

I doubt seriously if our friend from Wisconsin could furnish a like instance.

I hope the Senate will turn the amendment down. I think the committee is showing good judgment by the language it has inserted in the report, in suggesting how agreement can be reached. I am sure if we followed its wise lead in this matter, we would be in good shape.

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

Mr. HOLLAND. Mr. President, I have one more comment that I would like to state briefly, and that is that my friend from Wisconsin may have overlooked a part of the letter written by the Acting Chief of Engineers, Maj. Gen. F. J. Clarke, to the Honorable Stewart L. Udall, then Secretary of the Interior, on June 14, 1968.

Contrary to denying the concept expressed in the report, he called attention to the report. This is what he said, and I read from the letter:

> The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report.

I do not see how it could be any clearer than that.

The only thing stated in the committee report that in any way varies from that is this: Insofar as the letter goes and the report of the Engineers goes, there must be 315,000 acre-feet a year, but if the growth is greater than that estimated by the Engineers, our report provides that that greater growth shall be the one that will be adversely affected, and not the park; that the park will not be adversely affected in any way.

I do not see how it could be clearer than that. That is what the report says.

If the Engineers had been pessimistic in their estimates of growth in agricultural and urban needs, so that they were greater at the time than the supply of additional water which came into being, then, not the park would suffer, but the agricultural or urban areas, which had exceeded the rate of growth estimated by the Engineers would suffer.

That is the wording in the report. It is in sympathy with the report of General Clarke, which says that the Engineers are standing by and they report to Congress that they will see this is carried through and that the water supply to Everglades National Park is not diminished.

Mr. NELSON. I thank the Senator from Florida. I read that entire letter. The only reason why I am on the floor of the Senate with an amendment is precisely that the Corps of Engineers backed off from their commitment. All one has to do is call up the Secretary of the Interior, call up the Solicitor, call up Mr. Cain, or call up the department which made the commitment in the letter. If they had stood up for that commitment, I would not be on the floor. But they backed away from it, and they backed away from the chart.

I have gone into this matter in detail with the best expertise I could find in Washington and in the Department of the Interior. If the Corps of Engineers would stand by the letter the distinguished senior Senator from Florida read, I would not be here. Before our committee, General Cassidy backed off it. In the testimony, General Cassidy said:

> We cannot at this time, or will not, guarantee the 315,000 acre-feet.

I will have to look in the documents before me to find the exact quotation, but that is the crux of the matter. If they had stood by what the Senator has read, I would not be here. General Cassidy said:

> We will make that agreement to guarantee these 315,000 acre feet when the crunch is on, which might be 10 or 20 years away.

That is why the Interior Department is upset. The Secretary of the Interior said in the last administration, and the Secretary of the Interior in this administration is saying they are upset because the Corps of Engineers refuses to keep the commitment it made in the letter the distinguished senior Senator from Florida read. If the Corps will say tomorrow that it will implement the chart, will keep its word given in the June 14, 1968, letter, then this will all be over with. That is what the Corps of Engineers has not done.

Mr. HOLLAND. Mr. President, what the corps says is one thing. What has been said in that portion of the prelude to the legislation of 1968 is another thing. The matters we are talking about now are matters that occurred in the showing to the Congress on which the 1968 action was based. Those matters are quoted in our report. Our committee is standing by those matters. We expect them to be fulfilled.

As I see it, the only difference at all that exists now is the question of whether, after the completion of these new works, the civilian, agricultural, or urban growth will be greater than the Engineers estimated. If it is, our report says that those agencies that have grown more than was estimated are the ones that will have to take the shortage. That is how clear we are on it. The park will not, in any shape or instance, be affected adversely. I do not see how we can make ourselves clearer than we have by that wording.

I hope the Senate votes down the amendment.

Mr. NELSON. Mr. President, I do not wish to prolong the debate. All I can say is that my interpretation and the interpretation of those I talked with in the Federal agencies is different from the interpretation of the distinguished Senator. The Corps of Engineers published the chart. Anybody can read it. The chart says they will guarantee 315,000 acre-feet. The chart shows they will share the adversity with current users. The corps letter and the Secretary of the Interior say, "We will do exactly what the chart says. We will guarantee the 315,000 acre-feet. Starting now, we will share adversity with future users."

But the Corps of Engineers backed away from that position before the committee hearing, a hearing which I conducted. I have the testimony here for any Senator to read.

Next—and this is crucial—the committee report does not implement the agreement that the Secretary of the Interior thought he had with the Corps last year. The sharing of adversity is the crucial thing. The agreement desired by the Department of the Interior, and by the park authorities themselves, is that adversity would be shared with current users. If they would share adversity with current users, guaranteeing 315,000 acre-feet, there would be no problem. But the committee report does not say that. I quote the language:

> The committee further desires that these agencies continue their negotiations to de-

velop operating regulations for the sharing of adversity in water-short years.

So the committee has urged them—and I know sincerely—to come to the agreement that the Department of the Interior and the Corps had in their exchange of letters a year ago.

The PRESIDING OFFICER (Mr. BOGGS in the chair). The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, a point of order. I ask that all attachés either be seated or get out of the Chamber, and I ask the Presiding Officer to so order.

The PRESIDING OFFICER. The Chair thanks the distinguished Senator from Ohio, and so orders. The Sergeant at Arms is instructed to carry out the order.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mississippi (Mr. STENNIS) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Iowa (Mr. MILLER) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from New York would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 33, nays 55, as follows:

[No. 149 Leg.]

YEAS—33

Bayh	Jackson	Moss
Brooke	Javits	Muskie
Case	Kennedy	Nelson
Church	Mansfield	Packwood
Cooper	McCarthy	Percy
Cranston	McGee	Proxmire
Gore	McGovern	Ribicoff
Harris	McIntyre	Saxbe
Hart	Metcalf	Schweiker
Hughes	Mondale	Tydings
Inouye	Montoya	Young, Ohio

NAYS—55

Aiken	Byrd, W. Va.	Ellender
Allen	Cannon	Ervin
Allott	Cook	Fannin
Baker	Cotton	Fong
Bellmon	Curtis	Fulbright
Bennett	Dodd	Gravel
Bible	Dole	Griffin
Boggs	Dominick	Gurney
Byrd, Va.	Eagleton	Hansen
Hartke	Murphy	Sparkman
Hatfield	Pastore	Spong
Holland	Pearson	Stevens
Hollings	Pell	Symington
Hruska	Prouty	Talmadge
Jordan, N.C.	Randolph	Williams, Del.
Jordan, Idaho	Russell	Yarborough
Long	Scott	Young, N. Dak.
Magnuson	Smith, Maine	
Mundt	Smith, Ill.	

NOT VOTING—12

Anderson	Goodell	Stennis
Burdick	Mathias	Thurmond
Eastland	McClellan	Tower
Goldwater	Miller	Williams, N.J.

So Mr. NELSON'S amendment was rejected.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ELLENDER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, this year both the House of Representatives and the Senate Committee on Appropriations have recommended the appropriation of $450,000 for the construction of a transmission line between Great Falls and Browning, Mont. This new line has been supported by the administration for several years now, and it is essential to insure adequate and efficient sources of power to the cooperatives in north-central Montana.

This line has not been constructed because of prolonged negotiations between the Bureau of Reclamation and the Montana Power Co. in an effort to develop a satisfactory wheeling agreement.

This year the report states:

> In the event no satisfactory agreement can be reached, the Bureau of Reclamation is directed to report to the House and Senate Appropriations Committees and secure prior clearance before any of the $450,000 available is expended for initiation of construction of the Federal line.

This language underscores the interest that the Congress has in this project. One thing I would like to state at this time is that I hope the negotiations between the Federal agencies and the private utilities will get down to the hard, cold facts in the situation or report to the Congress that it is impossible to reach an agreement. Those who will be dependent on this new transmission line cannot wait any longer. I am most appreciative of the attitude that the Senate Committee on Appropriations has maintained in recent years.

To the people of Montana, the bill now before us means a great deal in the way of natural resource development. This year, I am very pleased with the action of the Senate Committee on Appropriations. There is very little fat, and it provides funds for an orderly continuation of these important flood control, power, irrigation, and other resource development projects.

In the instance of Montana, I am delighted that the committee has provided an additional $4.1 million for construction at the Libby Dam project in northwestern Montana. $52,600,000 recommended is necessary to keep this project on schedule. This is one Corps of Army Engineers project which cannot be slowed down or held up for budget reasons. Libby Dam and Reservoir project has a tight schedule because of the Columbia River treaty. The project must be completed within a 5-year period and, in order to meet this deadline, we cannot permit a slowdown.

I also was very pleased that both the House and Senate have recommended $400,000 to proceed with the initial construction on the flood control project at Great Falls, Mont. This project cannot be held up any longer because each year brings another threat of a disastrous flood similar to those which have plagued sections of Montana's largest city. The Bureau of Reclamation has been very active in Montana, and I believe that the program outlined in the revised budget and as approved by the House of Representatives is an orderly continuation of these programs.

The Bureau of Reclamation will have an active year on smaller construction projects in Montana, $1,300,000 is provided for additional facilities and cleanup work at the Yellowtail Dam, the recently completed power and recreation facility in southeastern Montana. There are several construction items under the Bureau's drainage and minor construction program to which I would like to refer: Crow Creek pump unit, $11,000; the East Bench unit, $336,000; the Helena Valley, $270,000; the Lower Marias unit, $310,000; and the Buffalo Rapids unit, $30,000.

I have already referred to the allocation for the Great Falls-Browning transmission line, and in closing, I would like to compliment the chairman of the Senate Subcommittee on Public Works Appropriations for his leadership in recommending a fully authorized appropriation of $1 billion for construction grants under the water pollution control program. At long last, the people of the United States are becoming very conscious of our environment and of the threats to it. Our cities and towns are finding it very difficult to up-date their facilities to meet existing standards. The Federal Government has a real responsibility aiding in the construction of waste treatment works. The increase recommended by the Senate committee will give Montana approximately double that indicated under the program as recommended by the administration's revised budget. I understand that if the $1 billion is approved, it will mean $5,751,469, perhaps an insignificant amount under the total authorization, but it will mean considerable to my State.

Mr. METCALF. Mr. President, I am pleased that the Senate Appropriations Committee has again approved the budget request for funds for the Bureau of Reclamation transmission line between Great Falls and Browning.

This line is sorely needed to achieve adequate and reliable electric service in Montana. It was proposed almost 2 years ago, by the previous administration. The Senate approved the expenditure last year but the House suggested negotiation of a wheeling arrangement between the Montana Power Co. and Bureau of Reclamation, rather than construction of the Federal line. This year the new administration recommended the appropriation and the House voted money for the Federal line, while still requesting

that negotiations be resumed in an effort to reach a satisfactory wheeling agreement with the company. The Senate committee, in approving the $450,000 expenditure, directed that the Bureau of Reclamation report back to both Senate and House Appropriations Committees in the event no satisfactory agreement can be reached between the company and the Bureau.

Mr. President, the record to date is clear that a wheeling arrangement satisfactory to both parties, and which will also serve the power needs of Senator MANSFIELD's and my constituents, is unlikely. It is also clear from the record that the proposed 161,000-volt Bureau of Reclamation line is needed, and soon, to provide reliable electric service. Unless a satisfactory agreement is negotiated in the very near future I trust that the Appropriations Committees will speedily clear the expenditure of $450,000 for initiation of construction of the Federal line.

Mr. President, to elaborate the case for this line, I ask unanimous consent to insert at this point in the RECORD my testimony, on behalf of Senator MANSFIELD and myself, before the Senate Subcommittee on Public Works Appropriations, on June 12, 1969.

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

BUREAU OF RECLAMATION TRANSMISSION LINE

Mr. Chairman, I am very concerned over electric power reliability in Montana, and also for the integrity of the electric utility systems there. I am convinced that the proposed 161,000-volt line from Great Falls to Browning, which would be built by the U.S. Bureau of Reclamation, would best serve these purposes. Included in President Nixon's budget for Fiscal 1970 is $435,000 to plan and survey this line.

The Montana Power Company has opposed construction of this line, giving various reasons which the company says are based on cost comparisons of several transmission plans for the northcentral Montana area. These comparisons do not hold up under engineering analysis, and I don't believe anyone knows for certain the company's real reasons for opposing the line—except the company. The company traditionally has had no customers in the area to which the transmission line would go, but claims that a small oil company pumping load near Cut Bank justifies its construction of a 115,000-volt line from Great Falls to Cut Bank. Glacier Electric Cooperative is perfectly capable of serving this small load, and I must join with the Montanans for Reliable Electric Service in questioning the good faith of the company in its decisions, first, to build the 115,000-volt line, and, second, to oppose the heavier line.

I would like to outline some of the history of those decisions.

On 6 May 1969, the president of Montana Power Company filed a statement with the House and Senate subcommittees which set forth the company's plan to construct the 115,000-volt line from Great Falls through Conrad to Cut Bank and urged that funds for the proposed Bureau line not be approved for Fiscal 1969, pending further study. A Conference Committee thus did not appropriate the funds, making a request that the Bureau of Reclamation and the company work out an agreement. Bureau officials accordingly met with the company's representatives and representatives of Glacier Electric Cooperative a number of times. No agreement has been reached. The company indicated it had no interest in joint construction with the Bureau. Then it unilaterally went ahead and began construction of its 115,000-volt line.

The actual beginning of construction—in August 1968—before an agreement was reached with the other entities involved is in disregard of the intent of the Congress, because no agreement was reached with the other entities before construction began. It is also in disregard of the best interests of the other utility systems—the cooperatives and the Bureau—which have a far greater stake in electric service in the area than does the Montana Power Company. Thus the company not only is building a line into the northcentral Montana area which detracts from meeting the real needs of the area, it is also doing so as an intruder which heretofore has had no load in the area and no reason for any interest.

The company has discussed with the Bureau the possibility of an alternative transmission scheme which would include completion of its 115,000-volt Great Falls-Cut Bank line, a new Bureau 161,000-volt line from Great Falls to Shelby and a second co-op line of 115,000-volts from Shelby to Browning. The company has indicated it would support the Bureau request for funds to construct this 161,000-volt line.

All engineers involved, except the company's, insist that this alternative proposal would not provide the reliability to the Cut Bank-Browning area that the proposed U.S. Bureau of Reclamation Great Falls-Browning line would. Under the alternative plan, reliability for the area west of Cut Bank would be provided by the second 115,000-volt co-op line from Shelby through Cut Bank to Browning which would be in close proximity to the existing 115,000-volt line and subject to the same hazards.

Why anyone should consider this alternative acceptable, I cannot imagine. It would be an alternative imposed upon the traditional power suppliers of the area by an intruder, and it would be an alternative which does less than achieve the optimum system for the area. It also is an alternative involving a proliferation of transmission lines and consequent loss of valuable farm land.

The proposed Bureau line from Great Falls to Browning, on the other hand, would create exactly the kind of loop service which the area needs. Let me explain this in more detail. The area involved is roughly a triangle, Havre, Great Falls and Browning at the three points of the triangle. Transmission lines now exist on two sides of the triangle, from Browning to Havre and from Havre to Great Falls. The most reliable kind of transmission system is a "loop" or a system that describes a complete circle. Thus if there is an outage at any given point on the loop, points on either side can continue to receive power, because the power can come from either direction.

So the obvious best move now would be to close the Havre-Browning-Great Falls triangle by building the proposed line from Great Falls to Browning, thus creating loop service for every point on the triangle. What Montana Power Company is doing with its 115,000-volt line, instead, is making the triangle smaller by building from Great Falls to Cut Bank. The result will be that the existing line from Cut Bank to Browning will be a "radial" line, that is, a line which allows power to come from only one direction. If there is an outage on that line, all points beyond the outage will be without power. In reality, the situation is even worse, because there is no provision right now for the company's line to interconnect with existing lines even at Cut Bank. Thus, until the interconnection is made, the entire transmission system will remain a radial one, and overall reliability will not be improved by the company line.

The company indicates that its 115,000-volt line will be fully loaded by about mid-1972. The proposed Bureau line from Great Falls to Browning will thus be needed by mid-1972—the time it will be completed if the $435,000 is made available for Fiscal 1970—regardless of whether the company and Bureau are able to reach an agreement for public use of the company line.

Finally, the proposed Bureau line, of 161,000-volts, will have actual carrying capacity in kilowatts about twice that of the company's 115,000-volt line—because carrying capacity in kilowatts increases geometrically in relation to voltage. Of the annual cost of the line to the Bureau of $198,290, Glacier Electric Cooperative would pay $66,020 under an agreement made when Glacier asked the Bureau to build the line in preference to an earlier proposal.

The balance of the annual cost of the line to be borne by the Federal Government is, of course, an investment rather than an outright expenditure. This line will better enable the government to meet growing power needs in the area—reliably—and thus produce revenues from sale of power from Federal hydroelectric projects.

The entire matter of reliability in northcentral Montana was called into question 4 April when this area experienced a severe outage due to malfunctioning of the company system. The company contends that this particular outage is irrelevant to questions being discussed here. I disagree. A report from the Federal Power Commission indicates that outmoded and badly-maintained equipment at the company's Rainbow Substation near Great Falls was the real cause of the outage—although the precipitant was a rifle bullet—and I believe this gives some indication of the company's general attitude toward reliability. Already the company is experiencing reliability problems on its system and now the company is building a new line which would add little to overall reliability of electric service in the area, while at the same time it opposes a line which would manifestly improve reliability.

I have an engineering analysis of the costs of the capacities, that would be involved in alternative transmission schemes for the area, which clearly shows the superiority of a system which would include the Federal line from Great Falls to Browning. The analysis was prepared by the Missouri Basin Systems Group, a regional engineering and power coordinating organization for rural electric cooperatives and public power systems. I ask that it be accepted for the Record. Senator Mansfield and I ask that this Subcommittee approve the $435,000 Fiscal 1970 request to begin construction of the Great Falls-Browning line.

Mr. BENNETT. Mr. President, I rise in support of the public works appropriations bill for 1970, and to express my appreciation to the Senate Appropriations Committee for their consideration of the Bonneville unit of the central Utah project and the Little Dell project in Utah.

In addition to my testimony before the Subcommittee on Public Works in June, I also appealed directly to the members of the subcommittee in August for a more realistic funding schedule for the Bonneville unit of the central Utah project. Therefore, I was not gratified when the committee recommended $12,000,000 for fiscal year 1970, a $4,000,000 increase over the budget figure and the House allowance. This increase will avert a serious setback to the Bonneville unit.

Although it may be argued that reclamation deferrals are in the interest of national economy, the fact remains that this project cannot be postponed repeatedly without raising public costs in several ways. Thirteen years have now passed since authorization of the project, and only relatively minor construction has been completed.

The central Utah project is the key to development of Utah's resources for the next 100 years. It provides for the beneficial use of most of Utah's remaining undeveloped share of Colorado River water. The Bonneville unit alone eventually will serve 12 counties with more than 60 percent of our State's population.

I would also like to point out that the reimbursable costs of this project, which represent 90 percent of the total cost, will be paid back to the Federal Government.

The committee's recommendation of $400,000 for planning funds for the Little Dell Reservoir, a Corps of Engineers project, was also highly gratifying. The Little Dell project, in Salt Lake County, was authorized by the 90th Congress, and it is vitally important to the orderly water development of Utah to get advanced design and construction phases underway as soon as possible.

The $23 million Little Dell project will consist of a dam and 50,000 acre-foot reservoir near the present Mountain Dell Reservoir in Parley's Canyon. It will provide greater flood control measures on the major trans-city tributaries to the Jordan River and furnish additional water supplies for the Salt Lake metropolitan area.

Again, Mr. President, may I express the gratitude of the people of Utah for the actions taken by the Senate Appropriations Committee.

Mr. COOPER. Mr. President, I commend the senior Senator from Louisiana (Mr. ELLENDER), the chairman of the Public Works Subcommittee of the Committee on Appropriations, on which I serve as an ex-officio member for public works items, the Senator from North Dakota (Mr. YOUNG), and the members of the committee which have brought to the Senate the pending bill. I know the long hours, hard work, and conscientious attention that Senator ELLENDER devotes to this subject each year. It is a bill which touches every section of the country. Through this effort communities are protected from floods; our great water resources are developed; the work to clean up our streams and rivers is proceeding; and economic benefits flow from navigation, power, and development projects.

In my own State of Kentucky, the efforts of the Senator from Louisiana and his committee have speeded and enhanced the development of the Ohio River Valley through the great system of locks and dams on the Ohio River, and flood protection is being provided on every major river system in the State. We have worked together on these matters, and with the members of the Kentucky delegation in the House, and the Senator knows of the great credit I have often acknowledged to him. The people of Kentucky know his work, and appreciate it.

The bill before the Senate today maintains the items in the bill as passed by the House of Representatives which affect Kentucky, as follows:

For construction: Cannelton lock and dam, $7,100,000; Carr Fork Reservoir, $3,380,000, an increase of $1,250,000 over the budget; Cave Run Reservoir, $3,800,000; Frankfort floodwall, $824,000; Laurel River Reservoir, $2,740,000; lock and dam No. 52, $1,684,000 to complete; Martin local flood protection, $150,000, not included in budget; and Uniontown lock and dam, $4,540,000.

For planning: Bonneville Reservoir, $230,000; Dayton floodwall, $89,000; Eagle Creek Reservoir, $178,000; Kehoe Reservoir, $150,000; Mound City lock and dam, $436,000; Paintsville Reservoir, $157,000; southwest Jefferson County floodwall, $50,000; Taylorsville Reservoir, $236,000; and Yatesville Reservoir, $181,000.

As these items are identical with the amounts approved by the House, they will not be subject to change in the Senate-House conference, and are assured.

The Senate bill increases the amounts for two of the Ohio River locks and dams, providing $3.6 million for the construction of Newburgh lock and dam, an increase of $400,000 over the House amount and $1.5 million over the budget; and providing $1 million for the construction of Smithland lock and dam, an increase of $500,000 over the House and budget recommendation.

MARTINS FORK RESERVOIR

This year I again strongly urged the construction of Martins Fork Reservoir, to protect Harlan and communities downstream. I am very glad that the Senate committee added $500,000 to initiate construction for the Martins Fork Reservoir, for a construction start on this important project was not included in the budget or by the House of Representatives. I will urge the Senate conferees to maintain funds to begin the construction of Martins Fork Reservoir.

RED RIVER RESERVOIR

The chairman and members of the committee will remember, I am sure, the Red River Reservoir, about which I spoke in the Senate last year when the annual public works appropriations bill was then before the Senate, and which has been the subject of great interest throughout Kentucky and in fact among conservation groups such as the Sierra Club and others throughout the Nation.

Beginning in 1967, objections were raised to the construction of the reservoir on the grounds that it would adversely affect an area of great beauty, a gorge of unique geological and ecological characteristics.

Because of the intense controversy that arose, I asked the distinguished chairman of the Appropriations Subcommittee that opportunity be given those opposing and supporting the project to be heard, and this was done. In its report last year, the committee directed the corps to examine alternatives, and on my motion substituted for construction funds an amount to develop plans at the alternate downstream site; but the Senate-House conference did not adopt the Senate language. Later, in February of this year, the Governor of Kentucky, the Honorable Louie B. Nunn, announced his support for relocating the Red River Dam to the lower site, I wrote to the President about it, and met with the Director of the Budget. As a result, the budget revision of President Nixon deleted the amount of $1.9 million previously submitted for construction at the original site, and recommended $500,000 which the Corps of Engineers stated to the House and Senate Appropriations Committees, by letter and in their testimony, would be used to proceed with detailed planning and engineering design of the dam at the downstream site—which is a location acceptable to conservation groups and others.

I am very glad the House of Representatives approved the item of $500,000 to plan the Red River Reservoir at the lower site, which will make it possible to proceed without further delay. I know that Congressman WATTS did not wish to see the construction of the Red River Reservoir delayed. It was a responsible position, and I do want to publicly acknowledge Congressman WATTS' good faith and his efforts on behalf of his constituents.

The Senate committee has recommended an identical provision to the House item on Red River, so there will be no issue in the Senate-House conference. I am glad to say that I consider the matter settled, and we look forward now to the design and construction of the dam at the downstream site in a way that will largely preserve the beauty of the area and minimize intrusion upon the now famous Red River Gorge.

The position of Gov. Louie Nunn was decisive in support of the lower site. I acknowledge that it was the vision and the initiative of hundreds of men and women concerned about the environment of the future, of organizations such as the Sierra Club of Kentucky and later the Audubon Society, of papers such as the Lexington Leader, the Louisville Courier-Journal, and the New York Times, that have brought this matter to a happy and proper conclusion. I am sure also that the people of the counties immediately affected, who fought so hard for the upper site, will receive the same benefits from the lower site and will enjoy with countless others the natural wonders of their home area. Red River Gorge is now known throughout the Nation.

FALMOUTH RESERVOIR

The Falmouth Reservoir was authorized by the Flood Control Acts of 1936 and 1938, and after some planning in the late thirties was placed in a deferred category and for many years was inactive. Following the floods on the Licking and Ohio Rivers in 1964, a hearing was held by the Corps of Engineers at Falmouth, a feasibility study prepared, and the project was reactivated. The committees have received testimony on the project each year since that time, but funds to resume advanced engineering and design have never been included in the budget.

The public works appropriations bill for fiscal year 1970, as passed by the House of Representatives and sent to the Senate, includes $50,000 for the Falmouth Reservoir. This step was not recommended by the administration or included in the President's budget, but does represent the capability stated by the Corps of Engineers that would permit a start to be made on preconstruction planning, now estimated at $611,000 and which will probably take at least 3 years.

