heart of America—at the center of its know-how—which is in its universities.

Fourth, the restless questioning that is found on American campuses today is a reflection of the problems and temper of our society and not of some perversity of the university.

As a society we are in the midst of great searchings as to our national role in world affairs, our system of values and goals, and our conception of human rights and human dignity. Our young people are deeply stirred by these issues, and their idealism leads them to try for improvements in our social order.

IRRATIONAL FEAR

It is inevitable and desirable that the campuses should become the centers of debate, discussion, and action on these matters.

It is utterly irrational to fear universities or to penalize them because ideas are discussed there, because new concepts originate there, because people there care about human rights and human equality, or because a true concern exists there for peace and human brotherhood.

As a nation, we should thank God that there is at least one place in our society where people can speak their minds, where they can debate issues, where they can be concerned about the meaning of human life, where they can explore the greatest of all questions: "How should a life be lived?"

It is perhaps fitting to quote a passage from the minutes of the Wisconsin Board of Regents written in 1894 at a time when academic freedom was in jeopardy:

"Whatever may be the limitations which trammel inquiry elsewhere, we believe that the great State University of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found."

We should never forget that "continual and fearless sifting and winnowing" is sometimes a noisy and contentious process. But only when fearless sifting and winnowing are taking place is the University doing its job.

AVOID EXTERNAL CONTROLS

And so I say to the people of Iowa, cherish your university. It is a worthy institution.

Try to understand it, even when it is a bit difficult to understand. Give it adequate financial support. Don't give in to the temptation to starve the University at a time when it has never served you more effectively and when its services were never more needed.

And keep it from external controls so that it may continue to be an influential center of fresh ideas and so that it may seek the truth without restriction imposed by interest groups and public prejudices.

But if universities throughout the country are to merit the public support and the freedom I am advocating, they, too, have obligations to society which must be faithfully discharged.

First, universities must be genuine centers for the pursuit of truth.

They must foster rational discourse, objectivity, and willingness of members of the community to listen as well as to speak.

GUARD AGAINST BIGOTRY

They must guard against bigotry which sometimes takes the form of noisy intolerance, intimidation, and violence.

These forms of behavior are wholly alien to a center of learning. Bigotry of the "left" is in no way superior to bigotry of the "right."

Second, universities must maintain reasonable order and avoid disruption of their legitimate activities.

A community of scholars which cannot maintain order cannot function effectively as a center of learning, and it cannot long maintain its freedom from outside control. Society will not tolerate disruption and disorder, and will not allow a community where it exists to be self-governing.

Third, universities must not lose touch with their students either through the impersonality that grows out of large numbers or through neglect resulting from preoccupation with research.

The primary task of a university, around which everything else centers, is the education of young men and women. Universities are not primarily research institutes nor centers for social service. They are teaching institutions with primary responsibility to their students. The research and service activities, important as they are, are byproducts of the main business, which is education.

Fourth, universities must be concerned about the efficiency of their operations and seek to hold down costs.

The education of young men and women is inevitably a personal activity. It requires large amounts of personal service. It does not readily lend itself to the assembly line methods of automobile manufacturing or meatpacking. Therefore, because wages and salaries in our economy are constantly rising, higher education requires an ever-increasing percentage of the national income. For this reason it is a responsibility of those in higher education to be especially mindful of those economies that can be achieved without diluting the human factor in education.

The task of carrying out these responsibilities falls heavily upon the faculty, but it is shared by administrators and students as well. If universities—especially faculties—fail in meeting these obligations, society will step in and the freedom of the university will be curtailed.

In my judgment The University of Iowa has succeeded as well as any institution in the United States in meeting these responsibilities.

INSTANCES OF DISORDER

The University of Iowa is a place of genuine freedom of thought and speech and of tolerance and orderly discussion. The instances of disorder have been few and mild, and the essential operations of the University have been maintained without any interruption whatsoever.

The atmosphere of this university is personal and informal. Doubtless, teaching could be improved. But most faculty members are conscientiously concerned with teaching and with their students. Relationships between faculty and students are good and the morale of both is high.

Finally, the University is operated very efficiently—perhaps because it has had no choice. There has never been enough money for the University to achieve its aspirations comfortably. And so the job has been done with inadequate staff and inadequate building space.

ABC'S OF EFFICIENCY

To describe the degree of efficiency it is only necessary to point out:

(*a*) *There are 18 students for each full-time faculty member, when a ratio of 10 or 12 to 1 would be a reasonable standard for a leading university.*

(*b*) *There is only 172 square feet of academic building space per student when 200 is considered by authorities to be a minimal standard.*

(*c*) *Supporting staff, equipment, and plant maintenance have never been up to standard.*

The University of Iowa cannot be justly criticized for inefficiency or waste. Nevertheless, there may be ways of achieving significant improvements in efficiency, here and there, and these should be exploited.

To conclude my report to the people of Iowa: The University of Iowa is serving you well. It needs and deserves your continued understanding and financial support.

It also needs and deserves the kind of freedom and independence that has been traditional for higher education in this state.

HOWARD R. BOWEN.

BOWEN ON HIGHER EDUCATION

We reprint on this page a special report to the people of Iowa from Howard R. Bowen, who is retiring next September as president of the University of Iowa to join the faculty of the Claremont Graduate School in California. This statement is in the nature of a valedictory from a scholar and educational administrator with long experience and deep understanding of the Iowa system of higher education.

President Bowen's comments were written in connection with the announcement of his resignation, Jan. 29, before the controversy arose over radical speakers and dirty words following the student power symposium held at Iowa City, Feb. 5–6. But the article is especially timely now while the Legislature is considering appropriations for the state institutions and is debating issues of education policy. We commend Bowen's thoughtful observations to our readers for the perspective they provide on university affairs.

Iowans take justifiable pride in the fact that their universities are places of freedom of thought and speech, of tolerance—*and of orderly academic processes.* Disorders and disruptions, which plague many universities, have been small on Iowa campuses. They have been contained by sensible administrative policies and actions of Howard Bowen and the other university presidents. There has been no significant interruption of the teaching and learning functions in Iowa universities.

The people of Iowa should recognize that their state universities have been well and efficiently run under the Board of Regents and the university administrations. Iowa's universities deserve the full understanding and support which they have received from Iowa people.

SENATE—*Friday, February 28, 1969*

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

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

O Thou who dost condescend to dwell with men, come to us this day with an overwhelming sense of Thy presence. Come into this Chamber and in this moment make it a holy of holies. Come into our hearts and make them shrines of the spirit. Come into our homes and make them sanctuaries of love. Come into our offices, our shops, our courts, our forums, and our common life that wherever we are and whatever we do we may know Thy nearness. And if we should forsake Thee or are overcome by the duties of the day, help us to hear across the centuries Thy promise, "I will never leave you nor forsake you. Lo, I am with you always, even to the end."

In the Redeemer's name, Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 25, 1969, be dispensed with.

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

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of February 25, 1969, the following reports of a committee were submitted, on February 27, 1969:

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

S. Con. Res. 5. Concurrent resolution to print additional copies of hearings on the nomination of Walter J. Hickel to be Secretary of the Interior (Rept. No. 91–88).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 87. Resolution to print a report by the Secretary of Health, Education, and Welfare, on "Progress in the Prevention and Control of Air Pollution," as a Senate document (Rept. No. 91–87); and

S. Res. 88. Resolution to print a report by the Secretary of Health, Education, and Welfare on "Air Pollution Abatement by Federal Facilities," as a Senate document (Rept. No. 91–86).

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

S. Res. 86. Resolution to print a report by the Secretary of Health, Education, and Welfare, on "Nature and Control of Aircraft Engine Exhaust Emissions," as a Senate document (Rept. No. 91–85).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

David A. Hamil, of Colorado, to be Administrator of the Rural Electrification Administration;

James V. Smith, of Oklahoma, to be Administrator of the Farmers Home Administration; and

Richard E. Lyng, of California, to be an Assistant Secretary of Agriculture.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of 16 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to lie on the desk, are as follows:

Claude M. Adams, and sundry other officers, for promotion in the Regular Army of the United States;

John S. McNeil, and sundry other persons, for appointment in the Regular Air Force; and

Dean E. Abbott, and sundry other Air Force officers, for appointment in the Regular Air Force.

Mr. STENNIS. Mr. President, in addition, I report favorably 866 promotions in the Army in the grade of colonel and below and 457 appointments in the Air Force in the grade of major and below. Since these names have already been printed in the CONGRESSIONAL RECORD, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered placed on the Executive Calendar, are as follows:

Rear Adm. Robert L. Townsend, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Vincent P. de Poix, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Alban Weber, and sundry other Naval Reserve officers, for temporary promotion in the U.S. Navy;

Maj. Gen. Selmon W. Wells, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. Duward L. Crow, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general;

Lt. Gen. Bertram C. Harrison (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Charles Allen Corcoran, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Vice Adm. Andrew McB. Jackson, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list;

Vice Adm. John M. Lee, U.S. Navy, for appointment as a senior member of the Military Staff Committee of the United Nations;

Lt. Gen. William Frederick Cassidy, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Frederick James Clarke, U.S. Army, for appointment as Chief of Engineers, U.S. Army; and

Maj. Gen. Frederick James Clarke, U.S. Army, to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general.

By Mr. MURPHY, from the Committee on Armed Services:

Grant Hansen, of California, to be an Assistant Secretary of the Air Force.

By Mr. BYRD of Virginia, from the Committee on Armed Services:

G. Warren Nutter, of Virginia, to be an Assistant Secretary of Defense.

By Mr. GOLDWATER, from the Committee on Armed Services:

John L. McLucas, of Massachusetts, to be Under Secretary of the Air Force.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Thaddeus R. Beal, of Massachusetts, to be Under Secretary of the Army; and

Stanley R. Resor, of Connecticut, to be Secretary of the Army.

By Mr. THURMOND, from the Committee on Armed Services:

William K. Brehm, of Michigan, to be an Assistant Secretary of the Army.

By Mrs. SMITH, from the Committee on Armed Services:

Eugene B. Becker, of New York, to be an Assistant Secretary of the Army.

By Mr. LONG of Louisiana, from the Committee on Finance:

Edwin S. Cohen, of Virginia, to be an Assistant Secretary of the Treasury;

Patricia Reilly Hitt, of California, to be an Assistant Secretary of Health, Education, Welfare;

John G. Veneman, of California, to be Under Secretary of Health, Education, and Welfare; and

Creed C. Black, of Illinois, to be an Assistant Secretary of Health, Education, and Welfare.

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

Lawrence M. Cox, of Virginia, to be an Assistant Secretary of Housing and Urban Development; and

Hilary J. Sandoval, Jr., of Texas, to be Administrator of the Small Business Administration.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under the authority of the order of the Senate of February 25, 1969, the Secretary of the Senate, on February 26, 1969, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the enrolled bill (S. 17) to amend the Communications Satellite Act of 1962 with respect to the election of the board of directors of the Communications Satellite Corporation.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 5(a), Public Law 87–758, the Speaker had appointed Mr. KIRWAN and Mr. FREY as members of the National Fisheries Center and Aquarium Advisory Board, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 1, Public Law 86–42, the Speaker had appointed Mr. GALLAGHER, Chairman, Mr. MURPHY of Illinois, Mr. JOHNSON of California, Mr. ST GERMAIN, Mr. KEE, Mr. SLACK, Mr. RANDALL, Mr. ANDREWS of North Dakota, Mr. STAFFORD, Mr. THOMSON of Wisconsin, Mr. BROOMFIELD, and Mr. LANGEN as members of the U.S. Delegation of the Canada-United States Interparliamentary Group, on the part of the House.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

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

ORDER FOR ADJOURNMENT UNTIL TUESDAY, MARCH 4, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Tuesday next.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT OF INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on certain proceedings which have been concluded (with accompanying papers); to the Committee on Appropriations.

REPORT ON OVEROBLIGATION OF AN APPROPRIATION

A letter from the Secretary of Transportation, reporting, pursuant to law, on the overobligation of an appropriation in the Department; to the Committee on Appropriations.

REPORTS ON SPECIAL PAY, DEPARTMENT OF DEFENSE

Two letters from the Secretary of Defense, reporting, pursuant to law, on special pay in addition to other pay prescribed by law, to certain officers, during the Calendar Year 1968; to the Committee on Armed Services.

REPORT OF DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Chairman, District of Columbia Armory Board, transmitting, pursuant to law, a report of the Board for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on the District of Columbia.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report of an audit of the Federal Savings and Loan Insurance Corporation supervised by the Federal Home Loan Bank Board for the year ended December 31, 1967, dated February 26, 1969 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE AMERICAN ACADEMY OF ARTS AND LETTERS

A letter from the Assistant to the President, the American Academy of Arts and Letters, transmitting, pursuant to law, a report of the Academy for the year 1968 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting, pursuant to law, his report of all expenditures during the period July 1, 1968, to December 31, 1968 (with an accompanying report); ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"HOUSE CONCURRENT RESOLUTION 503

"A concurrent resolution memorializing the Congress of the United States to enact legislation placing reasonable restrictions and limitations on payments to individual farmers and other farm groups, associations or corporations by the Agricultural Stabilization and Conservation Service and by the Commodity Credit Corporation

"Be it resolved by the House of Representatives of the State of South Dakota (the Senate concurring therein):

"Whereas, it has been the intention of the Congress that federal agricultural programs benefit the family size farm unit; and

"Whereas, family size farm units generally receive modest federal payments for their participation in federal agricultural programs; and

"Whereas, less than one (1) percent of the total number of farmers in the United States receive more than twenty (20) percent of the total amount of federal payments to farmers for their participation in agricultural programs; and

"Whereas, some individual farmers and other farm groups, associations and corporations receive for their participation in federal agricultural programs payments in excess of one million dollars ($1,000,000) each: Now, therefore, be it

"Resolved by the House of Representatives of the Forty-fourth Legislature of the State of South Dakota (the Senate concurring therein), That the Congress of the United States be, and the same is hereby, respectfully requested to enact legislation placing reasonable restrictions and limitations on payments to individual farmers and other farm groups, associations and corporations by the Agricultural Stabilization and Conservation Service and by the Commodity Credit Corporation; and, be it further

"Resolved, That copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the Offices of the President and the Vice President of the United States, the Speaker of the House of Representatives of the United States, the members of the Congressional Delegation of the state of South Dakota, the Secretary of the Department of Agriculture of the United States, and the Governor of the state of South Dakota.

"Adopted by the House of Representatives February 6, 1969 Concurred in by the Senate February 13, 1969.

"JAMES ABDNOR,
"President of the Senate.
"DEXTER H. GUNDERSON,
"Speaker of the House.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION 507

"A concurrent resolution, memorializing the Congress and the President of the United States to enact legislation prohibiting nonfarm corporations and individuals from writing off farm losses against nonfarm profits for federal income tax purposes

"Be it resolved by the House of Representatives of the State of South Dakota (the Senate concurring therein):

"Whereas, national agricultural policies for nearly two centuries have encouraged the development of the family farm and the nation has benefited from this policy as industrious family farmers have built the most efficient agricultural base the world has ever known; and

"Whereas, the American consumer expends a lower proportion of his income for food than the citizens of other nations as a result of the efficiency of family farms; and

"Whereas, under the present federal income tax laws nonfarm corporations and individuals may claim farm losses for the purpose of writing off non-farm profits; and

"Whereas, a recent Internal Revenue Service study shows that twenty-two per cent of all individuals filing farm income tax returns paid taxes on non-farm income and there is a direct correlation between individual adjusted gross income and farm losses; and

"Whereas, an Internal Revenue Service analysis of income tax returns filed in the one hundred largest standard metropolitan areas shows that net farm losses in thirty-one standard metropolitan statistical areas totaling over one hundred forty million dollars were claimed by individuals living in those areas; and

"Whereas, the Internal Revenue Service studies indicate that the write-off of farm losses against non-farm profits has become a widespread business practice resulting in the loss of millions of dollars of federal revenue annually; and

"Whereas, the deliberate operation of farms at a loss for tax purposes by non-farm corporations and individuals is an unfair type of competition for the family farm with detrimental results to the people living in rural America: Now, therefore, be it

"Resolved, by the House of Representatives of the Forty-fourth Legislature of the State of South Dakota (the Senate concurring therein), That the President and Congress of the United States be, and the same are hereby, respectfully requested to enact legislation amending the Internal Revenue Code to prohibit persons and corporations who are not bona fide farmers from using losses incurred in farming operations to offset income earned by other means for federal income tax purposes; and be it further

"Resolved, That copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the Offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the Chairman of the Ways and Means Committee of the House of Representatives, the Chairman of Taxation Committee of the Senate, the members of the Congressional Delegation of the state of South Dakota, and the Commissioner of the Internal Revenue Service.

"Adopted by the House of Representatives February 6, 1969 Concurred in by the Senate February 14, 1969

"DEXTER H. GUNDERSON,
"Speaker of the House.
"JAMES ABDNOR,
"President of the Senate.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

A resolution of the House of Representatives of the State of Montana; to the Committee on Finance:

"HOUSE RESOLUTION 8

"A resolution of the House of Representatives of the State of Montana urging that the 'Meat Import Act of 1964' be amended so that it will modify the harmful effects of excessive meat imports on domestic cattle prices

"Whereas, the domestic cattle industry has been caught in the cross fire of rising production costs and decreased product prices, and

"Whereas, imported meat has played an important part in creating the distressed market conditions in the cattle industry, and

"Whereas, the pressures on domestic prices of low-priced foreign imported beef discourages sale of domestic livestock thus ad-

versely affecting the use of domestic grains and other feeds and diminishing the need for domestic labor, and

"Whereas, the distress in the livestock industry adversely affects all segments of Montana's economy as well as the economy of the United States, and

"Whereas, the 'Meat Import Act of 1964' (Public Law 88-482) was intended as a remedy for some of the problems of our livestock industry but has failed to alleviate the distressed situation: Now, therefore, be it

"Resolved by the House of Representatives of the State of Montana, That the House of Representatives urges that the 'Meat Import Act of 1964' be amended in the following particulars:

"1. The base period be changed from 1958–1963 to 1958–1962;

"2. The quotas be set on a quarterly basis, rather than on a yearly basis;

"2. The 'trigger level' be reduced from 110 percent to 100 percent of the applicable period;

"4. Instead of applying only to fresh, chilled, or frozen meat the import quotas be also applied to canned, cooked, and cured meat so that alteration in the form of packaging can no longer be used to avoid quota controls;

"5. Include 'off-shore' meat purchased by the armed forces within the import quotas; be it further

"Resolved, That the clerk of the House of Representatives send a copy of this resolution to each member of Montana's Congressional Delegation, to the President of the United States Senate, and to the Speaker of the United States House of Representatives.

"———— ————,
"Speaker of the House.

"I certify that the within Resolution was adopted on February 19, 1969, by the Montana House of Representatives.

"THOMAS E. MOONEY,
"Chief clerk."

A joint resolution of the Legislature of the State of Nevada; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION 12

"Assembly joint resolution memorializing the Congress and the Department of the Interior to authorize funds and planning necessary to complete the Dixie Project in Nevada and Utah and the board of county commissioners of Clark County to render immediate relief for flood victims

"Whereas, Recent severe flooding in the Virgin River area of Nevada, Arizona and Utah emphasizes the fact that remedial measures are essential for the welfare of the people and the relief of the economy of this important region; and

"Whereas, The Dixie Project continues to be of vital importance to this area for irrigation and flood control purposes; and

"Whereas, The completion of studies and surveys and the authorizations of funds are even more urgently solicited now than they were by the 54th session of the Nevada legislature in Assembly Joint Resolution No. 18; and

"Whereas, Immediate relief is needed at the local level for recent flood victims; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Bureau of Reclamation of the Department of the Interior is hereby memorialized to complete all studies and surveys necessary for the construction of this vital project; and be it further

"Resolved, That the Congress of the United States is hereby memorialized to authorize all funds necessary for planning and construction of the Dixie Project; and be it further

"Resolved, That the board of county commissioners of Clark County is hereby memorialized to render immediate assistance to recent flood victims in the Virgin River watershed; and be it further

"Resolved, That copies of this resolution be prepared by the legislative counsel and delivered forthwith to the members of the Nevada, Arizona and Utah congressional delegations, the President of the Senate and the Speaker of the House of Representatives of the United States, the chairman and members of the Senate and House of Representatives committees on Appropriations and Interior and Insular Affairs, the Secretary of the Department of Interior, the Commissioner of the Bureau of Reclamation, the legislatures of the States of Arizona and Utah, and the members of the board of county commissioners of Clark County."

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

"SENATE JOINT RESOLUTION 19

"Senate joint resolution requesting the President of the United States and the United States Congress to consider granting to the Congress of Micronesia, for its appropriation, three dollars for every dollar raised by the Congress of Micronesia pursuant to its tax and revenue laws

"Whereas, the United States of America is designated, under Article 2 of the Trusteeship Agreement, as the administering authority of the Trust Territory of the Pacific Islands; and

"Whereas, the United States agreed in Article 6 of the Trusteeship Agreement to discharge its moral and legal obligations to promote the Trust Territory citizens in political, economic, social and educational advancement; and

"Whereas, the Congress of Micronesia, which was established in 1964 as the legislative branch of the Trust Territory Government by Order No. 2882 of the Secretary of the Interior, still, in 1969, lacks sufficient funds to finance its many projects which are of vital importance to the inhabitants of the territory; and

"Whereas, it is the conviction of the Congress of Micronesia that a proportional matching grant type of subsidy from the United States Congress would promote the political, economic, social and educational advancement of Micronesia in that it would significantly increase the ability of the Congress of Micronesia to serve the needs of the Micronesian people and it would provide the Congress of Micronesia with greater incentive to explore new ways and methods of raising revenue: Now, therefore, be it

"Resolved by the Senate of the Third Congress of Micronesia, first regular session, 1969 (the House of Representatives concurring), That the President of the United States and the United States Congress be and are hereby urged to consider granting to the Congress of Micronesia, for its appropriation, three dollars for every dollar raised by the Congress of Micronesia pursuant to its tax and revenue laws; and, be it further

"Resolved, That certified copies of this Joint Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairmen of appropriate committees of the United States Senate and House of Representatives, the Secretary of the Interior, and the High Commissioner of the Trust Territory.

"Adopted January 27, 1969."