When the subcommittee met on Monday, Senator ELLENDER expressed his great concern about the large percentage of benefits allocated to recreation at two projects—Falmouth Reservoir, Ky., approximately 50 percent, and Tocks Island Reservoir on the Delaware River between New Jersey and Pennsylvania.

I discussed the Falmouth Reservoir at length, both in the subcommittee and in the full Committee on Appropriations, pointing out also that the reservoir as planned would take 45,000 acres of land, productive farm land, in an area where hundreds of farmers who would be displaced could not relocate on similar land. I recalled the testimony that the reservoir could have an adverse impact on the agricultural economy of the region, and could reduce farm income by several million dollars a year.

I asked that the $50,000 recommended by the House be used by the Corps of Engineers to determine in the coming year, before consideration by the Congress in 1970, whether local flood protection at Falmouth, Covington, and Newport is feasible. If the corps should find that such local flood protection is feasible, by floodwalls at Covington or Newport, by stream diversion or deep channeling at Falmouth, or through a smaller reservoir, these two objectives—flood control and the saving of thousands of acres of farmland—could be achieved. But if this issue is not finally settled, the battle will go on before the Bureau of the Budget and the Committee on Appropriations of both Houses every year.

Some misconceptions have arisen about the use of the Falmouth Reservoir for water supply for various communities and large cities—among them the city of Cincinnati. The project justification and the benefit-cost ratio does not now include benefits for water supply. The usual method for providing water supply is to raise the height of the dam to provide additional storage capacity. The cost of such additional capacity is then guaranteed by agreement with the States affected, the amortized cost being repayable to the Federal Government by the States over a period of years. The States secure reimbursement by contracting to supply water to the communities served. I do not say this would be the absolute procedure that might be followed in the case of Falmouth, but it is the usual procedure and because much has been said about water supply I wanted to give this information.

As the Falmouth Reservoir project has not been approved for funds for advanced engineering and design by the Bureau of the Budget since its revival in 1964, and as the controversy will undoubtedly continue, I believe the proposal of the Senate Committee on Appropriations, which appears on page 27 of the Senate committee report, is the way to provide the specific and up-to-date information needed to resolve this matter.

Again, I thank the chairman of the subcommittee for his attention this year and every year to these projects which are of such great value to my State, and for his patience and interest in hearing the State and local officials and citizens who come to testify. He understands these problems, and brings to them wisdom and judgment. And I would like to make a special comment about the clerk of the subcommittee, Kenneth J. Bousquet. In all these efforts, so important to people and communities in every section of the country, the constant supply of information and objective counsel provided by Ken Bousquet are invaluable. We have learned that his experience and knowledge can be relied upon. I know his ability is recognized by all who deal with him, but I wanted to take this opportunity to give credit where credit is due, and did not believe the chairman would mind my saying that.

POLLUTION

Mr. RIBICOFF. Mr. President, for too long the water resources of our country has been stained by shortsighted exploitation and willful contamination.

This destruction must be halted.

Once, water's natural purification process was able to decompose the organic matter fed it. But accumulated population growth and increased industrial expansion have critically diminished this capacity and every river system in America now suffers some degree of water pollution.

One of the major causes of water pollution is the dumping of inadequately treated community sewage into our rivers and streams.

Without adequate treatment, this waste will continue to blight and destroy.

The Clean Water Resources Act passed by Congress in 1966 authorized $1 billion for Federal sewage treatment facility construction grants-in-aid for fiscal year 1970.

The administration budget for fiscal 1970 requests only $214 million.

This request is woefully inadequate.

The House of Representatives, earlier this year, voted to appropriate $600 million for community waste treatment plant construction.

This sum is not adequate either if Congress is to live up to its promise and avoid harmful and expensive delay in ending water pollution.

We have the technology to end water pollution—only a full commitment of will and resources is lacking.

I strongly support the Senate Appropriation Committee's recommendation that $1 billion be appropriated for waste treatment plant construction.

If we are to have a future with clean water, this sum is needed now to help erase the manmade filth in our rivers and streams.

I would like to call to the attention of my colleagues a thoughtful editorial from this morning's Washington Post entitled, "The Pollution Crisis."

I ask unanimous consent that this article be included at this point in the RECORD.

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

THE POLLUTION CRISIS

The Senate Appropriations Committee has once more raised the clean-water issue in very pointed fashion. Its call for $1 billion in the form of matching grants to the states for water-treatment plants is in line with the demands of many civic, political and conservation groups that are alarmed by the deterioration in our environment. If the Senate looks at the problem as carefully as its committee has done, it is difficult to see how it could reach a different conclusion.

No one seems to question the need for at least $1 billion for clean water this year. That goal was set in 1966 when Congress passed the Clean Water Restoration Act. But the government has been long on promises and short on performance. Last year Congress authorized the expenditure of $700 million for treatment-facility grants but appropriated only $214 million. The same figure was kept in both the Johnson and Nixon budgets for fiscal 1970, but the present administration is said to have offered a compromise figure of $750 million when the demand for appropriation of the entire sum authorized was being pushed in the House.

In view of the fact that the $1-billion-for-clean-water proposal failed by only two votes in the House, it is difficult to explain the final acceptance in that body of a compromise figure of $600 million. If the Senate now takes a strong and positive stand for rescuing the country's rivers and lakes from their man-made filth, the chance of finding the two extra votes needed in the House would seem to be excellent.

Congress must be mindful, of course, of excessive spending in this era of inflation. But the issue in this instance is not so much whether the country can afford $1 billion for clean water as it is whether we can afford continued inaction in the face of progressive pollution of our environment. It is not a question of voting a luxury which the country cannot afford. It is a question of reclaiming an asset which the country once had and has now lost from neglect.

Mr. MCINTYRE. Mr. President, at this time, we in the Senate are given the opportunity to take another step toward solving one of the greatest domestic problems now facing this Nation—pollution.

For many years we have been warned about this, warned by professional conservationists and ecologists, and, indeed, warned by a few far-visioned politicians. For years we have heard descriptions of the tragic condition toward which our Nation is headed—a time when we will no longer be able to breathe the air, drink the water. But the warnings for the most part failed to reach enough people to mobilize concern and action.

All that has changed. The issue today provokes widespread concern and considerable media attention. The people of this Nation are demanding that we in Congress act to solve the problem.

Several domestic events have focused public attention on the issue. We have all read about the impending death of Lake Erie, for instance. Lake Erie is the major source of water supply for the city of Cleveland, yet it has become so polluted it can support no life but microorganisms, and now residents of Cleveland

have been warned that these microorganisms may include typhus and other dread disease causes.

And we have all heard about the Santa Barbara Channel, how one of southern California's most beautiful sites has been desecrated by the black slick of an oil well blowout that is still leaking hundreds of barrels of oil a day into that channel.

In New Hampshire, we have long prided ourselves on clean water, but we also find some stark reminders that the problem is our problem, too.

The Androscoggin River in the north of the State is so polluted that some sections have water that is even unsuitable for most industrial processes. Indeed, this river is so polluted that the State of Maine has taken legal and remedial action because its waters may constitute a potential health hazard.

All but 15 miles of the once beautiful Merrimack River in the southern part of the State is unsuitable to support anything but minor marine organisms.

Yet in my lifetime, there was always news of large fish being caught by sportsmen in the Merrimack.

This is all the result of terrible and unforgivable neglect.

And today we have the chance to act—to move a little closer toward the goal of preserving our clean waters. We cannot pass it up, or we must be prepared to answer to the people for our inaction.

The Clean Waters Act of 1966 authorized massive financial aid in the form of grants to States and municipalities for construction of pollution abatement facilities. But only a third of the funds authorized by this act have been distributed to the States.

Today we must distribute more of those funds. We must appropriate the full $1 billion which we have authorized for fiscal 1970.

What has happened is that many States have had to stretch their overburdened budgets to finance what the Congress has failed to provide. My own State of New Hampshire has had to spend $5½ million more than anticipated to help in sewerage construction that should have been paid for with Federal funds already authorized but never appropriated.

Since the passage of the Clean Waters Restoration Act of 1966, New Hampshire has taken a position of leadership in assisting a bold program of reclamation and water pollution control.

The most recent session of the legislature, for instance, passed a measure to prefinance pollution efforts over the next 2 years, in the amount of $2 million. The various municipalities have also played a part in this effort by prefinancing an amount approximating $11½ million in eligible funds.

But our State's resources are limited. We cannot continue this effort without adequate Federal funding of the pollution control grant program.

There are projects already in progress which will be jeopardized if the Congress does not fully fund this program. A project in Newport, N.H., needs more than half a million dollars to be completed. Projects in Merrimack, Durham, Dover, and Laconia need the $4 million which the Federal Government owes, in order to be completed. Projects in Concord, Farmington, Franklin, Jaffrey, Lebanon, Newport, Pembroke-Allenstown, and Peterborough are approved and ready to go as soon as they are funded. These projects need at least $7 million in Federal funds in fiscal year 1970.

Even the full appropriation of $1 billion will not suffice to pay off what the Federal Government owes the States. But it will be a step in the right direction.

The issue is not whether we can afford it. We must afford it. Because we know that we cannot afford the consequences of not acting.

The late Adlai Stevenson once characterized our responsibilities in this area:

> We travel together, passengers on a little spaceship; dependent on all its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work and the love we give our fragile craft.

Mr. MANSFIELD. Mr. President, a most informative speech was made by the distinguished senior Senator from Massachusetts, the assistant majority leader (Mr. KENNEDY) at the dedication of the Water Pollution Control Facility, North Andover, Mass. It should be of benefit to all interested in this field.

I ask unanimous consent that it be included in the RECORD.

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

REMARKS BY SENATOR EDWARD M. KENNEDY AT THE DEDICATION OF A WATER POLLUTION CONTROL FACILITY, NORTH ANDOVER, MASS., NOVEMBER 7, 1969

It is a great pleasure for me to be here today as Western Electric dedicates its new water pollution control facility. The initiative, leadership and civic-mindedness of Western Electric deserve the praise of all of us. For it is abundantly clear, as we struggle with the growing litany of evil side-effects of our fast-paced technology, that a partnership of government and the private sector is essential if we are to rid this nation's waters of pollution.

Western Electric, one of our leading industrial giants, has been in the forefront of private industry's participation in the national pollution control effort. The plant we dedicate here today commits over a million dollars in corporate funds. As a result of this investment, Western Electric guarantees that the Merrimack River will not be polluted by any outflow from the Merrimack Valley Works. This new facility is part of a combined Western Electric-Bell System anti-pollution program, which calls for the outlay of between $15 and $20 million in a ten-year period.

I applaud the responsible and substantial commitment of Western Electric to this country's pollution control effort. I hope it will serve as a catalyst for action by those other industries which have not yet made a similar contribution.

Pollution is a persistent and pervasive national problem. And it is one which, increasingly, the American people no longer tolerate.

A recent national survey, for example, conducted by a prominent public opinion analyst, indicated that 86 percent of Americans are deeply worried about the effects of water pollution. Furthermore, the survey told us that 75 percent are willing to pay additional taxes to improve the quality of our environment. Sixty-six percent of those citizens who have had the opportunity since 1964 to cast their votes in statewide elections, on water pollution control bond issues, have voted in favor of these measures. Each one of our 50 States have adopted state-wide water quality standards since 1966. The majority of our 50 state legislatures have enacted new laws to help cope with this tremendous challenge of restoring and preserving our waters.

The people of Massachusetts are among the nation's most vocal and insistent in their demands for firm commitments to pollution control. And this should not be a surprise. Every one of our rivers is polluted—and most at an unacceptable level.

But our rivers in Massachusetts have not always been such a disgrace. Just over a hundred years ago, for example, Henry David Thoreau spent a week on the Merrimack River, and on the Concord River which flows into it. He kept a journal of his travels, and I would like to read from his discussion of the Merrimack for a moment.

"I have traced its stream," he wrote, "from where it bubbles out of the rocks of the White Mountains above the clouds, to where it is lost amid the salt billows of the ocean on Plum Island beach. It flows on down by Lowell and Haverhill, at which . . . a few masts betray the vicinity of the ocean. Between the towns of Amesbury and Newbury, it is . . . backed by high green hills and pastures, with frequent white beaches on which the fishermen draw up their nets."

Thoreau would not recognize the Merrimack today. The steady march of technology has brought homes, and factories, and jobs, and schools, and roads to the banks of the river. None of these by themselves have destroyed the Merrimack, turning it into what it is today—an open sewer. But this marching technology has brought with it an unchecked, ever-spreading stain—the stain of pollution.

At low tide, the evil smells of the Merrimack are almost overpowering. Dead fish wash up on the river's shores. Unspeakable filth floats in it. It is, truly, shocking.

And because it is so shocking, it has generated a growing public clamor for change. We heard much earlier this year of the taxpayers' revolt. Well, I believe the demands of the people of the Merrimack River Valley for a cleaned-up river could well be called a pollution revolution.

Government officials at all levels have been responding to this pollution revolution. We have passed quite literally hundreds of new laws. We have spent billions of dollars. We have built many treatment plants. But I do not think we have yet done nearly enough. Let me briefly review our most significant steps.

Ten years ago, President John F. Kennedy called the condition of our waters a national disgrace, and pledged his efforts to make the waters cleaner. In response, in 1961, 1965 and 1966, sweeping amendments broadened and strengthened the Federal Water Pollution Control Act. In 1963, the Senate formed a special Subcommittee on Air and Water Pollution. In 1965, the Water Quality Act was passed. In 1966, the Clean Waters Restoration Act was passed.

These and other legislative measures, adopted by the Congress in this present decade, set national goals for the reclamation of our water resources. New agencies and new studies were authorized. Broad and liberal programs were approved. New regulations were adopted. States were required to enforce strict water quality standards. State and local governments were prodded into enacting stronger and broader pollution control programs. Appeals were made to the conscience of business leaders, to accept responsibilities and begin corrective programs to curb indus-

trial pollution. Congress adopted unanimously in 1966 a massive program of Federal matching funds as the basis of a Federal-state-local partnership in this expanded national commitment to clean waters.

State and local authorities responded to these new Federal programs with immediate and constructive action. The response of Massachusetts was most heartening.

The General Court passed four different water pollution control acts in 1966. Under this and other authority, the Division of Water Pollution Control of the Department of Natural Resources has made significant progress. It has, for example, identified for the first time the specific sources of pollution. There are, today, some 456 significant sources of pollution in the state. Of these, 121 are communities and 324 are industries.

The costs of restoring our waters will range from $500 million and $1 billion, primarily for the construction of waste treatment and interceptor facilities. The voters of the Commonwealth have already approved a bond issue of $150 million for pollution control. The General Court has passed all the necessary legislation to permit the state to participate to the fullest extent in existing federal programs.

Yet all this activity has not yet cleaned up our rivers. Just this week a number of reasons for this apparent lack of progress have become clear.

In Washington, the General Accounting Office released a report which said that despite a federal expenditure of some $1.2 billion in the last 12 years, and an overall expenditure of some $5.4 billion, to construct 9,400 water pollution control facilities, pollution is as bad or worse than before. The G.A.O. blames this lack of progress on those businesses and towns on rivers which make no effort to control pollution, even though at other locations on the same river other businesses and towns are taking strong steps. It is ironic, I think, that this report cites the Nashua River "as one of the most disgusting . . . in the country."

In Boston, the State's Division of Water Pollution Control announced that it intended to take court action against a number of towns along the Merrimack for their failure to comply with state-ordered water-pollution efforts. These towns include Dracut and Merrimac.

Thus, while we have made progress, we certainly cannot rest on our oars. We must keep up the pressure if the pollution revolution is to win for us clean, safe water.

To win the war against pollution, we will need money. The cost of controlling pollution is high. A recent Harvard Business Review article estimated the cost at $110 billion over the next 30 years. Of that astonishing figure, $26 billion will be needed in the next five years.

The 1966 Clean Waters Restoration Act, hailed as a giant step in the war on pollution, authorized a five-year, $3.5 billion Federal program of matching grants for the construction of municipal waste treatment facilities. The Act authorized $450 million for fiscal 1968; but Congress appropriated only $203 million. For fiscal 1969, the Act authorized $700 million; but Congress appropriated $214 million. For fiscal 1970, with an authorization of $1 billion, the Administration requested only $214 million. The Congress has not yet finished action on this 1970 figure.

As of today, consequently, the Congress has only appropriated $417 million in the face of an authorization of $1.2 billion. This leaves a gap of $733 million in this critical program. If the Congress accepts the Administration's request for this year's funding, the gap will be $786 million for just this year alone. I consider this existing funding gap—and its potential doubling—a serious breach of faith.

Early this year, in an effort to force the Congress to live up to its word, concerned citizens, organizations, and state and local governments formed a coalition to demand the full $1 billion appropriation. As a result of the tireless work of this coalition, the House of Representatives approved an appropriation of $600 million—nearly $400 million more than sought by the Administration. Many members of the House of Representatives fought for the full $1 billion appropriation. They were almost successful, and lost by only two votes. This loss has been attributed by conservation-minded commentators to equally hard work. The Administration, aimed at keeping the appropriation at its $214 million request.

The Administration maintains that neither the Department of the Interior nor the states could spend the funds available under full $1 billion funding of the Clean Waters Restoration Act. It maintains, in fact, that the highest possible level of funding which could be committed is $600 million. I challenge this position.

A late October survey, which polled the Directors of every state's Water Pollution Control Agency, indicates that 23 states plus the District of Columbia could spend their share of a $1 billion appropriation; that five other states could spend amounts considerably in excess of the $600 million approved by the House of Representatives; and that an increased level of Federal support would encourage a much higher level of grant application from those states currently discouraged by the low Federal appropriations.

At least seven states which have prefinanced the Federal share of projects constructed since 1966, might also have the chance to be reimbursed the $235 million they are owed—but only if $1 billion is appropriated. Massachusetts is currently owed almost $10 million by the Federal government.

This is now being considered by the Senate Appropriations Committee. It will be reported to the floor in a matter of weeks. It is my firm hope that the Committee will report a bill appropriating the full $1 billion. In order to determine the extent of support for this appropriation among my colleagues in the Senate, I have written to every Senator, expressing my intention to introduce—if necessary—an amendment to the Committee bill for the full appropriation. I have asked those who would join with me in this effort to indicate their willingness to co-sponsor such an amendment.

If we win this full $1 billion appropriation, then we will have added new force to the drive for clean waters. We will have given public officials the tools they need to enforce water quality standards. And we will have encouraged the partnership between government and the private sector so essential to success in cleaning up the waters.

I think there are four separate elements to bringing the pollution revolution to a successful climax.

First, commitment. Americans want their waters clean. We must make it perfectly plain to all public officials that they must firmly resolve to work tirelessly towards this goal. And it must be made equally plain to business leaders. Words are not enough. It is action we need.

Second, regional planning. It makes little sense for Leominster and Ayer to spend their scarce tax dollars on pollution facilities if Fitchburg does not. Similarly, it makes little sense for Massachusetts to prohibit pollution of the Merrimack if New Hampshire does not. Thus, regional, interstate, intrastate planning for pollution control is one of the keys to a successful effort. The G.A.O. study I mentioned earlier proposed a model, regional systems approach to the task of cleaning up the Merrimack River. This approach would actually cost less than fragmented, individual efforts. This is a signal of how important regional planning is.

Third, funding. Money is the lubricant of the engine driving clean water efforts—Federal money, State money, local money, and private sector money. These funds will only be made available if the people make plain their approval of clean-up efforts.

Fourth, technology. It is hard to believe that the chemistry of water pollution is still a mystery to our scientists, but it is. We heard the testimony of the president of the National Academy of Sciences to this effect earlier this year, when he testified on the National Science Foundation legislation. He made a forceful case for using our scientific and engineering skills—so well demonstrated in the Apollo moon flights—on problems such as water pollution. I certainly think we must.

These four ingredients are all equally important. If we shortchange on one, we prejudice the success of the entire effort. All four ingredients have come together in the plant Western Electric is dedicating today. The corporation has proven its commitment; pledged its own funds; complied with the river basin pollution control plans; and used the most advanced technology in the treatment plant's construction. This makes the Western Electric plant a good neighbor in the Merrimack Valley, and one worthy of emulation. The management of Western Electric, and the local officials with whom they have worked, deserve our concerted praise.

In closing, let me remind you that in six short years, we will celebrate our 200th anniversay as a Nation. Now is the time for us to move aggressively on programs to move America forward, forward towards the goals and the hopes of those who nurtured our early growth. Now is the time to reassess our national priorities, and to order them with the goals set for us by the framers of our government.

We cannot hope to do in only 6 years what we have failed to do in 190. But we can make a new beginning and a new commitment. If we act today, and if we plan, then we can make great strides in every area of high national concern. One of these areas is most certainly controlling and eliminating pollution.

Down through our history, we have always been able to match our visions with our deeds—if, and only if, we had the will the energy, and the dedication. More and more, we are learning that the people of this great land have these three essential characteristics in ample supply. It is on this knowledge, I think, that we can look to the future with some hope.

Robert Frost wrote often of the New England countryside, and of his love for it. In his poem "Spring Pools," he spoke of the pools of water formed every spring in the forests by melting snows, and of their disappearing in the summer. The first four lines of that poem have a lesson for us. He wrote:

"These pools that, though in forests, still reflect
The total sky almost without defect,
And like the flowers beside them, chill and shiver
Will like the flowers beside them soon be gone."

Only by dedicated, hard work can we be sure that our rivers will not, like spring pools, "soon be gone."

Mr. MURPHY. Mr. President, speaking for the citizens of California and for myself personally, I would like to commend the chairman and members of the Senate Public Works Appropriations Subcommittee and of the full Senate Appropriations Committee for the outstanding work they did on the bill before us today.

As all of my colleagues know, there are enormous problems connected with any public works appropriations bill, even in the best of times.

This year, though, the Nation's fiscal situation as well as other domestic and even foreign considerations added new burdens to those whose task it was to decide upon a responsible public works program.

In addition, certain areas of our country—my own State of California, for instance—had recently suffered disastrous floods, and these special factors had to be weighed, too, along with all of the other evidence.

It was a herculean challenge but the bill before us today is concrete proof that the challenge was met in a spirit of determination and surmounted in a spirit of understanding and responsibility.

Again, to Senator ELLENDER and to each committee member who has left his imprint on this bill, I want to convey my congratulations and appreciation.

Furthermore, my State and I owe a special vote of gratitude to Ken Bousquet for without the type of competent and generous assistance he provided to the representatives of my State and to my office on the staff level, our task of attempting to make an adequate presentation of California's legitimate needs would have been much more difficult.

I can assure the members of the Senate Appropriations Committee and my other colleagues in this body that the works approved for California in this bill will provide benefits far in excess of the costs of the works and I hope that those who approved these projects will be able to enjoy some measure of justifiable satisfaction in the knowledge that their action will result in a significant saving of lives and property as well as a sounder economy.

MONTOYA APPLAUDS COMMITTEE ACTION ON FREEING EDUCATION FUNDS

Mr. MONTOYA. I am gratified by the U.S. Senate Committee on Appropriations action in approving my resolution to infuse an additional $1 billion into the Nation's public school districts for this fiscal year. This represents a great victory for the supporters of quality education, for the future of our most precious commodity, our children.

This resolution will insure proper Federal funding of schools during the fiscal year, giving the Congress additional time to act on an appropriation for the Department of Health, Education, and Welfare.

I wish to thank the chairman of the Appropriations Committee, the senior Senator from Georgia (Mr. RUSSELL), and my colleagues on the committee for the promptness with which this resolution has passed the committee today.

I also wish to thank the 46 Senators who cosponsored the resolution and supported me in this effort. In particular I wish to thank Senator JAVITS, Senator YARBOROUGH, Senator RANDOLPH, and Senator PELL for their assistance on this effort. It has been a bipartisan effort. The timing on this was crucial. The continuing resolution which this one replaces expired the 31st of October holding up any funds for those agencies whose appropriation bills have not yet passed the Congress. Those agencies would not have been able to meet their payrolls, many of which become due this Friday, without the resolution.

The resolution we passed in committee is identical to one passed earlier by the House of Representatives except for the addition of a December 6 expiration date. Representative COHELAN, of California, was the chief sponsor in that body and my gratitude goes to him and the 227 Representatives who cosigned the resolution there.

I again would like to express my appreciation to the leadership of the Senate for the cooperation these Senators are extending. I realize our action in seeking the education amendment to the continuing resolution was without precedent and I can appreciate the discomfort it caused.

In addition to making funding available to all agencies whose appropriation bill has not become law, our resolution now makes it possible to fund education at higher levels than were allowed under the continuing resolution which recently expired. That was a composite of last year's education appropriation and the President's budget request for this fiscal year, an item-by-item list determined on which amount was the lower.

The items getting the largest increases are:

An additional $398 million to federally impacted school districts, bringing a total $600 million for schools with children whose parents are Federal employees. This is very important to many districts, especially those in which the Federal Government is the mainstay of the local economy. Until passage of this resolution, these districts have no way of budgeting for their own needs.

A $274 million increase for educationally deprived children, bringing that total to $1.397 billion. This is a major program aimed at closing the gaps in our sometimes splintered society.

An increase of $241 million in vocational-technical training, bringing a total of $489 million for this program. Vocational training is vital to the full employment of a skilled labor force and a boon to economically depressed areas.

A $28 million increase in library and community services to a total of $135 million.

The remaining $340 million increase goes for such necessary programs as student loan assistance, construction of higher education facilities, supplementary educational centers, and education for the handicapped.

Mr. NELSON. Mr. President, I would like to commend Senator RUSSELL and Senator ELLENDER for their leadership in recommending to the Senate the full $1 billion for Federal aid to waste treatment works. I congratulate the distinguished Senators for responding to the crucial needs for the full appropriation to help ward off a threatening crisis in water purity.