A joint resolution of the Legislature of the State of Nevada; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 4

"Senate joint resolution memorializing the Congress promptly to ratify the Tahoe Regional Planning Compact

"Whereas, The legislatures of the states of California and Nevada have each found and declared that:

"1. The waters of Lake Tahoe and other resources of the Lake Tahoe region are threatened with deterioration or degeneration, which may endanger the natural beauty and economic productivity of the region;

"2. By virtue of the special conditions and circumstances of the natural ecology, developmental pattern, population distribution and human needs in the Lake Tahoe region, the region is experiencing problems of resource use and deficiencies of environmental control;

"3. There is a need to maintain an equilibrium between the region's natural endowment and its manmade environment, to preserve the scenic beauty and recreational opportunities of the region, and it is recognized that for the purpose of enhancing the efficiency and governmental effectiveness of the region, it is imperative that there be established an areawide planning agency with power to adopt and enforce a regional plan of resource conservation and orderly development to exercise effective environmental controls and to perform other essential functions; and

"Whereas, The states of California and Nevada have provided for the establishment of such an agency by interstate compact; and

"Whereas, Now as in the past, local and single state measures are proving ineffective to preserve the irreplaceable natural resource which is Lake Tahoe, and the pressures upon it grow with every passing month; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That this legislature respectfully but urgently memorializes the Congress of the United States to ratify as soon as possible the Tahoe Regional Planning Compact, and to this end earnestly requests every federal agency which by law or request of Congress is required to report concerning the Compact prior to its ratification to expedite such report to the utmost; and be it further

"Resolved, That the legislative counsel forthwith transmit a copy of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, each member of the Nevada congressional delegation, the Secretary of Agriculture, the Secretary of the Interior and the Director of the Bureau of the Budget."

The petition of Ohio Bell, of Chicago, Ill., praying for a redress of grievances; to the Committee on the Judiciary.

A resolution adopted by the City Council of Baltimore, Md., wishing success to President Nixon and expressing the cooperation of that Council; ordered to lie on the table.

CHANGE OF REFERENCE

Mr. FANNIN. Mr. President, I ask unanimous consent that S. 1168, a bill to authorize the Secretary of the Interior to take certain action with respect to grazing permits involving the Organ Pipe Cactus National Monument, which was introduced by me on February 25, 1969, be rereferred to the Interior and Insular Affairs Committee.

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

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, February 28, 1969, he signed the enrolled bill (S. 17) to amend the Communications Satellite Act of 1962 with respect to the election of the board of directors of the Communications Satellite Corporation, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

S. 1058. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government (Rept. No. 91–89).

By Mr. LONG, from the Committee on Finance, with amendments:

S. 1022. A bill to provide that future appointments to the office of Administrator of the Social and Rehabilitation Service, within the Department of Health, Education and Welfare, shall be made by the President, by and with the advice and consent of the Senate (Rept. No. 91–90).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. McGEE (for Mr. MONRONEY), from the Joint Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivisit of the United States, dated October 11, 1968, that appeared to have no permanent value or historical interest, on today, February 28, 1969, submitted a report thereon, pursuant to law.

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Archivist of the United States, heretofore received (during the sine die adjournment of the Senate, dated October 11, 1968), transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to the Joint Committee on the Disposition of Papers in the Executive Departments.

Mr. MONRONEY and Mr. CARLSON were appointed members of the committee on the part of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. PERCY (for himself, Mr. ANDERSON, Mr. BAYH, Mr. BENNETT, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. COOK, Mr. COOPER, Mr. EASTLAND, Mr. FANNIN, Mr. GOODELL, Mr. GRIFFIN, Mr. GURNEY, Mr. HARRIS, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. MANSFIELD, Mr. MILLER, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. TOWER, Mr. YARBOROUGH, and Mr. YOUNG of Ohio):

S. 1179. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Commerce.

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

By Mr. DIRKSEN (by request):

S. 1180. A bill for the relief of Leo Temmer; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota (for himself, Mr. JORDAN of North Carolina, Mrs. SMITH, Mr. ALLOTT, Mr. BURDICK, Mr. CHURCH, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. JORDAN of Idaho, Mr. MAGNUSON, Mr. MONDALE, Mr. MURPHY, and Mr. MUSKIE):

S. 1181. A bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the qaulity of potatoes and potato products that are made available to the consumer; to the Committee on Agriculture and Forestry.

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

By Mr. YOUNG of North Dakota:

S. 1182. A bill to provide for a study of the need for regulation of weather modification activities, the extent of coordination, and the appropriate responsibility for operations in the field of weather modification, and for other purposes; to the Committee on Commerce.

By Mr. TOWER:

S. 1183. A bill for the relief of James Wesley May (Chin-kwei Lin); to the Committee on the Judiciary.

By Mr. PEARSON:

S. 1184. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments; to the Committee on Government Operations.

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

By Mr. BYRD of Virginia:

S. 1185. A bill to protect the public from certain fraudulent practices in the sale of used cars; to the Committee on Commerce.

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

By Mr. YARBOROUGH:

S. 1186. A bill for the relief of Col. John H. Awtry;

S. 1187. A bill for the relief of Marcos Rojos Rodriguez; and

S. 1188. A bill for the relief of Francesco Rando; to the Committee on the Judiciary.

S. 1189. A bill to improve educational quality through the effective utilization of educational technology; and

S. 1190. A bill to provide for special programs for children with learning disabilities; to the Committee on Labor and Public Welfare.

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

By Mr. STENNIS (for himself and Mrs. SMITH):

S. 1191. A bill to authorize appropriations during the fiscal year 1969 for procurement of aircraft for the Armed Forces, and for other purposes; and

S. 1192. A bill to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; to the Committee on Armed Services.

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

By Mr. ANDERSON:

S. 1193. A bill to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 1194. A bill to provide for establishment of the Park Plaza National Historic Site in the State of New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. AIKEN, Mr. MANSFIELD, Mr. MONTOYA, and Mr. PROUTY):

S. 1195. A bill to amend the Social Security Act so as to provide a more uniform, orderly, economical, and equitable method of payment for hospital, extended care facility, nursing home and intermediate care services under programs established by or pursuant to such Act; to the Committee on Finance.

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

By Mr. ANDERSON:

S. 1196. A bill for the relief of the Casa Angelica mental retardation facility of Albuquerque, N. Mex.; to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 1197. A bill for the relief of Themistocles Ioanis Giannakos; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. ALLOTT, Mr. ANDERSON, Mr. BENNETT, Mr. BIBLE, Mr. BURDICK, Mr. CHURCH, Mr. CURTIS, Mr. EAGLETON, Mr. FONG, Mr. GOLDWATER, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HANSEN, Mr. HATFIELD, Mr. HRUSKA, Mr. INOUYE, Mr. JACKSON, Mr. JORDAN of Idaho, Mr. McGEE, Mr. MOSS, Mr. PERCY, Mr. RANDOLPH, Mr. STEVENS, Mr. TOWER, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota):

S. 1198. A bill to permit a compact or agreement between the several States relating to taxation of multistate taxpayers; to the Committee on the Judiciary.

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

By Mr. INOUYE:

S. 1199. A bill for the relief of Cheung Tze Yan and Chau Fuk; and

S. 1200. A bill for the relief of Cheung Yun Tum and Chan Tam Tung; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 1201. A bill for the relief of Aristides Saketos;

S. 1202. A bill for the relief of George Markatis;

S. 1203. A bill for the relief of Maj. Warren D. Volmer, USAF; and

S. 1204. A bill for the relief of Agostino Maggiore; to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mr. BIBLE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. COOPER, Mr. EASTLAND, Mr. FANNIN, Mr. GOODELL, Mr. HARRIS, Mr. PROUTY, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. TYDINGS, and Mr. YARBOROUGH):

S. 1205. A bill to provide for a medal to be known as the Supreme Sacrifice Medal and to provide for its presentation to the widow or next of kin of members of the Armed Forces who have lost their lives as the result of armed conflict; to the Committee on Banking and Currency.

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

By Mr. METCALF (or himself and Mr. MANSFIELD):

S. 1206. A bill to provide that certain lands shall be held in trust for the Assiniboine

Tribe and the Sioux Tribe of the Fort Peck Reservation in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALF (for himself and Mr. HART):

S. 1207. A bill to repeal the provisions of the Federal Power Act which exempt from Federal Power Commission regulation the issuance of securities by public utilities subject to certain State regulation; to the Committee on Commerce.

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

By Mr. DODD (for himself, Mr. ANDERSON, Mr. INOUYE, Mr. MCGEE, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, and Mr. YARBOROUGH):

S. 1208. A bill to amend title XVIII of the Social Security Act to provide for the coverage, under the Supplementary Medical Insurance Benefits program established by part B of such title, of one routine physical check-up each year for individuals insured under such program; to the Committee on Finance.

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

By Mr. BAYH (for himself, Mr. BIBLE, Mr. BURDICK, Mr. EAGLETON, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. PACKWOOD, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, Mr. TYDINGS, and Mr. YARBOROUGH):

S. 1209. A bill to amend title XVIII of the Social Security Act so as to eliminate, in certain cases, the requirement that an insured individual have first been admitted to a hospital in order to qualify under such title for the extended care services provided thereunder; to the Committee on Finance.

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

By Mr. NELSON:

S. 1210. A bill for the relief of Charles Ching; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 1211. A bill providing for the regulation of tender offers and exchange offers for, and certain acquisitions of, the equity securities of certain regulated bank holding companies, single-bank holding companies and banks insured by the Federal Deposit Insurance Corporation; to the Committee on Banking and Currency.

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

By Mr. SPARKMAN (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BROOKE, Mr. CRANSTON, Mr. HOLLINGS, Mr. HUGHES, Mr. MANSFIELD, Mr. MCINTYRE, Mr. MONDALE, Mr. MUSKIE, Mr. PERCY, Mr. PROXMIRE, Mr. TOWER, and Mr. WILLIAMS of New Jersey):

S. 1212. A bill to amend the Small Business Investment Act of 1968; to the Committee on Banking and Currency.

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

By Mr. SPARKMAN (for himself, Mr. BENNETT, Mr. BIBLE, Mr. BROOKE, Mr. CRANSTON, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. JAVITS, Mr. MANSFIELD, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. PERCY, Mr. PROXMIRE, Mr. TOWER, and Mr. WILLIAMS of New Jersey):

S. 1213. A bill to create a Small Business Capital Bank, and for other purposes; to the Committee on Banking and Currency.

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

By Mr. TYDINGS:

S. 1214. A bill to amend title 11 of the District of Columbia Code to provide for the selection and tenure of judges in the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia, and for other purposes; and

S. 1215. A bill to expand the jurisdiction of the District of Columbia Court of General Sessions, to increase the number of judges of such court and the District of Columbia Court of Appeals, and for other purposes; to the Committee on the District of Columbia.

S. 1216. A bill to provide for three temporary district judgeships for the U.S. District Court for the District of Columbia; and

S. 1217. A bill to improve judicial machinery by amending section 292 of title 28, United States Code, to permit the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit to assign district judges of the circuit to the District of Columbia Court of General Sessions; to the Committee on the Judiciary.

S. 1218. A bill to provide that the Government contribution to the cost of Federal employee health insurance plans shall not be less than 38 percent thereof; to the Committee on Post Office and Civil Service.

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

By Mr. CRANSTON:

S. 1219. A bill to direct the Secretary of the Interior to take certain actions, and make an investigation and study, with respect to drilling and oil production under leases issued pursuant to the Outer Continental Shelf Lands Act; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS of New Jersey:

S. 1220. A bill for the relief of Jose Manuel Rodrigues de Gouveia; and

S. 1221. A bill for the relief of Dimitrios Kalyvis (Kalyzis); to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1222. A bill for the relief of Yu Tai Fuk; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1223. A bill to provide for the issuance of a special series of postage stamps in commemoration of the 50th anniversary of the National Federation of Business and Professional Women's Clubs; to the Committee on Post Office and Civil Service.

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

By Mr. HATFIELD:

S. 1224. A bill to amend title IV of the Social Security Act to permit States to continue, under certain circumstances, community work and training programs for individuals receiving aid to families with dependent children under State plans established pursuant to such title; to the Committee on Finance.

S. 1225. A bill for the relief of Mary Yang (Soon Wol Yang); to the Committee on the Judiciary.

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

By Mr. TYDINGS:

S. 1226. A bill for the relief of John Anthony Bacsalmassy;

S. 1227. A bill for the relief of Antonio Carbone; and

S. 1228. A bill for the relief of Dr. Barry J. Gurland; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. METCALF, Mr. MCGOVERN, and Mr. MANSFIELD):

S. 1229. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; and

S. 1230. A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; to the Committee on the Judiciary.

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

By Mr. METCALF:

S. 1231. A bill to amend section 7902 of title 5 of the United States Code so as to provide for the establishment of a Federal employee accident prevention program; to the Committee on Labor and Public Welfare.

By Mr. MOSS (for himself, Mr. BIBLE, Mr. CANNON, and Mr. CHURCH):

S. 1232. A bill to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States; and to specify the exceptions applicable thereto; and to provide procedure under which Federal agencies may otherwise regulate the taking of fish and game on such lands; to the Committee on Commerce.

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

By Mr. COOPER:

S. 1233. A bill for the relief of Mrs. Gretel Rieger Micol; and

S. 1234. A bill for the relief of Max Ratibor; to the Committee on the Judiciary.

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

By Mr. HOLLAND (for Mr. TALMADGE):

S. 1235. A bill for the relief of James L. Wheeler; and

S. 1236. A bill for the relief of Homer T. Williamson, Sr.; to the Committee on the Judiciary.

By Mr. PELL:

S. 1237. A bill for the relief of Ralph R. Turner; and

S. 1238. A bill for the relief of Oresto A. Minardi and Dickran Manoogian; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1239. A bill to deduct from gross tonnage in determining net tonnage spaces used for slop oil on board vessels;

S. 1240. A bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States;

S. 1241. A bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs;

S. 1242. A bill to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting;

S. 1243. A bill to amend the last sentence of section 201(b) of the Merchant Marine Act, 1936, and for other purposes;

S. 1244. A bill to amend section 406(b) of the Federal Aviation Act of 1958 to make certain air carriers ineligible for subsidy payments; and

S. 1245. A bill to authorize appropriations for the fiscal years 1970 and 1971 for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of "motor vehicle equipment" in the National Traffic and Motor Vehicle Safety Act of 1966; to the Committee on Commerce.

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

By Mr. MCCLELLAN:

S. 1246. A bill for the general revision of the Patent Laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

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

By Mr. GOLDWATER:

S.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States providing that citizens of the United States shall be entitled to vote for President and Vice President without regard to excessive residence and physical presence requirements; to the Committee on the Judiciary.

(See the remarks of Mr. GOLDWATER when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MUNDT (for himself, Mr. BAKER, Mr. BENNETT, Mr. BURDICK, Mr. COOK, Mr. CURTIS, Mr. DOMINICK, Mr. FANNIN, Mr. HANSEN, Mr. HARRIS, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MCGOVERN, Mr. MILLER, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, and Mr. STEVENS):

S.J. Res. 60. A joint resolution to establish a Commission on Balanced Economic Development; to the Committee on Government Operations.

(See the remarks of Mr. MUNDT when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MCCARTHY (for himself, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. CASE, Mr. COOPER, Mr. DOLE, Mr. DOMINICK, Mr. FULBRIGHT, Mr. GURNEY, Mr. HANSEN, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HUGHES, Mr. INOUYE, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUNDT, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. PASTORE, Mr. PEARSON, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mrs. SMITH, Mr. SPARKMAN, Mr. STENNIS, Mr. STEVENS, Mr. TOWER, Mr. TYDINGS, Mr. WILLIAMS of Delaware, Mr. WILLIAMS of New Jersey, Mr. YOUNG of North Dakota, and Mr. YOUNG of Ohio):

S.J. Res. 61. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

(See the remarks of Mr. MCCARTHY when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. TYDINGS:

S.J. Res. 62. A joint resolution to establish a joint congressional committee to study and investigate matters pertaining to population and family planning; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. TYDINGS when he introduced the above joint resolution, which appear under a separate heading.)

S. 1179—INTRODUCTION OF AIRLINES' SPECIAL SERVICES ENABLING ACT OF 1969

Mr. PERCY. Mr. President, I rise today to introduce legislation to enable young people, elderly people, military personnel, and the handicapped to travel at reduced fares on the Nation's airlines. This bill may be cited as the Airlines' Special Services Enabling Act of 1969.

This bill is cosponsored by 32 Senators: Senators ANDERSON, BENNETT, BOGGS, BURDICK, COOK, COOPER, EASTLAND, FANNIN, GOODELL, GRIFFIN, GURNEY, HARRIS, HATFIELD, INOUYE, JAVITS, MANSFIELD, MILLER, MUNDT, MURPHY, NELSON, PACKWOOD, RANDOLPH, SAXBE, SCHWEIKER, SCOTT, STEVENS, TOWER, YARBOROUGH, and YOUNG of Ohio.

This bill for the first time would give specific legislative authorization to the CAB to extend half-price airfares to these groups on a standby basis during off-peak travel hours. As such, it would, in accordance with the terms of the Federal Aviation Act of 1958, give the CAB the statutory authority needed to administer these new group exclusions.

It should be emphasized that this is enabling legislation. The airlines are not required to put these reduced rate fares into effect, but will have a legislative basis to do so, thus providing the kind of flexibility that is most inherent in our competitive society.

This proposed legislation is in response to a January 21, 1969, decision by a CAB examiner to do away with the half-price youth fare for young people 12 to 21 while leaving the half-price fare for military personnel. Prompt remedial legislative action is necessary not only to retain the lower fares for young people, but also to extend them to certain other groups within our society.

To extend such fares to these groups makes both economic and social sense. Economically, airline revenues would benefit. I do not believe such a proposal would reduce airline revenue; it could actually increase it by permitting airlines to fill otherwise empty seats with paying passengers on a standby basis.

Young people away at school on low budgets often find it difficult, with higher air fares, to return to their families. Older people face a special problem of loneliness caused, in part, by being cut off from their family and friends by the comparatively high cost of transportation. Moreover, the handicapped also live often on reduced incomes with limited mobility and they too have special needs to be reunited more frequently with family and friends. Students, older people and the handicapped would be able to travel at off-peak travel hours.

Such legislation would not be discriminatory to others not qualifying for such reduced fares as services provided are not similar. Those obtaining such fares do not have the right to have reserved seats; they face the possibility of being bumped off at intermediate stop-over points by regular fare passengers; and such fares would not be available at peak periods of air traffic.

I have spoken to the distinguished chairman of the Senate Commerce Committee (Mr. MAGNUSON), who has graciously assured me of his interest in the problem. It is my hope that hearings could be held on this legislation at an early date.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1179) to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis, introduced by Mr. PERCY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

S. 1181—INTRODUCTION OF BILL ENTITLED POTATO RESEARCH AND PROMOTION ACT

Mr. YOUNG of North Dakota. Mr. President, I am introducing today, together with 13 other Senators, a bill to authorize the establishment of a national potato promotion program in order to assist potato producers to expand their markets and improve their products.

The proposed Potato Research and Promotion Act is a serious attempt, through self-help legislation, to assist an important commodity group in solving some of the problems of the industry. There is a definite need for this legislation which will help potato producers to work cooperatively to solve their own problems.

While potatoes are one of the most important crops grown in this country—an average annual production of about 300 million hundredweight for the past 3 years—they are not a price-supported commodity. There are no guaranteed prices, acreage allotments, or loan programs. With potatoes at the mercy of a competitive market and confronted with a static demand, it has been impossible to maintain a reasonable and stable market for the grower. Largely because of this, we lost 55 percent of our potato farmers between 1955 and 1964. Over one-half were eliminated in 5 years. Indications are that the trend has continued since 1964.

Part of the problem has been the inability of the industry to do anything to improve the overall quality of fresh potatoes sold in retail stores. Many members of Congress have received complaints from their constituents about the poor quality of potatoes offered for sale. Under this proposed legislation the growers will be able to make effective efforts to upgrade and improve the product available to the consumer.

Many people have cut down or quit eating potatoes entirely because they think potatoes are a fattening food. They are not. Potatoes are an important vegetable. They supply substantial amounts of vitamin C and the B vitamins as well as essential minerals. At the same time, the calorie count of potatoes is much less than many of the food products substituted for them. Pound for pound, potatoes provide more nutritional value for the money spent than almost any other food. It is to the best interest of the consumer that he be fully aware of the important qualities of this wonderful vegetable.

Dehydrated potato products could become an important part of future programs to supply food to famine-stricken areas of the world. Through research, dehydrated potatoes could become the base for a complete balanced diet which, in a compact, dry form, could be shipped any place in the world and there reconstituted into an appetizing, hearty meal.

This is enabling legislation which would allow the potato farmers to decide by referendum whether they want to dedicate a portion of their sales proceeds to conduct and pay for marketing research, public relations and promotion projects and to be able to offer an improved product to the consumer.

It would require a two-thirds majority vote by producers to establish a program under this proposed act.

If at any time the program were not successful, it could be voted out by a simple majority. Even with a program in effect, growers who did not wish to participate could request and receive a refund of any funds withheld from their sales. The provision providing for producer contributions and for refunds, if desired, is substantially the same as contained in promotion programs which cover many other agricultural products.

The maximum allowable withholding would be 1 cent per hundredweight of potatoes sold. It is estimated that this would provide between $1½ to $2 million annually for the various programs.

A National Potato Promotion Board composed of growers would be selected to design and carry out the program. The members of the Promotion Board would be appointed by the Secretary of Agriculture from nominations submitted to him by potato producers.

It would be the responsibility of the Secretary of Agriculture to see that the Board did not undertake programs not authorized by the act. The Board would also give full financial reports on all collections and expenditures. The act specifically prohibits the use of any funds collected under the act for lobbying or otherwise influencing Government policy or actions.

Mr. President, potato farmers should have a chance to accept or reject this program. It is my understanding that this legislation is supported by every potato grower's association, commission, or other organized group exclusively representing potato growers. It has also been endorsed by many of the representatives of the potato shipping, processing, and distribution industries. In addition, it has been actively supported by many equipment manufacturers, supply firms, and chemical companies which depend on the potato industry for a substantial part of their business.

In order for the Potato Research and Promotion Act to become effective, it will require positive initiative on the part of the potato growers of this country. When they exhibit this initiative, the resulting program will be their program.

In addition, there is the great psychological influence created by the fact that it is the grower's money that is being spent. He will make every effort to make the program work or he will get rid of it. Success will mean a degree of stability for the potato producer and a better quality product for the consumer.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer, introduced by Mr. YOUNG of North Dakota (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 1184—INTRODUCTION OF BILL TO EXTEND FOR 2 YEARS THE PERIOD FOR WHICH PAYMENTS IN LIEU OF TAXES MAY BE MADE WITH RESPECT TO CERTAIN REAL PROPERTY TRANSFERRED BY THE RFC AND ITS SUBSIDIARIES TO OTHER GOVERNMENT DEPARTMENTS

Mr. PEARSON. Mr. President, I introduce today, for appropriate reference, a bill which would extend for a further period of 2 years the authority to make payments in lieu of taxes under Public Law 388 of the 84th Congress. That law provides that where real property was transferred on or after 1946 from the Reconstruction Finance Corporation to any Government department and the title thereto has been held continuously since such transfer, the Government department having custody and control of such properties pay the local taxing authorities an amount equal to the real property tax which would be payable if the property were in the hands of a private citizen.

Under the Constitution, property owned by a Federal department or agency cannot be taxed by the States. But the Federal Government may provide a substitute for the tax where the Congress deems it desirable. In this instance, the properties affected were at one time under the control of the Reconstruction Finance Corporation and then on the tax rolls of the communities in which they were located. They are, for the most part, manufacturing and commercial type properties which require police and fire protection and the numerous other costly services that local communities must provide.

The Federal Government owns nearly 30 such properties which this bill would affect, and one is located in Sedgwich County, Kans. Last year, the cost of this bill amounted to just over $2 million. When the bill was last introduced, it received favorable approval from the appropriate Federal agencies.

This bill is of vital importance to communities where affected properties are located, and I sincerely request that full consideration be given to this bill by the Senate.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1184) to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corporation and its subsidiaries to other Government departments, introduced by Mr. PEARSON, was received, read twice by its title, and referred to the Committee on Government Operations.

S. 1185—INTRODUCTION OF BILL TO PROTECT THE PUBLIC FROM FRAUDULENT PRACTICES IN THE SALE OF USED CARS

Mr. BYRD of Virginia. Mr. President, I introduce, for appropriate reference, a bill to prohibit tampering with mileage indicators—odometers—on motor vehicles, and to offer safeguards to the public against this widespread, fraudulent practice.

This legislation would accomplish the following: make it unlawful to alter the mileage reading on odometers subject to a fine of up to $1,000 for the first offense and $3,000 for each succeeding offense; require sellers of used motor vehicles to give purchasers a signed statement from the last private owner certifying the mileage at time of sale, and direct the Secretary of Transportation to investigate the feasibility of manufacturing a tamper-proof mileage indicator—odometer—for motor vehicles.

Mr. President, in 1967, American consumers spent an estimated $20 billion in the purchase of some 20 million used cars. This compares with an estimated 9 million new vehicles sold in the same period for about $29 billion.

I emphasize that the people who buy these cars are often the ones who cannot afford a new car, and who can least afford costly repair bills.

In purchasing any used product, of course, consumers assume greater risks than if they were to buy the same product new. The limited warranties on such items attest to that.

Additionally, in the used car market, the principle of "buyer beware" probably applies with greater force than anywhere else. But I think most people realize that and have learned to discount some of the more extravagant claims.

What concerns me, however, are the unknown risks—the risks which are hidden from the purchaser through willful and fraudulent practices.

Specifically, I refer to the widespread deception of altering the odometer reading on vehicles to register fewer miles than have actually been traveled. A substantial number of used cars sold in this country each year are altered in this way before resale.

Even more than the age of a car, the mileage reading is the purchaser's most dependable guide to the vehicle's condition and value.

Taken in conjunction with the model year, the mileage reading can also indicate how hard the car has been driven.

I would emphasize that an accurate mileage reading is important, not just from the standpoint of the value and salability of the vehicle, but also as a guide to its safe and reliable operation. Many of the most vital parts on a car deteriorate in proportion to miles driven. This is true, for instance, of brake linings, tires, and steering mechanisms.

The personal experience of one of my staff members first brought this problem to my attention.

He recently purchased a new car, trading in a 1965 automobile with 75,000 miles on the odometer. When he returned to the dealer for a minor repair on the new car, the salesman volunteered the information that the odometer on his traded car had been altered to read 36,000 miles, and sold at a handsome price to an unsuspecting resident of the area.

What was most shocking about this incident was that the salesman was fully aware that he was talking with a member of my personal staff. This indicated to me how commonplace this practice must be and how cynically it is carried on.

Incidentally, at the insistence of my staff member, the dealer made restitution to the man who purchased his old car.

As a result of that experience, I decided to look further into this situation to determine what, if anything, could be done to stop it. The legislation I am introducing today is a result of that study.

In talking with new and used car dealers, it has been my impression that they would strongly support legislation of this kind. Indeed, one used car manager in this area has taken it upon himself to provide customers with signed statements from the last private owner testifying to the accuracy of the vehicle's mileage reading. In many cases, however, dealers feel they have to engage in the practice of altering odometers to meet the competition of other dealers.

There is evidence that this is often done on a systematic basis by used car wholesalers who buy up vehicles in a given area, recondition them, including "reconditioning" their odometers, and then transport the autos to other parts of the country for retail sale.

Apparently, nothing very complicated is involved in turning back a speedometer. Depending on the model and year of the car, it can be done by simply turning the numbers by hand or, at its most complicated, removing the speedometer unit from the vehicle and attaching it to a high speed drill run in reverse.

A Virginian recently sent me a flyer from an automotive specialty manufacturing company advertising a speedometer resetting machine which eliminates the need of removing speedometers from the car. The machine is guaranteed capable of resetting odometers on any American-made car.

The price on this item—which is advertised as the latest in money-saving shop equipment—is $39.95, although I understand less expensive models are available.

My staff called the eight speedometer repair companies located in the Washington area to inquire whether they would reset the mileage on odometers. With no questions asked, they all offered their services at prices ranging from $5 to $25.

Mr. President, the legislation I have introduced today will not, by itself, eliminate this practice, but it should make it more difficult.

The primary protection in this bill is the requirement that the seller of a used vehicle provide the purchaser with a signed statement from the last private owner certifying the mileage at time of sale. With this requirement, sellers would think twice about altering those readings.

Ultimately, the solution to this problem is the manufacture of tamper-proof odometers. For that reason, my bill calls on the Secretary of Transportation to investigate the feasibility of producing such an odometer and report the finding to the Congress within a year.

For years, the used car has been the subject of American folk humor. It has been something like the weather—everyone talks about it, but nobody does anything about it.

I think it is time we took steps to eliminate one of the most flagrant abuses in this trade to the benefit, I would submit, of consumers and dealers alike.

I ask unanimous consent that the text of the proposed legislation which I have just introduced be printed in the RECORD.

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

The bill (S. 1185) to protect the public from certain fraudulent practices in the sale of used cars, introduced by Mr. BYRD of Virginia, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds that in purchasing motor vehicles, customers rely heavily on the odometer reading as an index of the condition and value of such vehicle; that it is a widespread practice in all parts of the Nation to alter odometer readings in order to mislead customers with respect to the condition and value of motor vehicles; that such a practice is especially prevalent in the sale of used motor vehicles; that an accurate knowledge of the mileage traveled by a motor vehicle is directly related to its safe and reliable operation, and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this Act to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of the public with respect to the sale of motor vehicles having altered or reset odometers.

SEC. 2. (a) Whoever—

(1) disconnects, turns back or resets the odometer of any motor vehicle; or

(2) sells or offers for sale any motor vehicle knowing that the odometer of such vehicle has been altered and does not disclose this information in writing to the purchaser,

shall be fined not more than $1,000 for the first offense, and not more than $3,000 for each succeeding offense.

(b) The provisions of this section shall not apply to any person who (1) disconnects an odometer for repair or replacement provided the motor vehicle is not driven with the odometer disconnected, or (2) disconnects the odometer of a new motor vehicle for the purpose of testing such vehicle.

SEC. 3. (a) Whoever sells a used motor vehicle shall provide the purchaser with a statement signed by the last person owning the vehicle for purposes other than resale certifying the mileage at the time of sale and giving the address of said person.

(b) Whoever knowingly violates this section shall be subject to a civil penalty not to exceed $1,000 for each violation.

SEC. 4. The Secretary of Transportation shall investigate the feasibility of manufacturing odometers for use on motor vehicles which cannot be altered, disconnected or reset, and which shall accurately register the mileage traveled by the vehicle, and he shall report the findings of his investigation to the Congress no later than one year after the date of enactment of this Act.

SEC. 5. As used in this Act the term—

(1) "interstate commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or between points within the same State, territory, or the District of Columbia, but through any place outside thereof.

(2) "motor vehicle" means any vehicle driven or drawn by mechanical power for use on the public streets, roads and highways principally in the transportation of passengers, but such term does not include buses, or any vehicle operated exclusively on a rail or rails.

S. 1189—INTRODUCTION OF A BILL ENTITLED "EDUCATIONAL TECHNOLOGY ACT OF 1969"

Mr. YARBOROUGH. Mr. President, I introduce today, for the consideration of the Senate, the Educational Technology Act of 1969, and request that the bill and the accompanying section-by-section summary be printed in full at the close of my remarks.

Last October 10, just prior to the close of the 90th Congress, I introduced the Educational Technology Act of 1968. At that time I remarked that that bill was "meant to be a beginning of all the work necessary to pass such an act; it is meant to stir comment, open dialog, and set in motion the thoughts of the American educational community."

Comment was stirred, dialog was opened, and the thoughts of the American educational community were set in motion. That activity and interest continues today. The bill I introduce today is reflective of that concern and interest for it has grown out of it.

Since last October my office has daily received letters from across the country, from teachers, principals, superintendents, State commissioners of education, professors, college presidents, researchers, and thoughtful citizens.

The letters were unanimously in favor of the bill, but what was more encouraging, they were thoughtful letters containing sound suggestions for improving the discussion bill I introduced last October. In addition to receiving letters my staff and I received telephone calls and visitors—all of them with a message, all of them with an offer of assistance.

My thanks has already gone out to all of those who contributed to the dialog that has resulted in the bill I introduce today. But I wish to take this opportunity to express publicly my gratitude. The Educational Technology Act of 1969 is not just my bill; it is a bill of and for the American educational community. There are ideas, large and small, in the new Educational Technology Act which persons across America will recognize as their own ideas. I salute these educators who took the time to think, and communicate, and work toward the end of improving education in America through the application of educational technology to the learning process.

Several major themes run across this new bill. The bill is predicated upon the belief that through the wise application of technology to education the quality of education can be improved. Further, the bill requires sound and conscientious planning—planning that relates goals to needs, and programs to children and students. Additionally, the bill recognizes that the most sophisticated software—films, tapes, programs—coupled with the most advanced hardware—projectors, receivers, computers—are but two of the ingredients necessary to make technology work for the benefit of the learner. Just as important is the trained teacher who knows how to use technology as an extension of himself—as an added dimension in the learning process. And so this bill not only provides for training, it requires it.

It is my hope that in the days ahead my colleagues in the Senate, and in the

House of Representatives, will join me in support of this new dimension in education and work for its passage.

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

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

The bill (S. 1189) to improve educational quality through the effective utilization of educational technology, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1189

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 "Educational Technology Act of 1969".

TITLE I—USE OF EDUCATIONAL TECHNOLOGY IN ELEMENTARY AND SECONDARY EDUCATION

Statement of purpose

SEC. 101. The purpose of this title is to improve the quality of preschool and elementary and secondary education through the effective utilization of educational technology by (1) encouraging significant applications of existing technology to preschool programs and education in elementary and secondary schools, (2) the development and demonstration of technological innovations in such schools (3) the expansion of the current general application of technological equipment and materials for instruction and learning in such schools, (4) strengthening the capabilities of teaching, administrative, and ancillary staff in such schools, (5) research into educational technology, including statistical and information services, and (6) strengthening the leadership resources of State educational agencies in educational technology.

Authorization of appropriations

SEC. 102. (a) There are hereby authorized to be appropriated for the purpose of carrying out this title $200,000,000 for the fiscal year ending June 30, 1970, and each of the next four fiscal years. There are further authorized to be appropriated such sums as may be necessary for payment to the States for use by them for making grants under this title for the purposes described in paragraphs (2) and (3) of section 104(a) for years other than the initial year of a grant for such purposes.

(b) Of the sums appropriated pursuant to subsection (a) for each fiscal year, 90 per centum shall be available for allotments to States in accordance with section 103, and 10 per centum shall be available for educational technology research in elementary and secondary education in accordance with section 304.

Allotments to States

SEC. 103. (a) From the sums available for allotments to States pursuant to section 102—

(1) The Commissioner shall allot not to exceed 3 per centum thereof, to be used for the purposes of section 104(a), among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance for such purposes;

(2) The Commissioner shall allot to each State, for the purposes of strengthening the leadership resources of the State educational agency as described in section 104(c), the sum of (A) $100,000 for each State (or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands), and (B) an amount equal to 5 per centum of the funds allotted for grants within each State under paragraph (3).

(3) The Commissioner shall allot the remaining funds among the States, for grants to local educational agencies for purposes of section 104(a), in the same proportions as the number of children aged three to seventeen, inclusive, in each such State bears to the total number of such children in all the States for that year. For the purposes of this paragraph, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment for a fiscal year under subsection (a) which the Commissioner determines will not be required for that State for the period such allotment is available, shall be reallotted on the basis of such factors as the Commissioner determines to be equitable and reasonable, among States which the Commissioner determines will be able to use without delay any amounts so reallotted. Any amounts so reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

Uses of Federal funds

SEC. 104. (a) Funds appropriated pursuant to section 102, and allotted to each State under paragraphs (1) and (3) of section 103(a) shall be available only for grants in accordance with applications approved pursuant to this title for—

(1) planning for the development and implementation by local educational agencies of educational technology programs, involving the use of technological equipment and materials, designed to change and strengthen the learning process in the elementary and secondary schools served by such agencies;

(2) in the case of local educational agencies which have carried out a planning phase as described in paragraph (1), whether covered by a grant under this title or otherwise, preservice and inservice training and development programs to strengthen the capabilities of professional and non-professional teaching, administrative, and ancillary staff in elementary and secondary schools served by such agencies to use and apply technology in the educational process, including the acquisition or rental of technological equipment and materials necessary to reinforce or supplement such training and development;

(3) in the case of local educational agencies which have carried out a planning phase as described in paragraph (1) (whether covered by a grant under this title or otherwise) and have made sufficient progress in an inservice training and development phase as described in paragraph (2), the acquisition or rental of technological equipment and materials (other than supplies consumed in use) and the provision of related services, including the employment of educational technology personnel, which are necessary for carrying out the purposes of this title, but the costs of such related services shall not exceed a reasonable portion of the program budget and in no case shall such costs exceed 20 per centum thereof.

(b) A local educational agency which receives a grant under subsection (a) may enter into a contract or other arrangement with a public or private agency, institution, or organization for the performance of planning, training, or related services necessary for the implementation, in whole or in part, of any of the purposes described in subsection (a).

(c) From the funds allotted to each State under section 103(a)(2) the Commissioner is authorized to pay to each State amounts necessary to enable the State educational agency to provide for—

(1) the planning, development, and operation of programs designed to strengthen the capability of the State educational agency with respect to the implementation of educational technology in elementary and secondary schools in the State, including the provision of technical assistance, demonstrations, workshops, and similar activities designed to assist local educational agencies in using technological equipment and materials for the improvement of instruction;

(2) the preparation and dissemination by the State educational agency to elementary and secondary schools, institutions of higher education, and other appropriate agencies, of information, including analyses of research and experimentation, relating to educational technology and improved methods of using and applying educational technology;

(3) the evaluation of the effectiveness of programs and projects supported under the State plan in meeting the purposes of this title, and dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(4) the administration of the State plan.

State plans

SEC. 105. (a) Any State desiring to receive payments for any fiscal year under this title shall—

(1) have a State advisory council for educational technology (hereinafter referred to as the "State advisory council") which meets the requirements set forth in section 302;

(2) set dates before which local educational agencies must have submitted applications for grants to the State educational agency; and

(3) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary.

The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

(1) sets forth a program under which funds out of the State's allotment under section 103(a)(3) will be expended through grants to local educational agencies for the purposes described in section 104;

(2) provides that, to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served by a project whose educational needs are of the type which that project is designed to meet, provision has been made for the participation of such children;

(3) sets forth the administrative organization and procedures, including the qualifications of personnel having responsibility for the operation of programs and projects set forth in such plan, in such detail as the Commissioner may by regulation prescribe;

(4) provides for using 10 per centum of the State's allotment under section 103(a)(3) for each fiscal year for making grants to local educational agencies for planning purposes as described in section 104(a)(1);

(5) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of—

(A) the size and population of the State,

(B) the geographic distribution and density of the population within the State, and

(C) the relative needs of persons in different geographic areas and in different population groups within the State for the kinds of programs and projects described in section 104 and the financial ability of the local educational agencies serving such persons to provide such programs and projects;

(6) provides for adoption of effective procedures—

(A) for the evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects supported under the State plan in meeting the purposes of this title;

(B) for appropriate dissemination of the

results of such evaluations and other information pertaining to such programs and projects; and

(C) for adopting, where appropriate, promising educational practices developed through such programs and projects;

(7) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year—

(A) will not be commingled with State funds, and

(B) will be so used as to supplement, and to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner) that would, in the absence of such Federal funds, be made by the applicant for the purposes described in section 104;

(8) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

(9) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

(10) provides that final action with respect to any application, or amendment thereof, regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

(11) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

Applications for grants—conditions for approval

SEC. 106. (a) A grant under this title pursuant to a State plan approved under section 105 may be made only to a local educational agency or agencies, and only upon application to the appropriate State educational agency at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. An application by a local educational agency for a grant to be used for any of the purposes of section 104(a) may be approved only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 104 and provides for such methods of administration as are necessary for the proper and efficient operation of such program;

(3) sets forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 104, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) An application by a local educational agency for a grant to be used for the purposes of paragraphs (2) and (3) of section 104(a) may be approved only if—

(1) the local educational agency has submitted a long-range program plan, which extends over a period of time of not less than four years, describing the present and projected educational needs and problems of the children in elementary and secondary schools served by the local educational agency, and a schedule for meeting and solving those needs and problems through the implementation of a comprehensive program of educational technology of sufficient magnitude to make a substantial impact on those needs and problems; and

(2) the local educational agency submits for each fiscal year an annual program plan describing the content of, and allocation of funds to programs, services, and activities with respect to the implementation of a comprehensive educational technology program to be carried out during each such year for which Federal funds are sought; indicates how and to what extent, such programs, services, and activities will carry out the program of objectives set forth in the long-range program plan provided for in paragraph (1); and indicates the extent to which consideration has been given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 302 and indicates the extent to which research findings (whether such research is assisted under this Act or otherwise) have been incorporated as part of the annual program plan.

Payments

SEC. 107. (a) The Commissioner shall pay to each State which has a State plan approved under this title an amount equal to the total sums expended by the State under the State plan for the purposes set forth therein.

(b) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) Upon approval of an application submitted by a local educational agency for a grant to be used for the purposes of paragraph (1) of section 104(a) the Commissioner shall reimburse the local educational agency for the reasonable costs of preparing the application.

TITLE II—USE OF EDUCATIONAL TECHNOLOGY IN HIGHER EDUCATION

Statement of purpose

SEC. 201. The purpose of this title is to improve the quality of higher education through the effective utilization of educational technology by (1) encouraging significant applications of existing technology to education in institutions of higher education, (2) the development and demonstration of technological innovations in such institutions, (3) the expansion of the current general application of technological equipment and materials for instruction and learning in such institutions, (4) strengthening the capabilities of teaching and ancillary staff in such institutions, and (5) research into educational technology, including statistical and information services.

Authorization of appropriations

SEC. 202. (a) There are hereby authorized to be appropriated for the purpose of carrying out this title $100,000,000 for the fiscal year ending June 30, 1970, and each of the next four fiscal years. There are further authorized to be appropriated such sums as may be necessary for payment to the States for use by them for making grants under this title for the purposes described in paragraphs (2) and (3) of section 204(a) for years other than the initial year of a grant for such purposes.

(b) Of the sums appropriated pursuant to subsection (a) for each fiscal year, 90 per centum shall be available for allotments to States in accordance with section 203, and 10 per centum shall be available for educational technology research in higher education in accordance with section 304.

Allotments to States

SEC. 203. (a) From the sums available for allotments to States pursuant to section 202—

(1) The Commissioner shall allot not to exceed 3 per centum thereof, to be used for the purposes of section 204(a), among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance for such purposes;

(2) The Commissioner shall allot to each State, for the purposes of section 204(c), the sum of (A) $100,000 for each State (or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands), and (B) an amount equal to 1 per centum of the funds allotted for grants within each State under paragraph (3).

(3) The Commissioner shall allot the remaining funds among the States, for grants to institutions of higher education for purposes of section 204(a), in the same proportions as the number of students enrolled in institutions of higher education in each such State bears to the total number of such students in all the States for that year. For the purposes of this paragraph, the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) The portion of any State's allotment for a fiscal year under subsection (a) which the Commissioner determines will not be required for that State for the period such allotment is available, shall be reallotted on the basis of such factors as the Commissioner determines to be equitable and reasonable, among States which the Commissioner determines will be able to use without delay any amounts so reallotted. Any amount so reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

Uses of Federal funds

SEC. 204 (a) Funds appropriated pursuant to section 202, and allotted to each State under paragraphs (1) and (3) of section 203 (a) shall be available only for grants in accordance with applications approved pursuant to this title for—

(1) planning for the development and implementation by institutions of higher education of educational technology programs, involving the use of technological equipment and materials, designed to change and strengthen the learning process in such institution;

(2) in the case of institutions of higher education which have carried out a planning phase as described in paragraph (1) whether covered by a grant under this title or otherwise, preservice and inservice training and development programs to strengthen the capabilities of professional and non-professional teaching, administrative, and ancillary staff in such institutions to use and apply technology in the educational process, including the acquisition or rental of technological equipment and materials necessary to reinforce or supplement such training and development;

(3) in the case of institutions of higher education which have carried out a planning phase as described in paragraph (1) (whether covered by a grant under this title or otherwise) and have made sufficient progress in an inservice training and development phase as described in paragraph (2), the acquisition or rental of technological equipment and materials (other than sup-

plies consumed in use) and the provision of related services, including the employment of educational technology personnel, which are necessary for carrying out the purposes of this title, but the costs of such related services shall not exceed a reasonable portion of the program budget and in no case shall such costs exceed 20 per centum thereof.