We are well into the critical year of the Federal Government's commitment to clean water. The emphasis has shifted from standard setting to requirements for action by municipalities and industries to upgrade their waste treatment systems to meet the timetables set by the standards.

A $1 billion appropriation, will serve notice that the Federal Government is genuinely concerned and is to take urgently needed steps in meeting its commitment to aid in cleaning up our Nation's water supplies.

Without adequate funding of this crucial sewage treatment plant aid, our Nation's water quality programs face total collapse. For example, applications from cities and towns across the Nation for the Federal grants for municipal treatment plant construction now total $2.2 billion. If costs continue to rise, the total bill for municipal and industrial waste cleanup is expected to amount to $26 to $29 billion in the next 5 years. This would include up to $8 billion for sewage treatment plants, for which up to 50 percent Federal aid is authorized.

The administration's request to Congress for the Federal grant money totaled only $214 million, the same figure proposed by the previous administration. But after vigorous debate last month, the House almost tripled that figure by voting $600 million. It is important to note that the House failed by only two votes to approve the full $1 billion.

Senator ELLENDER'S subcommittee asked for an executive branch report justifying its statement that the full amount of the Federal grant funds cannot be effectively utilized now. After studying the report carefully, the subcommittee recommended the full appropriation because of the urgency of moving forward in the program of water pollution control.

Ask Wisconsin whether it can spend that pollution control money. Our State has more applications pending for Federal aid than can be provided even by the full $1 billion appropriation.

Even if Congress appropriates the full $1 billion, Wisconsin will get only about $20 million in Federal money when the State needs, and is ready to use, $24.7 million.

Unless the necessary funds are forthcoming, it is dramatically clear that the grisly tide of pollution in our State is going to be worse instead of better.

Wisconsin is not alone in this situation. The State of New York could use over $1 billion alone this year. There are 18 States whose needs still will not be met by the full $1 billion appropriation.

According to the committee report, a total of 17 States and three jurisdictions will have their needs met by the $214 million requested by the administration. However, even if these States will not use their full allocation, as the committee report states:

> Present law permits the reallocation of unused allocations 18 months after the start of the fiscal year for which the funds are appropriated.

Because of this situation, next year I plan to introduce an amendment which will provide a two-thirds increase in Federal sewage treatment plant aid to States like Wisconsin which are providing their own matching funds. I think it is time the Federal Government shows its commitment by rewarding such State initiatives with incentives such as those provided by my amendment.

It is abundantly clear that even the maximum authorization by Congress is not enough. It is evident that over the long term, Congress must act to provide a system of aiding municipal pollution control needs that does not rely on the annual whim of the appropriation process, but instead, provides the Federal financing guarantees that will permit the States and cities and towns to plan ahead and know the money will be there.

Nevertheless, I give my wholehearted support for the full appropriation because it is my belief that this step is an important and significant one in the right direction.

Senators RUSSELL and ELLENDER are to be commended for their bold and thoughtful efforts to report favorably the full appropriation to the floor of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EVINS of Tennessee, Mr. BOLAND, Mr. SHIPLEY, Mr. GIAIMO, Mr. MARSH, Mr. PRYOR of Arkansas, Mr. MAHON, Mr. JONAS, Mr. WYMAN, Mr. TALCOTT, Mr. MCDADE, and Mr. BOW were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RIVERS, Mr. FISHER, Mr. LENNON, Mr. LONG of Louisiana, Mr. WHITE, Mr. ARENDS, Mr. HALL, Mr. KING, and Mr. FOREMAN were appointed managers on the part of the House at the conference.

ESTABLISHMENT OF A COMMISSION ON GOVERNMENT PROCUREMENT—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report as follows:

CONFERENCE REPORT (H. REPT. No. 91-613)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 474) to establish a Commission on Government Procurement, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of Congress to promote economy, efficiency and effectiveness in the procurement of goods, services and facilities by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire goods, services, and facilities of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive bidding to the maximum extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) achieving greater uniformity and simplicity whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs;

(9) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(10) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(11) promoting fair dealing and equitable relationships among the parties in Government contracting; and

(12) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

ESTABLISHMENT OF THE COMMISSION

SEC. 2. To accomplish the policy set forth in section 1 of this Act, there is hereby established a commission to be known as the Commission on Government Procurement (in this Act referred to as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of twelve members, consisting of (1) three members appointed by the President of the Senate, two from the Senate (who shall not be members of the same political party), and one from outside the Federal Government, (2) three members appointed by the Speaker of the House of Representatives, two from the House of Representatives (who shall not be members of the same political party), and one from outside the Federal Government, (3) five members appointed by the President of the United States, two from the executive branch of the Government and three from outside the Federal Government, and (4) the Comptroller General of the United States.

(b) The Commission shall select a Chairman and a Vice Chairman from among its members.

(c) Seven members of the Commission shall constitute a quorum.

(d) Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

DUTIES OF THE COMMISSION

SEC. 4. (a) The Commission shall study and investigate the present statutes affecting Government procurement; the procurement policies, rules, regulations, procedures, and practices followed by the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch of the Federal Government; and the organizations by which procurement is accomplished to determine to what extent these facilitate the policy set forth in the first section of this Act.

(b) Within two years from the date of enactment of this Act, the Commission shall make a final report to the Congress of its findings and of its recommendations for changes in statutes, regulations, policies, and procedures designed to carry out the policy stated in section 1 of this Act. In the event the Congress is not in session at the end of such two-year period, the final report shall be submitted to the Clerk of the House and the Secretary of the Senate. The Commission may also make such interim reports as it deems advisable.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 5. (a) Members of the Commission who are Members of Congress or who are officers or employees of the executive branch of the Federal Government, and the Comptroller General, shall receive no compensation for their services as members of the Commission, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Commission, without regard to the provisions of subchapter I, chapter 57 of title 5, United States Code, the Standardized Government Travel Regulations, or section 5731 of title 5, United States Code.

(b) The members of the Commission appointed from outside the Federal Government shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing subsection.

POWERS OF THE COMMISSION

SEC. 6. (a)(1) The Commission, or at its direction any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or Vice Chairman and may be served by any person designated by the Chairman or the Vice Chairman.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) of this subsection by any person who resides, is found, or transacts business within the jurisdiction of any district court of

the United States, such court, upon application made by the Attorney General of the United States, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(b) The Commission is authorized to acquire directly from the head of any Federal department or agency information deemed useful in the discharge of its duties. All departments and agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

(c) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such personnel may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no individual shall receive compensation at a rate in excess of the maximum rate authorized by the General Schedule. In addition, the Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates for individuals not in excess of $100 per diem.

(d) The Commission is authorized to negotiate and enter into contracts with private organizations and educational institutions to carry out such studies and prepare such reports as the Commission determines are necessary in order to carry out its duties.

GOVERNMENT DEPARTMENTS AND AGENCIES AUTHORIZED TO AID COMMISSION

SEC. 7. Any department or agency of the Government is authorized to provide for the Commission such services as the Commission requests on such basis, reimbursable or otherwise, as may be agreed between the department or agency and the Chairman or Vice Chairman. All such requests shall be made by or in the name of the Chairman or Vice Chairman of the Commission.

TERMINATION OF THE COMMISSION

SEC. 8. One hundred and twenty days after the submission of the final report provided for in section 4 of this Act, the Commission shall cease to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this Act.

And the Senate agree to the same.

HENRY M. JACKSON,
ABRAHAM A. RIBICOFF,
KARL E. MUNDT,
Managers on the Part of the Senate.
CHET HOLIFIELD,
FERNAND J. ST GERMAIN,
FRANK HORTON,
Managers on the Part of the House.

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

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, as enacted by the Senate, this bill would have established a Commission on Government Procurement composed of nine members and the Comptroller General, or his designee, ex officio. The President of the Senate and the Speaker of the House of Representatives would have appointed two members each from their respective Houses, on a bipartisan basis; and the President of the United States would have appointed five members from outside of the Government. It was further provided that the Commission was authorized to hold hearings, take testimony, and issue subpenas to compel the attendance and testimony of witnesses and the production of books, papers, records, and so forth, to carry out the provisions of the bill.

As enacted by the House of Representatives, the Commission would have been composed of 14 members of the Comptroller General, or his designee, ex officio. The President of the Senate and the Speaker of the House were each to appoint four members, two each from their respective Houses, on a bipartisan basis, and two each from private life; the President of the United States was to appoint six members, three from the executive branch and three from the private sector. The House bill authorized the Commission to hold hearings and take testimony, but did not confer on the Commission the power to issue subpenas.

The conference substitute provides for a 12-member Commission consisting of the Comptroller General as a regular member; three members appointed by the President of the Senate, two from the Senate, on a bipartisan basis, and one from outside the Federal Government; three members appointed by the Speaker of the House, two from the House, on a bipartisan basis, and one from outside the Federal Government; and five members appointed by the President, two from the executive branch and three from the private sector. In addition, the House conferees agreed to the Senate provision conferring the subpena power on the Commission, with clarifying changes assuring that a subpena will be issued by a member or sub committee of the Commission only at the direction of the Commission, and requiring that subpenas so issued be signed by the Chairman or Vice Chairman of the Commission. Several conforming and incidental amendments were made in order to reflect the changes agreed to.

Mr. President, I move that the conference report be agreed to.

The report was agreed to.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

MOTION TO RECOMMIT

Mr. WILLIAMS of Delaware. Mr. President, I have a motion at the desk. I ask that the clerk read it.

The PRESIDING OFFICER. The motion will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Delaware (Mr. WILLIAMS) makes the following motion:

Mr. President, I move to recommit the bill (H.R. 14159) with instructions that it be reported forthwith with reductions of the total appropriations of $4,993,428,500, as provided in the bill, to $4,203,978,000 the amount of the budget estimates; *Provided however*, That the final amount of the appropriations provided for in this bill may be reallocated with possible variations in accordance with emergency needs and with priorities given to national needs.

Mr. WILLIAMS of Delaware. Mr. President, for the information of the Senate I shall want a RECORD vote on this motion, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, the bill as it was reported by the House called for $4.505 billion, which was approximately $300 million more than the budget figure. The bill as reported by the Senate increased that amount $487,982,000, to a total of $4,993,428,000. This is $789,450,500 over the budget estimates for fiscal 1970.

The purpose of this motion is to order the bill recommitted with instructions to report back forthwith, but to be reduced by the committee to a figure not to exceed the $4,203,978,000 as recommended in the budget. This motion would allow the committee full discretion to make the variations in the cuts wherever they see fit and wherever they think most appropriate.

I remind the Senate that on June 19 of this year the Senate passed H.R. 11400, and one of the amendments of that bill provided for a ceiling on the expenditures for fiscal 1970. The Senate placed the expenditure ceiling at that time at $191.9 billion, which was $1 billion below President Nixon's revised budget of $192.9 billion.

The pending bill would violate that ceiling by requiring an additional expenditure of $789 million more than is provided in the budget. Unless we in the Senate establish a set of priorities—that is, spell out some other place where we can make an offsetting reduction—we will be delegating to the President not only the authority but also a mandate that if he spends the money that is provided under this bill he will be obligated by the previous action of Congress to make cuts in some other programs, perhaps in education or in some other social program.

I think that we in the Senate have a responsibility if we want to raise that ceiling to do it affirmatively; but if we want to hold to that ceiling and if we expect the President to hold to it then by all means we should keep these appropriations within this budget. If the Senate wants to raise a particular item which we think justifies an increase beyond the budget estimate then let us at the same time spell out where we want the offsetting reductions.

I should like to read excerpts from a letter from the President wherein he confirmed the action of the Senate and wherein he pledged that, as the President, he would support this ceiling and keep expenditures within the prescribed limits:

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to imposing offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

Mr. President, I ask unanimous consent that the letter from the President, dated July 16, be printed at this point in the RECORD.

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

THE WHITE HOUSE,
Washington, July 16, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: I am aware of the concern over extension of the surtax and repeal of the investment credit unless expenditure controls are made clearly effective. Possibly some of this concern arises from the flexibility of the expenditure control provision of H.R. 11400 just passed by the Congress.

In this legislation the limit on expenditures for fiscal year 1970 would appear to be $191.9 billion—one billion below the $192.9 billion projected in my revised budget. However, the actual language (1) authorizes me to exceed this ceiling by two billion dollars for increases in specified items of uncontrollable spending, thereby raising the ceiling potentially to $193.9 billion; and (2) enables Congress to raise expenditures by any amount for any program, thereby permitting automatic Congressional increases in the ceiling.

There is an obvious advantage in having a precise ceiling—one which clearly specifies the maximum allowable expenditures. I therefore assure you and your colleagues that I accept in good faith the $191.9 billion ceiling as passed by Congress. More than this, barring a plainly critical and presently unforeseeable emergency, I will hold total expenditures for fiscal 1970 within the $192.9 billion indicated in my April budget proposals.

I will regard this $192.9 billion maximum as a ceiling on fiscal 1970 expenditures, on this premise—that when an increase is approved by Congress or develops in one program it will be offset by a corresponding decrease in another program, thereby keeping the total budget within the $192.9 billion maximum.

For the Executive Branch this means that if uncontrollable spending, such as interest on the public debt and social security benefits, should exceed the April estimates, or if other spending essential to the national welfare is approved, the additional spending will have to be offset by reductions elsewhere. Further it means that, if the Congress should vote expenditures above those provided for in the breakdown of the $192.9 billion total, it will also need to impose compensating reductions in other programs. Failure to establish such priorities in allocating funds within the $192.9 billion total will compel the Executive Branch either to impose offsetting reductions itself in programs approved by Congress or to refrain from spending the increase.

I believe this firm expenditure control, prompt extension of the surtax and the excises, and repeal of the investment tax credit will give us the tools our country needs to brake and stop inflation. It is my understanding that the Ways and Means Committee and the Finance Committee will follow this action with prompt consideration of a major tax revision package which will include many of the reform proposals I recommended to Congress last April.

Working together, I am confident that the Congress and the Administration can establish sound priorities and keep within a $192.9 billion expenditure total for 1970. I assure you that I intend to see that this is done.

Sincerely,

RICHARD NIXON.

Mr. WILLIAMS of Delaware. Mr. President, there are many items in this bill to which we would all subscribe and which we would like to support, but I think that if we increase an appropriation in any category we shall at the same time make a corresponding reduction elsewhere.

As a result of this expenditure ceiling passed by the Congress the President has initiated a program to curtail and suspend all new authorizations for public works projects unless they are absolutely essential to the national interest; yet I call attention to the fact that not only in this bill is there an increase mentioned for air and water pollution, but also there are 62 new public works projects which have not been approved by the budget—new public works projects for which appropriations are in the pending bill. These new projects account for much of the $800-million increase over the budget.

Of these new projects 32 when completed, will call for expenditures totaling in excess of $700 million. Those projects have not been approved by the budget. As yet not a dime has been spent on those projects, so it cannot be said that if we stop them there will be a loss. These are entirely new projects which are being approved in this bill, involving total expenditures of approximately $720 million—new projects over and beyond the budget estimates or recommendations.

There are another 30 projects which have been started but which the budget does not recommend that we continue or expand at this time. Small amounts have been appropriated heretofore for planning stages. When completed they will cost in excess of $550 million more.

In other words, there is approved in the bill now before us, if we accept it in its present form, a commitment of expenditures in excess of $1 billion. This amount has not been approved or recommended by the Bureau of the Budget. It may have been authorized by Congress, but it has not been approved or recommended as a part of the 1970 budget. It is true that the appropriations in the bill before us today for those projects do not equal that amount, but we know that once those projects are started it will be argued that if funds are not provided to continue them we will lose the millions that have already been spent.

I repeat that on 32 of these projects not a dime has been spent as yet, but it is estimated that when completed they will cost the taxpayers in excess of $700 million. Why start all these new projects at this time?

I think the bill should be sent back to the committee with instructions that it go through it with a fine tooth comb to determine those projects or programs which are most essential—establish priorities—and cut back in the areas where we can afford to cut back. The bill should then be reported back to the Senate in an amount not to exceed the budget request.

The taxpayers just cannot afford such pork barrel legislation. Our Government is already operating at a deficit.

I do not have to remind Senators that the country is in the midst of one of the most dangerous inflationary periods that it has ever experienced. The cost of living is moving up at the rate of about one-half percent a month. Interest rates are now at their highest level in many years. Certainly at some point we shall have to cut back on the need for additional capital. The only way to do that is to stop the authorization of some of the new projects, both in private industry, and in government. Certainly the Government cannot expect private industry or labor and management to cut back on their expenditures and hold down in this time of shortage of money unless Congress sets an example.

I hope that the motion to recommit will be agreed to.

Mr. GRIFFIN. Mr. President, will the Senator from Delaware yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. I should like to make sure that I understand the meaning of the Senator's motion. As I understand, it is not directed to any particular item or area in the bill. The Senator states that while funds have been increased for pollution abatement, his motion, as I understand, does not necessarily direct the committee to cut back on any particular amount, such as the amount for pollution abatement, provided that the total amount of the bill will be in keeping with the budget estimate.

The Senator has stated that millions of dollars provided in the bill have been approved for unbudgeted public works projects and other items.

Mr. WILLIAMS of Delaware. That is correct. The ultimate cost of the un-

budgeted items in this bill total over $1 billion.

The committee should establish a set of priorities, taking into consideration how much we can afford. I accept the proposition that taking any single project by itself, an excellent argument could be made as to why it is meritorious.

A good argument can be made on many items we would like to approve and for which we would like to authorize appropriations at this time. The point, however, is that Congress has instructed the President to hold expenditures within the $192.9 billion ceiling for fiscal 1970, and at the same time the Congress must accept a responsibility. If we see an area that has a high priority and needs extra money we have a responsibility to provide that money, but as we do so we should look elsewhere to see where we can make offsetting reductions.

If Congress does not want to do that let us tell the President and the country that the Congress had no intentions of living within the ceiling and we are not going to try. Congress has no moral right to instruct the President that we expect him to hold expenditures for fiscal year 1970 at $192.9 billion and then authorize new projects and programs which will require billions of additional expenditures.

I will not be a part of such hypocrisy.

If the Senate is only appropriating this money in order to go home and tell our constituents what we have done for them and then quietly pass the word down to the White House that we really do not expect him to spend the money, that is sheer hypocrisy, and I do not think the Senate wants to adopt that attitude. This is our responsibility. We voted to tell the President we expected the administration to live within this ceiling. These were our directions to the President.

I have placed in the RECORD the letter of the President wherein he said he will do his part. Let the Senate act equally responsible. This motion gives the committee full discretionary authority to add in any area where it thinks priorities so require but then to make corresponding reductions in another area.

Mr. GRIFFIN. I thank the Senator for his explanation. I intend to support the motion.

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

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HANSEN. Mr. President, I, too, would like to congratulate the Senator from Delaware for bringing before the Senate the motion to recommit the bill.

Having served for just a short while on the Committee on Finance, I am well aware that we have worked long and hard in trying to keep the imbalance that was created by recommendations coming from the Committee on Finance within tolerable limits, so that, if we vote for tax reform, we would not do violence to a budget that would have resulted had we given more tax relief than would have been offset with tax increases.

It seems to me that the Senator's motion this afternoon is in keeping with the philosophy, attitude, and concern of the committee in the weeks when we were trying to report a tax-reform bill.

It makes no sense to say to the President to keep the budget within $192.9 billion, as we did some months ago, and then turn around and in this instance appropriate more than was recommended by the administration; and we are likely to do it again and again, so that what we said several months ago loses its meaning completely unless we take the responsible position, as was recommended by the Senator from Delaware and face up to the tough job of saying what we propose in this instance.

Unless we follow through in every one of these appropriation bills and do this, I say that all we have done so far is simply to make a gesture in our proclaimed fight against inflation and we will have done nothing in the way of substantive action in helping the President to keep within the meaningful guidelines we lay down.

I intend to support the Senator's motion.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. President, there is one additional point. By expending these appropriations far beyond the budget request we are moving forward the date when the taxpayers of this country can expect real tax reductions, let us face it. They are not going to see a reduction in taxes until there has been a reduction in expenditures.

For anyone to argue that we can have increased expenditures and reduce taxes at the same time is an open invitation for a devalued dollar, and it would further fan the wild inflation and destroy the life savings of many Americans.

Mr. President, I hope the amendment is agreed to. I am ready to vote.

Mr. KENNEDY. Mr. President, I want to take this opportunity to commend the Appropriations Committee, the Subcommittee on Public Works and its chairman (Mr. ELLENDER), on the quality of the bill reported to the Senate today. Most especially, Mr. President, I want to make mention of the courageous and responsible action taken in appropriating the full $1 billion authorized for the programs of the Clean Waters Restoration Act of 1966.

There can be no question that these funds are needed—and needed urgently. To my mind, the committee has taken the only responsible course on this matter. The programs authorized under the Clean Waters Restoration Act of 1966 are the programs basic to any national effort to rid this Nation of the stigma of pollution. And, the demands of our citizens for such a national effort have been both vociferous and reasoned.

Much of the credit for the passage of the legislation authorizing a true commitment by the Federal Government in this area of demonstrated national concern is due to our distinguished colleague from Maine (Mr. MUSKIE). And, again, Mr. MUSKIE deserves our gratitude for his work, in cooperation with Senator ELLENDER, in this final appropriation of $1 billion for the construction of pollution control facilities.

I know that every Senator will carefully consider this measure today. I am confident that the measure will receive the support of all Senators who have recognized the wishes of our citizens to restore and preserve the natural resources which made this country the leader it is today. And I am confident that this bill will be passed, today, by an overwhelming vote.

There remains, however, the need for a conference on this bill. I was more than pleased to note this morning Senator ELLENDER's pledge to press for the full $1 billion in conference. In light of the fact that passage of the full appropriation failed in the House by only two votes, I am convinced that the conference bill can accept the full funding level of the Senate bill.

I was also pleased to note Senator ELLENDER's remarks urging President Nixon and the administration to spend the money appropriated for this program. I join the distinguished chairman in this request. The sense of the Congress should be respected by the administration. The bill we consider today was not drafted overnight. Senator ELLENDER and his committee have spent many months in serious consideration of the measures included in the bill, especially the provision of the full amount authorized for pollution abatement.

Mr. President, I endorse the bill reported today. And I truly welcome the full appropriation of funds for the Clean Waters Restoration Act.

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate long, but I do wish to commend the committee for bringing before the Senate such a constructive bill. It is a rare occasion in these days when we have the opportunity to vote for a bill which provides something for the benefit of the people of this country.

I am not overly impressed with the argument to cut the budget when I recall that in recent months there were many opportunities to cut the budget which has grown out of all proportion to our real interests, and I refer to the military budget we had of $21 billion to begin with.

There have been a number of significant opportunities to cut the budget. In that instance and in nearly every instance it was rejected. These arguments about the need for cuts in the budget had no weight at that time. I think what we are interested in are the specific projects that we are concerned with here.

If the Senator from Delaware can pick out specific projects and say these are not in the interest of this country and they should be deleted because they are not meritorious, I think it would be an acceptable argument; but to argue generally that he is interested in the budget when he showed no such interest when we had a bill for $21 billion before this body, does not impress me.

I think the chairman of the committee and the chairman of the subcommittee did an excellent job. It is high time this country began to give some notice to the development of our resources. If we do not do this, our capacity to pay the kind of taxes to support this huge budget in all its respects will soon dry up.

I hope that the Senate will not turn its back on the committee. I support the bill as it is written.

Mr. ELLENDER. Mr. President, I hope that the Senate will turn down the motion of the Senator from Delaware (Mr. WILLIAMS). We labored for many days on the bill. I think it is a good bill, as I have said before.

The expenditure ceiling for fiscal year 1970 contained in the Second Supplemental Appropriation Act for fiscal year 1969 has a great deal of flexibility. I ask unanimous consent to insert at this point in the RECORD a portion of the statement of the managers on the part of the House and section 401(a) of Public Law 91-47—the Second Supplemental Appropriation Act, 1969.

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

Since the conference agreement sets a comprehensive ceiling which would be continuously adjustable based on congressional actions or inactions on budgetary proposals whether initiated by the President or by the Congress and whether or not inside or outside the April 15 budget review totals, there is no necessity to exempt any area of the budget that Congress normally acts upon each year. Approval of supplemental appropriations to meet existing unbudgeted requirements would be the basis for a corresponding adjustment in the ceiling on budget outlays.

TITLE IV

LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

SEC. 401. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1970, shall not exceed $191,900,000,000: *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the "Review of the 1970 Budget" appearing on pages 9351-9354 of the Congressional Record of April 16, 1969, the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on expenditures and net lending (budget outlays), and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on expenditures and net lending (budget outlays) of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That net congressional actions or inactions affecting expenditures and net lending reflected in the "Review of the 1970 Budget" shall not serve to reduce the foregoing limitation of $191,900,000,000 unless and until such actions or inactions result in a net reduction of $1,000,000,000 below total expenditures and net lending estimated for 1970 in the "Review of the 1970 Budget".

Mr. ELLENDER. Mr. President, I am hopeful that the Senate will vote down the motion to recommit the bill to committee.

Let me say in passing that the main reason for the provision of funds over and above the budget relates to only one item. The House voted, as all of us know, $600 million for water pollution control. The Appropriations Committee recommends to the Senate that $1 billion be provided. I know that is money that will be well spent. I am hopeful that the executive branch will be able to allocate the funds during the remainder of this current fiscal year.

I repeat my belief that the committee has done a good job, and I hope that the motion of the Senator from Delaware will be defeated.