(b) An institution of higher education which receives a grant under subsection (a) may enter into a contract or other arrangement with a public or private agency, institution, or organization for the performance of planning, training, or related services necessary for the implementation, in whole or in part, of any of the purposes described in subsection (a).

(c) From the funds allotted to each State under section 203(a)(2) the Commissioner is authorized to pay to each State amounts necessary to enable the State educational agency to provide for—

(1) the evaluation of the effectiveness of programs and projects supported under the State plan in meeting the purposes of this title, and dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(2) the administration of the State plan.

State plans

SEC. 205. (a) Any State desiring to receive payments for any fiscal year under this title shall—

(1) have a State advisory council for educational technology (hereinafter referred to as the "State advisory council") which meets the requirements set forth in section 302;

(2) set dates before which institutions of higher education must have submitted applications for grants to the State higher education commission; and

(3) submit to the Commissioner, through its State higher education commission, a State plan at such time and in such detail as the Commissioner may deem necessary.

The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

(1) sets forth a program under which funds out of the State's allotment under section 203(a)(3) will be expended through grants to institutions of higher education for the purposes described in section 204;

(2) sets forth the administrative organization and procedures, including the qualifications of personnel having responsibility for the operation of programs and projects set forth in such plan, in such detail as the Commission may by regulation prescribe;

(3) provides for using 10 per centum of the State's allotment under section 203(a)(3) for each fiscal year for making grants to institutions of higher education for planning purposes as described in section 204(a)(1);

(4) sets forth standards and methods for determining relative priorities among eligible projects in educational technology, which standards and methods shall—

(A) contribute to achieving the objectives of this title while leaving opportunity and flexibility to accommodate the varied needs of institutions in the State; and

(B) give special consideration to applications, submitted by institutions of higher education, (i) for grants to be used by the institution in a program of teacher education, and (ii) for grants to be used for the development of courses in educational technology for persons preparing to serve in teaching, administrative, or ancillary positions in elementary or secondary education;

(5) provides for adoption of effective procedures—

(A) for the evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects supported under the State plan in meeting the purposes of this title;

(B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs and projects; and

(C) for adopting, where appropriate, promising educational practices developed through such programs and projects;

(6) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year—

(A) will not be commingled with State funds, and

(B) will be so used as to supplement, and to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner) that would, in the absence of such Federal funds, be made by the applicant for the purposes described in section 104;

(7) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the States under this title;

(8) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

(9) provides that final action with respect to any application, or amendment thereof, regarding the proposed final disposition thereof shall not be taken without first affording the institution or institutions of higher education submitting such application reasonable notice and opportunity for a hearing; and

(10) contains satisfactory assurance that, in determining the eligibility of any institution of higher education for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

Application for grants—conditions for approval

SEC. 206. (a) A grant under this title pursuant to a State plan approved under section 205 may be made only to an institution or institutions of higher education, and only upon application to the appropriate State higher education commission at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. An application by an institution of higher education for a grant to be used for any of the purposes of section 104(a) may be approved only if such application—

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 204 and provides for such methods of administration as are necessary for the proper and efficient operation of such program;

(3) sets forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 204, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) An application by an institution of higher education for a grant to be used for the purposes of paragraphs (2) and (3) of section 204(a) may be approved only if—

(1) the institution of higher education has submitted a long-range program plan, which extends over a period of time of not less than four years, describing the present and projected educational needs and problems of students enrolled in such institutions, and a schedule for meeting and solving those needs and problems through the implementation of a comprehensive program of educational technology of sufficient magnitude to make a substantial impact on those needs and problems; and

(2) the institution of higher education submits for each fiscal year an annual program plan describing the content of, and allocation of funds to programs, services, and activities with respect to the implementation of a comprehensive educational technology program to be carried out during each such year for which Federal funds are sought; indicates how and to what extent, such programs, services, and activities will carry out the program of objectives set forth in the long-range program plan provided for in paragraph (1); and indicates the extent to which consideration has been given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 302 and indicates the extent to which research findings (whether such research is assisted under this Act or otherwise) have been incorporated as part of the annual program plan.

Payments

SEC. 207. (a) The Commissioner shall pay to each State which has a State plan approved under this title an amount equal to the total sums expended by the State under the State plan for the purposes set forth therein.

(b) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) Upon approval of an application submitted by an institution of higher education for a grant to be used for the purposes of paragraph (1) of section 204(a) the Commissioner shall reimburse the institution of higher education for the reasonable costs of preparing the application.

TITLE III—GENERAL PROVISIONS

Definitions

SEC. 301. As used in this Act—

(a) The term "Commissioner" means the Commissioner of Education.

(b) The term "elementary school" means a day or residential school which provides preschool or elementary education.

(c) The term "secondary school" means a day or residential school which provides secondary education.

(d) The term "technological equipment and materials" means instructional equipment and materials which have the primary function of optimizing learning through the improvement of instruction and includes audiovisual equipment or materials, television, radio, electronic classroom instructional equipment and materials, computer-assisted or managed instructional equipment and materials, and any other items necessary for the functioning of a particular facility as part of an educational technology program, and such other equipment and materials as the Commissioner determines to be necessary for the application of technology to the process of learning; but such term does not include textbooks, or equipment and

materials for educational services such as duplication, administration, or general recordkeeping; nor does it include specialized instructional equipment used in such courses as typing or home economics.

(e) The term "institution of higher education" means an educational institution in any State which—

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate,

(2) is legally authorized within such State to provide a program of education beyond secondary education,

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree.

(4) is a public or other nonprofit institution, and

(5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraphs (1), (2), (4), and (5), and, for the purposes of section 204 of this Act, includes a developing institution, as defined in section 302 of the Higher Education Act of 1965. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(f) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

(g) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(h) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school;

(g) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(h) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(i) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law; and

(j) The term "State higher education commission" means a State agency designated by the Governor or by State law as broadly representative of the public and of institutions of higher education in the State.

State advisory councils on educational technology

SEC. 302. (a) Any State desiring to receive payments for any fiscal year under title I or title II of this Act shall—

(1) establish a State advisory council on educational technology which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected, by such board, and which shall have as a majority of its membership persons experienced in educational technology, including teachers, administrators, and other persons broadly representative of academic or instructional personnel, and

(2) provide that one-third of the funds allotted to the State educational agency under section 104(c) and to the State higher education commission under section 204(c) shall be made available for the activities of the State advisory councils, including the costs of obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist such advisory councils in carrying out their responsibilities of disseminating the results of evaluations.

(b) The State advisory council, established pursuant to paragraph (1), shall—

(1) advise the State educational agency or State higher education commission, as the case may be, on the preparation of, and policy matters arising in the administration of, the appropriate State plan, including the development of criteria for approval of applications under such State plan;

(2) review and make recommendations to the State educational agency or State higher education commission, as the case may be, on the action to be taken with respect to each application for a grant under the appropriate State plan;

(3) evaluate programs and projects assisted under this Act;

(4) prepare and submit a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency or the State higher education commission, as the case may be, deems appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this Act, at such time, in such form, and in such detail, as the Commissioner may prescribe; and

(5) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this Act.

National Advisory Council on Educational Technology

SEC. 303. (a) The Secretary shall appoint a National Advisory Council on Educational Technology which shall—

(1) review the administration of, general regulations for, and operation of this Act, including its effectiveness in meeting the purposes set forth in sections 104 and 204;

(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 105(b)(9) and 205(b)(8);

(3) evaluate programs and projects carried out under this Act and disseminate the results thereof; and

(4) make recommendations for the improvement of this Act, and its administration and operation.

(b) The Council, which shall be appointed by the Secretary without regard to the civil service laws, shall have as a majority of its membership persons experienced in educational technology, including teachers, administrators, and other persons broadly representative of academic or instructional personnel. The Council shall meet at least four times annually at the call of the Chairman, who shall be selected by the Secretary.

(c) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions, and to this end there are hereby authorized to be appropriated $100,000 for the fiscal year ending June 30, 1970, and $150,000 for each of the next four fiscal years.

(d) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this Act) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may deem appropriate.

(e) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

Research

SEC. 304. From the sums made available for the purposes of this section under sections 102(b) and 202(b), the Commissioner is authorized to pay all or part of the cost of research and experimental projects in educational technology carried out by institutions of higher education, State or local educational agencies, or other appropriate public or private agencies, institutions, or organizations.

Bureau of educational technology

SEC. 305. The Commissioner shall establish at the earliest practicable date not later than July 1, 1970, and maintain within the Office of Education, a bureau of educational technology which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to educational technology, including programs and projects for research in educational technology.

Withholding

SEC. 306. Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, or State higher education commission, as the case may be, finds that there has been failure to comply substantially with any provision set forth in the plans of that State approved under title I and title II of this Act, the Commissioner shall notify the agency or commission that further payments will not be made to the State under such title (or, in his discretion, that further payments will not be made under such title to specified local educational agencies or institutions of higher education, whose actions caused or are involved in such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under such title, or payments by the State educational agency or State higher education commission, as the case may be, whose actions did not cause or were not involved in the failure.

Judicial review

SEC. 307. (a) If any local educational agency or institution of higher education is dissatisfied with the State's final action with respect to the approval of an application submitted under section 106 or 206, or if any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under section 105 or 205, such local educational agency, institution of higher education, or State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which the State is located a peti-

tion for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State or to the Commissioner, as the case may be. The State or the Commissioner, as the case may be, thereupon shall file in the court the record of the proceedings on which final action was based, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the State or by the Commissioner, as the case may be, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the State or to the Commissioner to take further evidence, and the State or the Commissioner may thereupon make new or modified findings of fact and may modify previous action taken, and shall certify to the court the record of the further proceedings.

(c) The Court shall have jurisdiction to affirm the action of the State or the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Labor standards

SEC. 308. All laborers and mechanics employed by contractors or subcontractors on all minor remodeling projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

Prohibitions

SEC. 309. (a) Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or the selection of library resources by any educational institution or school system, or over the content of any material developed or published under any program assisted pursuant to this Act.

(b) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

Administration

SEC. 310. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

The analysis, ordered to be printed in the RECORD, is as follows:

SECTION-BY-SECTION SUMMARY OF THE EDUCATIONAL TECHNOLOGY ACT OF 1969

TITLE I—ELEMENTARY AND SECONDARY EDUCATION

Statement of purpose

Sec. 101: The purpose of title I is to improve the quality of preschool and elementary and secondary education through the effective utilization of educational technology.

Authorization of appropriations

Sec. 102: Beginning with fiscal 1970, and continuing for each of the next four fiscal years, $200 million are authorized to be appropriated. Additionally, for the years following fiscal 1970, such sums are authorized to be appropriated as are necessary for continuing the training and implementation programs initiated in prior years.

Ten percent of the amount appropriated will be used for educational technology research.

Allotments to States

Sec. 103: After having set aside ten percent of the funds appropriated for research (Sec. 102.), the Commissioner will allot up to three percent of the funds among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories for planning and operations.

For the purpose of strengthening the leadership resources of the State educational agency, and for administration of the State plan, the Commissioner shall then allot $100,000 to each State ($25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories), plus an amount equal to 5 percent of the funds allotted for grants within each State (as set forth in the next paragraph).

For the purpose of making planning and operational grants to local educational agencies, the Commissioner shall allot funds among the States on the basis of the ratio between a State's school-age population and the National school-age population.

The Commissioner is also granted the usual reallotment authority.

Uses of Federal funds

Sec. 104: Subsection (a) sets forth the three sequenced phases of activity eligible for funding to a local education agency. They are: planning for educational technology, training for educational technology, and the application of educational technology.

Local education agencies could perform their planning under a planning grant made pursuant to section 104(a)(1), or through other funding sources; the planning phase would not have to last for a year.

Operational grants for inservice and preservice training and development programs are set forth in section 104(a)(2), and are preconditioned on sound planning. Eligible for training are professional and nonprofessional teaching, administrative, and ancillary staff. Where necessary to reinforce or supplement the training and development programs, local education agencies may rent or purchase technological equipment and materials.

Once sufficient progress has been made in the inservice training and development program, local education agencies would be able to apply an increasingly larger proportion of the funds for the acquisition or rental of technological equipment and materials for the purposes of improving the quality of education through the application of educational technology to the learning process. Where related services are necessary to supplement the utilization of educational technology they, too, will be eligible for funding, so long as their cost is not unreasonable compared to the total program budget.

Subsection (b) permits the local educational agency to contract out performance of planning, training, or related services necessary for the implementation, in whole, or in part, of any of the purposes described above in subsection (a).

Subsection (c) outlines the uses of Federal funds by the State education agency for strengthening its capabilities with respect to the use of technological equipment and materials in elementary and secondary schools in the State, for the preparation and dissemination of information relating to educational technology, for the evaluation and dissemination of evaluation of projects supported under the State plan, and for the administration of the State plan.

State plans

Sec. 105: In order to receive funds, a State has to establish a State advisory council, set deadlines for submission of application by local education agencies, and submit a State plan to the Commissioner.

In order to be approved by the Commissioner, the State plan must—

Set forth a program for expenditure of funds;

Provide for the participation of children in nonprofit private schools;

Set forth the administrative organization and procedures;

Provide for using 10 percent of the funds for planning;

Set forth criteria for achieving an equitable distribution of assistance within the State;

Provide for evaluation of programs and projects, dissemination of evaluation results, and adoption of promising practices;

Provide assurance that Federal funds will not be commingled with State funds, and that there will be maintenance of effort by the State; and

Provide for making an annual report, affording local education agencies with notice and opportunity for a hearing, and not taking State effort into consideration in renewing applications made by local education agencies.

Applications for grants—conditions for approval

Sec. 106: A local education agency may have its application approved by the State education agency only if the application—

Provides for administration of the project by or under the supervision of the applicant;

Sets forth a program for using Federal funds;

Sets forth assurance of maintenance of effort; and

Provides for making an annual report.

Additionally, in order to obtain approval of an application for a grant which is submitted for operational (training/acquisition/implementation) funds, the local education agency must have submitted a long-range program plan, extending over a period of at least four years, which describes the present and projected educational needs and problems of the children in elementary and secondary schools served by the agency, and a schedule for meeting and solving those needs and problems through the implementation of a comprehensive program of educational technology of sufficient magnitude to make a substantial impact on those needs and problems. Further, the local education agency must submit an annual program plan which must include an indication of the extent to which consideration has been given to the findings and recommendations of the State advisory council and the extent to which research findings have been incorporated as part of the annual program plan.

Payments

Sec. 107: This section contains the usual language permitting the Commissioner to pay States in installments and either in advance or by way of reimbursement. Additionally, it permits the Commissioner to reimburse local education agencies for the cost of preparing applications for planning grants, where such application is successfully funded.

TITLE II—HIGHER EDUCATION

Statement of purpose

Sec. 201: The Purpose of title II is to improve the quality of higher education through the effective utilization of educational technology.

Authorization of appropriations

Sec. 202: Beginning with fiscal 1970, and continuing for each of the next four fiscal

years, $100 million are authorized to be appropriated. Additionally, for the years following fiscal 1970, such sums are authorized to be appropriated as are necessary for continuing the training and implementation programs initiated in prior years.

Ten percent of the amount appropriated will be used for educational technology research.

Allotments to States

Sec. 203: After having set aside ten percent of the funds appropriated for research (Sec. 202.), the Commissioner will allot up to three percent of the funds among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories for planning and operations.

For administration of the State plan the Commissioner shall then allot $100,000 to each State ($25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories), plus an amount equal to 1 percent of the funds allotted for grants within each State (as set forth in the next paragraph).

For the purpose of making planning and operational grants to local educational agencies, the Commissioner shall allot funds among the States on the basis of the ratio between a State's higher education student population and the National higher education student population.

The Commissioner is also granted the usual reallotment authority.

Uses of Federal funds

Sec. 204: Subsection (a) sets forth the three sequenced phases of activity eligible for funding to an institution of higher education. They are: planning for educational technology, training for educational technology, and the application of educational technology.

Institutions of higher education could perform their planning under a planning grant made pursuant to section 204 (a) (1), or through other funding sources; the planning phase would not have to last for a year.

Operational grants for inservice and preservice training and development programs are set forth in section 204 (a) (2), and are preconditioned on sound planning. Eligible for training are professional and nonprofessional teaching and ancillary staff. Where necessary to reinforce or supplement the training and development programs, institutions of higher education may rent or purchase technological equipment and materials.

Once sufficient progress has been made in the inservice training and development program, institutions of higher education would be able to apply an increasingly larger proportion of the funds for the acquisition or rental of technological equipment and materials for the purposes of improving the quality of education through the application of educational technology to the learning process. Where related services are necessary to supplement the utilization of educational technology they, too, will be eligible for funding so long as their cost is not unreasonable compared to the total program budget.

Subsection (b) permits the institution of higher education to contract out performance of planning, training, or related services necessary for the implementation, in whole, or in part, of any of the purposes described above in subsection (a).

Subsection (c) outlines the uses of Federal funds by the State for the evaluation and dissemination of evaluation of projects supported under the State plan, and for the administration of the State plan.

State plans

Sec. 205: In order to receive funds, a State has to establish a State advisory council, set deadlines for submission of application by institutions of higher education, and submit a State plan to the Commissioner.

In order to be approved by the Commissioner, the State plan must—

Set forth a program for expenditure of funds;

Set forth the administrative organization and procedures;

Provide for using 10 percent of the funds for planning;

Set forth standards and methods for determining relative priorities among eligible projects;

Provide for evaluation of programs and projects, dissemination of evaluation results, and adoption of promising practices;

Provide assurance that Federal funds will not be commingled with State funds, and that there will be maintenance of effort by the State; and

Provide for: making an annual report, affording institutions of higher education with notice and opportunity for a hearing, and not taking State effort into consideration in renewing applications made by local education agencies.

Applications for grants—Conditions for approval

Sec. 206: An institution of higher education may have its application approved by the State education agency only if the application—

Provides for administration of the project by or under the supervision of the applicant;

Sets forth a program for using Federal funds;

Sets forth assurance of maintenance of effort; and

Provides for making an annual report.

Additionally, in order to obtain approval of an application for a grant which is submitted for operational (training/acquisition/implementation) funds, the institution of higher education must have submitted a long-range program plan, extending over a period of at least four years, which describes the present and projected educational needs and problems of the students enrolled in the institution and a schedule for meeting and solving those needs and problems through the implementation of a comprehensive program of educational technology of sufficient magnitude to make a substantial impact on those needs and problems. Further, the institution must submit an annual program plan which must include an indication of the extent to which consideration has been given to the findings and recommendations of the State advisory council and the extent to which research findings have been incorporated as part of the annual program plan.

Payments

Sec. 107: This section contains the usual language permitting the Commissioner to pay States in installments and either in advance or by way of reimbursement. Additionally, it permits the Commissioner to reimburse institutions of higher education for the cost of preparing applications for planning grants, where such application is successfully funded.

TITLE III—GENERAL PROVISIONS

Definitions

Sec. 301: Definitions of words and phrases used in the Act are set forth in this section.

State advisory councils on educational technology

Sec. 302: This section sets forth the requirements for the formation of the State Advisory Council which would have responsibilities over the operation of both Titles I and II of the Educational Technology Act.

National Advisory Council on Educational Technology

Sec. 303: This section sets forth the requirements for the formation of the National Advisory Council which would have responsibilities over the operation of both Titles I and II of the Educational Technology Act.

Research

Sec. 304: This section permits the Commissioner to conduct research and experimental projects in educational technology.

Bureau of Educational Technology

Sec. 305: This section directs the Commissioner to establish and maintain within the Office of Education a Bureau of Educational Technology which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to educational technology, including programs and projects for research in educational technology.

Withholding

Sec. 306: This section permits the Commissioner, after reasonable notice and opportunity for hearing, to withhold funds after finding that there has been a failure to comply substantially with any provisions set forth in the plans submitted by the State.

Judicial review

Sec. 307: This section permits an institution of higher education or a local education agency which is dissatisfied with the final action of a State, or a State, which is dissatisfied with the final action of the Commissioner, to obtain judicial review of the proceeding.

Labor standards

Sec. 308: This section provides that provisions of the Davis-Bacon Act shall apply to laborers and mechanics employed on all minor remodeling projects assisted under this title.

Prohibitions

Sec. 309: This section prohibits the Federal government from exercising any control over any educational institution or school system or the personnel thereof, and prohibits any payments for religious worship or instruction.

Administration

Sec. 310: This section permits the delegation of functions under the title and permits the Commissioner to use the services and facilities of any agency of the Federal government or of any other public or private agency or institution in accordance with appropriate agreements.

S. 1190—INTRODUCTION OF A BILL ENTITLED "CHILDREN WITH LEARNING DISABILITIES ACT OF 1969"

Mr. YARBOROUGH. Mr. President, I introduce a bill entitled "The Children With Learning Disabilities Act of 1969." I feel this legislation will make a major contribution to developing educational opportunity for more than 1 million American children with learning disabilities. I request that the bill be appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1190) to provide for special programs for children with learning disabilities, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. YARBOROUGH. Mr. President, only a few years ago it was a common practice to isolate almost all handicapped children. Some were kept within the houses of their parents, others could receive treatment only in institutions—generally located far out in the country. More recently we have seen the rise of special schools and special classes developed within the regular elementary and

secondary schools, and the larger specialized institutions have begun programs of education and training which are returning more and more children and adults to useful places in society. One of the most exciting aspects of this evolution in education for handicapped children has been the increased emphasis on the early detection and identification of handicapping conditions. Late last year, I sponsored the Handicapped Children's Early Education Assistance Act, designed to stimulate the development of 75 to 100 model preschool programs across the Nation, so that educational programs for these children would take advantage of their rapid growth potential during the earliest years of their lives. Senators might be interested to know that this new program has attracted, before the guidelines were even printed, over 1,000 inquiries, and the Bureau of Education for the Handicapped has never before had a similar response to a new program.