Mr. MUSKIE. Mr. President, I support the distinguished Senator from Louisiana with regard to the point he has made in connection with financing waste treatment plants. The amount of the difference between the budget estimate and the amount of the bill as reported to the Senate is roughly $789 million, almost exactly the increase in the bill as reported to the Senate over the budget estimate for water pollution control.

I think it is important that this point be made to the Senate, that the Senate consider it carefully, and that the Senate deliberately support or disapprove this increase.

Mr. President, the $1 billion appropriation included in this legislation for the Nation's water pollution control program represents the culmination of a great deal of hard work by a great many people. It represents to those of us who have lived with, developed, and maintained a deep interest in this program for many years, a significant victory for national priorities over budgetary expediency.

Mr. President, this victory could not have been achieved without the dedication, the interest, or the commitment of the senior Senator from Louisiana and the chairman of the Public Works Appropriation Subcommittee, Senator ELLENDER.

Senator ELLENDER promised to do his best to maintain a strong water pollution control program, and he has carried out that commitment. Last year, when nearly all domestic programs suffered from both budgetary and Appropriations Committee cuts, Senator ELLENDER achieved a Senate increase in the water pollution construction grant program of $22 million. The conference committee agreed on an increase of $11 million more than the budget request for water pollution—perhaps the most significant program increase in any of the national priority programs last year. When Senator BOGGS and I appeared before Senator ELLENDER in 1968, he told us of his desire to see the level of funding equal to the demand for water pollution construction grants.

The information we had last year was inadequate. The Clean Water Restoration Act, at that time, was effectively 1 year old. The States had not begun to move to assess their own needs—to date a great many States have not. The demand for construction grants as estimated by the Department of the Interior reflected budgetary expediency more than program need.

This year when Senator BOGGS and I joined the Citizens Crusade for Clean Water before Senator ELLENDER's subcommittee, the demand had changed. Several additional major States had joined the list of States with an inventory of water pollution needs. It was obvious that the demand for water pollution funds far exceeded the $214 million requested in the President's budget. Secretary of the Interior Walter Hickel attested to this fact when he indicated that $600 million could usefully be spent in fiscal year 1970. But the Citizens Crusade, Senator BOGGS, Senator ELLENDER, and I were not satisfied with that estimate.

Senator ELLENDER asked the Department of the Interior to provide a detailed estimate of the backlog of construction grant applications. The Citizens Crusade for Clean Water, in cooperation with the Council of State Governments, requested the Governors of all affected States to provide up-to-date information on the amount of grant funds which could be effectively obligated in this fiscal year. The information provided by the Department and the Crusade indicated that more than the authorized billion dollars could be obligated, that the States were moving faster than had been anticipated and that even a fully funded program would be inadequate if reimbursable requirements were considered.

Mr. President, a man with a lesser commitment would have accepted the initial information of the Secretary of the Interior and appropriated an amount equal to that which was voted by the House of Representatives.

A man of lesser commitment would have accepted budgetary expediency over national priorities. Senator ELLENDER has fulfilled the faith of those of us who worked with the Public Works Appropriations Subcommittee, who committed ourselves to support the level of appropriation which he thought could be justifiably obligated, and who believed that he would work to see that the Nation's water pollution program is funded at the level of need.

In the Clean Water Restoration Act of 1966, Congress pledged $1 billion for fiscal year 1970 for water pollution control. This is the first time that Congress has made an effort to meet that commitment. That commitment was made in 1966 for the purpose of stimulating State and local efforts without which we will not be able to deal with the pollution of our rivers and waterways in this country.

The States have responded to that incentive. They have approved bond issues. They have raised taxes. They have set water quality standards on the assumption that we would meet our commitment.

Just this past week, in my State of Maine, the people approved a bond issue of $50 million—that is $50 per capita—to meet the State's responsibility generated by our action in 1966.

That is a lot of money in Maine, and is an indication of their concern with water pollution. The voters of Maine turned down a highway bond issue referendum on that very same day.

Concern for this problem is sweeping the country. The people are far ahead of Congress and the State legislatures in their insistence that we deal with it.

Mr. President, let us see how the budget estimate for water pollution control measures up to the response the States have made to our legislation of 1966.

Under the funding level of $214 million proposed by the President, only 8 percent of current requirements could be met. The needs of 12 States would be met but programs in 38 States would be underfunded if the $214 million provided in the budget were allocated according to the formula in the authorizing act. This is far short of the commitment we made in 1966. At a level of $600 million, the figure approved by the House of Representatives, only 22 percent of nationwide needs could be met. The needs of 24 States would be met, but those of 26 would be underfunded.

Even at the full funding of $1 billion, only 37 percent of the current national requirements would be met. At this level, the needs of 32 States would be filled but 18 would remain underfunded.

The States have assumed that the Federal Government would keep its promise of 1966 and on that basis enact effective programs.

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

Mr. MUSKIE. I yield.

Mr. CASE. I think the Senator from Maine has made a very important statement. From our experience in New Jersey I want completely to support it.

This past Tuesday, among other beneficent accomplishments made by the voters of New Jersey, was approval of a referendum for pollution control based upon the 1966 act and dependent upon it in the amount of several hundred million dollars.

The action of the New Jersey voters, and the voters of Maine, and other actions of the people throughout the country, would indicate the awakening realization in this country that its resources are too precious any longer to squander them, that the time has come to turn away from the pollution of our environment and to preserve and rehabilitate it.

The action proposed by the distinguished Senator from Delaware, whom I have very often supported in matters of fiscal integrity, if it should succeed here, would be most unfortunate.

While I am on my feet, I should like to say a word on behalf of our distinguished chairman, whose actions in this matter have been highly responsible and taken with the greatest of care.

The distinguished Senator from Louisiana (Mr. ELLENDER) is a man who is as much a pennypincher as anyone I know of in this body. For him to have come along with this program of water pollution control is the best indication in the world of the seriousness of the problem to the Nation.

I hope very much, for that reason specifically, that the motion of the Senator from Delaware will be defeated.

I pay my highest tribute to the distinguished chairman of the committee for his actions in this matter and on the bill generally.

Mr. MUSKIE. Mr. President, I should like to add to the tribute just paid to the Senator from Louisiana. I have worked with him in three Congresses now on this question of funding the water pollution program. He has always refused to add any funds which could not be supported by the facts as to need. This was the measure we applied this year. I have been in touch with him throughout the year in connection with this problem and this program, and I must say that I could not ask for a more effective fighter in any cause in which I believe than the Senator from Louisiana (Mr. ELLENDER).

He has brought out the full funding figure, which I never expected to get out of the Appropriations Committee. He did it because he is convinced of the need for that level of funding, and for his actions I pay honor to him here this afternoon. I hope that we will give him the support that his hard work and commitment and dedication have so richly earned for him.

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

Mr. MUSKIE. I yield.

Mr. HANSEN. I would like, first of all, to express the great regard I have for my colleague from Maine. I think, as he made his initial statement, it would be well to emphasize or underscore what he said about the voters in his State. As I understood my distinguished colleague, he spoke about their approving a bond issue for water pollution control. Is that correct?

Mr. MUSKIE. That is right, the second one in the last 10 years, for $50 million. The earlier one was for $25 million. For a State with a population of 10 million, that would be the equivalent of $750 million.

Mr. HANSEN. Did the Senator say that at nearly the same time the people of his State rejected a highway bonding proposal?

Mr. MUSKIE. That is right.

Mr. HANSEN. I think the people of the great State of Maine are being very responsible. It is this kind of discriminating bit of judgment that I find not in evidence this afternoon. I do not for one moment challenge the wisdom of a water pollution control bill. I am in support of it. I think what needs to be emphasized, however, is that there is great concern throughout the country, and certainly this administration is very much concerned, over having a balanced budget. If we approve the bill before us, then it seems to me we have a responsibility, if not this afternoon, then perhaps at some later date, to cut back an appropriation proposal that has been made by the administration, in order to accommodate the increases that are provided in the bill before us.

I certainly could not say where we should cut this bill. I think what the distinguished senior Senator from Delaware is saying is that no one would know better than the Public Works Committee where cuts could be made in order to assign the proper priorities to the moneys we propose to appropriate here this afternoon.

It is with that thought in mind that I shall be voting in support of the motion made by my distinguished colleague from Delaware.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have included in the RECORD copies of telegrams and letters received from almost every State supporting the $1 billion item for water pollution control in this bill.

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

CHARLESTON, W. VA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Mr. Norman Billings telegram to Dr. N. H. Dyer referred to this agency for reply your item 1; exact amount of Federal funds not known at this time. Legislation being studied by legislative interim committee to provide State matching funds which, if passed and funded, would require more Federal funds than currently required under straight 30 percent Federal participation. Your item 2; the reply is no.

EDGAR N. HENRY,
Chief, Division of Water Resources.

PIERRE, S. DAK.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Response to Norman Billings wire on Federal financing for P.L. 660. One—One million from July 1, 1969, to Dec. 31, 1970. Two—No, we have always had sufficient funds available.

CHARLES E. CARL,
Secretary and Executive Officer, South Dakota Committee on Pollution.

MONTGOMERY, ALA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Replying to Billings telegram, 11 million could not be expended between July 1, 1969 and December 31, 1970. Have not been discouraged from submitting applications.

ARTHUR N. BECK,
Technical Secretary, Water Improvement Commission.

DES MOINES, IOWA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.
(Attention Norman Billings:)

Retel Oct. 14 1. On basis of 600 million dollar appropriation. Iowa would be able to fund all anticipated grant applications to December 31, 1970.

2. Present Federal fund allotment has been adequate to fund nearly all grant applications up to present fiscal year.

R. J. SCHLIEKELMAN,
Director, Water Pollution Division, Iowa State Health Department.

AUSTIN, TEX.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street, Washington, D.C.:

Urge consideration and support of bipartisan amendment to increase fiscal 1970 appropriation to $1 billion as authorized by the Clean Water Restoration Act of 1966 for H.R. 14159.

Funding is needed to control water pollution and to enhance the economy of Texas. Recent crises in the municipal bond market along with defeat of a statewide water plan bond proposal require significant attention to using and reusing water supplies already available through efficient refineries. Control of water quality through effective and efficient waste treatment facilities is significantly needed.

From the inception of KP.L. 660 twelve years ago, more than 9,500 grants have been made which provide or upgrade the treatment of waste from approximately 75 million persons—total Federal cost has been $1.36 billion with state and local investment totaling nearly $4.7 billion.

Substantial lead time is needed on waste treatment facilities planning and construction; therefore, continuing adequately funded commitment from Congress necessary for adequate waste treatment facilities.

In view of these statistics and changing conditions in Texas, it is recommended that the 1970 appropriation be at a level of one billion dollars as authorized by the Clean Water Restoration Act. Thank you.

Sincerely,

PRESTON SMITH,
Governor of Texas.

NEW ORLEANS, LA.

NORMAN BILLINGS,
Council of State Governments,
Washington, D.C.:

Appears P.L. 660 allocation of 4 million under continuing resolution adequate for fiscal 70. High interest rates are severely curtailing projects and cast some uncertainty on prospects for utilizing the full 4 million however a substantial improvement in bond markets could stimulate grant needs higher than are now anticipated in our state P.L. 660 applications have not been appreciably discouraged for lack of Federal funds.

JOHN E. TRYGG,
Director, Bureau of Environmental Health, Louisiana State Board of Health.

BOSTON, MASS.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

In regards mass water pollution control program #1 can expend 32 million dollars between July 1st 1969 and December 31st 1970 of PL660 fund #2 state pre-finance Federal grant. Federal grant pre finance to date 14 million dollars.

T. C. MCMANN,
Director of Division, WPC Mass Water Resource Commission.

HARRISBURG, PA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street,
Washington, D.C.:

In accordance with request from Norman Billings, acting chairman, Interstate Conference on Water Problems, information concerning Pennsylvania's sewerage construction grants under Public Law 660 follows: 1. If availability of Federal funds not a limiting factor we could expend $76.3 million between July 1, 1969 and December 31, 1970. This includes repayment of $20 million to State for State advances and 50% Federal grant payments to eligible projects. 2. Many municipalities, especially smaller ones, have been reluctant to submit applications as result of awareness of lack of Federal funds. No estimate available.

WESLEY E. GILBERTSON,
Deputy Secretary for Environmental Protection.

INDIANA STREAM POLLUTION CONTROL BOARD,
Indianapolis, Ind.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street,
Washington, D.C.:

Question 1. Estimate Indiana could match (25%) and expand $13 million in Federal funds between July 1, 1969, and December 31, 1970. Applications for fiscal 1970 total 135 requesting $44,264,900; Federal grants and State grants totaling $22,018,721 one of Indiana's criteria for priority is submissions of completed plans and specifications and 49 applicants have complied question 2 to a limited degree. No estimate available.

B. A. POOLE,
Technical Secretary.

SOUTH CAROLINA POLLUTION CONTROL AUTHORITY,
Columbia, S.C.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

Reference Norman Billings, acting chairman, Interstate Conference on Water Problems, eighth floor, Stevens T. Mason Building, Lansing, Mich. 4892. No. 1 twelve million Federal dollars expendable between July 1st, 1969 and December 31st, 1970. If no limiting factor No. 2 yes. No estimate.

W. T. LINTON,
Executive Director.

CHARLESTON, W. VA.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

DL660 funds are administered in West Virginia by E. N. Henry, chief, Water Resources Division, Dept. of Natural Resources. Your request has been referred to his office.

N. H. DYER,
State Director of Health.

TENNESSEE STREAM POLLUTION CONTROL BOARD,
Nashville, Tenn.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

1. Tennessee could expend $39 million Federal grants for present applications on file and expects applications for at least $31 million more by April 1970 for next year grants. 2. At least the $31 million grant applications have been discouraged.

S. LEARY JONES,
Executive Secretary.

MISSISSIPPI AIR AND WATER POLLUTION CONTROL COMMISSION,
Jackson, Miss.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

October 14 telegram to Mississippi State Board of Health referred this agency for reply. Response to questions as follows: (1) No immediate estimate but doubtful we could expend our portion of $600,000,000 allocation. (2) No.

ROBERT S. WRIGHT,
Exective Secretary.

NEW MEXICO WATER QUALITY CONTROL COMMISSION,
Sante Fe, N. Mex.

NORMAN BILLINGS,
Council of State Governments,
Washington, D.C.:

Below is response to your telegram of October 15, 1969, 7:53 a.m.

1. There are about five projects underway to be completed by December 31, 1970, at a Federal dollar commitment of about $400,000. No additional projects are planned or needed.

2. No. New Mexico has not been discouraged from submitting applications because of lack of Federal funds.

3. Additional information—100 percent of all sewered communities in New Mexico have secondary sewage treatment. Additional Federal dollars under Public Law 660 are not needed in New Mexico unless additional percentages can be given or funds for operation can be obtained.

JOHN R. WRIGHT,
Executive Secretary.

STATE DEPARTMENT OF WATER AND AIR RESOURCES,
Raleigh, N.C.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Recently proposed $600 million for appropriation for P L 660 grants adequate to meet North Carolina's needs between July 1, 1969 and December 31, 1970.

E. C. HUBBARD,
Assistant Director.

DIVISION OF ENVIRONMENTAL PROTECTION,
Madison, Wis.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Wisconsin each year applies for, uses all available FWPCA funds.

In response to questions: (1) $24.7 million of Federal grants could be utilized in Wisconsin during fiscal year 1970; (2) we accept all applications and have certified 23 to proceed under reimbursement in addition to those proceeding with grants. Additional grant funds are urgently needed in Wisconsin.

THOMAS G. FRANGOS,
Administrator.

KENTUCKY WATER POLLUTION CONTROL COMMISSION,
Frankfort, Ky.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Regarding telegram of Norman Billings this date question No. 1 information not available question No. 2 No.

RALPH C. PICKARD,
Executive Director.

MICHIGAN WATER RESOURCES COMMISSION,
Lansing, Mich.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St.,
Washington, D.C.:

Supporting data for present Senate hearings to justify increase over $600 million for P.L. 660 is as follows:

1. If availability of Federal funds were not a limiting factor; $248 million for some 224 projects would be required in Michigan between July 1, 1969 and December 31, 1970.

2. In the past, experience has shown that only a fraction of the grant requests could be funded. In 1968 Michigan was discouraged from submitting applications for approximately $170 million worth of construction costs because of lack of Federal funds.

RALPH PURDY,
Executive Secretary.

WATER AND AIR RESOURCES COMMISSION OF DELAWARE,
Dover, Del.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

The 600 million for PL660 program is mandatory if Congress is serious in its 1967 clean waters act that our streams be cleaned up by 1972. The States made commitments based on the authorized appropriation Congress should not expect the States to meet the five year goal unless the funds of at least 600 million are provided. With this amount Delaware can accomplish its goal of clean streams within the approved time.

JOHN C. BRYSON.

UTAH STATE DIVISION OF HEALTH,
Salt Lake City, Utah.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Following are answers to your questions wired to us today. No. 1 less than present allotment No. 2 No.

LYNN M. THATCHER.

MISSOURI WATER POLLUTION BOARD,
Jefferson City, Mo.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

Missouri cities could use $50,212,900 Federal dollars between July 1, 1969 and December 31, 1970. Our State has been discouraged from submitting applications for Federal assistance because of the lack of Federal funds. It is estimated that approximately $25 million in Federal funds could have been used if funds were available in the past.

JACK K. SMITH,
Executive Secretary.

MINNESOTA POLLUTION CONTROL AGENCY,
Minneapolis, Minn.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Minnesota, this fiscal year, has sewage treatment projects ready for construction to utilize 16.9 million dollars of Federal grant

in aid with an additional late request of two million dollars for Duluth totaling 18.9 million dollars. Expected allocation to Minnesota under administration appropriation is 3.9 million dollars. Under 600 million dollar appropriation Minnesota share would be eleven million dollars. Under one billion dollar appropriation, the Minnesota share would be 18.4 million dollars. Minnesota could use higher appropriations. Some out-state communities have been discouraged because of lack of Federal funds. No estimate of amount, would be small. Minnesota has always had more projects than Federal grant money available.

JOHN P. BADALICH,
Executive Director.

STATE WATER RESOURCES CONTROL BOARD,
Sacramento, Calif.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

Reference telegram to H. B. Foster, California Dept. of Public Health, regarding PL 84–660 fund increase.

Response to your questions as follows:

1. Between July 1, 1969 and December 31, 1970, the State of California could use $100 million in Federal grant monies to fund current projects on fiscal year 1969–70, priority listing and estimated need from July 1 to December 31, 1970.

2. Adequate information not available to determine applicants that may be discouraged from filing because of lack of Federal funds.

JEROME B. GILBERT,
Executive Officer.

S. DAK. COMMITTEE ON POLLUTION,
Pierre, S. Dak.

COUNCIL OF STATE GOVERNMENTS
1735 DeSales St., Washington, D.C.

Response to Norman Billings wire on Federal financing for PL660: one—$1,000,000.00 from July 1, 1969 to Dec. 31, 1970. Two—no we have always had sufficient funds available.

CHARLES E. CARL,
Secretary and Executive Officer.

BOISE, IDAHO.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.

Answer to Mr. Norman Billing's first question is $2,305,000. Answer to second question is no.

TERRELL O. CARVER, M.D.,
Administrator of Health.

NEW HAMPSHIRE WATER SUPPLY AND POLLUTION CONTROL COMMISSION,
Concord, N.H.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street, Washington, D.C.:

In response to question included in your telegram of October 15, 1969: 1. Between July 1, 1969, and December 31, 1970, $9,600,000 Federal dollars could be expended if available. 2. All Federal funds for 1970 fiscal year now committed. Applications now on hand for $5,800,000 in Federal aid with no funds available from FWPCA.

WILLIAM A. HEALEY,
Executive Director.

WATER POLLUTION CONTROL COMMISSION,
Olympia, Wash.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street, Washington, D.C.:

Washington State presently has an unfunded backlog of Public Law 668 grant applications in the amount of $10.7 million it is anticipated that $17.3 million will be requested before December 31, 1970 for a total of $28 million. Washington State has not been discouraged from submitting applications for construction grants we have lively pursued construction on a reimbursement basis.

JAMES P. BEHLKE,
Director.

ARIZONA STATE DEPARTMENT OF HEALTH,
Phoenix, Ariz.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street, Washington, D.C.:

In answer to your wire of October 14 we wish to inform you that the current allocations of Public Law 660 have been adequate to meet the demand in Arizona and we anticipate that they will be adequate in the current fiscal year.

JOSEPH E. OER,
Director.

POLLUTION CONTROL COMMISSION,
Little Rock, Ark.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales Street, Washington, D.C.:

In re telegram from Norman Billings dated October 14, 1969. Answers to questions are as follows: 1. Approximately $8 million. 2. Yes, approximately $3 million. Present allotment totals $2.8 million while new requests and increases to existing grants total $5.2 million.

ANDY SACREY.

DIVISION OF HEALTH AND MEDICAL SERVICES,
Cheyenne, Wyo.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Wyoming has operated with surplus construction grant funds since the first year of the program presently returning approximately one million dollars per year to FWPCA.

L. J. COHEN, M.D.

S. DAK. COMMITTEE ON POLLUTION,
Pierre, S. Dak.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Response to Norman Billings wire on Federal financing for PL 660: One—$1 million from July 1, 1969 to Dec. 31, 1970. Two—No we have always had sufficient funds available.

CHARLES E. CARL,
Secretary and Executive Officer.

DEPARTMENT OF HEALTH,
Richmond, Va.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

In reply to your telegram from allocations under PL 660 handled by State Water Control Board am forwarding your telegram to that agency.

E. C. MEREDITH,
Director.

DIVISION OF ENVIRONMENTAL PROTECTION,
Madison, Wis.

COUNCIL OF STATE GOVERNMENTS,
1735 DeSales St., Washington, D.C.:

Wisconsin each year applied for USIS all available FWPC funds. In response to questions (1) $24.7 million of Federal grants could be utilized in Wisconsin during FY 1970; (2) we accept all applications and have certified 23 to proceed under reimbursement in addition to those proceeding with grants. Additional grant funds are urgently needed in Wisconsin.

THOMAS G. FRANGOS,
Administrator.

RHODE ISLAND DEPARTMENT OF HEALTH,
Providence, R.I.

Mr. NORMAN BILLINGS,
Acting Chairman, Interstate Conference on Water Problems, Council of State Governments, Washington, D.C.:

1. $7,000,000 in Federal grants for water pollution control could be expanded in Rhode Island if available between July 1, 1969 and December 31, 1970.

2. No indication that lack of Federal assistance has discouraged application for same.

JOSEPH E. CANNON, M.D.,
Director.

MISSOURI WATER POLLUTION BOARD,
Jefferson City, Mo.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Missouri cities could use $50,212,900 Federal dollars between July 1, 1969 and December 31, 1970. Our State has been discouraged from submitting applications for Federal assistance because of the lack of Federal funds. It is estimated that approximately $25 million in Federal funds could have been used if funds were available in the past.

JACK K. SMITH,
Executive Secretary.

DEPARTMENT OF ENVIRONMENTAL QUALITY,
Portland, Oreg.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Re telegram from Norman Billings 10–15–69: (1) Total eligible cost of grant applications on file for fiscal year 1970 is $45 million. At 30 percent Federal participation $13,500,000 in Federal funds would be required to fund project and start construction before December 31, 1970. (2) We are not aware that lack of Federal funds has discouraged local governments from submitting applications.

ELY J. WEATHERSBEE,
Deputy Director.

RHODE ISLAND DEPARTMENT OF HEALTH,
Providence, R.I.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

1. $7,000,000 in Federal grants for water pollution control could be expended in Rhode Island if available between July 1, 1969 and December 31, 1970.

2. No indication that lack of Federal assistance has discouraged applications for same.

JOSEPH E. CANNON, M.D.,
Director.

BISMARCK, N. DAK.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

N. Dak. does have adequate funds with present construction grant allocations under PL 660. However, we urge the increase to 600 million as it is recognized that a large majority of the States do not receive adequate funds to meet the demands from applications received.

JAMES R. AMOS, M.D.,
State Health Officer.

CARSON CITY, NEV.

NORMAN BILLINGS,
Council of State Governments,
Washington, D.C.:

1. There are five projects on hand in Nevada which have been processed asking for 3.6 million dollars of PL–660 funds. Two are being delayed because of lack of funds. There are 17 additional projects asking for 1.5 million in PL–660 funds. They are in planning stages and intend to be under construction by December 31, 1970. Total of 5.1 million dollars needed for period July 1, 1969 through December 31, 1970.

2. Nevada has not been discouraged from submitting requests although these requests have been curtailed because municipalities knew funds were not available.

KARL R. HARRIS,
Director, Health Welfare and Rehabilitation.

OCTOBER 15, 1969.

DEANE: Mr. T. A. Filipi Secretary of the Nebraska Water Pollution Control Council, called and rapidly replied to the "Billings" telegram.

Fortunately, you had explained some of it to me, but he said that his telegram read "increase over $600 million."

Anyway, you may have to call him back at Area 402, 473–1484, but this is the gist of his remarks:

"Nebraska could live very happily with $600 million. This would leave about $5,112,400. . . . This means that Nebraska would have about $15 million construction funds. Actually, Omaha could use it all, but can't get the funds because its credit is not good enough.

The main problem in Nebraska is "local conditions. Local conditions mean that the localities are awaiting state grants from the legislature . . . they are sitting back saying it is up to the legislature.

On the hunch that some of this doesn't make sense, I offered that you may wish to call him back at our expense. The number is in para. 3 above.

A. B.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Re telegram from Norman Billings our reply to the questions is as follows 1 Hawaii can commit but not expend 4,000,000 dollars of Federal funds for PL 660 between July 1, 1969 and December 31, 1970. 2 yes approximately 1,300,000 dollars.