The legislation I am proposing today will provide an important component in our Nation's efforts to develop educational programs which reduce and avoid children having handicapping conditions. As preschool education programs are demonstrating the value of early educational intervention, the development of programs for children with special learning disabilities will help us avoid the misdiagnosis of children, will help us to stop seeing children with learning problems as "lazy" or "underachievers" or "stubborn."

Children with learning disabilities are just beginning to be recognized by our educators. For years these children—and even the most conservative estimates include from 500,000 to 1½ million children—have slipped through the cracks of educational diagnosis. Recently they have been called by a multitude of names, or lumped into larger heterogeneous groups, so that we may hear them spoken of as having a perceptual handicap, or minimal brain dysfunction, dyslexia, developmental aphasia, and so on.

In developing this legislation, we have looked to the recent report by the National Advisory Committee on Handicapped Children, to the Association for Children with Learning Disabilities, the Council for Exceptional Children, and other experts in education for the handicapped, for advice concerning defining the problem. The definition used in this bill is based on that proposed by the national advisory committee and is as follows:

"Children with learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental damage.

Mr. President, the children who will be helped by this bill present discrete learning problems. Very frequently they will appear to be normal in every way, physically and mentally, yet they will have a specialized problem with some aspect of the learning task. For example, they might have a difficulty with the recognition and understanding of information which is in written form, when they could understand that very same information if it was spoken. It is this type problem which has been misunderstood and the frustration of parents and teachers in attempting to teach these children has led to the child developing increasingly greater problems in learning, in emotional adjustment, and even has affected later vocational placement.

The programs which will be supported by my bill will place the emphasis on helping these youngsters where it belongs, not on fancy diagnostic labels, but on an analysis of the learning task, and on the development of special teaching techniques and materials which can be used to find the learning abilities of the child, to employ them, and to work around specific barriers to learning he might have. Coming to terms with these children in designing educational programs is going to help us to learn more about education for every child. It is going to help us to realize that children have individual learning styles and characteristics, and that we are going to have to do more than to pay lipservice to these individual differences. Educators should be able, and will be able, to design special, individualized, approaches to the learning tasks which face children.

We can make this possible by providing support for carrying out a program of research and related activities in the area of education of children with learning disabilities. We must use this research as a basis for programs of professional and advanced training for people who are preparing to teach these children, and we must develop model centers for the evaluation, and education of our children. These centers in turn will assist our State and local educational agencies in making more programs available to children with learning disabilities.

In the years I have been privileged to serve in this great Senate I have had the chance to help develop and see passed many major education bills, the National Defense Education Act, the Elementary and Secondary Education Act, the Higher Education Act, and so on. We have seen the tremendous impact these programs are having on developing and maintaining the American educational system as the world's finest. We have a basic commitment in our Nation to providing educational opportunity for every child. It may surprise you to know that only two out of every five or six handicapped children in this country are receiving the special educational services they need. These figures are drawn from the State education agencies, and they point out how much there is to be done if we are to keep our promise of education for every child, handicapped or not.

There has been much progress in recent years. We have joined the towns and cities, and States in facing this problem. We have passed special programs for training teachers and for supporting research in education of the handicapped. In 1966, we passed legislation creating title VI of the Elementary and Secondary Education Act, a program of grants to the States, a National Advisory Committee on Handicapped Children and the Bureau of Education for the Handicapped within the U.S. Office of Education. That agency is today providing vigorous leadership in developing the national education response to the handicapped child. This recent development has helped us to see and recognize the child with learning disability, to recognize that while not retarded or orthopedically handicapped, his failures in the educational system were just as crippling, just as frustrating to him and to his parents and teachers. Research efforts and pilot programs promise us that many, many of these children can succeed in the basic educational system, if we can help them early enough through specially designed programs, and special tutoring. It is time for us to begin, why lose another year in a child's life? I hope that you will join me in considering this proposed legislation and that very shortly equal educational opportunity can become a reality for children with learning disabilities, and all handicapped children.

Mr. President, I ask unanimous consent to have printed in the RECORD the bill and the section-by-section analysis of the bill.

The VICE PRESIDENT. Without objection, the bill and the section-by-section analysis will be printed in the RECORD.

The bill (S. 1190) is as follows:

S. 1190

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 "Children With Learning Disabilities Act of 1969."

SEC. 2. Title VI of the Elementary and Secondary Education Act of 1965 be amended—

(1) by redesignating part E of such title as part F and redesignating sections 611 through 615 as sections 612 through 617 respectively; and

(2) by inserting after part D of such title the following new part:

"PART E—SPECIAL PROGRAMS FOR CHILDREN WITH LEARNING DISABILITIES

"RESEARCH, TRAINING, AND MODEL CENTERS

"SEC. 611. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

"(1) research and related activities, surveys, and demonstrations relating to the education of children with learning disabilities;

"(2) professional or advanced training for educational personnel who are teaching, or preparing to be teachers of, children with learning disabilities, or such training for persons who are, or preparing to be, supervisors and teachers of such personnel; and

"(3) establishing and operating model centers for the improvement of education of children with learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special education needs of such children and (C)

assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

"(b) In making grants and contracts under this title, the Commissioner shall—

"(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the nation, and

"(2) for the purposes of clause (3) of subsection (a), to the extent feasible taking into consideration the appropriations pursuant to this section, seek to encourage the establishment of a model center in each of the States.

"(c) Payments pursuant to grants and contracts under this section shall be made in accordance with regulations promulgated by the Commissioner.

"(d) For the purposes of this section the term 'children with learning disabilities' means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

"(e) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $31,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975."

The section-by-section analysis ordered to be printed in the RECORD, is as follows:

SECTION-BY-SECTION ANALYSIS OF S. 1190

Section 1 provides that the Act may be cited as the "Children With Learning Disabilities Act of 1969."

Section 2 amends title VI of the Elementary and Secondary Education Act of 1965 (which title may also be cited as the Education of the Handicapped Act) by redesignating Part E thereof (General Provisions) as Part F and inserting a new Part E, being section 611.

Subsection (a) of section 611 authorizes the Commissioner of Education to make grants to institutions of higher education, State education agencies, local educational agencies, and other public and private nonprofit educational and research agencies and organizations and to make contracts with any of such agencies and organizations and with private profitmaking organizations in order to carry out special programs for children with special learning disabilities.

Three types of such programs are authorized:

(1) He may make grants and contracts to support projects for research and related activities, surveys, and demonstrations relating to the education of children with learning disabilities;

(2) He may make grants and contracts to provide professional or advanced training to teachers of children with learning disabilities and to educational personnel who are preparing to teach such children and to provide such training to personnel who are supervisors and teachers of such teachers or who are preparing to become supervisors and teachers of such teachers.

(3) He may make grants and contracts to assist in the establishment and operation of model centers designed to improve the education of children with learning disabilities; such centers shall provide testing and educational evaluation services to children who have been referred to them, develop and conduct model educational programs designed to meet the needs of children with learning disabilities, and assist such other educational agencies, organizations, and institutions as may be appropriate in establishing model programs for children with learning disabilities and in making the services of those programs available to such children.

Subsection (a) requires the Commissioner to give special emphasis to projects designed to promote the adoption of new or improved educational ideas, practices, and techniques in dealing with, and creative approaches in meeting, the special educational needs of children with learning disabilities.

Subsection (b) requires the Commissioner to seek to achieve an equitable geographical distribution, throughout the nation, of programs to train educational personnel to meet the needs of children with learning disabilities and of personnel trained to meet the needs of such children. Subsection (b) further requires the Commissioner to encourage the establishment of a model center for children with learning disabilities in each of the States.

Subsection (c) provides that payments under the section shall be made in accordance with regulations.

Subsection (d) defines the term "children with learning disabilities" as meaning those children who have a disorder in one or more of the basic psychological processes involved in understanding or using written or spoken language. Such disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do arithmetic. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning disabilities arising primarily from visual, hearing, or motor handicaps, from mental retardation, from emotional disturbance, or from environmental disadvantage.

Subsection (e) authorizes appropriations for fiscal years 1971 through 1975. For fiscal year 1971, $12 million is authorized; for fiscal year 1972, $20 million is authorized; and for each of the fiscal years 1973, 1974, and 1975, $31 million is authorized.

S. 1191—INTRODUCTION OF BILL TO AUTHORIZE APPROPRIATIONS FOR PROCUREMENT OF AIRCRAFT FOR THE ARMED FORCES

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, by request, a bill to authorize appropriations during the fiscal year 1969 for the procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of this bill and explaining its purpose be printed in the RECORD immediately following the printing of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1191) to authorize appropriations during the fiscal year 1969 for procurement of aircraft for the Armed Forces, and for other purposes, introduced by Mr. STENNIS (for himself and Mrs. SMITH), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 1191

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

TITLE I—PROCUREMENT

SEC. 101. In addition to the funds authorized to be appropriated under Public Law 99–500, there is hereby authorized to be appropriated during the fiscal year 1969 for the use of the Armed Forces of the United States for procurement of aircraft in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $62,000,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. There is hereby authorized to be appropriated such sums as may be necessary for the pay and allowance of not to exceed nine persons, including personnel detailed to International Military Headquarters and Military Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended.

The letter, presented by Mr. STENNIS, is as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., January 14, 1969.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation "To authorize appropriations during fiscal year 1969 for procurement of aircraft for the Armed Forces and for other purposes." This proposal is a part of the Department of Defense Legislative Program for the 91st Congress, and the Bureau of the Budget has advised, by letter dated January 13, 1969, that enactment of the proposal would be in accord with the Program of the President.

In essence, this proposal would authorize additional appropriations for the procurement of aircraft by the Army to cover the amount of new obligational authority being requested for such purpose in the supplemental estimates for fiscal year 1969 submitted to the Congress by the President. In addition, the proposal would provide authorization for appropriations for certain positions allocated to NATO related agencies currently paid at rates prescribed under the Foreign Assistance Act of 1961, as amended. The need for this authority arises from the decision to transfer the subject costs of international headquarters and organizations from the military assistance budget to the defense budget.

The Committee on Armed Services will be furnished, as in the past, information with respect to the program for which fund authorization is being requested in a form identical to that submitted in explanation and justification of the budget request. Additionally, the Department of Defense will be prepared to submit any other data required by the committees or their staffs.

It is expected that the Armed Services Committees will desire that top civilian and military officials of the Department of Defense be prepared to make presentation explaining and justifying their respective programs as in the past.

Sincerely,

PAUL H. NITZE,
Deputy.

S. 1192—INTRODUCTION OF BILL AUTHORIZING APPROPRIATIONS FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, by request, a bill to authorize appropriations during the fiscal year 1970 for the procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of this bill and explaining its purpose be printed in the RECORD immediately following the printing of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1192) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, introduced by Mr. STENNIS (for himself and Mrs. SMITH), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 1192

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

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $941,500,000; for the Navy and the Marine Corps, $2,568,900,000; for the Air Force, $4,406,000,000.

MISSILES

For missiles: for the Army, $1,347,660,000; for the Navy, $865,100,000; for the Marine Corps, $20,100,000; for the Air Force, $1,794,000,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,698,300,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $298,300,000; for the Marine Corps, $37,700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,822,500,000;

For the Navy (including the Marine Corps), $2,207,100,000;

For the Air Force, $3,594,300,000; and

For the Defense Agencies, $500,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test and evaluation or procurement or production related thereto, $50,000,000.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an end strength of not less than the following:

(1) The Army National Guard of the United States, 404,032.

(2) The Army Reserve, 261,220.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 48,000.

(5) The Air National Guard of the United States, 86,616.

(6) The Air Force Reserve, 50,304.

(7) The Coast Guard Reserve, 17,700.

SEC. 302. The end strength prescribed by section 301 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the end strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—GENERAL PROVISIONS

SEC. 301. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966, (80 Stat. 37) as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

The letter, presented by Mr. STENNIS, is as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., January 14, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation "To authorize appropriations during fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes." This proposal is a part of the Department of Defense legislative program for the 91 Congress, and the Bureau of the Budget has advised, by letter dated January 13, 1969, that enactment of the proposal would be in accord with the program of the President.

This proposal is identical in form with the provisions of Public Law 90–500, providing authorizations for appropriations during fiscal year 1969 as required by section 412(b), Public Law 86–149, as amended.

This proposal would provide for authorization of apppropriations as needed for procurement, in each of the categories of aircraft, missiles, naval vessels, and tracked combat vehicles, for each of the military departments in an amount equal to the new obligational authority being requested for such purposes in the President's budget for fiscal year 1970 (except where the Budget proposed that obligational authority be provided by transfer as in the case of procurement of aircraft and missiles for the Navy and of the aircraft for the Air Force). In addition, the proposal would provide fund authorization in amounts equal to the new obligational authority included in the President's budget for fiscal year 1970 in total for each of the research, development, test, and evaluation apppropriations for the military departments and the defense agencies. Appropriations are also authorized for the Emergency Fund for research, development, test, and evaluation or procurement or production for the Department of Defense.

Title III of the proposal provides for the personnel strengths of the Selected Reserve of each reserve component of the Armed Forces in the number provided for by the new obligational authority for appropriations requested for these components in the President's budget for fiscal year 1970.

The proposal would also continue for fiscal year 1970 the authority now contained in section 401(a) of Public Law 89–367, as amended, for appropriations of the Department of Defense to be made available for the support of the (1) Vietnamese and other Free World Forces in Vietnam, and (2) local forces in Laos and Thailand. The reporting requirements of subsection (b) of section 401 cited above would be equally applicable to the support furnished Laos and Thailand under this amendment.

The Committees on Armed Services will be furnished, as in the past, information with respect to the program for which fund authorization is being requested in a form identical to that submitted in explanation and justification of the budget request. Additionally, the Department of Defense will be prepared to submit any other data required by the committees or their staffs.

It is expected that the Armed Services Committees will desire that top civilian and military officials of the Department of Defense be prepared to make presentations explaining and justifying their respective programs as in the past.

Sincerely,

PAUL H. NITZE.
Deputy.

S. 1195—INTRODUCTION OF BILL RELATING TO AMENDMENT OF THE SOCIAL SECURITY ACT

Mr. ANDERSON. Mr. President, I had the great privilege to be part of the movement which created medicare, a program which has already, although less than 3 years old, proved itself as a principal element on which the security of the aged rests. It is the main safeguard of the resources of the aged when illness befalls them. It has prevented poverty for many of our senior citizens. I am proud that the Anderson bills of 1960, 1961, 1963, and 1965 culminated in the enactment of the monumental Social Security Amendments of 1965 and the creation of medicare.

However, pride in past achievements is not enough. The program is a success, but success is not enough. Progress and improvement is what we must continue to seek, and it is in the quest of progress that I come before you in support of legislation to modify medicare.

I am sponsoring the legislation I will describe in major part because of difficulties I anticipated as far back as 1960. When the Kerr-Mills legislation was before us in 1960 and when it was enacted in 1965, I expressed serious reservation

about opening the Treasury to whatever degree the States might decide to draw on it by providing medical benefits without limits. This was a very dangerous move, in my view, and has been proved.

When provisions to pay physicians' fees were added to my medicare bill in 1965, I warned that adequate study had not been given to the measure, that pitfalls were likely to arise that were not foreseen—and they have.

Mr. President, I have never been a proponent of spend and spend and tax and tax. I do not intend to start advocating that now. I am completely opposed to increasing the medicare tax rates until we have tried and applied some of the commonsense controls on costs which are available as alternatives.

Unless constructive changes are made, Congress will have no choice but to vote the taxes to raise the additional $43 billion which the trustees now say medicare will require during the next 25 years.

To improve a successful program and to remedy defects in programs which are not so successful, during this Congress, I will seek and support tighter and better legislative and administrative limits on expenditures in our medical care programs.

In our enactment of medicare, we provided that medicare would afford reasonable payments for care which might have been previously underpaid. The key word here is "reasonable." It is imperative that we now spell out exactly what "reasonable" means. It is imperative in part because of the tremendous increase in medical costs in the last 3 years. I am not seeking to place blame for this rise. I am seeking to remedy some of the problems involved in it.

I have joined with Senators AIKEN, MANSFIELD, and PROUTY in sponsoring S. 111. Basically, that bill would limit payments to doctors under both medicare and medicaid to not more than the average Blue Shield payment for the same service when rendered to its own subscribers in a given geographic area. Obviously, the Government should not pay more to doctors for care provided to the low-income elderly and people on welfare than Blue Shield—the "doctors' own plan"—pays them for that same care when it is provided to the working population under 65. This, of course, is not a Government-established fee schedule, but simply a reasonable mechanism for following and adjusting to the predominant pattern for payment for doctors' care in each community.

I am offering a bill today, on behalf of myself, Mr. AIKEN, Mr. MANSFIELD, and Mr. PROUTY, designed to place reasonable limitations on payments for hospital, extended care, and skilled nursing home care under both medicare and medicaid. No one should suffer financially under the provisions of this bill, and, hopefully, no one should profit unduly either. Like the Aiken bill, my bill may not provide the definitive answer to all the problems. But it can be a base from which to inquire and to work out the best possible solutions.

This proposed amendment to the Social Security Act has five major parts. First, in no case would medicare and medicaid pay more for inpatient or outpatient hospital care than is payable to a given hospital by Blue Cross for like services of like duration. This means that, if a Blue Cross plan pays a hospital an average of $60 per day for a total of 15 days' care in a semiprivate room, medicare and medicaid would not pay more than that amount for care in the same type of accommodations. Similarly, if Blue Cross paid $10 to a hospital for an outpatient visit by one of its subscribers, the Government programs would not pay more than that amount.

At present, medicare and medicaid administrators have not established any effective maximum limitations on the amounts they will pay for hospital care. Because of present methods of payment in some cases, we are actually paying more than hospital charges. This amendment would put an end to that. The generous medicare reimbursement formula has led to situations such as that in New York City where I have been told we are actually paying upward of 5 percent more than does Blue Cross for comparable inpatient care.

This does not necessarily represent a criticism of Blue Cross—rather, it illustrates possible shortcomings of the reimbursement patterns established by medicare and medicaid.

Administrative costs are something we all want to minimize. Some of that expense may be avoidable without sacrificing necessary controls. In that connection, under this bill, the Secretary of Health, Education, and Welfare is authorized to pay hospitals under medicare in a given geographic area on a basis and in amounts identical to those of Blue Cross.

This would be done where the local Blue Cross plan's reimbursement formula requires adequate cost finding by its member hospitals and where the Secretary finds that payment on that basis would not result in paying more than would ordinarily be payable under the medicare formula. I anticipate that the Secretary would consult with the Comptroller General of the United States in developing and applying appropriate means of making these relative cost determinations.

Where it does not cost us more to use the Blue Cross formula, we would obviously reduce a lot of the present paper, clerical, and audit requirements now imposed upon hospitals by medicare.

The second major provision of this bill amends the law so as to authorize the Secretary of Health, Education, and Welfare to select part A intermediaries on the same basis as he now chooses part B carriers.

At present, the providers of service, hospitals and extended care facilities, choose the intermediaries. I am told that the fact that these facilities can change intermediaries—virtually at will—inhibits some intermediaries from forthright administration and insistence upon proper control procedures. The reason for this is readily apparent—a facility can simply say, "If you do not play the game our way, we will get someone else who will."

That is all very well and good from the facility's standpoint, but that type of situation is not healthy at all. The provision in my bill will remove the possibility of conflicts of interest and undue pressure inherent in present law.

A third basic section of the proposal is designed to require hospitals to exercise some reasonable self-discipline and proper management with respect to their costs.

Thus, no payment could be made under medicare or medicaid to the extent that a hospital's daily costs in a given year exceeded those of the previous year by more than the annual percentage increase in the Medical Care Price Index for that the geographic or metropolitan area.

The Secretary of Health, Education, and Welfare could allow full payment, despite this limitation, in certain limited and unusual situations. These might include a particular hospital assuming additional responsibilities as a teaching institution or some other marked upgrading change in the character of a hospital. They might include the effects in a given year of any unusual rise in labor costs resulting from unionization of hospital employees who had previously not been organized in that institution or area. But, it is intended that tolerance be shown only in unusual situations and that exception not become the general rule, as has occurred in other aspects of medicare administration.

This provision is not an unreasonable one. For example, the overall Consumer Price Index rose by 4.8 percent from December 1967 to December 1968. On the other hand, the Medical Care Index rose, during that same period, by 6.1 percent. But, the rise in hospital costs, alone, was more than double that of the Medical Care Index.

The last two segments of this bill are essentially "States' rights" provisions. They only come into play if a State decides it wants to use them. They are designed to assure Federal cooperation with a State's efforts to control health care costs and to establish more rational organization of health services. Both are designed to implement recommendations of the Advisory Commission of Intergovernmental Relations.

The first of these provisions provides that medicare and medicaid may not reimburse a hospital or extended-care facility or nursing home for capital expenditures of $100,000 or more for plant or equipment where the expenditure has been specifically disapproved by a State's "partnership for health" agency or other appropriate and qualified planning agencies designated by a Governor. There is no requirement that a State undertake an approval function. This provision simply provides that if a State chooses to attempt to create some order in the expansion of medical facilities, the Federal Government will not undercut them by paying for plant or equipment which the State specifically disapproves.

Two further points need to be made with respect to this planning amendment which, in essence, is the same as that approved by the Finance Committee and full Senate in 1967. First, routine replacement of equipment—even if it cost more than $100,000—would not be subject to the provision. Second, the

kinds of planning agencies which are conceived of as "appropriate" are those which have employed or have ready access to personnel qualified to make professional determinations with respect to areawide planning of health facilities and services. Additionally, agencies, other than the partnership-for-health agency, should be broadly representative of all the types of facilities and services directly affected by their decisions, apart from having public membership which is not affiliated directly or indirectly with the providers of health care.

The second States' rights amendment applies only to payment for care provided under the various welfare programs—principally medicaid. Quite simply, it provides that a State may apply such limitations upon payments for health care services as it deems necessary. These controls, if a State chose, would be in addition to those established under the other provisions of this bill.