WALTER B. QUINSENBERRY, M.D.,
Director of Health.

GEORGIA WATER QUALITY CONTROL BOARD,
Atlanta, Ga.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Attention: Norman Billings, acting chairman, inter-state conference on water problems, 8th floor, Stevens T. Mason Bldg., Lansing, Michigan. Responding to questions in your telegram of October 14th, we advise as follows:

1. Georgia could expend approximately $35 million in federal grant money between July 1, 1969 and December 31, 1970.

2. City and county governments have been discouraged from developing abatement programs and applying for federal construction grants because of the gap between federal funds authorized and federal funds appropriated. It is estimated that an additional $25 million in grant applications would have been filed last fiscal year, if authorized federal funds had been appropriated.

JOHN H. VENABLE, M.D.,
Chairman.

DIVISION OF HEALTH,
Jacksonville, Fla.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Re-senate hearings on P.L. 660 fund appropriations increase, the following comments are offered for Florida: (1) for FY 70 Florida could use at least 30 million dollars. Bond market improvement would permit use of federal funds in excess of 35 million dollars. Anticipated state assistance funding to be considered by legislature could materially increase federal funds utilization (2) federal fund limitations have discouraged certification by the state to federal agency of projects. For FY 59 difference between requested funds and available amount was in excess of 11 million dollars. For FY 70 the disparity if original budget request is maintained would be 30 million, and if proposed 600 million is appropriated, the amount would be 15 million dollars. Please refer future requests for information on P.L. 660 to Vincent D. Patton, Department of Air & Water Pollution Control, Tallahassee.

WILSON T. OWDER, M.D.,
Director.

DIVISION OF PURE WATERS,
Albany, N.Y.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

The following answers are in response to the telegram from Norman Billings, acting chairman, interstate conference on water problems.

1. Our latest estimates indicate that if New York State could avail itself of the maximum Federal grants for the construction of sewage treatment works, $847 million of Federal funds can be obligated and utilized prior to December 31, 1970.

2. Due to the billion dollar bond issue approved by the voters of the State of New York the State has been able to profinance funds unavailable from the Federal Government. Therefore, due to this policy no project applications have been delayed due to the shortage of Federal funds.

EUGENE F. SEEBALD,
Associate Director.

STATE OF ALASKA,
Juneau, Alaska.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Re your telegram. Encourage support of appropriations for full billion authorized. Question 1: Alaska could use three million federal dollars.

2. Although no discouragement to date, anticipate pressure to meet 1972 deadline set for waste treatment in Alaska community.

J. W. BETIT,
Commissioner, Department, Health and Welfare.

DIVISION OF CLEAN AIR AND WATER,
Trenton, N.J.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

New Jersey has 115.6 million dollars worth of eligible sewerage projects either already certified to Federal Water Pollution Control Administration and not funded, or projects which have been completed through the design phase. Additional to these there is an estimated 38 million dollars worth of treatment projects currently under design and which are scheduled for design completion in time for funding before the end of calendar year 1970. It is thought that a significant volume of design work has proceeded slowly if at all on account of apparent inability to finance the construction if financial problems can be resolved. New Jersey is in a high state of readiness to build. On November 4, New Jersey voters will decide on a State bond issue referendum which would provide 242 million dollars in State grants of 25 percent of eligible projects. We believe it will be approved.

RICHARD J. SULLIVAN,
Director.

DEPARTMENT OF PUBLIC HEALTH,
Washington, D.C.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

The District of Columbia will be eligible for an estimated 61.35 million dollars in PL 660 funds during the period July 1, 1969 to December 31, 1970. This sum represents an estimated project cost of 111.55 million dollars. From July 1, 1966 to June 30, 1969 the D.C. Department of Public Health did not withhold any grant applications due to a lack of Federal grant funds. During that period projects eligible for $8,115,560 in Federal funds were submitted to FWPCA. Grant offers for these projects total $5,028,840.

MALCOLM C. HOPE,
Associate Director.

ENVIRONMENTAL HEALTH SERVICES,
Topeka, Kans.

Response to Norman Billings, Acting Chairman, Interstate Conference on Water Problems.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

State of Kansas is in an unusual position due to fact we have had water pollution control program for 60 years and little or no backlog of construction needs.

Kansas currently receives $2,800,000 per year in construction grant funds. This amount is approximately equal to our needs for 30% grant funds.

Kansas does not have State grants. Legislation is proposed for early 1970 and if passed and funded would enable us to use approximately $6 million Federal funds under present program. The proposed increase of total P.L. 660 grants to $600 million would provide an estimated $7.5 million to Kansas which would take care of all anticipated needs within present program allowances.

MELVILLE W. GRAY, P.E.
Acting Chief Engineer and Director.

ILLINOIS SANITARY WATER BOARD,
Springfield, Ill.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Assume Federal funds not limiting, Illinois needs 53 million through 1970. Current grant requests total 55 million at 30 percent. No applications for fiscal year 1970 funds processed to date due to delay in Federal action and uncertainty regarding local funds needed. Some 25 million request immediately pending.

C. W. KLASSEN,
Technical Secretary.

MONTANA STATE DEPARTMENT OF HEALTH,
Helena, Mont., October 20, 1969.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

With the interest rates in excess of our legal limits and with the U.S. Supreme Court decision relative to Louisiana revenue bonds, such decision also effecting Montana, we anticipate a practical shutdown of all sewage treatment construction until the 1971 legislature meets to change our existing laws. Present amount of money allocated will be more than sufficient for us. We have not been discouraged from submitting applications for Federal assistance. The State has been returning unused money.

C. W. BRINCK,
Director,
Division of Environmental Sanitation.

TENNESSEE LEAGUE OF WOMEN VOTERS,
Nashville, Tenn., October 16, 1969.

Re: Ammunition from Tennessee regarding funds needed for construction of sewage treatment plants.

COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

Priority list of projects approved for grants by the Stream Pollution Control Board list 26 projects with a total estimated cost of $81,044,048. Amount needed for 33 per cent grants for these projects is $24,286,573. (Tennessee's allocation for construction grants if the $600 million appropriation remains is given at $11,900,000.) The bleak picture is complicated by our state appropriating $2.2 million which means that the top priority projects on the list must get 55 percent of their total cost from this allocation for the whole state. It's a bleak picture from our state.

The above figures are from the office of the Director of the Stream Pollution Control Board.

Sincerely yours,

Mrs. JOHN W. WADE,
Water Resources Chairman.

STATE OF LOUISIANA,
STREAM CONTROL COMMISSION,
Baton Rouge, La., October 14, 1969.

Hon. ALLEN B. ELLENDER,
Chairman, Subcommittee on Public Works, Senate Office Building, Washington, D.C.

DEAR SIR: The Association of State and Interstate Water Pollution Control Administrators strongly urges that the one billion dollar appropriation be approved for financing municipal waste treatment grants. States

with prefinancing procedures and the backlog of treatment plants now being planned can reasonably be expected to use the entire amount of this appropriation.

Thanking you for your consideration in this matter, I am

Very truly yours,

ROBERT A. LAFLEUR,
President, Association of State and Interstate Water Pollution Control Administrators.

STATE BOARD OF HEALTH,
Indianapolis, Ind., October 16, 1969.
COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.:

On October 15 after repeated attempts to reach Western Union (no one answered the phone) to send the following wire, I telephoned it to Mr. Conrad of the Council of State Governments. He asked that I confirm the information by wire on October 16. This has been done. The wire follows:

Question 1. Estimate Indiana could match (25%) and expend $13 million in federal funds between July 1, 1969 and December 31, 1970. Applications for fiscal 1970 total 135, requesting $44,264,900 federal grants and state grants totaling $22,018,721. One of Indiana's criteria for priority is submission of completed plans and specifications, and 49 applicants have complied.

Question 2. To a limited degree—no estimate available.

B. A. POOLE,
Technical Secretary, Indiana Stream Pollution Control Board.

STATE DEPARTMENT OF HEALTH,
Oklahoma City, Okla., October 16, 1969.
COUNCIL OF STATE GOVERNMENTS,
Washington, D.C.

DEAR SIRS: In reply to the telegram of October 14, 1969 from Mr. Norman Billings, Acting Chairman, Interstate Conference on Water Problems, Lansing, Michigan, we are enclosing a copy of an identical letter which has been sent to Oklahoma's Congressional Delegation on this date, encouraging their support for $600 million appropriations for the waste treatment construction grants program of the Federal Water Pollution Control Act.

Sincerely,

A. B. COLYAR, M.D.,
Commissioner of Health.

STATE DEPARTMENT OF HEALTH,
Oklahoma City, Okla., October 16, 1969.
Hon. FRED R. HARRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARRIS: It has been called to our attention that the Congress is considering legislation which will increase the appropriation under the Federal Water Pollution Control Act from $214 million to $600 million and that such an allocation was passed by the House of Representatives on October 8, 1969.

Records of this office developed in connection with the administration of the sewage treatment construction grants program under the Federal Water Pollution Control Act indicate that the City of Oklahoma City has recently voted $37 million and the City of Tulsa has voted in excess of $16 million for sewerage improvements, and that most of this construction will be eligible for grants under current criteria. When these anticipated five-year programs for Oklahoma City and Tulsa are combined with the forecasts for the rest of the state, it is apparent that Oklahoma's allocation under the current appropriation of $214 million will need to be substantially increased to maintain planned municipal waste facilities on schedule over the next five years.

The $600 million now being considered appears to be reasonably consistent with Oklahoma's needs as indicated at this time. Depending on the number of new projects which might be generated through the availability of construction funds, planned project construction may be speeded up to meet water pollution control needs at earlier dates than planned and to take advantage of increasing construction costs.

During recent years, actions by the Congress in water pollution control and other environmental programs has stimulated great public concern and interest, which is being reflected in public support of programs in Oklahoma.

Your continued support of these programs is needed and appreciated.

Sincerely,

A. B. COLYAR, M.D.,
Commissioner of Health.

Mr. WILLIAMS of Delaware. Mr. President, I shall comment only briefly. I do not take a back seat in my interest in water and air pollution. Certainly we are all interested in that problem. We are all interested in motherhood, too. I could name a lot of other favorite topics on which we could all agree.

The only point I make is that if the Senate is going to hold the budget to $192 billion it will have to establish priorities. As we increase expenditures in one area we have to offset them by decreases in others.

Mr. WILLIAMS of Delaware subsequently said: Mr. President, much was said in the earlier colloquy about the great interest of our colleagues concerning air and water pollution. We are all interested in that subject. However, lest there be a misunderstanding that the pending bill and the $8 million increase provided in the bill above the Budget estimates dealt only with air and water pollution. I ask unnaimous consent that a list of the many public works projects provided for in the bill as listed in the report on pages 10 through 23 be printed in the RECORD immediately following my earlier remarks before the vote.

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

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

CONSTRUCTION, GENERAL, FISCAL YEAR 1970

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Alabama:								
(N)	Alabama River channel improvement	$3,520,000	$2,071,000	$100,000		$100,000		$100,000	
(N)	Claiborne lock and dam	25,100,000	19,798,000	3,000,000		3,000,000		3,600,000	
(R)	John Hollis Bankhead lock and dam	34,600,000	790,000	[1]2,000,000		2,000,000		2,000,000	
(MP)	Jones Bluff lock and dam	52,000,000	13,548,000	11,000,000		11,000,000		12,300,000	
(MP)	Millers Ferry lock and dam	58,500,000	54,305,000	2,584,000		2,584,000		2,584,000	
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss	291,000,000	2,114,000		$500,000		$500,000		$500,000
	Tombigbee River and tributaries, Alabama and Mississippi. (See Mississippi.)								
	West Point Dam, Ala. and Ga. (See Georgia.)								
	Alaska:								
(MP)	Bradley Lake power project	71,900,000	49,000		100,000		100,000		100,000
(FC)	Chena River Reservoirs, Fairbanks	116,355,000			150,000		150,000		150,000
(N)	King Cove Harbor	630,000							60,000
(MP)	Snettisham power project	52,600,000	13,060,000	[1]2,200,000		5,350,000		5,900,000	
	Arizona:								
(FC)	Gila River and tributaries below Painted Rock	30,600,000	511,000		774,000		2,489,000		2,489,000
(FC)	Phoenix and vicinity	69,900,000	100,000		1,000,000		1,000,000		1,000,000
(FC)	Santa Rosa Wash (Tat Momolikot Dam)	7,090,000	706,000	[1]100,000		150,000		150,000	
(FC)	Winslow	3,770,000	470,000	[1]100,000		550,000		550,000	
	Arkansas:								
(N)	Arkansas River and tributaries, Arkansas and Oklahoma:								
	(a) Bank stabilization and channel rectification	133,000,000	121,692,000	3,500,000		3,500,000		3,500,000	
	(b) Navigation locks and dams	463,000,000	372,126,000	[1]58,000,000		58,000,000		59,500,000	
(FC)	Bayou Bartholomew (1950 and 1966 acts), Ark. and La	17,200,000	451,000		119,000		119,000		119,000
(FC)	Bell Foley Reservoir	25,400,000	68,000				150,000		150,000
(MP)	Dardanelle lock and dam	82,300,000	77,954,000	4,346,000		4,346,000		4,346,000	
(MP)	De Gray Reservoir	59,600,000	41,012,000	5,600,000		5,600,000		5,600,000	
(FC)	De Queen Reservoir	11,500,000	4,670,000	[1]300,000		300,000		300,000	
(FC)	Dierks Reservoir	12,700,000	2,394,000	[1]466,000		466,000		466,000	
(FC)	Garland City	1,310,000	1,005,000	200,000		200,000		200,000	
(FC)	Gillham Reservoir	14,800,000	8,629,000	[1]1,100,000		1,600,000		1,600,000	
(MP)	Narrows Dam (3d unit)	1,790,000	1,448,000	200,000		200,000		200,000	
(N)	Ouachita and Black Rivers, Ark. and La	97,000,000	33,197,000	9,000,000		9,000,000		9,560,000	
(MP)	Ozark lock and dam	67,400,000	45,451,000	8,000,000		8,000,000		8,000,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	16,200,000	13,414,000	600,000		600,000		1,000,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	California:								
(FC)	Alameda Creek, Del Valle Dam	$21,860,000	$12,885,000	$2,200,000		$2,200,000		$2,200,000	
(FC)	Bear Creek	3,185,000	3,058,000	127,000		127,000		127,000	
(FC)	Buchanan Reservoir (land acquisition)	16,900,000	1,595,000	150,000		500,000		500,000	
(FC)	Butler Valley Reservoir	38,500,000			[1] $200,000		$200,000		$200,000
(FC)	Corte Madera Creek	9,890,000	2,878,000	1,850,000		1,850,000		1,850,000	
(N)	Crescent City Harbor	2,170,000			[1] 25,000		25,000		25,000
(FC)	Cucamonga Creek	30,700,000					400,000		400,000
(FC)	Dry Creek (Warm Springs) Reservoir	74,100,000	6,454,000	1,500,000		1,500,000		2,500,000	
(FC)	Hidden Reservoir	19,500,000	1,593,000	360,000		360,000		600,000	
(FC)	Klamath River	4,750,000	2,005,000	[1] 100,000		447,000		447,000	
(FC)	Lakeport Reservoir, Scotts Creek	11,100,000	391,000		359,000		359,000		359,000
(FC)	Los Angeles County drainage area	322,000,000	320,270,000	200,000		200,000		200,000	
(FC)	Lytle and Warm Creeks	12,200,000	862,000					500,000	
(FC)	Martis Creek Reservoir, Calif. and Nev. (See Nevada.)								
(MP)	Marysville Reservoir	155,000,000	876,000		750,000		750,000		750,000
(FC)	Mojave River Reservoir (West Fork)	14,750,000	3,550,000	3,600,000		3,600,000		4,000,000	
(FC)	Napa River	18,190,000	764,000			50,000		50,000	
(FC)	New Bullards Bar Reservoir (reimbursement)	13,100,000	7,849,000	3,155,000		4,500,000		4,500,000	
(FC)	New Don Pedro Reservoir (reimbursement)	5,800,000	1,065,000	1,940,000		1,940,000		1,940,000	
(MP)	New Melones Reservoir	145,000,000	9,668,000	[1] 1,230,000		3,000,000		3,000,000	
(N)	Oakland Harbor	8,950,000	307,000	100,000		100,000		100,000	
(FC)	Pajaro River (1966 act)	14,900,000	194,000		200,000		200,000		200,000
(FC)	Pine Flat Reservoir	40,700,000	40,434,000	266,000		266,000		266,000	
(BE)	Point Mugu to San Pedro breakwater (reimbursement)	3,810,000	196,000	900,000		900,000		900,000	
(N)	Port Hueneme	1,070,000							50,000
(FC)	Russian River Basin (Coyote Valley Dam)	15,052,000	13,675,000	100,000		100,000		100,000	
(FC)	Sacramento River and major and minor tributaries	11,900,000	10,661,000	200,000		200,000		200,000	
(FC)	Sacramento River bank protection	24,400,000	11,787,000	2,000,000		2,000,000		2,500,000	
(N)	Sacramento River deepwater ship channel	41,340,000	39,528,000	100,000		100,000		100,000	
(N)	San Diego Harbor	5,880,000					100,000		100,000
(N)	San Diego River and Mission Bay	12,200,000	10,135,000	670,000		670,000		670,000	
(FC)	San Diego River and Mission Valley	17,600,000	366,000		400,000		400,000		400,000
(N)	San Francisco Bay to Stockton (John F. Baldwin and Stockton ship channels)	54,700,000	250,000	[1] 300,000		550,000		550,000	
(N)	Santa Cruz Harbor	1,860,000	1,600,000					260,000	
(FC)	Santa Paula Creek	2,390,000	160,000			250,000		250,000	
(FC)	Sonoma Creek	12,000,000	97,000		343,000		343,000		343,000
(BE)	Surfside-Sunset, Newport Beach (reimbursement)	5,940,000	1,593,000	1,754,000		1,754,000		1,754,000	
(FC)	Sweetwater River	5,830,000			150,000		150,000		
(FC)	Tahquitz Creek	4,620,000	300,000			250,000		250,000	
(FC)	Walnut Creek	21,100,000	11,836,000	1,800,000		1,800,000		1,800,000	
	Colorado:								
(FC)	Bear Creek (Mount Carbon) Reservoir	36,100,000			[1] 150,000		150,000		150,000
(FC)	Chatfield Reservoir	82,700,000	21,419,000	[1] 7,000,000		9,500,000		10,000,000	
(FC)	Trinidad Reservoir	23,400,000	4,538,000	[1] 2,100,000		2,350,000		2,350,000	
	Connecticut:								
(FC)	Ansonia-Derby	17,600,000	3,620,000	4,000,000		4,000,000		4,000,000	
(FC)	Black Rock Reservoir	8,220,000	6,885,000	1,335,000		1,335,000		1,335,000	
(FC)	Derby	5,510,000	612,000	[1] 100,000		700,000		700,000	
(FC)	New London Barrier	5,110,000	395,000	100,000		100,000		100,000	
(FC)	Stratford	5,810,000	294,000		246,000		246,000		246,000
(FC)	Trumbull Pond Reservoir	6,150,000	265,000		255,000		255,000		255,000
	Delaware:								
(N)	Inland waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal), pt. II, Delaware and Maryland	101,000,000	73,739,000	[1] 6,000,000		6,250,000		7,000,000	
	Florida:								
(N)	Apalachicola River channel improvement	4,737,000	3,167,000	500,000		500,000		500,000	
(N)	Canaveral Harbor	8,700,000	5,224,000	[1] 0		150,000		150,000	
(FC)	Central and southern Florida	330,000,000	170,479,000	[1] 9,000,000		9,500,000		10,000,000	
(N)	Cross-Florida Barge Canal	161,000,000	45,575,000	6,000,000		6,000,000		9,000,000	
(FC)	Four Rivers basins	56,800,000	8,617,000	[1] 3,000,000		3,500,000		4,000,000	
(N)	Intracoastal Waterway—St. Marks to Tampa (Ecological study)	90,100,000					20,000		20,000
(N)	Jacksonville Harbor (1965 act)	9,010,000	833,000	[1] 200,000		700,000		700,000	
(N)	Miami Harbor	6,480,000							140,000
(BE)	Palm Beach County, Lake Worth Inlet to South Lake Worth Inlet (reimbursement)	535,000	190,000	4,000		4,000		4,000	
	Georgia:								
(MP)	Carters Dam	86,500,000	35,424,000	[1] 6,300,000		6,700,000		6,700,000	
(N)	Savannah Harbor, 40 feet (1965 act)	8,760,000	2,800,000	[1] 1,500,000		1,850,000		1,850,000	
(N)	Savannah Harbor (sediment basin)	7,430,000	653,000	[1] 500,000		1,100,000		1,100,000	
(MP)	Spewrell Bluff Dam	76,700,000	1,100,000					1,100,000	
(MP)	Trotters Shoals Reservoir, Ga. and S.C	89,700,000	785,000		900,000		900,000		900,000
(MP)	West Point Reservoir, Ala. and Ga	64,200,000	19,398,000	[1] 10,200,000		10,200,000		20,200,000	
	Hawaii:								
(N)	Barbers Point Harbor	9,220,000	268,000					1,000,000	
(N)	Kawaihae Harbor	2,084,000	184,000					1,000,000	
(BE)	Waikiki Beach	3,270,000						500,000	
	Idaho:								
(FC)	Blackfoot Reservoir	1,500,000	90,000		90,000		90,000		90,000
(MP)	Dworshak (Bruces Eddy) Reservoir	252,000,000	106,761,000	[1] 44,700,000		44,700,000		47,000,000	
(FC)	Ririe Reservoir	15,000,000	2,650,000	[1] 600,000		700,000		700,000	
	Illinois:								
(FC)	East St. Louis and vicinity	8,920,000	49,000		200,000		229,000		229,000
(FC)	Fulton (1968 act)	4,950,000			[1] 30,000		30,000		30,000
(N)	Horse Island and Crescent Bridge (Mississippi River), Ill. and Iowa	2,550,000	1,433,000	750,000		750,000		750,000	
(FC)	Hunt Drainage District and Lima Lake Drainage District	4,040,000	3,209,000	831,000		831,000		831,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	86,900,000	74,763,000	2,700,000		2,700,000		2,700,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. II, Illinois and Indiana	75,400,000	56,000		50,000		50,000		50,000
(FC)	Indian Grave Drainage District	3,510,000	3,233,000	277,000		277,000		277,000	
(N)	Kaskaskia River (navigation)	80,200,000	18,821,000	9,377,000		10,188,000		11,000,000	
(FC)	Levee District 21 (Vandalia), Kaskaskia River	5,820,000	387,000		59,000		59,000		59,000
(FC)	Levee District 23 (Dively), Kaskaskia River	755,000	75,000		75,000		75,000		75,000
(FC)	Levee unit No. 1, Wabash River (restudy)				10,000		10,000		10,000
(FC)	Lincoln Reservoir	36,600,000	530,000					1,500,000	
(N)	Lock and Dam No. 26, Alton, Mississippi River	203,000,000					350,000		700,000