Mr. President, I believe it is absolutely necessary for us to act quickly to bring added controls to the costs of medicare and medicaid. The present medicaid situation is intolerable. We are not only virtually bankrupting many States and municipalities but gouging more and more billion dollar chunks out of the Federal budget. Unless we move quickly and responsibly, I think we may run out of reasonable alternatives and wind up with direct Federal controls—which none of us really wants.

Mr. President, I ask unanimous consent that this bill be received and appropriately referred and that the text of the bill be printed at this point in the RECORD.

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

The bill (S. 1195) to amend the Social Security Act so as to provide a more uniform, orderly, economical, and equitable method of payment for hospital, extended care facility, nursing home, and intermediate care services under programs established by or pursuant to such act, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the first sentence of section 1816(a) of the Social Security Act is amended to read as follows: "The Secretary is authorized to enter into an agreement with any national, State, or other public or private agency or organization providing for the determination by such agency or organization (subject to such review by the Secretary as provided for by the agreement but not less often than annually) of the amount of the payments required pursuant to this part to be made to providers of services in any area, and providing for the making of payments under this part by such agency or organization to such providers."

(2) Section 1816(d) of such Act is repealed.

(3) Section 1816(e)(2) of such Act is amended by striking out "to the providers which have nominated it for purposes of this section" and inserting in lieu thereof "to the providers served by it".

(b)(1) Section 1861 (v) of such Act is amended by adding at the end thereof the following new paragraphs:

"(5)(A) Notwithstanding the foregoing provisions of this subsection, the reasonable cost of inpatient hospital services or other services provided by a hospital which are furnished by any provider of services shall not exceed (i) the amount which would be payable for such services by the principal nonprofit prepayment organization insuring against the costs of hospital care in the area wherein such services are provided to hospitals with which such organization has agreements, if the recipient of such services were insured against the costs of such services by such organization, or (ii) if less, the hospital's usual and customary charges to the general public for such services.

"(B)(i) If the principal nonprofit prepayment organization operating in any geographic area usually reimburses hospitals with which it has agreements on the basis of costs for inpatient hospital services provided to individuals insured for such services by such organization, the Secretary shall, when possible, determine the average per diem or equivalent amount paid by such organization to such hospitals for services comparable to the services covered under part A of this title in such area over the one-year period ending not more than 6 months prior to the date such average is determined. The Secretary shall, in determining such average amount, utilize such evaluative accounting and actuarial methods as he deems appropriate and such data (including data provided by such organization) as may be relevant.

"(ii) If any such principal nonprofit prepayment organization operating in any area is an organization which has entered into an agreement with the Secretary under section 1816, it shall be the duty of such organization to provide to the Secretary, under such agreement, such data as the Secretary may request in order to assist him in establishing under this paragraph the average amount paid by such organization for inpatient hospital services in such area. If any such organization fails or refuses to perform such duty under such agreement, the Secretary shall take such measures as may be necessary to terminate such agreement.

"(iii) The average amount paid with respect to inpatient hospital services by the principal nonprofit prepayment organization operating in any area shall be determined by the Secretary not less often than once during each 24-month period.

"(C) Whenever the Secretary determines that payment for inpatient hospital services provided in any area on the basis of the average per diem or equivalent amount paid by the principal nonprofit prepayment organization operating in such area (as determined under subparagraph (B)) would not result in a higher average cost to the Federal Hospital Insurance Trust Fund than if payment were made as otherwise provided in the foregoing provisions of this subsection, then he may make payment for services under this title on the basis of the reimbursement formula employed by, and in amounts identical to those paid by, such prepayment organization in behalf of its own insured members or subscribers for like services of like duration.

"(6) In any case in which a hospital or extended care facility makes, after June 30, 1971, one or more capital expenditures with respect to plant and equipment (other than expenditures for the routine replacement of existing equipment) and a State agency (established or designated pursuant to section 314(a)(2) of the Public Health Service Act, or such other qualified agency as may be designated by the Governor of the State) determines (and so informs such hospital or facility) that such expenditure or expenditures do not conform to the overall plan developed by such agency for adequate health-care facilities in such State or any part thereof, and if the aggregate of such expenditure or expenditures is $100,000 or more, then, notwithstanding any other provision of this subsection, the reasonable cost (as determined under other provisions of this subsection) of any service provided by such hospital or extended care facility shall be reduced by an amount equal to the amount which was included in such reasonable cost (as so determined) and which was attributable to depreciation, interest, or other expense connected with such expenditure or expenditures or the facility with respect to which such expenditure or expenditures were made.

"(7)(A) If, for any fiscal year of any hospital or extended care facility which begins on or after January 1, 1970, the per diem or equivalent costs for non-capital related items of expense claimed by such hospital or facility have increased, over the average per diem or equivalent costs for non-capital related items of expense of such hospital or facility for the preceding fiscal year, by a percentage greater than the average annual percentage of increase reflected by the Medical Care Index (published by the Bureau of Labor Statistics of the Department of Labor) for a 3-year period immediately preceding such fiscal year for the geographic area in which such hospital or facility is located, then, for purposes of determining under the preceding provisions of this subsection the reasonable cost of any services provided by such hospital or facility, there shall be disregarded any amount of the per diem or equivalent costs for non-capital related items of expense which exceeds the percentage of increase so reflected by such Index for such preceding 3-year period.

"(B) The Secretary may exempt a hospital or extended care facility from all or any part of the reduction provided by subparagraph (A) if he determines that the increase in per diem or equivalent costs of such hospital or facility was attributable to unusual circumstances including circumstances which were beyond the control of such hospital or facility."

(2) Section 1815 of such Act is amended by inserting immediately before the period the following: ", and except that no such payment shall be made to any provider which fails or refuses to provide any data requested of it by the Secretary in order for him to make determinations authorized by section 1861(v)".

(3) The amendments made by this subsection shall take effect July 1, 1969.

SEC. 2. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"LIMITATION ON FEDERAL FINANCIAL PARTICIPATION IN EXPENDITURES FOR CARE PROVIDED BY HOSPITALS, NURSING HOMES, AND INTERMEDIATE CARE FACILITIES

"SEC. 1122. (a)(1) Notwithstanding any provision of title I, part A of title IV, titles V, X, XIV, XVI, or XIX, in determining the amounts expended by a State as aid or assistance under a State plan approved under any such title (or under part A of title IV), there shall not be counted so much of any expenditure made by the State as payment for inpatient hospital services provided to any recipient of such aid or assistance by any hospital as exceeds (i) the amount which would be payable for such services by the principal nonprofit prepayment organization insuring against the costs of such services, in the area wherein such services are provided, to hospitals with which such organization has agreements, if the recipient of such services were insured against the costs of such services by such organization, or (ii) if less, the hospital's usual and customary charges to the general public for such services.

"(2)(A)(i) If the principal nonprofit prepayment organization operating in any geographic area usually reimburses hospitals with which it has agreements on the basis

of costs for inpatient hospital services provided to individuals insured for such services by such organization, the Secretary shall, when possible, determine the average per diem or equivalent amount paid by such organization to such hospitals for services comparable to those provided to recipients of aid or assistance under an approved State plan referred to in paragraph (1) in such area over the one-year period ending not more than 6 months prior to the date such average is determined. The Secretary shall, in determining such average amount, utilize such evaluative accounting and actuarial methods as he deems appropriate and such data (including data provided by such organization) as may be relevant.

"(ii) The average amount paid with respect to inpatient hospital services by the principal nonprofit prepayment organization operating in any area shall be determined by the Secretary not less often than once during each 24-month period.

"(B) The average per diem or equivalent amount paid for inpatient hospital services by the principal nonprofit prepayment organization operating in any area shall, for purposes of paragraph (1), be regarded as the amount which would be payable by such organization for inpatient hospital services in such area, if the Secretary determines that use of such average amount would not result in a higher cost to the Federal Government than if such average were not used.

"(b) In any case in which a hospital, nursing home, or intermediate care facility makes, after June 30, 1971, one or more capital expenditures with respect to plant and equipment (other than expenditures for the routine replacement of existing equipment) and a State agency (established or designated pursuant to section 314(a)(2) of the Public Health Service Act, or such other qualified agency as may be designated by the Governor of the State) determines (and so informs such hospital, nursing home, or intermediate care facility) that such expenditure or expenditures do not conform to the overall plan developed by such agency for adequate health care facilities in such State or any part thereof, and if the aggregate of all such expenditures is $100,000 or more, then, notwithstanding any provision of title I, part A of title IV, titles V, X, XIV, XVI, or XIX, in determining the amounts expended by a State as aid or assistance under a State plan approved under any such title (or part A of title IV), there shall not be counted so much of any expenditure made by the State to such hospital, nursing home, or intermediate care facility as payment for services provided by it to recipients of such aid or assistance as is attributable to depreciation, interest, or other expense connected with, such capital expenditure or expenditures or the facility with respect to which such capital expenditure or expenditures were made.

"(c) (1) If, for any fiscal year of any hospital, nursing home, or intermediate care facility which begins on or after January 1, 1970, the per diem or equivalent costs for non-capital related items of expense claimed by such hospital, nursing home, or intermediate care facility have increased, over the average per diem or equivalent costs for non-capital related items of expense of such hospital, nursing home, or intermediate care facility for the preceding fiscal year, by a percentage greater than the average annual percentage of increase reflected by the Medical Care Index (published by the Bureau of Labor Statistics of the Department of Labor) for the 3-year period immediately preceding such fiscal year for the geographic area in which such hospital, nursing home, or intermediate care facility is located, then notwithstanding any provision of title I, part A of title IV, titles V, X, XIV, XVI, or XIX, in determining the amounts expended by a State as aid or assistance under a State plan approved under any such title (or part A of title IV), there shall not be counted so much of any expenditure made by a State to any hospital, nursing home, or intermediate care facility as payment for inpatient services provided by it to recipients of such aid or assistance as is attributable to a percentage increase in costs for non-capital related items of expense claimed by such hospital, nursing home, or intermediate care facility over the percentage of increase reflected by such Index for such preceding 3-year period.

"(2) The Secretary may by regulations provide that the provisions of paragraph (1) shall be inapplicable in the case of any hospital, nursing home, or intermediate care facility, if the increase in per diem or equivalent costs of such hospital, nursing home, or intermediate care facility is attributable to unusual circumstances including circumstances which are beyond the control of such hospital, nursing home, or intermediate care facility.

"(d) Nothing in this Act shall be construed to prevent or limit any State, in the operation of any State plan approved under title I, part A of title IV, titles V, X, XIV, XVI, or XIX, from imposing any additional limitation on the payments which will be made under such plan to hospitals, nursing homes, or intermediate care facilities providing services to recipients of aid or assistance under such plan."

(b) The amendment made by subsection (a) shall apply with respect to calendar quarters commencing after December 31, 1969.

S. 1198—INTRODUCTION OF BILL TO PERMIT A COMPACT BETWEEN STATES RELATING TO TAXATION OF MULTISTATE TAXPAYERS

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to permit a compact or agreement between the several States relating to taxation of multistate taxpayers.

This bill is essentially the same as the one which I introduced in April 1967, on behalf of myself and 18 other Members. My remarks made then are generally applicable now. However, as I shall show in the course of my present remarks, the States have made further substantial progress in attaining uniformity in taxation of multistate taxpayers, progress which I hope will continue through congressional encouragement and support as embodied in this bill.

The bill seeks congressional consent for State compacts which would achieve certain enumerated purposes. Basically, those purposes would be to facilitate proper determination of State and local tax liability, to promote uniformity or compatibility of tax systems, to facilitate the multistate taxpayer's convenience and compliance regarding taxing procedures, and to avoid duplication of taxation.

In addition, the bill would give the States congressional consent to establish appropriate agencies for administration and research.

The compact with which the bill is concerned, the so-called multistate tax compact, has been enacted by 16 States. In two of these States, the compact is made subject to the express consent of Congress. This enactment by 16 States is to be contrasted with the enactment by only four States in April of 1967. Further, 11 other States have become associate members of the Multistate Tax Commission, established under the compact. It is expected that at least 12 other States will enact the compact this year.

The multistate tax compact has for its basic objectives the provision of solutions and additional facilities for dealing with tax problems of multistate businesses. More important in the long run, the compact would establish mechanisms for meeting multistate tax problems on a continuing basis and for solving future problems. The compact deals most immediately with income, capital stock, gross receipts, and sales and use taxation. It provides, also, for certain study, recommendatory, and service features that could be applied to other States and local taxes as well.

One of the principal measures for improvements—that is, simplification of taxpayer compliance and elimination of the possibility of double taxation—in the income tax field is the Uniform Division of Income for Tax Purposes Act. The compact would permit any multistate taxpayer, at his option, to employ the Uniform Act for allocations and apportionments involving party States or their subdivisions. Each party State could retain its existing division of income provisions but it would be required to make the Uniform Act available to any taxpayer wishing to use it. Consequently, any taxpayer could obtain the benefits of multijurisdictional uniformity whenever he might want it. The Uniform Act has been adopted in 25 of the 40 corporate income tax States, either through adoption of the compact or through adoption of the Uniform Act alone. This is to be contrasted with the 16 States which had adopted the Uniform Act in April 1967.

The compact also provides for an arbitration procedure for the settlement of such disputes as may arise. The taxpayers would have the choice of either using the arbitration procedure or pursuing a judicial remedy.

The compact further aids uniformity by providing for the making of advisory administrative rules and regulations applicable to any uniform provisions of statutory law.

A number of reforms already adopted widely would be made universal among the party States by the compact. For example, credits for sales taxes paid to other jurisdictions, provision for a small taxpayer to elect to pay a tax on gross sales in lieu of net income, and relief of vendors from collection of sales or use taxes upon good faith acceptance of an exemption certificate would be assured.

The matter of efficiency of tax audits, with concomitant convenience to taxpayers, long has been a subject of interest. The compact would make single audits possible on a multistate basis, in those States choosing to become parties to a cooperative audit article.

While many of the compact's provisions would be self-executing, some would require the conduct of research informational and implementing activities. For these purposes, the compact would establish a multistate tax commission composed of representatives of the party States having responsibility in multistate tax matters. Although an interstate administrative agency would be new in the tax field, there are already a number of interstate administrative agencies, some with many years of successful operation. The Port of New York Authority

which now operates and manages a billion and a half dollars worth of transportation and related public works is the oldest example. It is now 45 years old. Multistate commissions with large numbers of member States are to be found in the fields of education, natural resource development and management, and pollution control. Several compacts have a membership of all or almost all the States. These include the interstate compact for the supervision of parolees and probationers, the interstate compact on juveniles, and the interstate compact on mental health. Accordingly, there would be a considerable body of experience for a multistate tax compact and its commission to draw upon.

The multistate tax compact is a responsible answer of the States to the shortcomings of State tax laws as they affect multistate businesses. It is intended to assure equitable treatment of taxpayers, facilitate their compliance with tax laws, and provide means of avoiding or settling multistate tax disputes while preserving intact the taxing jurisdiction of State and local government.

The compact approach should be contrasted with the approach taken under suggested Federal legislation, discussed in a letter of January 2, 1969, from Mr. George Kinnear, director of the Washington State Department of Revenue and chairman of the Multistate Tax Commission. I concur in the remarks made in Mr. Kinnear's letter.

This bill seeking congressional consent for the multistate tax compact is being introduced on behalf of myself and Senators ALLOTT, ANDERSON, BENNETT, BIBLE, BURDICK, CHURCH, CURTIS, EAGLETON, FONG, GOLDWATER, GRAVEL, GRIFFIN, GURNEY, HANSEN, HATFIELD, HRUSKA, INOUYE, JACKSON, JORDAN of Idaho, MCGEE, MOSS, PERCY, RANDOLPH, STEVENS, TOWER, YARBOROUGH, and YOUNG of North Dakota.

I recognize that, after hearings by the appropriate committee, modifications may be found to be desirable. However, no matter what the exact form of the consent legislation may be, I feel that the Congress should give sanction and encouragement to the States efforts to solve the problems of taxation of multistate businesses through the compact approach.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks, along with the letter of January 2, 1969, from Mr. George Kinnear.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1198) to permit a compact or agreement between the several States relating to taxation of multistate taxpayers, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 1198

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 "Multistate Tax Compact Act".

SEC. 2. Consent of Congress is hereby given to any two or more of the States of the United States to negotiate and enter into a compact or agreement, not in conflict with any law of the United States, for the following purposes:

(a) To facilitate proper determination of State and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes.

(b) To promote uniformity or compatibility in significant components of tax systems.

(c) To facilitate multistate taxpayer convenience and compliance in the filing of tax returns and other phases of tax administration.

(d) To avoid duplicative taxation.

SEC. 3. The consent of Congress is further given to such States to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreement or compact, and to amend any such agreement or compact.

The letter, presented by Mr. MAGNUSON, is as follows:

STATE OF WASHINGTON,
DEPARTMENT OF REVENUE,
Olympia, January 2, 1969.

Hon. WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: As you know our State of Washington, and most of the other states, have been vitally interested in working to find equitable solutions to tax problems of multistate business. We recognize that there are legitimate problems which have arisen in the field of multistate treatment of business taxation; we believe multistate businesses are justified in asking for uniformity, simplicity, and equity in taxation by the states; and we feel that the Multistate Tax Compact is the way to go about solving these problems, through the voluntary, affirmative, and collective action of the states.

We do *not* believe that federal legislation, such as that of Representative Willis in the last session or that which Senator Ribicoff has announced he will propose in the present session, is a proper solution to any of these problems: uniformity, simplicity, or equity.

Its standards of "uniformity" consist of uniform exemptions to a preferred group of taxpayers. Removing a favored group of businesses from taxing jurisdiction may be said to simplify things for those taxpayers whose organization structure or business practices can be adjusted to meet the jurisdictional escape hatches provided for them; it hardly simplifies things for the remaining taxpayers who must pick up the slack of lost tax revenues and still try to compete with their tax exempt competition. This sort of restrictive federal legislation in fact creates new and extensive areas of inequity and nonuniformity as between localized and multistate businesses.

We agree with all who say taxes must be equitable to multistate taxpayers; we believe they must also be equitable to local taxpayers and to local and state governments. We agree that multiple and duplicative taxes must be eliminated; but multistate business must pay its way, its fair share; it is no solution to relieve such business entirely from supporting state and local governments. We agree that tax compliance and reporting should be simplified so as not to hamstring multistate business; the simplification must not be such, however, that it causes drastic shifts in revenue burdens and destroys or handicaps the revenue sources of state and local governments, most of which are already suffering desperate fiscal predicaments.

The State of Washington along with the other 26 states presently joined together in the Multistate Tax Commission are firmly opposed federal legislation of the Willis-Ribicoff kind. We believe such legislation is both unnecessary and inappropriate as a solution for present or future problems in the taxation of multistate business. I will not go into a detailed discussion in this letter except to say that, in addition to our general opposition as a matter of basic philosophy, we find over twenty separate provisions in the most recent versions of proposed federal bills which either narrow the tax base for a preferred group of businesses, exempt them entirely from state taxing jurisdiction, or make state tax collection more difficult, ineffective, and more costly.

The Multistate Tax Compact has already been enacted by 16 states; eleven others have joined the Multistate Tax Commission, created by the Compact, as associate members. Through the Compact methodology the Commission has already accomplished a great deal in its short 16-month existence. Much more can and will be accomplished which the states should be given an opportunity to demonstrate.

The states earnestly desire and request an opportunity to fully apprise the Senate of their achievements, plans, and purposes in this field.

Sincerely,

GEORGE KINNEAR,
Director.

S. 1205—INTRODUCTION OF A BILL TO CREATE A SUPREME SACRIFICE MEDAL

Mr. HARTKE. Mr. President, I realize that there is no action a Government can take which will adequately honor those service men and women who give up their lives for their country; but certainly an expression of gratitude by the people through their Government to the members of the family of such men and women is altogether desirable and appropriate. To that end, therefore, I today introduce for myself and Senators BIBLE, BURDICK, BYRD of West Virginia, COOPER, EASTLAND, FANNIN, GOODELL, HARRIS, PROUTY, SCHWEIKER, SCOTT, STEVENS, TYDINGS, and YARBOROUGH, a bill to provide for a military decoration to be known as the Supreme Sacrifice Medal which will be presented to the widow or next of kin of members of the Armed Forces who have lost their lives as a direct result of armed conflict.

Those brave men and women who have given their lives in the service of our country are, indeed, this country's greatest heroes and they, and their families, deserve recognition in excess of that currently bestowed. While the Purple Heart is a most cherished and distinguished decoration it does not adequately reflect the heroism and sacrifice of those who lost their lives in battle; nor does it adequately honor those who have lost loved ones as a direct result of armed conflict. Similarly, the gold star pin given to the next of kin is hardly more than a token expression of gratitude to the families of those who have paid the supreme sacrifice.

I am happy to report that this bill has the full support of the American Legion, the Disabled American Veterans, the AMVETS, and the Veterans of Foreign Wars.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred;

and, without objection, the bill will be printed in the RECORD.

The bill (S. 1205) to provide for a medal to be known as the Supreme Sacrifice Medal and to provide for its presentation to the widow or next of kin of members of the Armed Forces who have lost their lives as the result of armed conflict, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is no action a government can take which will adequately honor those men and women who sacrifice their lives for their country; but an expression of gratitude by the people through its government to the members of the family of such men and women is desirable and appropriate. It is, therefore, the purpose of this Act to provide for the striking of a special medal to honor those members of the Armed Forces of the United States who have lost their lives as the result of armed conflict, and to provide for the presentation of such medal to the widows or widowers or next of kin of such members.

SEC. 2. The Secretary of Defense is authorized and directed to provide for the designing and striking of an appropriate medal to be known as the Supreme Sacrifice Medal for presentation to the widows or next of kin of members of the Armed Forces of the United States who, while serving on active duty, lost their lives as the direct result of armed conflict.

SEC. 3. (a) The Secretary of Defense shall make every reasonable effort to locate the widow or the next of kin of each member of the Armed Forces who lost his life on or after August 5, 1964, and whose death occurred under the conditions described in the first section of this Act, and to present the Supreme Sacrifice Medal to such widow or next of kin, as the case may be, of such member.

(b) Upon application to the Secretary of Defense, the Supreme Sacrifice Medal shall be presented to the widow or next of kin of any member of the Armed Forces who lost his life prior to August 5, 1964, under the conditions described in the first section of this Act. Applications filed under this section shall be in such form and contain such information as the Secretary may prescribe.