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Illinois:								
	Lock and dam 52, Illinois and Kentucky. (See Kentucky).								
(FC)	Louisville Reservoir	$25,900,000					$75,000		$75,000
(FC)	Milan (1968 act)	1,350,000					30,000		30,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:								
	Regulating works	72,200,000	$61,257,000	$1,000,000		$1,000,000		$2,000,000	
(N)	Mound City lock and dam Illinois and Kentucky	127,000,000	1,204,000		$436,000		436,000		436,000
(FC)	Oakley Reservoir (land acquisition)	71,100,000	2,665,000	[1] 500,000		100,000		$50,000	
(FC)	Peoria	16,900,000	491,000		50,000		50,000		50,000
(FC)	Rend Lake Reservoir	38,400,000	18,600,000	8,200,000		8,200,000		8,200,000	
(FC)	Rockford	8,300,000	195,000		155,000		155,000		155,000
(FC)	Rock Island	5,540,000	400,000	[1] 150,000		150,000		150,000	
(FC)	Saline River and tributaries	7,450,000	870,000	[1] 1,200,000		1,350,000		1,450,000	
(FC)	Shawneetown (restudy)				30,000		30,000		30,000
(FC)	Shelbyville Reservoir	35,000,000	29,711,000	[1] 3,000,000		3,150,000		3,150,000	
(N)	Smithland locks and dam, Illinois and Kentucky	110,000,000	855,000	500,000		500,000		1,000,000	
(FC)	Wood River Drainage and Levee District	320,000	49,000		31,000		31,000		31,000
	Indiana:								
(FC)	Big Walnut Reservoir	21,600,000			50,000		35,000		35,000
(FC)	Brookville Reservoir	25,500,000	10,123,000	[1] 1,400,000		1,400,000		1,400,000	
(N)	Burns Waterway Harbor (reimbursement)	13,600,000	8,080,000	5,520,000		5,520,000		5,520,000	
(N)	Cannelton locks and dam, Indiana and Kentucky	83,900,000	60,762,000	7,100,000		7,100,000		7,100,000	
(FC)	Evansville	18,800,000	5,943,000					500,000	
	Illinois Waterway, Calumet-Sag modification, pts. I and II, Illinois and Indiana. (See Illinois.)								
(FC)	Island levee	1,560,000	203,000	[1] 100,000		100,000		100,000	
(FC)	Lafayette Reservoir	34,600,000	450,000					750,000	
(FC)	Mason J. Niblack Levee (pumping facilities)	730,000					40,000		40,000
(N)	Newburgh locks and dam, Indiana and Kentucky	79,500,000	34,147,000	[1] 2,100,000		3,200,000		3,600,000	
(FC)	Patoka Reservoir (land acquisition)	19,300,000	983,000	[1] 400,000		400,000		400,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	63,900,000	29,722,000	[1] 4,500,000		4,500,000		4,500,000	
(FC)	West Terre Haute	990,000	109,000	[1] 170,000		235,000		235,000	
	Iowa:								
(FC)	Ames Reservoir (land acquisition)	14,500,000	395,000			400,000		400,000	
(FC)	Big Sioux River at Sioux City, Iowa, and South Dakota	3,070,000					70,000		70,000
(FC)	Clinton (1968 act)	10,200,000			30,000		30,000		30,000
(FC)	Davids Creek Reservoir	2,890,000					100,000		100,000
(FC)	Dubuque	11,900,000	2,775,000	2,100,000		2,550,000		2,550,000	
(FC)	Guttenberg	2,130,000	290,000					100,000	
	Horse Island and Crescent Bridge, Mississippi River, Ill. and Iowa. (See Illinois.)								
(FC)	Iowa River Flint Creek Levee District No. 16	6,170,000	5,183,000	100,000		150,000		150,000	
(FC)	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska	110,000,000	46,108,000	1,200,000		1,500,000		2,000,000	
(N)	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska	416,000,000	373,828,000	4,500,000		4,500,000		6,000,000	
(FC)	Rathbun Reservoir	25,200,000	21,194,000	2,600,000		2,600,000		3,000,000	
(FC)	Red Rock Dam and Lake Red Rock	85,000,000	81,830,000	2,000,000		2,000,000		2,000,000	
(FC)	Saylorville Reservoir	52,700,000	19,160,000	3,700,000		3,700,000		3,700,000	
(FC)	Waterloo	17,200,000	494,000			200,000		200,000	
	Kansas:								
	Arkansas—Red River chloride control, Texas, Oklahoma, and Kansas (see Texas).								
(FC)	Cedar Point Reservoir	12,000,000	[2] 21,000						75,000
(FC)	Clinton Reservoir (land acquisition)	38,800,000	2,030,000	1,000,000		1,000,000		1,000,000	
(FC)	Cow Creek, Hutchinson	2,300,000	284,000	[1] 100,000		200,000		200,000	
(FC)	El Dorado Reservoir (land acquisition)	28,700,000	663,000			700,000		700,000	
(FC)	Hillsdale Reservoir	21,600,000	294,000		275,000		275,000		275,000
(FC)	Kansas City (1962 mod)	24,300,000	380,000	[1] 350,000		425,000		425,000	
(FC)	Lawrence	6,200,000	2,963,000	[1] 1,000,000		1,200,000		1,200,000	
(FC)	Melvern Reservoir	28,800,000	10,479,000	7,700,000		7,700,000		7,700,000	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri and Nebraska. (See Iowa.)								
(FC)	Onaga Reservoir	28,500,000	97,000		250,000		250,000		250,000
(FC)	Osawatomie	2,060,000	1,098,000	962,000		962,000		962,000	
(FC)	Perry Reservoir	47,200,000	42,219,000	3,800,000		3,800,000		4,000,000	
(FC)	Topeka	20,400,000	18,723,000	850,000		850,000		850,000	
(FC)	Towanda Reservoir	28,700,000							100,000
	Kentucky:								
(FC)	Booneville Reservoir	28,400,000	345,000		230,000		230,000		230,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	Carr Fork Reservoir	25,600,000	11,149,000	[1] 2,130,000		3,380,000		3,380,000	
(FC)	Cave Run Reservoir	30,100,000	10,944,000	[1] 8,800,000		3,800,000		3,800,000	
(FC)	Dayton	3,490,000	121,000		89,000		89,000		89,000
(FC)	Eagle Creek Reservoir	23,700,000	347,000		178,000		178,000		178,000
(FC)	Falmouth Reservoir	46,200,000	264,000				50,000		50,000
(FC)	Frankfort, North Frankfort area	2,990,000	1,966,000	824,000		824,000		824,000	
(FC)	Kehoe Reservoir	17,700,000	332,000		150,000		150,000		150,000
(MP)	Laurel River Reservoir	28,400,000	8,223,000	[1] 2,740,000		2,740,000		2,740,000	
(N)	Lock and dam 52, Illinois and Kentucky	9,750,000	8,066,000	1,684,000		1,684,000		1,684,000	
(FC)	Martin	4,020,000	157,000			150,000		150,000	
(FC)	Martins Fork Reservoir	5,450,000	299,000					500,000	
	Mound City lock and dam Illinois and Kentucky. (See Illinois.)								
	Newburgh locks and dam Indiana and Kentucky. (See Indiana.)								
(FC)	Paintsville Reservoir	20,500,000	593,000		157,000		157,000		157,000
(FC)	Red River Reservoir	13,800,000	1,031,000	[1] 500,000			500,000		500,000
	Smithland lock and dam Illinois and Kentucky. (See Illinois.)								
(FC)	Southwest Jefferson County	19,800,000			50,000		50,000		50,000
(FC)	Taylorsville Reservoir	26,200,000	289,000		236,000		236,000		236,000
	Uniontown locks and dam Indiana and Kentucky. (See Indiana.)								
(FC)	Yatesville Reservoir	21,100,000	569,000		181,000		181,000		181,000
	Louisiana:								
(N)	Atchafalaya River Bayous Chene Boeuf and Black	10,100,000					50,000		50,000
	Bayou Bartholomew Ark. and La. (See Arkansas.)								

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Louisiana:								
(FC)	Bayou Bodcau and tributaries	$2,240,000	$339,000					$100,000	
(N)	Bayou LaFourche and LaFourche Jump Waterway	6,180,000	903,000	[1] $100,000		$250,000		250,000	
(FC)	Caddo Dam	3,030,000	1,233,000	1,200,000		1,200,000		1,200,000	
(FC)	Lake Pontchartrain, and vicinity	113,562,000	12,498,000	6,000,000		6,000,000		8,500,000	
(FC)	Mermentau River	3,900,000	207,000					800,000	
(N)	Michoud Canal	1,320,000			$15,000		15,000		$50,000
(N)	Mississippi River, gulf outlet	171,000,000	62,191,000	800,000		800,000		800,000	
(FC)	Monroe Floodwall (1965 and 1966 acts)	1,800,000	234,000		116,000		116,000		116,000
(FC)	Morgan City and vicinity	4,180,000	347,000	[1] 150,000		175,000		200,000	
(FC)	New Orleans to Venice hurricane protection	25,885,000	1,654,000	[1] 500,000		1,400,000		1,400,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)								
(N)	Overton-Red River Waterway (lower 31 miles only)	12,100,000	1,172,000	[1] 200,000		600,000		600,000	
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
	Red River emergency bank protection	5,400,000						1,900,000	
(N)	Vermilion lock (replacement)	6,200,000	24,000		70,000		70,000		70,000
	Maine:								
(MP)	Dickey-Lincoln School Dam and reservoirs	229,000,000	2,154,000		807,000				807,000
	Maryland:								
(FC)	Bloomington Reservoir, Md. and W. Va.	76,700,000	4,414,000	[1] 1,300,000		1,400,000		1,400,000	
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & O. Canal), pt. II. (See Delaware.)								
	Massachusetts:								
(FC)	Charles River Dam	18,620,000			150,000		150,000		150,000
(N)	Fall River Harbor, Mass. and R.I.	12,000,000			100,000		100,000		150,000
(FC)	Nookagee Reservoir	6,840,000	68,000		200,000		200,000		200,000
(R)	Plymouth Harbor	1,015,000	470,000	395,000		395,000		395,000	
(N)	Provincetown Harbor	3,040,000	332,000	[1] 100,000		250,000		250,000	
(N)	Weymouth Fore and Town Rivers	17,500,000	840,000	[1] 100,000		1,000,000		1,000,000	
(FC)	Whitmanville Reservoir	4,830,000	225,000		245,000		245,000		245,000
	Michigan:								
(N)	Cedar River Harbor	633,000	58,000					150,000	
(N)	Lexington Harbor	770,000					45,000		45,000
(FC)	River Rouge	24,000,000	5,323,000	[1] 500,000		500,000		500,000	
(FC)	Saginaw River (flood control)	28,300,000	4,864,000	1,200,000		1,200,000		1,200,000	
(FC)	Saginaw River (navigation)	6,670,000	4,174,000	2,496,000		2,496,000		2,496,000	
(R)	St. Joseph Harbor	735,000	385,000	350,000		350,000		350,000	
	Minnesota:								
(FC)	Big Stone Lake-Whetstone River, Minn. and S. Dak. (land acquisition)	6,140,000	685,000					200,000	
(FC)	Roseau River	3,290,000	248,000			50,000		50,000	
(FC)	Warroad River and Bulldog Creek	1,340,000	150,000		50,000		50,000		50,000
	Mississippi:								
(N)	Biloxi Harbor	753,000	423,000	330,000		330,000		330,000	
(FC)	Tallahala Reservoir	14,900,000							200,000
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)								
(FC)	Tombigbee River and tributaries, Alabama and Mississippi	25,400,000	1,888,000	[1] 300,000		650,000		650,000	
	Missouri:								
(FC)	Brookfield Reservoir	15,800,000					100,000		100,000
(FC)	Chariton River (1944 act)	8,960,000	5,667,000	[1] 1,300,000		1,400,000		1,500,000	
(MP)	Clarence Cannon (Joanna) Reservoir	77,000,000	7,434,000	[1] 2,750,000		2,925,000		2,925,000	
(FC)	Gregory Drainage District	1,600,000	1,062,000	538,000		538,000		538,000	
(MP)	Kaysinger Bluff Reservoir	213,000,000	34,200,000	6,500,000		6,500,000		10,000,000	
(FC)	Little Blue River Reservoirs (land acquisition)	38,100,000		[1] 500,000		650,000		650,000	
(FC)	Long Branch Reservoir	6,700,000	246,000		54,000		54,000		54,000
(FC)	Meramec Park Reservoir (land acquisition)	57,000,000	2,620,000	700,000		700,000		700,000	
(FC)	Mississippi River Agricultural Area No. 8 (Elsberry)	4,590,000							120,000
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)								
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Pattonsburg Reservoir (Highway I–35 crossing)	7,200,000	900,000	500,000		500,000		500,000	
(FC)	Platte River	6,430,000	147,000		103,000		103,000		103,000
(FC)	St. Louis	75,500,000	69,010,000	[1] 2,700,000		2,800,000		2,800,000	
(FC)	Smithville Reservoir	28,600,000	429,000		275,000		275,000		275,000
(MP)	Stockton Reservoir	69,100,000	59,200,000	5,000,000		5,000,000		5,000,000	
(FC)	Union Reservoir	32,600,000	778,000		500,000		500,000	1,050,000	
	Montana:								
(FC)	Great Falls	4,920,000	1,162,000	[1] 0		400,000		400,000	
(MP)	Libby Reservoir	373,000,000	149,221,000	[1] 48,500,000		48,500,000		52,600,000	
	Nebraska:								
(FC)	Columbus (section 205)			(300,000)				(300,000)	
	Missouri River levee system, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River, Sioux City to mouth, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Papillion Creek and tributaries	30,400,000			[1] 75,000		75,000		300,000
	Nevada:								
(FC)	Martis Creek Reservoir, Calif. and Nev.	7,250,000	2,300,000	520,000		520,000		520,000	
	New Hampshire:								
(FC)	Beaver Brook Reservoir	1,335,000			25,000		25,000		25,000
	New Jersey:								
(FC)	Elizabeth	12,100,000	750,000	[1] 100,000		100,000		100,000	
(N)	Newark Bay, Hackensack and Passaic Rivers (1966 act)	16,300,000	800,000	[1] 500,000		2,000,000		2,700,000	
(FC)	Raritan and Sandy Hook Bays	6,700,000	2,083,000	2,350,000		2,350,000		2,350,000	
(N)	Shrewsbury River Inlet	4,730,000	297,000		153,000		153,000		153,000
(FC)	South Orange, Rahway River	2,000,000	110,000			125,000		125,000	
(MP)	Tocks Island Reservoir, Pa., N.J., and N.Y. (land acquisition)	214,000,000	9,340,000	4,000,000		4,000,000		4,000,000	
	New Mexico:								
(FC)	Albuquerque diversion channels	17,300,000	13,506,000	[1] 1,700,000		2,200,000		2,200,000	
(FC)	Cochiti Reservoir	58,200,000	13,596,000	[1] 700,000		1,850,000		3,000,000	
(FC)	Galisteo Reservoir	13,800,000	11,731,000	2,069,000		2,069,000		2,069,000	
(FC)	Los Esteros Reservoir and modification of Alamogordo Dam	12,000,000	700,000		100,000		100,000		100,000

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	New York:								
(BE)	Fire Island Inlet to Jones Inlet	$11,640,000	$600,000					$500,000	
(FC)	Fire Island Inlet to Montauk Point	33,900,000	3,578,000	[1] $500,000		$500,000		880,000	
(N)	Hamlin Beach Harbor	535,000							$40,000
(N)	Irondequoit Bay	2,420,000	120,000			100,000		100,000	
(N)	New York Harbor (anchorages)	46,800,000	800,000	[1] 500,000		1,700,000		2,900,000	
(FC)	North Ellenville	2,630,000	350,000	[1] 50,000		50,000		50,000	
(N)	Port Jefferson Harbor	2,890,000							50,000
(FC)	Rosendale	3,390,000	1,573,000	1,300,000		1,300,000		1,300,000	
(FC)	Salamanca	2,600,000	1,801,000	799,000		799,000		799,000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)								
(N)	Wilson Harbor (1968 mod.)	238,000						238,000	
(FC)	Yonkers	2,330,000			[1] 0				25,000
	North Carolina:								
(N)	Cape Fear River above Wilmington	1,400,000	1,043,000	357,000		357,000		357,000	
(BE)	Cape Lookout	7,200,000							70,000
(FC)	Falls Reservoir (Land acquisition)	27,000,000	740,000			500,000		500,000	
(FC)	New Hope Reservoir	33,800,000	7,103,000	[1] 2,500,000		4,700,000		5,000,000	
(FC)	Randleman Reservoir	13,500,000							100,000
(FC)	Reddies River Reservoir (deferred)								150,000
(N)	Wilmington Harbor, 38- and 40-foot depth (1962 act)	8,000,000	6,235,000	1,765,000		1,765,000		1,765,000	
(N)	Wilmington Harbor (32 ft project)	2,270,000	2,070,000					200,000	
(BE)	Wrightsville Beach	874,000	577,000					200,000	
	North Dakota:								
(R)	Garrison Reservoir (embankment repair)	6,500,000	1,900,000	1,800,000		1,800,000		1,800,000	
(FC)	Minot (not authorized)	3,920,000							75,000
(FC)	Missouri River, Garrison Dam to Lake Oahe	7,040,000	4,000,000	900,000		900,000		900,000	
	Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)								
(FC)	Pipestem Reservoir	6,080,000	630,000	400,000		400,000		400,000	
	Ohio:								
(FC)	Alum Creek Reservoir	35,500,000	1,580,000	[1] 1,300,000		1,400,000		1,400,000	
(FC)	Athens	6,700,000	822,000	2,800,000		2,800,000		2,800,000	
(FC)	Bellaire (restudy)				$40,000		$40,000		40,000
(FC)	Caesar Creek Reservoir	26,900,000	2,982,000	[1] 1,800,000		2,250,000		2,250,000	
(FC)	Clarence J. Brown Dam and Reservoir	14,800,000	5,900,000	[1] 1,600,000		1,600,000		1,600,000	
(FC)	East Fork Reservoir	30,200,000	3,218,000	[1] 1,900,000		1,900,000		1,900,000	
(FC)	Fremont	6,540,000	840,000	[1] 0		200,000		200,000	
(N)	Hannibal locks and dam, Ohio and West Virginia	73,000,000	25,060,000	[1] 11,000,000		11,000,000		11,000,000	
(N)	Huron Harbor (deferred)	11,600,000					20,000		20,000
(FC)	Ironton	62,000				62,000		62,000	
(FC)	Newark	1,620,000					75,000		75,000
(FC)	North Branch Kokosing River Reservoir	6,460,000	1,601,000	[1] 300,000		800,000		800,000	
(FC)	Paint Creek Reservoir	24,600,000	10,462,000	[1] 2,400,000		2,400,000		2,400,000	
(N)	Racine locks and dam, Ohio and West Virginia	64,400,000	53,950,000	[1] 11,000,000		11,000,000		11,000,000	
(FC)	Salt Creek Reservoir	18,700,000	473,000		227,000		227,000		227,000
(FC)	Utica Reservoir	32,400,000			[1] 75,000		75,000		75,000
(N)	Willow Island locks and dam, Ohio and West Virginia	74,400,000	8,871,000	[1] 12,000,000		12,000,000		15,000,000	
(FC)	Youngstown, Crab Creek	2,720,000	835,000	[1] 100,000		100,000		100,000	
	Oklahoma:								
	Arkansas Red River chloride control, Texas, Oklahoma, and Kansas. (See Texas.)								
	Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)								
(FC)	Birch Reservoir	6,620,000	303,000					500,000	
(MP)	Broken Bow Reservoir	40,300,000	37,972,000	2,328,000		2,328,000		2,328,000	
(FC)	Candy Reservoir	6,270,000	158,000		232,000		232,000		232,000
(FC)	Clayton Reservoir	16,500,000	97,000		225,000		225,000		225,000
(FC)	Copan Reservoir	40,400,000	724,000					1,000,000	
(FC)	Crutcho Creek	2,000,000	330,000	[1] 100,000		300,000		300,000	
(FC)	Hugo Reservoir	34,300,000	5,740,000	7,500,000		7,500,000		7,500,000	
(FC)	Kaw Reservoir	96,000,000	9,305,000	[1] 6,400,000		6,850,000		6,850,000	
(FC)	Lukfata Reservoir	13,900,000	509,000			350,000		700,000	
(FC)	Oologah Reservoir	8,500,000	4,621,000	3,400,000		3,400,000		3,400,000	
(FC)	Optima Reservoir	27,300,000	5,071,000	[1] 500,000		500,000		500,000	
(MP)	Robert S. Kerr (Short Mountain) lock and dam	91,300,000	76,948,000	8,800,000		8,800,000		8,800,000	
(FC)	Waurika Reservoir	37,500,000	981,000	[1] 1,100,000		1,100,000		1,100,000	
(MP)	Webbers Falls lock and dam	73,000,000	46,137,000	10,000,000		10,000,000		10,000,000	
	Oregon:								
(MP)	Bonneville lock and dam (2d power unit) Oregon and Washington	125,000,000	1,085,000		715,000		715,000		715,000
(MP)	Bonneville lock and dam (mod. for peaking) Oregon and Washington	13,500,000		[1] 350,000		375,000		400,000	
(FC)	Catherine Creek Reservoir	9,630,000	97,000		300,000		300,000		300,000
(N)	Chetco River	1,630,000	1,016,000	614,000		614,000		614,000	
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	24,200,000	13,737,000	2,000,000		2,000,000		2,000,000	
(MP)	John Day lock and dam, Oregon and Washington	457,000,000	422,620,000	[1] 14,500,000		14,500,000		14,500,000	
(MP)	Lost Creek Reservoir	95,700,000	5,485,000	[1] 1,750,000		3,650,000		3,650,000	
(FC)	Lower Columbia River bank protection, Oregon and Washington	10,600,000	3,763,000	400,000		400,000		750,000	
(FC)	Lower Grande Ronde Reservoir	15,100,000							250,000
(MP)	McNary lock and dam, Oregon and Washington	296,000,000	286,765,000	2,500,000		2,500,000		2,500,000	
(FC)	Scappoose Drainage District	1,820,000	49,000		46,000		46,000		46,000
(MP)	The Dalles lock and dam, Oregon and Washington (additional power units)	57,200,000	8,615,000	[1] 8,000,000		9,000,000		9,000,000	
(N)	Tillamook Bay (south jetty)	10,500,000	530,000	1,800,000		1,800,000		1,800,000	
(FC)	Willamette River Basin bank protection	13,280,000	12,620,000	375,000		375,000		500,000	
(N)	Yaquina Bay and Harbor	18,700,000	10,553,000	[1] 100,000		150,000		500,000	
	Pennsylvania:								
(FC)	Beltzville Reservoir	19,300,000	14,683,000	4,200,000		4,200,000		4,200,000	
(FC)	Blue Marsh Reservoir (land acquisition)	23,500,000	1,240,000	700,000		700,000		1,000,000	
(FC)	Chartiers Creek	19,100,000	2,942,000	[1] 2,600,000		2,600,000		2,600,000	
(FC)	Cowanesque Reservoir	34,700,000	1,384,000		316,000		316,000		316,000
	Delaware River, Philadelphia to sea, Delaware, Pennsylvania, and New Jersey. (See New Jersey.)								
(FC)	Dubois	1,830,000	103,000			100,000		100,000	
(FC)	Foster Joseph Sayers Dam (Blanchard)	29,600,000	26,988,000	1,912,000		1,912,000		1,912,000	
(FC)	Muddy Creek Reservoir	11,900,000	225,000		100,000		100,000		100,000
(BE)	Presque Isle Peninsula (reimbursement)	2,222,000	1,444,000	300,000		300,000		300,000	
(FC)	Raystown Reservoir	57,500,000	6,988,000	[1] 8,200,000		8,400,000		8,400,000	

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CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Pennsylvania:								
(FC)	Tioga-Hammond Reservoir (land acquisition)	$60,100,000	$3,156,000	$1,000,000		$1,000,000		$1,000,000	
	Tocks Island Reservoir, Pa., N.J., and N.Y. (See New Jersey.)								
(FC)	Tyrone	13,900,000	428,000		$72,000		$72,000		$72,000
(FC)	Union City Reservoir	12,200,000	5,145,000	4,500,000		4,500,000		4,500,000	
(FC)	Woodcock Creek Reservoir	15,200,000	1,877,000	1,550,000		1,550,000		1,550,000	
	Rhode Island:								
(BE)	Cliff Walk	470,000	137,000	100,000		100,000		100,000	
	Fall River Harbor, Mass. and R.I. (See Massachusetts.)								
(N)	Providence River and Harbor	18,100,000	8,450,000	4,000,000		4,000,000		5,000,000	
	South Carolina:								
(N)	Cooper River-Charleston Harbor (1968 Act)	39,000,000					200,000		200,000
	Trotters Shoals Reservoir, Ga. and S.C. (See Georgia.)								
	South Dakota:								
(MP)	Big Bend Dam-Lake Sharpe	103,000,000	100,911,000	900,000		900,000		1,100,000	
	Big Sioux River at Sioux City, Iowa and S. Dak. (See Iowa.)								
	Big Stone Lake-Whetstone River, Minn. and S. Dak. (land acquisition). (See Minnesota.)								
(FC)	Cottonwood Springs Reservoir	1,740,000	1,200,000	540,000		540,000		540,000	
(MP)	Oahe Reservoir, S. Dak. and N. Dak	341,000,000	336,513,000	2,000,000		2,000,000		2,600,000	
	Tennessee:								
(MP)	Cordell Hull lock and dam	64,800,000	39,727,000	[1]7,550,000		7,550,000		7,550,000	
(MP)	J. Percy Priest Reservoir	51,600,000	49,464,000	2,136,000		2,136,000		2,136,000	
	Texas:								
(FC)	Arkansas-Red River chloride control (pt. I), Texas, Oklahoma, and Kansas	57,000,000	478,000		436,000		436,000		436,000
(FC)	Arkansas-Red River chloride control (supplemental studies), Texas, Oklahoma, and Kansas	2,500,000	1,751,000		749,000		749,000		749,000
(FC)	Aubrey Reservoir	41,200,000							150,000
(FC)	Belton Reservoir (raise water level)	2,070,000	82,000	[1]100,000		200,000		200,000	
(FC)	Buffalo Bayou and tributaries	69,500,000	48,516,000	1,000,000		1,000,000		1,000,000	
(N)	Cedar Bayou (deferred)								15,000
(FC)	Cooper Reservoir and channels	29,718,000	4,099,000	500,000		1,580,000		1,580,000	
(N)	Corpus Christi Ship Channel	19,700,000							35,000
(FC)	Duck Creek channel improvement	4,870,000	29,000		125,000		125,000		125,000
(FC)	Elm Fork Floodway	13,700,000			50,000		50,000		50,000
(FC)	El Paso	16,000,000	753,000	[1]300,000		350,000		350,000	
(FC)	Fort Worth Floodway, Clear Fork extension	4,400,000	3,040,000	[1]1,360,000		1,360,000		1,360,000	
(FC)	Freeport and vicinity	13,300,000	4,637,000	2,200,000		2,200,000		2,200,000	
(R)	Galveston Harbor and Channel (groins)	1,550,000	610,000	940,000		940,000		940,000	
(FC)	Highland Bayou	4,300,000	353,000	[1]100,000		300,000		300,000	
(FC)	Lake Kemp Reservoir	6,800,000	1,568,000	[1]1,000,000		1,000,000		1,000,000	
(FC)	Lakeview Reservoir	38,900,000	513,000		300,000		300,000		300,000
(FC)	Lavon Reservoir modification and channel improvement	47,400,000	5,543,000	[1]2,500,000		3,750,000		3,750,000	
(FC)	Millican Reservoir	75,700,000							200,000
(N)	Mouth of Colorado River	7,750,000					75,000		75,000
(FC)	Pat Mayse Reservoir	9,200,000	9,000,000	200,000		200,000		200,000	
(FC)	Port Arthur and vicinity (hurricane flood protection)	41,600,000	8,557,000	5,000,000		5,000,000		5,000,000	
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas)								
(N)	Sabine-Neches Waterway 40 feet and channel to Echo	28,500,000	14,143,000	4,700,000		4,700,000		5,000,000	
(FC)	San Antonio Channel	26,000,000	12,154,000	[1]900,000		1,200,000		1,200,000	
(FC)	San Gabriel River tributary to Brazos River (land acquisition)	65,400,000	2,342,000	750,000		750,000		1,000,000	
(FC)	Taylors Bayou	6,640,000	250,000			250,000		250,000	
(FC)	Texas City, hurricane protection	31,200,000	15,132,000	1,100,000		1,100,000		1,100,000	
(N)	Trinity River bridges	11,400,000	1,417,000	[1]1,300,000		1,400,000		1,400,000	
(N)	Trinity River project	1,019,100,000	[1]361,000		150,000		150,000		150,000
(FC)	Vince and Little Vince Bayous	5,250,000	1,337,000	700,000		700,000		700,000	
(N)	Wallisville Reservoir, Trinity River	19,400,000	7,205,000	[1]1,900,000		1,900,000		1,900,000	
(MP)	Whitney Reservoir (raise power pool)	550,000				150,000		300,000	
	Utah:								
(FC)	Little Dell Reservoir	25,200,000							400,000
	Vermont:								
(FC)	Gaysville Reservoir	26,800,000	149,000		500,000		500,000		
	Virginia:								
(FC)	Gathright Reservoir	23,300,000	5,190,000	[1]1,500,000		1,900,000		1,900,000	
(N)	Hampton Roads	31,700,000	17,391,600	[1]2,300,000		3,200,000		3,500,000	
(N)	James River	47,300,000			[1]0				50,000
(MP)	Salem Church Reservoir	82,800,000			[1]150,000		35,000		150,000
(BE)	Virginia Beach (reimbursement)	1,350,000	450,000	85,000		85,000		85,000	
	Washington:								
	Bonneville lock and dam (2d power unit), (mod. for peaking) Oregon and Washington. (See Oregon.)								
(MP)	Chief Joseph Dam (additional power units)	67,200,000	900,000		500,000				500,000
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)								
(N)	Everett Harbor and Snohomish River (1968 act)	1,230,000			53,000		52,000		52,000
	John Day lock and dam, Oregon and Washington. (See Oregon.)								
(MP)	Little Goose lock and dam	149,000,000	129,430,000	[1]13,000,000		13,000,000		13,000,000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)								
(MP)	Lower Granite lock and dam	204,000,000	42,630,000	[1]0		1,000,000		3,000,000	
(MP)	Lower Monumental lock and dam	177,000,000	162,990,000	8,000,000		8,000,000		8,000,000	
	McNary lock and dam, Oregon and Washington. (See Oregon.)								
	The Dalles lock and dam, Oregon and Washington. (See Oregon.)								
(FC)	Vancouver Lake	6,100,000					50,000		50,000
(FC)	Wynoochee River Reservoir	17,400,000	3,901,000	[1]750,000		2,000,000		2,000,000	
(FC)	Yakima River at Ellensburg (restudy)				13,000		13,000		13,000
	West Virginia:								
(FC)	Beech Fork Lake	17,700,000	1,405,000	1,000,000		1,000,000		1,000,000	
	Blooming on Reservoir, Md. and W. Va. (See Maryland.)								
(FC)	Burnsville Lake (land acquisition)	28,100,000	1,077,000	700,000		700,000		1,000,000	
(FC)	East Lynn Lake	25,900,000	13,305,000	7,800,000		7,800,000		7,800,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	R. D Bailey (Justice) Lake	83,600,000	16,725,000	[1]10,700,000		10,700,000		10,700,000	
	Racine locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	Rowlesburg Lake	109,000,000	1,606,000					1,000,000	
(FC)	Stonewall Jackson Lake (land acquisition)	40,500,000	618,000			425,000		600,000	

Footnotes at end of table.

CONSTRUCTION, GENERAL, FISCAL YEAR 1970—Continued

	Construction, general, State and project	Total estimated Federal cost	Allocations to date	Revised budget estimate for fiscal year 1970		House allowance		Committee recommendation	
				Construction	Planning	Construction	Planning	Construction	Planning
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	West Virginia:								
(FC)	Wet Fort Lake	$21,400,000	$161,000		$250,000		$250,000		$250,000
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)								
	Wisconsin:								
(N)	Green Bay Harbor (1962 act)	5,600,000	2,619,000	$1,250,000		$1,250,000		$1,250,000	
(FC)	La Forge Reservoir, Kickapoo River (land acquisition)	20,800,000	1,333,000	750,000		750,000		750,000	
(R)	Racine Harbor	1,040,000		100,000		100,000		100,000	
	Miscellaneous:								
(FC)	Emergency bank protection			300,000				300,000	
(FC)	Small projects for flood control and related purposes not requiring specific legislation (sec. 205)			8,000,000		6,500,000		8,000,000	
(FC)	Snagging and clearing			200,000				200,000	
(N)	Small navigation projects not requiring specific legislation costing up to $500,000 (sec. 107)			2,500,000		1,740,000		2,500,000	
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $500,000 (sec. 103)			500,000				500,000	
	Recreation facilities, completed projects			[1] 6,000,000		[1] 6,400,000		7,500,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)			600,000		600,000		600,000	
	Aquatic plant control (1965 act)			1,000,000		1,000,000		2,000,000	
	Employees compensation			705,000		705,000		705,000	
	Reduction for anticipated savings and slippages			−44,100,000		−44,100,000		−44,100,000	
	1969 reserve applied in fiscal year 1970			−43,785,000		−43,785,000		−43,785,000	
	Grand total, construction, general			608,681,000 (627,055,000)	18,374,000	650,801,000 (671,982,000)	21,181,000	715,851,000 (740,469,000)	24,618,000

[1] Reflects changes made by the revised approved budget, submitted in House Document No. 91-100, dated April 15, 1969.

[2] Restudy funds only (col. 3).

Mr. WILLIAMS of Delaware. Mr. President, I call attention to the fact that included in the above list are 62 new projects not one of which has anything to do with air and water pollution, nor were they approved by the Budget.

Of those projects 32 are entirely new projects which were not listed in the budget. The total cost when completed of these alone will be around $725 million.

There are 30 other projects which are past the planning stage but which are not budgeted items. The total cost of them when completed will be around $525 million.

Altogether the increased expenditures in the pending bill on new projects that have nothing to do with water and air pollution and which have not been recommended by the Budget have a total cost in excess of $1.25 billion.

The record should be clear that when Senators go home and expound their great interest in water and air pollution and motherhood they can also let it be known that they do not have quite as much interest in the American taxpayer.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware to recommit. 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 New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Iowa (Mr. MILLER) is absent on official business.

The Senator from Colorado (Mr. ALLOTT), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 5, nays 82, as follows:

[No. 150 Leg.]

YEAS—5

Byrd, Va.	Hansen	Williams, Del.
Griffin	Proxmire	

NAYS—82

Aiken	Gravel	Murphy
Allen	Gurney	Muskie
Baker	Harris	Nelson
Bayh	Hart	Packwood
Bellmon	Hartke	Pastore
Bennett	Hatfield	Pearson
Bible	Holland	Pell
Boggs	Hollings	Percy
Brooke	Hruska	Prouty
Byrd, W. Va.	Hughes	Randolph
Cannon	Inouye	Ribicoff
Case	Jackson	Russell
Church	Javits	Saxbe
Cook	Jordan, N.C.	Schweiker
Cooper	Jordan, Idaho	Scott
Cotton	Kennedy	Smith, Maine
Cranston	Long	Smith, Ill.
Curtis	Magnuson	Sparkman
Dodd	Mansfield	Spong
Dole	McCarthy	Stevens
Dominick	McGee	Symington
Eagleton	McGovern	Talmadge
Ellender	McIntyre	Tydings
Ervin	Metcalf	Yarborough
Fannin	Mondale	Young, N. Dak.
Fong	Montoya	Young, Ohio
Fulbright	Moss	
Gore	Mundt	

NOT VOTING—13

Allott	Goodell	Thurmond
Anderson	Mathias	Tower
Burdick	McClellan	Williams, N.J.
Eastland	Miller	
Goldwater	Stennis	

So the motion to recommit was rejected.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

The bill was read the third time.

Mr. ELLENDER. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I ask the distinguished majority leader, What is the order of further business?

Mr. MANSFIELD. Mr. President, responding to the question raised by the distinguished minority leader, I announce that the Senate will convene at 10 o'clock tomorrow morning, and the distinguished senior Senator from South Carolina (Mr. THURMOND) will be recognized for not to exceed 30 minutes. Then there will be a 10-minute period for morning business. After that, the Senate will proceed to the consideration of S. 2577, a bill to provide additional mortgage credit, and for other purposes. A time limitation on that bill has been agreed to on the basis of an agreement between the distinguished Senator from Utah (Mr. BENNETT) and the distin-

guished Senator from Wisconsin (Mr. PROXMIRE).

Following that, it is hoped to take up the continuing resolution relative to appropriations, and following that, the nomination of Judge Haynsworth will be laid before the Senate, and the debate will be started.

Mr. JAVITS. Mr. President, I need about 15 minutes for a speech. Will the majority leader accommodate me?

ORDER FOR ADJOURNMENT TO 9:45 A.M., AND FOR RECOGNITION OF SENATOR JAVITS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate convene at 9:45 a.m., and that the Senator from New York be recognized for not to exceed 15 minutes immediately after the reading of the Journal.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

The Senate resumed the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

Mr. JAVITS. Mr. President, my colleague, the Senator from New York (Mr. GOODELL), is unable to be here and I ask unanimous consent that his remarks, prepared for the debate today, be included in the RECORD.

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

Mr. GOODELL. Mr. President, I wish to commend the distinguished Chairman of the Public Works Subcommittee (Mr. Ellender) and the members of that Subcommittee for their comprehensive work on the FY '70 Public Works Appropriations Bill.

Earlier this year, I was greatly alarmed to learn that the revised budget request for public works construction in the State of New York had been reduced from $7 million to $3.1 million.

New York State constitutes over 9% of the population of the United States. Many of our facilities, most notably the Port of New York, serve the entire Nation. Yet, the revised budget would have allocated only 5% of the total funds for public works construction in the country.

Although I fully appreciated the fact that the inflationary cycle made budgetary restraints necessary, the drastic cuts suggested in the revised budget would have seriously hampered the ability of the State to service its urgently needed construction projects.

In view of this great need, I contacted the Chairman (Mr. Ellender) and strongly requested that the funds be restored. I am delighted by the Committee's response which recommends an appropriation of almost $6.8 million in construction funds for New York State projects—more than twice as much as the revised budget request.

Among the funded projects, several were of particular concern to me:

THE NEW YORK HARBOR ANCHORAGES

The Port of New York, which serves the metropolitan area and the Nation, desperately needed funds to permit work on the deepening of anchorages to accommodate the ever increasing tanker traffic in the waters. As the Port of New York is our Nation's major harbor, this construction would ultimately benefit U.S. economy. Although almost $3.5 million was requested by the State of New York, the City of New York and the Port of New York Authority, only $500,000 had been recommended by the Administration.

The Committee responded to my request for more funds for this project by recommending a total of $2.9 million. I believe these funds will permit the significant continuation of construction on this important project.

NEWARK BAY-HACKENSACK RIVER

This project in New Jersey is a bi-state concern. The channel dimensions of this waterway in Newark Bay have become a serious safety problem and threaten to impede traffic in the Port of New York area.

This vitally needed Port of New York Project has only received $100,000 in pre-construction funds over the past three years and as a result, no construction work has been started. The Administration budget request for this project was a mere $500,000 despite the fact that all those involved in the project recommended a minimum appropriation of $5 million. The Committee has approved a sum of $2.7 million, which will allow construction to begin on the project.

FIRE ISLAND INLET AND MONTAUK POINT, BEACH EROSION

Protection of the beaches in this area has become imperative because of the severe storm damage which has been incurred on the South Shore of Long Island in the past. A total of $500,000 was recommended by the Administration for this local flood control project. I strongly endorsed additional funds for this project and the Committee has recommended a total of $880,000. In addition, the State of New York has given assurance that sufficient State funds will be available to match the Federal share.

In addition, I note that the Committee has also recommended an appropriation of $500,000 for the Fire Island Inlet to Jones Inlet. This strip of beach has also been severely damaged by storm and is in great need of protection.

Protection of the natural shoreline is essential for the conservation of the entire area.

IRONDEQUOIT BAY

This project, authorized in 1958, proposes a channel access between Irondequoit Bay and Lake Ontario so that recreational navigation can be pursued in the area. The Committee has recommended an appropriation of $100,000 to begin construction on this long-awaited project which will greatly benefit the people of Monroe County and surrounding areas.

The Committee has also approved funds for several important studies on State projects which I have supported. These projects include preconstruction planning of harbor refuge at Hamlin Beach State Park with a recommendation of $40,000; and completion of the Lake Erie-Lake Ontario Waterway which will improve the St. Lawrence Seaway system so vitally important to the maritime economies of the United States and Canada. A recommendation of $100,000 has been made by the Committee for this study.

I thank the Committee members for their recommendations on behalf of New York State and I am grateful for their responsiveness to my requests. Many of these projects are designed to protect and preserve the natural resources of the State. Many will make these resources more usable. I am hopeful that the recommendations, will prevail in conference.

DICKEY-LINCOLN SCHOOL PROJECT

Mr. MUSKIE. Mr. President, the public works appropriations bill includes an item of $807,000 to continue advance engineering and design on the Dickey-Lincoln School hydroelectric project in northern Maine.

The record of the past several years is filled with evidence of the benefits which New England's first Federal hydroelectric power project would bring, the relationship of those benefits to cost, the need for low-cost power in northern New England, the need for peaking power throughout New England and New York, and the inability of the New England electric utilities to meet growing power demands.

The record will show that the other body has consistently rejected the funds needed to move this project ahead and has turned its back on one region of the Nation while continuing to provide funds for sources of low-cost power in virtually every other region of the United States.

The record will show that an investment of $2,154,000 has already been made in the project and that only $1,346,000 is required to complete the advance engineering and design on this project. Failure to appropriate the funds included in this bill will be a greater waste of money than the cost of completing that task.

The record will show that the senior Senator from Maine (Mrs. SMITH) has worked diligently to obtain appropriations for this project only to be set back by the other body time and again. The record will show that neither the senior Senator from Maine, who is on the Appropriations Committee nor I, as a member of the Public Works Committee, has ever attempted to withhold authorization or appropriation for needed, economically feasible projects in other parts of the country.

I believe that the Dickey-Lincoln School project will stand on its own in comparison with any project constructed anywhere in the United States. I believe it will help to assure an adequate supply of low-cost power and a Federal yardstick for New England and that it is needed to avert the major critical power failures which continue to threaten New England due to the inability of the private utilities of the region to fulfill their obligations to supply power.

The record of the past demonstrates that these private power companies would rather invest their funds in advertising campaigns about what they might do and lobbying campaigns against what should be done than in developing the region's power resources and supplying power needs.

I hope that the conferees will support the appropriation of these vitally needed funds so that New England can get on with the job of meeting her power supply demands and protecting the health and welfare of citizens by making avail-

able an adequate supply of power whenever it is needed, not just when New England's private utilities are prepared to make it available.

Mr. COOPER. Mr. President, I support the bill H.R. 14159, the public works for water, pollution control, and power development and Atomic Energy Commission appropriation bill, 1970. In addition to the matters I have already discussed, I direct attention to title III of the bill in which the Committee on Appropriations, for the first time since enactment of the Water Pollution Control Act of 1965, has recommended full funding of the authorization for waste treatment works. This action on the part of the committee, which will be adopted by the Senate, represents a significant congressional redirection to meet our environmental needs.

Full funding of pollution control is an action which recognizes today's priorities, an action which is needed and will be well received by the public. There is a growing and proper demand for protecting and improving the quality of our environment if we and future generations are to live. And this step provides a solid indication that the Congress is responding to that demand and need.

I want particularly to compliment Senator ELLENDER, chairman of the Committee on Appropriations, for his judgment and leadership in recommending and reporting this provision from the committee. The ranking minority member of the subcommittee, Senator MILTON YOUNG, together with the full committee has done a great service to the country and all its people. I cannot let this occasion pass without paying similar respect to Senator MUSKIE, chairman of the Subcommittee on Air and Water Pollution, of the Public Works Committee, and to Senator BOGGS, ranking minority member of that subcommittee, for whom this action today gives evidence of their long and steadfast efforts in the continuing battle to abate air and water pollution. As the ranking Republican member of the Public Works Committee, which has jurisdiction over basic legislation on water and air pollution and solid waste disposal, I would like to say that every member of the committee and its able staff under the leadership of Senator RANDOLPH, the chairman, have worked and contributed fully to this important cause.

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.

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 assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Mississippi (Mr. STENNIS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Arkansas (Mr. MCCLELLAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Iowa (Mr. MILLER) is absent on official business.

The Senator from Colorado (Mr. ALLOTT) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from New York (Mr. GOODELL), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 86, nays 2, as follows:

[No. 151 Leg.]

YEAS—86

Aiken	Gravel	Mundt
Allen	Griffin	Murphy
Baker	Gurney	Muskie
Bayh	Hansen	Nelson
Bellmon	Harris	Packwood
Bennett	Hart	Pastore
Bible	Hartke	Pearson
Boggs	Hatfield	Pell
Brooke	Holland	Percy
Byrd, Va.	Hollings	Prouty
Byrd, W. Va.	Hruska	Randolph
Cannon	Hughes	Ribicoff
Case	Inouye	Russell
Church	Jackson	Saxbe
Cook	Javits	Schweiker
Cooper	Jordan, N.C.	Scott
Cotton	Jordan, Idaho	Smith, Maine
Cranston	Kennedy	Smith, Ill.
Curtis	Long	Sparkman
Dodd	Magnuson	Spong
Dole	Mansfield	Stevens
Dominick	McCarthy	Symington
Eagleton	McGee	Talmadge
Ellender	McGovern	Thurmond
Ervin	McIntyre	Tydings
Fannin	Metcalf	Yarborough
Fong	Mondale	Young, N. Dak.
Fulbright	Montoya	Young, Ohio
Gore	Moss	

NAYS—2

Proxmire	Williams, Del.

NOT VOTING—12

Allott	Goldwater	Miller
Anderson	Goodell	Stennis
Burdick	Mathias	Tower
Eastland	McClellan	Williams, N.J.

So the bill (H.R. 14159) was passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request 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. ELLENDER, Mr. RUSSELL, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. HOLLAND, Mr. STENNIS, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG of North Dakota, Mr. HRUSKA, Mr. MUNDT, and Mrs. SMITH of Maine conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, for this great success the Senate owes a deep debt of gratitude to the distinguished senior Senator from Louisiana (Mr. ELLENDER). His handling of this measure today marked yet another outstanding achievement for the able chairman of the Public Works Subcommittee of the Appropriations Committee. Senator ELLENDER is a skilled and highly effective advocate. His command of every facet of a measure he leads is exemplary. The dedicated service he has always given the Senate and the Nation is unexcelled in this body. With this success today he has again demonstrated the fine qualities that have distinguished him over the years. May I add, that he is to be particularly commended for assuring an effective fight this year against the ravages of water pollution by defending so successfully the full funding of that program. The Senate is deeply grateful.

Assisting Senator ELLENDER in the task of preparing this bill in committee and presenting it to the Senate was the very capable and distinguished ranking minority member of the subcommittee, the distinguished Senator from North Dakota (Mr. YOUNG). He, too, contributed to the success of the measure with his strong and effective support.

The other members of the subcommittee are also to be praised for their contributions to the debate and for the high caliber with which this measure was handled.

Noteworthy also, were the contributions of the distinguished senior Senator from Delaware (Mr. WILLIAMS) and the distinguished Senator from Wisconsin (Mr. NELSON). They offered their own strong and sincere views on the measure and cooperated splendidly to assure its efficient disposition.

But especially, I should say again, we are indebted to Senator ELLENDER. His devoted efforts have produced an appropriations measure of very high quality, indeed.

PROVISION OF ADDITIONAL MORTGAGE CREDIT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 510, S. 2577. I do this so that the bill will become the pending business.

There will be no votes on this bill tonight. There may be Senators who wish to speak on it.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (S. 2577) to provide additional mortgage credit, 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 Banking and Currency with an amendment to strike out all after the enacting clause and insert:

That section 7 of the Act of September 21, 1966 (Public Law 89–587; 80 Stat. 823), is amended to read:

"SEC. 7. Effective September 22, 1970—

"(1) So much of section 19(j) of the Fed-

eral Reserve Act (12 U.S.C. 371(b)) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act;

"(2) The second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act;

"(3) The last three sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are repealed; and

"(4) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

SEC. 2. (a) Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following new sentences: "The authority conferred by this subsection shall also apply to noninsured banks in any State if (1) the total amount of time and savings deposits held in all such banks in the State, plus the total amount of deposits, shares, and withdrawable accounts held in all building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, which are not members of a Federal home loan bank, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by this subsection, including specifically the authority to regulate the rates of interest and dividends paid by such noninsured banks on time and savings deposits, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board of Directors with respect to such noninsured banks prior to July 31, 1970, to limit the rates of interest or dividends which such banks may pay on time and savings deposits to maximum rates not lower than 5½ per centum per annum. Whenever it shall appear to the Board of Directors that any noninsured bank or any affiliate thereof is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this subsection or of any regulations thereunder, the Board of Directors may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the noninsured bank or affiliate thereof is located to enjoin such acts or practices, to enforce compliance with this subsection or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond."

(b) Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended to read as follows:

"SEC. 5B. (a) The Board may from time to time, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on the rates of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by members, other than those the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act, by institutions which are insured institutions as defined in section 401(a) of the National Housing Act, and by nonmember building and loan, savings and loan and homestead associations, and cooperative banks. The Board may prescribe different rate limitations for different classes of deposits, shares, or withdrawable accounts, for deposits, shares, or withdrawable accounts of different amounts or with different maturities or subject to different conditions regarding withdrawal or repayment, according to the nature or location of such members, institutions, or nonmembers of their depositors, shareholders, or withdrawable account holders, or according to such other reasonable bases as the Board may deem desirable in the public interest. The authority conferred by this subsection shall apply to nonmember building and loan, savings and loan, and homestead associations, and cooperative banks in any State if (1) the total amount of deposits; shares, and withdrawable accounts held in all such nonmember associations and banks in the State, plus the total amount of time and savings deposits held in all banks in the State which are not insured by the Federal Deposit Insurance Corporation, is more than 20 per centum of the total amount of such deposits, shares, and withdrawable accounts held in all banks, and building and loan, savings and loan, and homestead associations (including cooperative banks) in the State, and (2) there does not exist under the laws of such State a bank supervisory agency with authority comparable to that conferred by the first two sentences of this subsection, including specifically the authority to regulate the rates of interest and dividends paid by any such association or bank on deposits, shares, or withdrawable accounts, or if such agency exists it has not issued regulations in the exercise of that authority. Such authority shall only be exercised by the Board with respect to such nonmember associations and banks prior to July 31, 1970, to limit the rates of interest or dividends which such associations or banks may pay on deposits, shares, or withdrawable accounts to maximum rates not lower than 5½ per centum per annum.

"(b) In addition to any other penalty provided by this or any other law, any institution subject to this section which violates a rule promulgated pursuant to this section shall be subject to such civil penalties, which shall not exceed $100 for each violation, as may be prescribed by said Board by rule and such rule may provide with respect to any or all such violations that each day on which the violation continues shall constitute a separate violation. The Board may recover any such civil penalty for its own use, through action or otherwise, including recovery thereof in any other action or proceeding under this section. The Board may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise, remit, or mitigate in whole or in part any such penalty or any such recovery.

"(c) Whenever it shall appear to the Board that any nonmember institution is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any regulations thereunder, the Board may, in its discretion, bring an action in the United States district court for the judicial district in which the principal office of the institution is located to enjoin such acts or practices, to enforce compliance with this section or any regulations thereunder, or for a combination of the foregoing, and such courts shall have jurisdiction of such actions, and, upon a proper showing, an injunction, restraining order, or other appropriate order may be granted without bond.

"(d) All expenses of the Board under this section shall be considered as nonadministrative expenses."

SEC. 3 Section 11(i) of the Federal Home Loan Bank Act (12 U.S.C. 1431(i)) is amended—

(1) by striking out "$1,000,000,000" and inserting in lieu of "$4,000,000,000";

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: "Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon terms and conditions as shall be determined by the Secretary of the Treasury and shall bear such rate of interest as may be determined by the Secretary of the Treasury taking into consideration the current average market yield for the month preceding the month of such purchase on outstanding marketable obligations of the United States."; and

(3) by adding at the end thereof a new paragraph as follows:

"It is the sense of Congress that the authority provided in this subsection be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates and that any funds so borrowed will be repaid by the Home Loan Bank Board at the earliest practicable date."

SEC. 4. (a) Section 19(a) of the Federal Reserve Act (12 U.S.C. 461) is amended by inserting after the word "interest," the following: "to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit for the purposes of subsection (j),".

(b)(1) The fourth sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows: "The Board of Directors is authorized for the purposes of this subsection to define the terms 'time deposits' and 'savings deposits', to determine what shall be deemed a payment of interest, and to prescribe such regulations as it may deem necessary to effectuate the purposes of this subsection and to prevent evasions thereof."