SEC. 4. (a) The Supreme Sacrifice Medal shall in all cases be awarded to the widow, if living. If there is no widow the medal shall be awarded to one of the following persons, in the order named: (1) the child or children of the former member, (2) the parents of the former member, or (3) the brothers and sisters of the former member.

(b) As used in this act, (1) the term "widow" shall include widower; (2) the terms "child" or "children" shall include stepchild or stepchildren and a child or children through adoption; (3) the term "parents" shall include mother, father, stepmother, stepfather, mother through adoption, and father through adoption; and (4) the term "brothers and sisters" shall include half brothers and half sisters.

SEC. 5. Whoever shall (1) falsely make, forge, or counterfeit, or cause to be falsely made, forged or counterfeited, or aid in falsely making, forging, or counterfeiting the Supreme Sacrifice Medal provided for under this Act, or (2) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession, any such false, forged, or counterfeited Supreme Sacrifice Medal, shall be fined not more than $1,000 or imprisoned for not more than two years, or both.

SEC. 6. The Secretary of Defense is authorized to prescribe such rules and regulations as he may deem appropriate for the effective administration of this Act.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 1207—INTRODUCTION OF BILL RELATING TO REGULATION OF UTILITY SECURITY ISSUES

Mr. METCALF. Mr. President, on behalf of the senior Senator from Michigan (Mr. HART) and myself, I introduce for appropriate reference a bill supported by the Federal Power Commission, to repeal section 204(f) of the Federal Power Act. That is the provision which excludes from Federal Power Commission jurisdiction the regulation of security issues by an electric utility "organized and operating in a State under the laws of which its security issues are regulated by a State commission." The effect of section 204(f), has been to limit Federal Power Commission jurisdiction over security issues to no more than 28 of the 184 major electric utilities.

Mr. President, State utility commissions are not equipped to analyze security issues. A majority of them do not have a single security analyst on their staff. Analysis of security issues is a sophisticated business. It is becoming increasingly complex, as a reading of the testimony Tuesday, before the House Subcommittee on Commerce and Finance, by Chairman Hamer Budge of the Securities and Exchange Commission, indicates. One electric utility has put aside almost 10 percent of its stock for purchase at reduced prices, through stock options, by company insiders. This was done so adroitly that a member of the Commission was completely unaware that he and his colleagues had approved this plan under which the board chairman of the utility, in one transaction, made a windfall profit amounting to more than twice the annual salary of the three Commissioners and their 18 staff members.

When millions of dollars worth of stock are sold to power company insiders at a fraction of the market value, both the stockholder and consumer suffer. The loss of capital, because of the sale at below-market option price, amounts to capital forgone. Capital has to be raised somewhere else. Stock option abuse is one of the reasons why electric utilities last year requested a record high in rate increases.

A case can be made for granting stock options in risk enterprises whose success or failure depends largely on the ability of executives to develop and sell a product or service profitably in a competitive market. Electric utilities are not in that category. They have a monopoly. They sell an essential product. Their revenue is related more to the size of their investment, or rate base, than it is to competition in the marketplace. The law requires that the utilities' rates be sufficient to cover all expenses, including taxes, salaries and emoluments, plus profit. However, utility officials' gain from stock option transactions rarely comes to the attention of the public or the regulatory commissions. Security analysts for investment and brokerage houses, and the utilities themselves, issue voluminous information about security issues, but precious little about stock options and insider transactions.

Requirements for reporting utility officials' stock option transactions are, at best, minimal, and even these limited requirements are sometimes disregarded. The latest example to come to my attention involves Fischer S. Black, president of Tampa Electric. He made a windfall profit of $140,562 through exercise of options on 13,000 shares of stock. He failed to advise the Securities and Exchange Commission that the transaction involved the purchase of securities through the exercise of options. Nor did he advise the SEC as to the reduced cost of the stock to him. An enterprising reporter, Charles Stafford of the St. Petersburg Times—a member of that small but valuable segment of the press corps which reports utility matters on the basis of their own investigation rather than utility press releases—verified and reported the truth about Fischer Black's stock option windfall on Washington's Birthday, appropriately, and I shall insert Mr. Stafford's account at the conclusion of my remarks.

Mr. President, in summary, Senator HART's and my bill is needed to protect utility stockholders and customers. They have no effective voice in the affairs of electric utilities, whose management decides policy, including policy on stock options, through exercise of proxies. The stockholders and ratepayers in most States have no voice before the State commissions, which have no staff to analyze, or even discover, stock option plans. The commission and staff with competence in this field is the Federal Power Commission, which in most cases is powerless to act because of section 204(f), which our bill would repeal.

The authors of the Public Utility Holding Company Act of 1935, Senator Burton K. Wheeler and the late Representative Sam Rayburn, envisioned Federal Power Commission regulation of utility security issues, just as the Interstate Commerce Commission regulates railroad security issues. Section 204(f) was inserted at the instance of the National Association of Railroad and Utilities Commissioners. NARUC will testify on March 10, before the Senate Subcommittee on Intergovernmental Relations, on S. 607, my Utility Consumers' Counsel bill, which would require reporting and publication, among other things, of more information about utility stock option plans. S. 607 would not transfer regulatory responsibility, which largely rests with the State commissions. I shall send a copy of these remarks to NARUC, preparatory to questioning its witness on the administration by the State commissions of the responsibilities it sought and received through section 204(f).

Mr. President, I would refer those who seek examples of stock option abuse by officials of some of the 32 power companies with stock option plans to my remarks in the March 21, 1967, RECORD, beginning on page S 4132. Those remarks also include the text of the Federal Power Commission Opinion No. 433, issued June 30, 1964, denying authority for issu-

ance of common stock, including stock options, for Black Hills Power & Light. This was only the second case involving utility stock options to come before the FPC, because of its limited jurisdiction in this field.

Mr. President, I ask unanimous consent to insert at this point in the RECORD Mr. Stafford's article, "Stock Option Brings $140,562 Bonus," in the February 22, 1969, issue of the St. Petersburg Fla., Times, and the Federal Power Commission's January 2, 1969, report on my bill in the 90th Congress, S. 1355, which is a companion to the legislation I introduce today. I also ask unanimous consent to insert in the RECORD the text of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, and other matters, requested by Senator METCALF, will be printed in the RECORD.

The bill (S. 1207) to repeal the provisions of the Federal Power Act which exempt from Federal Power Commission regulation the issuance of securities by public utilities subject to certain State regulation, introduced by Mr. METCALF (for himself and Mr. HART), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That effective on the thirtieth day after the date of enactment of this Act, subsection (f) of section 204 of the Federal Power Act (16 U.S.C. 824c(f)) is repealed.

The article and other matters, presented by Mr. METCALF, are as follows:

[From the St. Petersburg (Fla.) Times, Feb. 22, 1969]

STOCK OPTION BRINGS $140,562 BONUS

(By Charles Stafford)

WASHINGTON.—Fischer S. Black, president of Tampa Electric Company, recently purchased 13,000 shares of his firm's stock under a stock option plan, which, in effect, gave him a bonus of $140,562.50.

The purchase also made Black the second largest individual stockholder among Tampa Electric's officers and directors. Records of the Securities and Exchange Commission (SEC) show he now owns 19,216 shares of the firm's common stock.

Tampa Electric's 1968 proxy statement listed Peter O. Knight, Jr., chairman of the executive committee of the Exchange National Bank of Tampa, as the utility's major stockholder among the officers and directors with 122,934 shares. William C. MacInnes, Tampa Electric's board chairman, held 9,840 shares.

On May 13, 1960, Tampa Electric stockholders granted 10-year options to MacInnes on 24,000 shares and Black on 16,000 shares. The price was set at $17.8125 per share. This 40,000 shares was among 62,000 placed under option for officers and directors and 20,800 shares for key employes at prices ranging from $17.8125 to $26 per share.

Records show MacInnes exercised his option on 5,000 shares prior to the stockholders' meeting of 1965. There is no record he has made any additional purchases. He and Black have until May 13, 1970, to exercise the option on the remaining stock available to them—19,000 shares for MacInnes and 3,000 shares for Black.

At the option price Black would have paid $231,562.50 for the 13,000 shares. He reported the purchase to the SEC on Feb. 5. The closing price for Tampa Electric stock that day on the New York Stock Exchange was $28.625, and the 13,000 shares would have cost an investor $372,125.

The difference in what Black paid for the stock and what he would have had to pay for it in the marketplace, $140,562.50 represented a bonus for him. Critics of the stock option plan call it a "windfall profit."

Black, contacted yesterday in Tampa, said most major companies offer their executives stock option plans as management incentives and that they are generally given in lieu of salary. He said he sees nothing wrong with the practice.

While the option plan is available to officers and other key personnel, he said, all other Tampa Electric employes have an opportunity to buy company stock 15 per cent under the market price.

In his report to SEC, Black simply noted the purchase of 13,000 shares. A portion of instruction 11 of the report form states: "If the transaction . . . involved the purchase of securities through the exercise of options, so state and give the exercise price per share . . ." Black neglected to do so. However, a Tampa Electric spokesman said Black had purchased the stock under the option plan.

"These things are reported in our proxy statement every year," said Black. "There's no secret about it. It's public information."

Black's annual salary as Tampa Electric president in 1967—the latest year on record with the Federal Power Commission—was $59,625. MacInnes' was $80,000.

In 1964, in denying the application for a stock option plan of a company over which it had jurisdiction, the Federal Power Commission listed these objections to stock options:

"First, such plans disguise the extent of managerial compensation and thus make it easy for the top managers to receive excessive compensation. As the staff showed in this case, there is no practical method of accounting for stock options which will give a clear indication of their cost to the company. Over the years, the accounting for costs has been made the foundation of knowledgeable regulatory control. Since there is no disclosure of service costs under these plans in the accounts of the utility, the use of the stock option form of executive compensation distorts the real cost of electric utility services. On the other hand, increases in cash salary payments are immediately evident. Entered into the books of account they are disclosed and understood by investors, consumers and regulatory officials alike.

"Second, stock options usually prefer the top executives and ignore the important role of the lower and middle management group. On a companywide basis, they may create a morale problem for the many which offset their claimed incentive value to the few.

"Third, such plans lead to executive compensation which is often irrational, erratic and unrelated to the performance of the executive, general market trends and the growth of the economy in the company's market area may play a larger role in determining the value of the options than the efforts of the option-holders themselves.

FEDERAL POWER COMMISSION REPORT ON S. 1355, 90TH CONGRESS

A bill to repeal the provisions of the Federal Power Act which exempt from Federal Power Commission regulation the issuance of securities by public utilities subject to certain State regulation

S. 1355 would make the Federal Power Commission's existing responsibilities for regulating securities issuances of public utilities uniformly applicable to public utilities, by eliminating the special exemption of securities regulation granted by subsection 204(f) to some public utilities already under the general regulation of the Federal Power Act. Under present law, public utilities which are subject to FPC regulation in such matters as interstate wholesale rates and accounting practices may nonetheless be exempted from section 204 regulation of their securities: Public utilities are exempted if they operate in the state of their incorporation albeit only a portion of their total operations and if that state also regulates their securities. Public utilities are not exempted if they have no operations in their state of incorporation or if that state does not regulate the securities issue. These distinctions do not seem relevant to any criteria of public policy to justify avoidance of Federal Power Act standards. (A more detailed analysis of the existing exemption is appended hereto.)

Where the present exemption standard applies, state jurisdiction is exclusive, although a second state agency may have concurrent jurisdiction where the utility operates in two states. Under S. 1355 public utility securities issues would still be subject to State commission regulation as is the case of those public utilities under the Public Utility Holding Company Act, but uniform Federal regulation would also apply. This contrasts with ICC jurisdiction of railroad securities which is exclusive, 49 U.S.C. 20(a).

The Federal Power Commission believes that such concurrent jurisdiction would enhance consumer and stockholder protection and preserve the prerogatives of both state and federal agencies without inhibiting in any way the growth and prosperity of the electric industry.

S. 1355 would ensure that the securities issues of all Commission regulated public utilities meet the standards of the Federal Power Act (except members of registered holding company systems) and thereby eliminates any advantages they may now enjoy as a result of variances between State and Federal laws.

The criterion of subsection 204(f) for exemption from uniform national standards does not reflect the realities of marketing public utility securities. Most, if not all, public utilities compete for funds in the national money market. Their securities are traded in the national exchanges. The stockholders and investors in any one public utility's securities are only coincidentally residents of the state in which the utility operates. The physical plant and consumers are often in several states, due to multi-state operations or interconnections. The interests sought to be protected by state regulation, therefore, are not coincidental with the interests protected by a national policy. Indeed, in marketing of securities of public utilities, there is less relationship to the state of operation than in any other aspect of an electric utility's operation, while it is the sole area where the Federal Power Act provides an exemption from uniform national standards for certain public utilities. This exemption was not included in the original Public Utility Act as introduced by Senator Wheeler and Representative Rayburn. (The Appendix traces the origin of this exemption.)

The Public Utility Act of 1935 assigned securities regulation of electric utilities to the Federal Power Commission. Federal and state public utility securities regulation differs from the Federal Securities Act of 1933 and the various state blue-sky laws which are anti-fraud or registration statutes which are primarily for the protection of the would-be investor. Section 204 of the Federal Power Act (and similar federal and state statutes) authorizes approval, disapproval or conditional approval of securities issues of interstate public utilities to protect the company and its consumers as well as the investor.

In reviewing security issues, the FPC considers the capital structure of the company with the view, among others, toward maintaining a balanced debt-equity ratio which

will minimize the cost of capital without impairing the ability of the company to weather adverse business conditions.

The Commission's regulations have assisted both the consumers and the utilities. Thus the Commission's requirements for competitive bidding by underwriters in the marketing of utility securities tends to ensure that the public utility obtains the lowest interest rate for debt securities.

FPC procedures are not burdensome; approval of a security issue is generally given in 20 to 30 days, comparable to the time the SEC requires to review the same securities issue under the independent disclosure-type provisions of the Securities Act.

The original purpose of the Federal Power Act to provide effective regulation at the national level for public utilities which sell or transmit electricity in interstate commerce will be furthered by removing the exemption from Commission jurisdiction which 204(f) provides. S. 1355 preserves the concurrent jurisdiction of State commissions and would enhance consumer and stockholder protection. The Federal Power Commission therefore believes the enactment of S. 1355 would be in accord with the public interest.

The Bureau of the Budget advises that while there is no objection to submission of this report the Bureau questions, on the basis of information available to it, whether the proposed change in the regulatory process is needed at this time.

A separate statement by Commissioner Bagge is attached.

APPENDIX

ORIGIN AND SCOPE OF PRESENT FPC SECURITIES JURISDICTION

ORIGIN OF SECTION 204(f)

Subsection 204(f) did not originally appear in the Wheeler-Rayburn bill which became the Public Utility Act of 1935.[1] The original bill provided for State-Federal concurrent jurisdiction, unlike section 20(a) of the Interstate Commerce Act on which section 204 was modeled. The National Association of Railroad and Utilities Commissioners proposed to both the Senate and House Interstate Commerce Committees that section 204 be amended to exclude from FPC jurisdiction the securities issues of public utilities organized and operating in a State under the laws of which its securities issues were regulated by a State Commission.[2] The Senate Committee rejected this proposal and to make the original intent clear, added a subsection 204(f) which would have expressly preserved both State and Federal jurisdiction, explaining: [3]

"Subsection (f) expressly preserves the jurisdiction of the State commissions under State statutes which require Commission approval of security issues."

The Senate passed the bill preserving concurrent jurisdiction but the House Committee on Interstate and Foreign Commerce adopted the NARUC suggestion, which was then accepted in the Conference Committee.[4]

EXTENT OF PRESENT FEDERAL POWER COMMISSION JURISDICTION

Section 204(f) now states that:

"The provisions of this section shall not extend to a public utility organized and operating in a State under the laws of which its security issues are regulated by a State Commission."

Primarily because of the exemption provided by section 204(f) no more than 28 of the 184 major electric utilities are subject to FPC regulation of their securities issues.[5] This number has gone down in recent years as some public utilities have changed their corporate domicile from a State where they had no operations to a State in which they do operate, and have thus exempted themselves from FPC jurisdiction.[6] Seventeen of the 28 utilities are in the four States (South Dakota, Minnesota, Texas, and Iowa) without a State commission with power to regulate securities issues, 10 more are incorporated in States in which they have no operations, and one company is subject to FPC jurisdiction because provisions in its charter exempt it from State public utility regulation. Forty-five more public utilities under general FPC jurisdiction are subject to the Securities and Exchange Commission for their securities regulation as members of registered public utility holding company systems pursuant to the Public Utility Holding Company Act.[7] The statutory standards for authorization of securities issues under the Holding Company Act [8] are for all practical purposes identical to the Federal Power Act standards, although the SEC has sometimes administered these standards differently from the FPC. The exemption appearing in subsection 204(f) of the Power Act was not written into the Holding Company Act.

Under section 204(f), a public utility with operations in several States is exempt from FPC jurisdiction if it is incorporated in one of the States in which it operates. For example, Southwestern Public Service Company, which operates in Texas, New Mexico, Oklahoma, and Kansas, does 75% of its business in Texas, which has no State commission. It is exempt from FPC jurisdiction because it is organized and does some of its business in New Mexico, which regulates the company's securities.

Even apart from the special exemption of subsection 204(f), public utilities have considerable leeway in their financing programs. The securities jurisdiction of the FPC does not extend to normal short-term financing as section 204(e) exempts securities maturing within one year and not exceeding in value 5% of the outstanding par value.

STATEMENT OF COMMISSIONER CARL E. BAGGE ON S. 1355, 90TH CONGRESS

S. 1355 would extend the authority of the Federal Power Commission over security issuances to all public utilities by eliminating the exemption presently granted by sub-section 204(f) of the Federal Power Act. At the present time public utilities which are subject to Federal Power Commission regulation in such matters as interstate wholesale rates and accounting practices are exempted from Section 204 regulation of their security issuances if they operate in the state of their incorporation and if that state regulates their security issues.

Section 204 was enacted in 1935 because Congress concluded that some regulatory agency, either state or Federal, should regulate new issues of securities by public utilities in order to protect against abuses such as those which occurred during the 1920's and early 1930's. Congress left to the states the primary authority for such regulation. It delegated such authority to the Federal Power Commission only when it would be difficult for states themselves to discharge this responsibility. It was decided at that time that there was no need for both the states and the Federal Power Commission to have this jurisdiction.

That the situation differs today from that which existed thirty years ago cannot be denied. The changes which have occurred, however, seem to me to make additional Federal jurisdiction of security issuances less, rather than more, necessary. Security analysts employed by investment and brokerage houses disseminate voluminous information to the public. Prospectuses containing complete information must be prepared and submitted to the S.E.C. Certified Public Accountants now audit and certify the financial statements of every major public utility. Investment officers of investing institutions scrutinize all new offerings. Regulation by the Federal Power Commission and the state commissions of accounts provides additional safeguards to the investing public.

There is no record of abuses which must be curbed by the enactment of S. 1355. Existing Federal and state regulation together with the changes noted above have, in fact, proven to be wholly effective in curbing the abuses which were prevalent in the 1920's and early 1930's and in preventing occurrence of similar abuses. The existence of a Federal "regulatory gap" does not itself argue so forcefully for the extension of Federal regulation as to overcome the fact that there exists no abuse which cannot be corrected under existing legislation. Since no need has been demonstrated to support its enactment, I believe that the extension of Federal jurisdiction would be detrimental to the public interest because it would require the use of resources which could be more appropriately spent in other areas of regulation.

Nor is it decisive that public utilities compete for funds in the national money market and that their securities are traded on the national exchanges. Unregulated companies are in a similar situation. Their investors are protected by financial analysts, the Securities and Exchange Commission, state securities commissions, state "blue sky" laws, Certified Public Accountants, and common sense.

My colleagues contend that the enactment of S. 1355 would provide uniform national standards which would thereby eliminate any "advantages" which utilities may now "enjoy" under various state laws. This, however, is inconsistent with the theory that the bill provides concurrent jurisdiction, since, if standards in some states are more stringent than that which the F.P.C. would require, differences in treatment would still exist, absent complete federal preemption.

My colleageus suggest that this bill would permit the F.P.C. to review the capital structure of the utility with a view toward maintaining a balanced debt-equity ratio which will minimize the cost of capital without impairing the ability of the company to weather adverse business conditions. This factor is presently reviewed by the various state com-

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[1] H.R. 5423 and S. 1725, 74th Congress, 1st Session, 1935.

[2] Hearings, Committee on Interstate Commerce, U.S. Senate; on S. 1725, 74th Congress, 1st Session. Testimony of John E. Benton, General Solicitor for NARUC, p. 751.

[3] Senate Report 621, 74th Congress, 1st Session, 1935, p. 50. The Committee's proposed subsection (f) read: "The Commission shall not grant any application under this section with respect to any security which is subject, under the laws of any State, to the jurisdiction of the State commission, unless the applicable State laws shall have been complied with." Confidential Committee Print, S. 1725, 74th Congress, 1st Session, May 4, 1935, p. 39, MY of Print.

[4] House Report No. 1318, 74th Congress, 1st Session, p. 28: "Under the statute the requirement of subsection (f) of the Senate bill that applicable State laws must be complied with before Commission approval may be given has been changed to authorize security issues without Federal approval where such issues are regulated by a State commission in which the public utility is organized and operating."

[5] Even 10 of the 28 companies have not acquiesced in the Commission's jurisdiction.

[6] Duke Power Company moved its corporate domicile from New Jersey to North Carolina in 1964. Montana Power Company moved its corporate domicile from New Jersey to Montana in 1961. Puget Sound Power and Light moved its corporate domicile from Massachusetts to Washington in 1960.

[7] 15 U.S.C. 79 *et seq.*

[8] 15 U.S.C. 79g(c)1.

missions, and my colleagues have cited no evidence to demonstrate that state regulation has defaulted in its exercise of this jurisdiction. It should be noted that the purchasers of utility securities are also concerned with this objective and that their influence operates to achieve this objective.

If Congress, moreover, were to decide that there exists a need to impose uniform mandatory competitive bidding requirements in the marketing of all utility securities, such a requirement could better be imposed by legislation which would deal specifically with that problem.