(2) Section 18(g) of such Act is further amended by inserting after the fifth sentence the following: "The provisions of this subsection and of regulations issued thereunder shall also apply, in the discretion of the Board of Directors, to obligations other than deposits that are undertaken by insured nonmember banks or their affiliates for the purpose of obtaining funds to be used in the banking business. As used in this subsection, the term 'affiliate' has the same meaning as when used in section 2(b) of the Banking Act of 1933, as amended (12 U.S.C. 221a(b)), except that the term 'member bank', as used in such section 2(b), shall be deemed to refer to an insured nonmember bank."

(c) The first sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by inserting "or dividends" after "interest".

SEC. 5. Section 19(b) of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end thereof a new sentence as follows: "The Board may, however, prescribe any reserve ratio, not more than 22 per centum, with respect to any indebtedness of a member bank that arises out of a transaction in the ordinary course of its banking business with respect to either funds received or credit extended by such bank to a bank organized under the law of a foreign country or a dependency or insular possession of the United States".

SEC. 6. Section 708(b) of the Defense Production Act (50 U.S.C. 2158(b)) is amended by striking out everything after "United States", the first time it appears, and inserting a period in lieu thereof.

SEC. 7. Section 708('f) of the Defense Production Act (50 U.S.C. 2158(f)) is repealed.

EXPANDING THE MORTGAGE MARKET

Mr. PROXMIRE. Mr. President, the purpose of S. 2577 is to increase the supply of mortgage credit during periods of

tight money and to strengthen the execution of monetary policy. The objective of the bill is not to blunt the overall fight against inflation, but rather to assure that the impact of anti-inflationary policy is distributed more equitably among different sectors of the economy. The committee is specifically concerned that the housing sector of the economy not bear a grossly disproportionate share of the burden of slowing down inflation.

In the 1968 Housing Act, Congress reaffirmed our national housing goals and set forth a specific goal of building 26 million housing units over the next decade, including 6 million units for lower income families. Likewise, the Full Employment Act of 1946 established as national goals the achievement of full employment, stable prices, and economic growth. The Committee believes that our national housing goals rank equally with the objectives of the Full Employment Act and should not be abandoned or ignored during periods of restrictive fiscal and monetary policy.

The purpose of the bill would be achieved in the following ways:

Section 1 extends until September 22, 1970, flexible authority to regulate the rates of interest paid by financial institutions on time-and-savings deposits. A failure to extend this authority could precipitate another rate war between banks and savings and loan associations such as we had in 1966 with disastrous effects upon the supply of mortgage credit.

Section 2 extends limited rate control authority over nonfederally insured financial institutions in those States where uninsured deposits are greater than 20 percent of total deposits and the State banking commissioner lacks comparable authority.

Section 3 increases from $1 to $4 billion the authority of the Home Loan Bank System to borrow from the Treasury. In addition, the section indicates it is the sense of Congress that the authority be used to help stabilize the mortgage market during periods of tight money.

Section 4 permits the Federal Reserve Board to limit the rates paid on commercial paper obligations issued by the holding company affiliates of commercial banks. Through this device, large commercial banks have been able to raise funds by offering rates higher than the rate ceilings permitted under the Board's regulations.

Section 5 gives the Federal Reserve Board added authority to establish higher reserve requirements on Eurodollar borrowings from foreign-owned banks. Large commercial banks have been able to evade the monetary actions of the Federal Reserve Board by borrowing in the Eurodollar market.

Sections 6 and 7 reactivate the authority once contained in the Defense Production Act for establishing a voluntary credit restraint program similar to the one used during the Korean war. Under this authority, the President could establish committees of financial leaders to work out programs for allocating credit to the most essential uses.

THE IMPACT OF TIGHT MONEY ON HOUSING

Mr. President, when the National Association of Real Estate Boards testified on S. 2577, its witness observed that "we are now facing the worst housing shortage this country has experienced since the years immediately following World War II." The current figures on housing starts, vacancy rates, and savings flows fully support this claim. The restrictive monetary policies of the Federal Reserve are having a disastrous effect upon our national housing goals outlined in the 1968 Housing Act.

It is no secret that tight money uniquely discriminates against the home buyer. Periodic savings in monetary policy over the last 20 years have led to corresponding swings in the level of housing starts. Housing has traditionally been the balance wheel in our economy, bearing the main burden of fighting inflation. Moreover, the discriminatory impact on housing is likely to become more acute in the future given the increased reliance placed upon monetary policy to help stabilize the economy.

Following the 1966 experience, Gov. Sherman Maisel, of the Federal Reserve Board, estimated that the housing sector was forced to absorb between 60 to 70 percent of the impact of tight money whereas that industry comprises only 3 percent of our gross national product. When an industry accounting for only 3 percent of the economy takes 70 percent of the cutback because of policies that result in tight money, the impact is clearly discriminatory and unfair.

The instability in the housing industry is not inevitable nor is it due to natural economic forces. It is a direct result of government economic policies. Since government itself creates instability in the housing industry, it is perfectly reasonable to call upon the Government to reduce at least part of the instability for which it is responsible. We are not subsidizing the homebuyer or homebuilder by increasing the supply of mortgage credit during periods of tight money. On the contrary, we are attempting to alleviate at least part of the damage caused by the Government itself when it tightens up on the money supply.

During the current period of tight money, housing starts have skidded from an annual rate of 1,878,000 in January to 1,383,000 in August, although the September figures show a temporary recovery to 1,518,000. However, both the Commerce Department and the National Association of Homebuilders are predicting further declines to the end of the year. For the entire year, it is expected we will build only 1.3 million units whereas we should build at least 1.8 million units to maintain the schedule for meeting our 10-year housing goals.

When we look at our annual rate of expenditure in the third quarter compared to the last quarter of 1968, we find that housing is the only sector which has been forced to cut back. Overall GNP is up 5.6 percent, consumer spending on durable goods is up 4.6 percent, State and local construction is up 3.5 percent, Federal spending is up 1.4 percent, business spending on new plant and equipment is up 9.8 percent, but residential construction is down 2.5 percent.

One would think that housing would be forging ahead. We have the greatest demand; the worst housing shortage in years. Vacancy rates are at their lowest points in years. Family formations are at an all time high. The potential demand for housing is tremendous. Moreover, we as a nation are committed to better housing, particularly for low and moderate income citizens.

The reason housing has fallen off is simple—it is due to the restrictive monetary policies of the Federal Reserve Board. The reduction in the growth of the money supply has squeezed the total supply of credit and sent interest rates sky high. Effective interest rates on conventional mortgages climbed from a nationwide average of 7.23 percent at the start of the year to 8.08 percent at the end of September. This is unheard of, and of course it is catastrophic for home building when interest rates average over 8 percent. Likewise, effective interest rates on FHA mortgages climbed even higher—from 7.36 to 8.36 percent.

High interest rates have an onerous impact upon the average family budget. Twenty years ago, a veteran could purchase a $10,000 home with a 4-percent mortgage and his monthly payments for principal and interest were under $50. Today, a similar home would cost the veteran at least $20,000. He would be mighty lucky if he could get an 8-percent mortgage. At this rate, his monthly payments would be nearly $150.

The price of the home has doubled; the rate of interest has doubled; but the monthly payments have tripled. If this keeps up, the American family will be spending all their income on interest.

There can be no quarrel with the administration's efforts to control inflation. However, certain high officials in the administration seem to have a callous indifference to the fact that the average homebuyer is called upon to pay most of the cost.

Last March, the Senate Banking and Currency Committee held hearings on the alarming increase in interest rates. A number of proposals were advanced for cooling down plant and equipment spending by large corporations. These were summarily rejected by Under Secretary of the Treasury Charls E. Walker. When asked how the administration plans to control big business spending, Mr. Walker replied:

> I have a proposal that worked every time in the past. It worked in 1966; it will work this year. A restrictive monetary and fiscal policy.

Mr. Walker did not mention, of course, that the 1966 restrictive monetary policy worked largely at the expense of homebuilding.

During those same hearings, Mr. Walker optimistically predicted that the administration's policies would soon bear fruit. On March 25 he said:

> I feel we are moving close to a cresting out in inflationary expectations, interest rates and capital spending.

Since his statement 7 months ago, the Treasury bill rate increased from 6.1 percent to 7.1 percent; the annual rate of corporate capital spending went up by $3 billion; and the annual rate of price increase went up from 4.9 percent to 5.4 percent. Some cresting.

I am glad to see the President is finally calling in the leaders of the business community to enlist their aid in

the fight against inflation. This action was urged upon the administration over 6 months ago. Had it been adopted sooner, we might not have had the intolerably high interest rates we have today. Nevertheless, I am hopeful that the President will take a firm tone with business. The latest economic surveys show the corporate capital spending boom will run well into 1970 notwithstanding Mr. Walker's deep and abiding faith in the effectiveness of general fiscal and monetary policies.

RENEWAL OF RATE CONTROL AUTHORITY

This section extends until September 22, 1970, the authority to establish flexible ceilings on rates paid by financial institutions on time and savings deposits. The authority was first enacted by Congress during the 1966 credit crunch to restrain excessive competition for funds by commercial banks and savings and loan associations. Unless renewed by the Congress, the authority expires on December 22, 1969.

The 1966 legislation also for the first time gave the Federal Home Loan Bank Board authority to prescribe the maximum rates of interest which federally insured savings and loan associations can pay on savings deposits. Under this authority, the Bank Board has established a ceiling of 4¾ percent on passbook accounts and 5¼ percent on certificates of deposits.

The 1966 legislation also requires that the Federal Reserve, the FDIC and Home Loan Bank Board consult with one another prior to establishing deposit rate ceilings for their respective institutions.

A failure to renew the 1966 legislation could precipitate another rate war between banks and thrift institutions. Similar unrestrained competition in 1966 caused thrift institutions to lose billions of dollars of savings to commercial banks—savings which otherwise would have gone into mortgage investments.

UNINSURED FINANCIAL INSTITUTIONS

Section 2 extends Federal deposit rate control authority to nonfederally insured financial institutions including mutual savings banks in those States where State officials lack comparable authority and where uninsured savings deposits exceed 20 percent of total savings deposits. This authority would not become fully effective until July 31, 1970. During the interim, the Federal financial agencies would have authority to prevent the rates paid by nonfederally insured institutions from exceeding 5½ percent. Rate control authority over nonfederally insured institutions would expire on September 22, 1970, along with the expiration of the flexible rate control authority for federally insured institutions provided for under section 1.

The requirement that uninsured deposits exceed 20 percent of total deposits confines the application of Federal rate control authority over nonfederally insured institutions to one State—Massachusetts—where deposits in savings institutions not subject to Federal rate ceilings comprise over 60 percent of total deposits. Moreover, under Massachusetts law, the State banking commissioner does not have comparable authority to establish ceilings on the rates of interest paid by nonfederally insured institutions.

TREASURY BORROWING AUTHORITY

Section 3 amends section 11(i) of the Federal Home Loan Bank Act which authorizes the Federal Home Loan Bank Board to borrow up to $1 billion from the Treasury. The authority would be increased to $4 billion.

The amendment also requires that the rate charged on such borrowing be set at the current market yield on Treasury obligations. Existing law permits borrowing at a lower rate, hence the proposed amendment would remove any subsidy involved in such borrowing.

The amendment also provides the Treasury with a positive mandate from the Congress to permit such borrowing authority to be used in order to prevent a drastic reduction in housing starts. Despite many erratic swings in housing construction, the authority to borrow from the Treasury has never been used since its original enactment 19 years ago.

Specifically, this legislation indicates that it is the sense of the Congress that the authority to loan to the Home Loan Bank Board "be used by the Secretary of the Treasury, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates."

The funds borrowed from Treasury would be reloaned by the Bank Board to those savings and loan associations about to undergo a sharp reduction in their volume of mortgage lending. The Home Loan Bank System would be required to repay the Treasury at the earliest practicable date which in most cases should be within 6 to 12 months. Hence there would be no permanent impact on the Federal budget.

Mr. President, the purpose of this section is to increase the availability of mortgage credit on reasonable terms during periods of tight money. The home loan bank system has done an excellent job in loaning funds to our savings and loan associations so that they can continue making mortgage loans. During the first 9 months of 1969, the home loan banks advanced $2.6 billion to savings and loan associations. Without this $2.6 billion, the housing industry would have taken an even more severe blow.

But the home loan banks must also borrow the funds they loan to member associations. During a period of tight money the ability of the home loan banks to borrow is curtailed. Home loan bank obligations are backed by the Treasury. Nonetheless, investors demand that a higher rate be paid on home loan bank obligations compared to a Treasury obligation of comparable maturity. This differential can grow to as much as one percentage point during periods of tight money.

Since the home loan banks must pass along their borrowing costs to member associations, who in turn pass the cost on to the home buyer, a difference of one percentage point can be crucial. It means the monthly payments can be reduced by $15 for the average home buyer. In a tight market, a one percentage point reduction in the rate means that thousands of young families can afford to buy a house when they otherwise could not.

It has been charged that the use of Treasury credit facilities somehow constitutes an unjustified subsidy to the home buyer. In actual fact, the use of Treasury borrowing authority will not cost the Government a penny. The home loan bank system will repay the Treasury with interest at the same rate it costs the Treasury to borrow.

It has also been argued that a subsidy is still involved since the Home Loan Bank is permitted to borrow at a rate lower than it would have to pay if it issued its own obligations. We are now dealing in semantics. I fail to see how anything can be called a subsidy if there is no cost to the taxpayer. If we accept this twisted definition of subsidies, then many other programs already on the books are backdoor subsidies. For example, commercial banks can now borrow from the Federal Reserve at 6 percent, which is at least 2 percentage points below what they would have to pay on the open market. I do not hear any cries that commercial banks or their customers are being subsidized by the Federal Government.

The increased borrowing authority, together with the congressional mandate that it be used to help housing, is a modest attempt to redress the imbalance in our monetary policy. I hope that it will be used by the administration to help ease the heavy burden on the American homebuyer.

COMMERCIAL PAPER BORROWING

Section 4 strengthens the authority of the Federal Reserve Board to administer reguation Q which establishes the maximum rate of interest which commercial banks can pay on time and savings deposits. There is a loophole in regulation Q permitting large banks to obtain funds in excess of the ceiling through the bank holding company device. Under this device a bank holding company or its nonbanking subsidiary can issue short-term notes in the commercial paper market at prevailing rates which at the present time are more than 2½ percentage points higher than the regulation Q ceiling. The proceeds can then be channeled by the parent holding company to its subsidiary bank. This can be done by purchasing loans outright or by purchasing participation shares in the bank's loan portfolio. In either event, the bank has additional loanable funds to continue its business lending activity. Commercial banks have raised over $2.9 billion through this device over the last 9 months.

The Federal Reserve Board has testified that it felt it would be desirable to clarify its legal authority to control commercial paper borrowing under regulation Q. Since the committee acted, the Board has issued proposed regulations to place commercial paper borrowings under the regulation Q ceiling. While I am glad to see the Board move in this direction, I believe the legislation is still needed to preclude any potential legal challenge to the proposed regulations.

EURODOLLAR BORROWING

Section 5 permits the Federal Reserve Board to establish reserve requirements

of up to 22 percent on funds borrowed by U.S. member banks from foreign-owned banks. The practice of borrowing funds abroad in the Eurodollar market constitutes another offset to the Federal Reserve Board's monetary policy. Large commercial banks have borrowed over $7 billion in the Eurodollar market during 1969, notwithstanding the restrictive monetary policy of the Federal Reserve Board. The funds so obtained have permitted these large banks to continue making business loans to their corporate customers, thus adding to the inflationary pressures on the economy.

The authority to promulgate higher reserve requirements can make it more expensive to borrow Eurodollars and thus curb their excessive inflow. As a result, commercial banks would be forced to curb their lending sooner than they otherwise would, thus contributing to the effectiveness of our anti-inflationary policy. It is not fair that the homebuyer, the small businessman, the farmer, and State and local governments should be forced to cut back while large corporations forge ahead on Eurodollar financing.

VOLUNTARY CREDIT RESTRAINT PROGRAM

Sections 6 and 7 reactivate the authority under which the Federal Reserve Board administered a voluntary credit restraint program during the Korean war. This authority was contained in the Defense Production Act of 1950. It authorized the President to consult with representatives of the financial community in order to establish voluntary programs of credit restraint.

Under this authority, as delegated by the President, the Federal Reserve Board established industrywide committees of banks, investment banking firms, life insurance companies, savings and loan associations, and mutual savings banks. The committees established voluntary lending criteria designed to ration credit to the most essential uses without drastic increases in interest rates. While there were a number of problems in the implementation of the criteria, by and large the program achieved its objectives.

A National Voluntary Credit Restraint Committee issued a statement on March 10, 1952, evaluating the success of the program. This statement was published in the March 1952 Federal Reserve Bulletin and reads as follows:

> At the outset of the program, which was without precedent in the country's financial history, there was widespread skepticism as to what might be accomplished by a self-regulation effort in the highly competitive field of lending. This has been supplanted by a recognition that the program has proved practicable, workable, and effective as a supplement to fiscal, credit, and other anti-inflationary weapons * * * The program has been an important factor in holding prices level during the first year of its operation. (Statement released by National Voluntary Credit Restraint Committee, Mar. 10, 1952.)

Mr. President, during the hearings on this provision, the administration presented a complex but unconvincing argument against it. The essence of their argument seems to be a fear of a perverse expectational effect. That is, businessmen might mistakenly think that full-scale price and wage controls are coming and therefore increase their spending plans even more to beat the deadline.

I do not think this is a realistic view. In the first place, we are talking about voluntary credit controls, not mandatory price and wage controls. There is nothing in the legislation to authorize mandatory price or wage controls. In the second place, there is no reason to assume that the business community has closely followed this legislation, ready to spring into action if enacted. Thirdly, I would think the average businessman would not go on a spending spree if he thought voluntary credit controls were to be tried. On the contrary, he might very well delay his capital outlays in the expectation of lower interest rates.

I believe the enactment of the authority will strengthen the hands of the President in the war against inflation. It is purely discretionary. There is nothing in the bill which requires the President to use the authority unless he sees fit to use it. I can see nothing wrong in giving the President the additional authority to be available if needed.

Should interest rates continue their meteoric rise and should the administration conclude a voluntary credit restraint program is necessary, the authority would be there to use. On the other hand, if we do not enact the authority now and the administration is forced to ask for the legislation at a later date, the financial panic which the administration fears might very well take place. It is much better to put the authority quietly on the books now so that it is available if needed.

Another argument raised against a voluntary credit restraint program is that it is unworkable and unfair. This was not the case when the program was successfully tried during the Korean war. I believe the program can work, at least for a short period of time. But that is all that we may need before general fiscal and monetary policies begin to take hold. In the meantime, voluntary credit rationing can avoid an excessive increase in interest rates and channel credit to high-priority uses such as housing and State and local spending.

Why should we be building fancy resort hotels and cutting back on schools? Why should we be financing conglomerate mergers and starving the homebuilding industry? Why should we be feeding an unsustainable corporate investment boom and squeezing the small businessman?

The proposal for a voluntary credit restraint program is certainly a modest and responsible proposal. First, it is voluntary; second, it is discretionary with the President. Some business groups testifying before our committee called for mandatory price and wage controls to channel funds into housing. The administration characteristically endorsed a policy of cautious inaction. The committee has wisely rejected these two extremes and instead has recommended a middle ground approach. Unless we lack confidence in the ability of the administration to act wisely, I believe we should put the authority for a voluntary credit restraint program back on the books, to be used by the President if needed.

CLARIFICATION ON THE LIABILITY OF NATIONAL BANKS FOR CERTAIN TAXES—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91-530)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably with an amendment the bill (H.R. 7491) to clarify the liability of national banks for certain taxes, and I submit a report thereon. I ask unanimous consent that the report be printed, together with individual views.

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

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate tomorrow.

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

PERSONAL STATEMENT OF MR. BYRD OF WEST VIRGINIA WITH RESPECT TO H.R. 12307, INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. BYRD of West Virginia. Mr. President, yesterday I was absent from the Senate because of official business. I wish to state that had I been present during the consideration of H.R. 12307, I would have voted "nay" on the amendment offered by the able Senator from Ohio (Mr. YOUNG) to reduce the civil defense appropriation by a total of $8.3 million. The rollcall vote is indicated in the RECORD at page 33699, as No. 146 Legislative. I want the RECORD to show that I would have voted "nay" had I been present and voting.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT TO 9:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 17 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 13, 1969, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate, November 12, 1969:

IN THE AIR FORCE

Maj. Gen. Royal B. Allison, [redacted] FR, Regular Air Force to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

IN THE ARMY

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Joseph G. May [redacted], Adjutant General's Corps.

Brig. Gen. LaClair A. Melhouse, [redacted] Adjutant General's Corps.

EXTENSIONS OF REMARKS

EDUCATION TAX EXEMPTIONS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1969

Mr. PHILBIN. Mr. Speaker, with reference to the pending proposal to amend the Internal Revenue Code of 1954 to allow credit against income tax to individuals for certain expenses incurred in providing higher education, I am strongly convinced that this bill, which I am cosponsoring in the House, or something based on its principles, is necessary to meet urgent needs of parents struggling these days to provide their children with higher education.

The previous experience of Congress concerning legislation of this kind, for one reason or another has not been very successful. House and Senate committees have, apparently, not been convinced of the need or practicability of this legislation.

The Senate wisely inserted an amendment to H.R. 6950 during the 90th Congress, and, as is often the case with these matters, it was deleted in the conference at a time when it was well on its way to becoming law. This was lamentable.

I would not belabor the point of the vastly increased cost of modern, college education with regard to secondary and higher levels. It is truly prodigious. This cost has been rising in leaps and bounds, getting far beyond the means of a great many people in our society, who are intent upon educating their promising boys and girls.

The situation in regard to this soaring expense is somewhat akin to that obtaining in medical and hospital costs, in that the rich and the poor, for different reasons, have it easier. In the case of the rich, there is no serious problem, and the poor, though grievously burdened, are in a position to obtain scholarship benefits and other aid for their young folks, even though their struggles and sacrifices are great.

It is the rank and file in middle-income groups, so to speak, who have the majority of eligible scholars, who are harried and handicapped by the heavy burdens of prohibitive, rising costs of higher education.

With about 50 percent of high school graduates planning to attend colleges these days, and this percentage, fortunately rising every day, almost 8 million college students are pursuing advanced, college education, and the huge sum that is required to defray its costs cannot possibly in all or even a high percentage of cases, be met by the family of young students, and we must have massive, public support in this area, if we would meet drastic needs.

I realize there are some people who do not want such a program, and there are those who think we are doing enough. But the plain fact is that many very bright, promising boys and girls and their families are having a desperate struggle to get a college education, and I think the Congress must be willing to take the bull by the horns, and put enough money into this program in order to educate the millions of young people who are qualified, deserving, and seeking higher learning at all levels, to fit themselves for business and the professions.

Obviously, tax relief for their parents is one way by which these burdens can be lightened for millions of American families. Other steps are necessary, including large funds for loans and grants for programs providing scholarships, aid and jobs for the students.

I hope that the Ways and Means Committee, and its counterpart on the other side of the Capitol, will take a sharp, sympathetic look at this problem, and come up with some real, generous, adequate help for our young people, and their folks, so they can be assured of getting a good college education without bankrupting their families and causing their parents concern and frustration because they are not able to help them as they would like to do, or cannot help them adequately at all.

I compliment my colleagues in the House and other people who have given so much attention to this problem, and hope that before long some reason, and understanding, and generosity of spirit will take hold here in the Congress to put these education programs on a solid, funding basis, so they can meet the needs of our young people aspiring to higher, academic training. No other nation should be ahead of us in education, or in anything else that is needed.

I realize that fixing taxing credits is a complex, intricate problem that must be accomplished by experts in this field attached to our committees, the Internal Revenue Service, academic and lay tax experts, whose views should be considered and carefully weighed, and written into law.

The important thing is to make the credits substantial enough to relieve parents who are contributing as much as they can to the higher education of their children.

I realize, of course, that this must be done without imposing unabsorbable loss of tax revenues that would put our basic tax bills out of line, though I do not believe this would necessarily follow, if proper expertise is exercised by our committees, their gifted advisers and other available experts.

In a rapidly changing world, where our young generation is being buffeted by unprecedented influences pulling them in all directions away from safe moorings, Congress must stick to basic fundamental principles and techniques that have been responsible for the growth and success of this great free system of ours in guarding our liberties and making possible unprecedented prosperity and well-being.

We would be foolish, indeed, to scrap the things that have made us great, just because we have some people in the country who think the ideas of Karl Marx are superior to those which built our unrivalled free economy and libertarian institutions, which have served us so well, and which can be changed and adjusted to any need that may develop in our society without pulling basic principles up by the roots and without letting them pass us by.

Let us go forward across a broad front with policies, programs, and measures designed to provide primary, elementary, secondary, higher, and professional education for the children and the youth of this country.

Let us change our laws and our institutions in every way that may be sound and necessary to meet and solve our problems. Let us enact such laws as we may need to serve our social programs at appropriate levels, and provide fully and adequately for the health, education, and well-being of the American people of every age.

Let us keep our great country free and prosperous, with opportunities for all who aspire to them, a place where liberty, individual rights, and equality under the law in an ordered society shall be the lot of our humblest fellowmen and women.

INDONESIAN JOINT VENTURE OPERATION HAILED

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 12, 1969

Mr. SCOTT. Mr. President, recently Mr. Julius Tahija, chairman of the Pacific Indonesia Businessmen Association Investment Promotion Council, delivered a most thoughtful address to the American Management Conference. While his concern was primarily with the impact of American management on a growing Indonesia, his ideas have wide importance for the continuing development of enlightened social policy on the part of American business throughout the world. I commend this address to Senators and