The original purpose of Section 204 of the Federal Power Act was to provide effective regulation of the securities of public utilities. The purpose of 204(f) was to protect against over-regulation. Section 204 has achieved its purpose. Such being the case, I cannot agree that a revision such as the one proposed is at all necessary and hence, I must conclude that it is not in the public interest. Were it otherwise, I would unhesitatingly join my colleagues in their endorsement of this proposal.

S. 1208—INTRODUCTION OF BILL RELATING TO MEDICARE AMENDMENT

Mr. DODD. Mr. President, on behalf of the distinguished senior Senator from New Mexico (Mr. ANDERSON), the distinguished junior Senator from Hawaii (Mr. INOUYE), the distinguished senior Senator from Wyoming (Mr. MCGEE), the distinguished junior Senator from Wisconsin (Mr. NELSON), the distinguished junior Senator from Rhode Island (Mr. PELL), the distinguished senior Senator from West Virginia (Mr. RANDOLPH), and the distinguished senior Senator from Texas (Mr. YARBOROUGH), I introduce for appropriate reference, an amendment to title XVIII of the Social Security Act, more widely known as the Medicare Act.

The basic aim of this amendment is to provide one thorough medical examination annually for all those who qualify for medicare.

At present, this provision is excluded from medicare benefits.

The importance of enacting such a proposal, Mr. President, cannot be overemphasized. Statistic after statistic attests to the fact that better preventive health care would benefit hundreds of thousands of Americans in the older age brackets.

If detected early, a number of chronic ailments, such as glaucoma and diabetes, are relatively simple and inexpensive to treat.

Countless fatalities caused by cancer, heart ailments, and respiratory disease could be avoided each year.

Yearly consultation with a physician would also enable older citizens to be better informed about the symptoms of those ailments prevalent among the aged. It would further acquaint them with available methods of treatment.

It was estimated last year that one out of every seven deaths could be eliminated annually through preventive medicine.

This thought is, in itself, staggering.

But, of course, the effects of preventive care would be felt in other ways.

We might avoid years of human suffering and invaluable personal loss.

We might prolong by decades the years in which individuals could function as productive citizens.

We might eventually reduce the strain which now exists on our limited medical facilities and personnel.

I realize that the cost of a medical examination may be as high as $50 to $75. This is not inconsequential. But in view of the benefits which would result from taking this step, neither is it prohibitive.

In fact, it appears quite likely that enactment of this measure would soon realize an expenditure reduction for the medicare program.

A December 1966 report of the Subcommittee on the Health of the Elderly states:

> The heavy economic and social costs of chronic diseases are preventable to some degree. . . . There is a great need for additional efforts. . . . Early detection appears to offer the most practical approach.

These facts are also supported by the industrial health plans of many corporations which are finding it economical to provide an annual physical checkup for employees. This is merely sound business.

The wisdom of this policy is apparent. The treatment and cure of nearly every disease are easier, cheaper, and more successful when the ailment is caught in its early stages.

It stands to reason that what is good business for private enterprise is good business for the Federal Government.

The facts are irrefutable.

The need is apparent.

The responsibility is ours.

Mr. President, I strongly urge the Senate to give careful consideration to this legislation, and to act favorably upon it at the earliest possible date.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1208) to amend title XVIII of the Social Security Act to provide for the coverage, under the supplementary medical insurance benefits program established by part B of such title, of one routine physical checkup each year for individuals insured under such program, introduced by Mr. DODD (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

S. 1209—INTRODUCTION OF BILL RELATING TO EXTENDED MEDICAL CARE

Mr. BAYH. Mr. President, I introduce for appropriate reference, a bill which would eliminate in certain cases the requirement that an insured individual must first have been admitted to a hospital in order to qualify for extended medical care services, and would expand posthospital extended care services to include therapeutic as well as nursing care under certain circumstances.

In the medicare report dated January 17, 1969, which Members of Congress have received recently, former Secretary of Health, Education, and Welfare Wilbur J. Cohen stressed the fact that all medical costs have risen sharply in the last 3 years. The largest increase of all has been in the prices for hospital care, which have gone up almost 50 percent since the beginning of 1966. Among the many factors which contribute to the spiraling costs of health care, Secretary Cohen pointed out that "Services, especially costly hospital services, are sometimes utilized unnecessarily; that is, they are not medically necessary". It seems to me that one way to encourage reduced hospital usage would be to premit a physician to assign a patient in need of special treatment, but who is not critically ill, directly to a qualified extended care facility without loss of medicare benefits.

It is well known that Public Law 88–97 now provides that in order to qualify for extended care service a person must first have been a patient in a hospital for not less than 3 consecutive days. No doubt in the majority of cases elderly persons who become seriously ill may require hospitalization, but there are certainly many instances in which the illness may not be of sufficient severity to justify hospitalization.

Under these circumstances, it does not make sense to me to require a prior 3-day stay in a hospital for all older patients who are in need of extended care. I fully realize that medicare is not intended to provide mere custodial care for persons confined to convalescent homes. In the case of those elderly who need specialized medical attention but do not require hospital treatment, however, I see little reason to insist in all cases that they must first spend at least 3 days in a hospital.

Procedures would have to be established which would guarantee that a patient's physical condition is such that he would need and could benefit from extended care. However, this objective can be achieved without requiring, as the law does, that persons must first be admitted to a hospital and stay a minimum of 3 days in such an institution. My bill proposes that extended care would be made available to an eligible person only if he has received outpatient hospital diagnostic services, has been certified within 7 days to be in need of extended care, and has been admitted to a qualified extended care facility within 14 days after that need was certified. In my opinion, this would provide adequate safeguard against any lowering of standards or possible abuses. Each patient would have to be certified that he was in need of extended care services by both the hospital and the patient's physician.

Mr. President, this relatively minor change in the law ought to help relieve some of the pressures for space in our hospitals and to reduce total medicine costs. At the same time, it would not reduce the standards for eligibility for care nor would it complicate administration of the act. There is no reason why hospital beds, which are both scarce and very costly, should be occupied by elderly persons even for 3 days, if they can receive adequate care and treatment in extended care facilities. I urge this proposal be given prompt and serious consideration, along with other changes which have been suggested in this important act.

Mr. President, I ask unanimous consent that the bill, which is being cosponsored by 20 other Senators, be printed in the RECORD.

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

The bill (S. 1209) to amend title XVIII of the Social Security Act so as to eliminate, in certain cases, the requirement that an insured individual have first been admitted to a hospital in order to qualify under such title for the extended care services provided thereunder, introduced by Mr. BAYH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(a)(2)(D) of the Social Security Act is amended to read as follows:

"(D) in the case of post-hospital extended care services, such services are or were required to be given on an inpatient basis because the individual needs or needed skilled nursing care on a continuing basis for—

"(i) any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs (6) and (8) of section 1861(e)) prior to transfer to the extended care facility or for a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services, or

"(ii) any condition requiring such extended care services and the existence of which was discovered or confirmed as a result of findings made while the individual was receiving outpatient diagnostic services, or, in the case of an individual who has been admitted to an extended care facility for such a condition, any other condition arising while he is in such facility;".

(b) The first sentence of section 1861(i) of such Act is amended to read as follows: "The term 'post-hospital extended care services' means extended therapeutic and/or nursing care services furnished an individual (A) after transfer from a hospital in which he was an inpatient for not less than 3 consecutive days before his discharge from the hospital in connection with such transfer, or (B) after he has received outpatient hospital diagnostic services, if, after reviewing the findings revealed by such services, his physician and the hospital from which he received such services certify (not later than 7 days after the termination of such services) that he is in immediate need of extended care services, and if he is admitted to an extended care facility within 14 days after the date on which his need for extended care services was so certified."

S. 1218—INTRODUCTION OF BILL TO IMPROVE PAYMENT FORMULA FOR FEDERAL EMPLOYEES HEALTH INSURANCE

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill to provide that the Government contribution to the cost of Federal employee health insurance plans shall not be less than 38 percent thereof.

From the beginning of the health insurance program in 1960 until 1967, employees paid the full cost of each increase in the insurance premiums. In 1966, Congress provided that the Government should pay some of the increased cost of the insurance by raising the Government's dollar contribution to the plans.

This dollar increase, which went into effect in 1967, brought the Government's share of the cost of the health insurance up to 38 percent for high-option coverage.

Unfortunately, stepping up the Government's dollar contribution in this fashion provides only a temporary solution to the problem of increasing insurance costs.

This year, again, health insurance premiums have been raised. There is no provision in the law for an automatic increase in the Government's share of the premium. The employees are carrying the entire cost of the increase, and the Government's share now amounts to only about 27 percent of the total premium.

I propose, Mr. President, that we fix the Government's share at 38 percent of the cost of the health insurance plans. Then, with any future increase in the premiums, the dollar amount of the Government's contribution will automatically be proportionately increased.

For all Federal employee health insurance programs, the Government now pays $1.62 if the enrollment is for self only, and $3.94 for self and family, plus administrative expenses—except as provided in subsection (b) of section 8906 of title 5, U.S.C., which fixes the Government share at 50 percent for plans for which the biweekly cost is less than twice the dollar amounts mentioned above. My bill would retain those dollar amounts but provide that the Government will contribute either those dollar amounts or 38 percent of the subscription charge of the plan, whichever is the greater.

Basically, this would guarantee that no matter what his plan or how much it may increase in cost in the future, a Federal employee will not pay more than 62 percent of the cost of his health insurance program. Any coverage for which the Government's share is now more than 38 percent will not be altered by this proposal.

Mr. President, this year's increases in the premiums for Government employee health insurance amount to substantial additional payroll deductions.

Mr. President, I ask unanimous consent that a table giving increases in biweekly payroll deductions for the three health insurance programs available to Federal employees in this area be printed at this point in the RECORD.

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

INCREASES IN BIWEEKLY HEALTH INSURANCE DEDUCTIONS, 1969

	Self only	Self and family
Aetna:		
High option	$1.62	$4.01
Low option	.65	1.49
Blue Cross/Blue Shield:		
High option	1.09	2.66
Low option	.08	.14
Group Health:		
High option	.43	1.13
Low option	.31	.80

Mr. TYDINGS. Mr. President, although in 1966 we approved a Government employee cost-sharing plan where the Government paid 38 percent to the employee's 62 percent, this year's increases have change the percentages to 27 percent and 73 percent respectively.

In recommending to the Senate the 1966 increase in the Government's share, the Post Office and Civil Service Committee reported that—

Congress did not intend for the employee to pay a disproportionate share of the cost of the program. This is not characteristic of private enterprise and should not be followed in the Federal program.

And yet, only 3 years later, the employees are paying significantly more than 62 percent which the committee then recommended and which Congress approved.

In addition, Mr. President, I would like to remind my colleagues that last year we provided for precisely the same conversion I now propose—from a fixed dollar contribution to a fixed percentage of cost—for the Federal employees' life insurance program. Rather than having to repeatedly increase the dollar amount of the Government's contribution to the life insurance program, we included a provision in the Civil Service pay bill which fixed the Government's share at 33⅓ percent.

In the interests of efficiency and fairness to Federal employees, I urge that we follow up that sensible change in the payment formula with the comparable change I propose here. So that we need not come back each time health insurance costs go up, and so that Federal employes will not have to shoulder a disproportionate share of those increases between the time they go into effect and the time Congress can provide redress, I move that we change the system of computing the Government's share from a fixed dollar amount to a fixed percentage. And furthermore, I suggest that a reasonable percentage for the Government to contribute is 38 percent.

Mr. President, I ask that the text of the bill be printed in the RECORD following my remarks.

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

The bill (S. 1218) to provide that the Government contribution to the cost of Federal employee health insurance plans shall not be less than 38 percent thereof, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 8906 of title 5, United States Code, is amended by striking out "is $1.62 if the enrollment is for self alone or $3.94 if the enrollment is for self and family." and inserting in lieu thereof the following: "is the greater of the following:

"(1) $1.62 if the enrollment is for self alone or $3.94 if the enrollment is for self or family; or

"(2) 38 percent of the subscription charge for the plan."

SEC. 2. The amendment made by the first section of this Act shall take effect on the first day of the first pay period which begins on or after the sixtieth day following the date of enactment.

S. 1223—INTRODUCTION OF BILL TO PROVIDE FOR THE ISSUANCE OF A SPECIAL SERIES OF POSTAGE STAMPS IN COMMEMORATION OF THE 50TH ANNIVERSARY OF THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS

Mr. MATHIAS. Mr. President, I rise to introduce a bill to provide for the issuance of a special series of postage stamps in commemoration of the 50th anniversary of the National Federation of Business and Professional Women's Clubs. I am sure that the Members of the Senate are well acquainted with the work of this outstanding organization, but I would like to review some of the highlights of its 50-year history.

In 1917, Secretary of War Newton Baker appealed to the women's colleges and to the YWCA to organize business and professional women as a source of qualified women for the war effort. This initiative led to the founding in July 1919 of the National Federation of Business and Professional Women's Clubs. The goals of the federation were to elevate the status of business and professional women, promote their interests, and foster a spirit of cooperation among them.

The national federation has grown until today its membership numbers close to 200,000. It has federations in each of the 50 States, with approximately 3,800 local clubs. An international federation was formed in 1930, and today represents almost 40 countries.

The national federation carries on many significant activities. Particularly noteworthy are the annual Congress of Career Women Leaders, and the Business and Professional Women's Foundation located here in Washington, dedicated to furthering research relating to the status of business and professional women.

Mr. President, I feel that the 50th anniversary of the National Federation of Business and Professional Women's Clubs is an event worthy of commemoration, and for that reason I am introducing a bill providing for a special commemorative stamp. I have today also written to Postmaster General Blount, urging that his Department take favorable action on the national federation's request for such a stamp.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1223) to provide for the issuance of a special series of postage stamps in commemoration of the 50th anniversary of the National Federation of Business and Professional Women's Clubs, introduced by Mr. MATHIAS, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S.1224—INTRODUCTION OF BILL RESTORNG LIMITED COMMUNITY WORK AND TRAINING PROVISIONS TO FEDERAL LAW

Mr. HATFIELD. Mr. President, I introduced a bill to amend title IV of the Social Security Act to permit States to continue, under certain circumstances, community work and training programs for individuals receiving aid to families with dependent children under State plans established pursuant to such title. I ask unanimous consent that the bill be received and appropriately referred.

The bill would restore limited community work and training provisions to section 409 of the Social Security Act which will help States assure that job training is available to every welfare recipient who might benefit from it.

Under present law the work incentive program has replaced community work and training. However, there are some geographical areas where work incentive "slots" will not be available and in some instances there may not be as many "slots" under the work incentive program as the State could make available if community work and training continued in effect.

Some States, such as Oregon, have conducted highly successful work training programs during the 5 years, 1962 through 1967, that the Community Work and Training Law existed. Thousands of Oregonians received on-the-job experience that enabled them to leave welfare rolls in favor of self-support. I am confident that this experience was shared by other States.

When the law was changed eliminating community work and training, some States, which had not yet had an opportunity to implement the work incentive program, found themselves with no mandatory work program for recipients. Local administrators commented that the lack of mandatory work requirements weakened the entire program. Men who had formerly taken pride in participating in projects that benefited the entire community showed reluctance to expend so much effort when others could do nothing at all and continue to receive their assistance grants.

Community work and training has given many communities new parks, road improvements, and other assets their regular budgets would not have covered. These highly visible projects have been tangible proof to the community and to the recipients themselves that these recipients wanted to work and to contribute something meaningful to community life if only opportunities were made available.

The proposed legislation would permit States to reestablish community work and training programs for those recipients who live in parts of the State where there is no work incentive program operating or for whom there are no work incentive openings available at a given time. Enactment of this legislation will mean that all welfare recipients, regardless of where they live or how many others are in similar circumstances, will have the same opportunities for work experience and will be subject to the same requirements.

The proposed change would not keep public welfare in the work program business permanently. As the work incentive program grows to the point where it covers all appropriate recipients, community work and training would be automatically phased out. Until that time, the change would be a step toward equity and opportunity for those who receive public assistance.

I ask unanimous consent that the text of the bill be printed in the RECORD at the close of my remarks.

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

The bill (S. 1224) to amend title IV of the Social Security Act to permit States to continue, under certain circumstances, community work and training programs for individuals receiving aid to families with dependent children under State plans established pursuant to such title, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding the preceding provisions of this section or the provisions of section 204(c)(2) of the Social Security Amendments of 1967, the preceding provisions of this section shall apply with respect to expenditures with respect to a dependent child or relative with whom such child is living (as specified in section 406(a)) only if such child or relative is residing in an area of the State—

"(i) in which there is not in operation a work incentive program established pursuant to part C, or

"(ii) in which there is in operation such a work incentive program but, because of limitations on the number of individuals who can be accepted under such programs, all individuals referred to such program under section 402(a) cannot be accepted to participate therein.

"(2) Nothing in paragraph (1) shall be construed to relieve any State of the requirements imposed by section 402(a) with respect to referral of individuals to a work incentive program established under part C."

SEC. 2. The amendments made by this Act shall be applicable only with respect to calendar quarters commencing after the date of enactment of this Act.

S. 1229 AND S. 1230—INTRODUCTION OF BILLS RELATING TO TREATMENT OF INDIAN TRIBES UNDER TERMS OF CRIME CONTROL AND SAFE STREETS ACT OF 1968 AND JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

Mr. BURDICK. Mr. President, on behalf of Mr. METCALF, Mr. MCGOVERN, Mr. MANSFIELD, and myself, I am pleased to introduce, for appropriate reference, two

bills, S. 1229, amending the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351) and S. 1230, amending the Juvenile Delinquency Prevention and Control Act of 1968 (Public Law 90–445).

These amendments simply provide that Indian tribes are eligible to receive direct Federal assistance under the anti-crime programs established by the two acts. The Omnibus Crime Control and Safe Streets Act amendment requires that the tribe "perform law-enforcement functions." The need for such treatment arises from the unique legal status of Indian lands within our system of government.

In general, States at the present time do not have jurisdiction over criminal offenses committed on Indian reservations by or against Indians, or over civil causes of action which arise on Indian reservations between Indians or as to which Indians are parties. However, Public Law 280, 83d Congress, as amended, granted to six States—Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin—with certain exceptions, jurisdiction with respect to criminal offenses and civil causes of action which arise in Indian country within such States.

When the omnibus crime control and safe streets legislation was initially drafted, Indian tribes were inadvertently omitted from coverage under title I. The Senate corrected this oversight by adopting an amendment proposed by Senator Hayden and other Senators which made it clear that Indian tribes were among the local units of government eligible to receive assistance under the new law. Indian tribes were thus made eligible for Federal law enforcement grants on the same basis as other municipalities.

Similarly, the inadvertent omission of Indian tribes from coverage under the Juvenile Prevention and Control Act was corrected, by amendment, thus making Indian tribes eligible recipients of grant funds under the act.

What was accomplished by these corrections, however, was lost in part when the block grant approach was ultimately adopted. Both acts establish a State agency for administration of the programs within the State. In those States which do not have jurisdiction over Indian tribes, it is unrealistic to support the State agency will make appropriate provision for juvenile delinquency and crime control problems on Indian reservations within their borders.

The amendments we offer today insure that the applications of concerned Indian tribes will be placed on an equal footing with those of other local agencies and States. To follow the intent of Congress by providing assistance to Indian reservations and at the same time conform to the concept of block grants it would be logical to treat the Department of the Interior as the eqivalent of a State for purposes of these acts. The Department could get the block grant and divide the money among Indian tribes in the same fashion in which States divide such funds among local communities.

Indian reservations have in recent years experienced the same problems of crime and disorder that have plagued other communities throughout the country. Tribal leaders have, therefore, been anxious to improve their law enforcement systems and methods of dealing with youthful offenders. They have asked the Bureau of Indian Affairs to improve its services and have also used their own funds to supplement the law and order programs of the Bureau. However, both the Bureau of Indian Affairs and the tribes have found their resources insufficient to cope with the problem. As a result, police forces on Indian reservations are now understaffed and underequipped. Funding limitations have also restricted the development of positive approaches to prevent crime and to rehabilitate offenders.

These amendments will be especially valuable in helping tribes implement the provisions of the 1968 Civil Rights Act (Public Law 90–284). Title II of that act guarantees the individual Indian certain basic rights in his dealings with Indian tribes. Safeguarding these rights on a day-to-day basis places new responsibilities on Indian tribes and increases their financial burden. The amendments I offer today will enable the tribes to discharge their responsibilities.

Mr. President, the Bureau of Indian Affairs has made available to me a memorandum which suggests the magnitude of the problem we are discussing. I request unanimous consent that this memorandum be printed at this point in my remarks. I also request unanimous consent that the text of the bills be printed at this point.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills and memorandum will be printed in the RECORD.

The bills (S. 1229) to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; and (S. 1230) to amend the Juvenile Delinquency Prevention and Control Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments, introduced by Mr. BURDICK (for himself and other Senators), were received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S. 1229

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90–351) is amended by inserting at the end thereof the following sentence: "For the purpose of making allocations and grants of funds to Indian tribes which perform law enforcement functions, 'State' also means the Secretary of Interior."

S. 1230

A bill to amend the Juvenile Delinquency Prevention and Control Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 410 (1) of the Juvenile Delinquency Prevention and Control Act of 1968 (P.L. 90–445) is amended by striking everything after the comma following "American Samoa," and inserting in lieu thereof "the Trust Territory of the Pacific Islands and the Secretary of the Interior for Indian tribes."

The memorandum, presented by Mr. BURDICK, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., September 29, 1967.

To: Area Director, Aberdeen, Albuquerque, Billings, Minneapolis, Navajo, Phoenix, Portland.

From: Assistant Commissioner, Community Services.

Subject: Law and Order Statistical Data, Fiscal Year 1967.

A compilation, review and analysis has been made of field law and order statistical reports for Fiscal Year 1967. The several tables attached reflect, both on an Area and Bureau-wide basis, the incidence of crime and delinquency among Indians on reservations where law and order services are provided by Bureau and tribal authorities.

Crime on Indian reservations is an acute problem. It is one that needs to be clearly recognized along with its disastrous effects upon the reservation community and its members. It is one that seriously retards the growth and stability of the community and the multi-range of social and economic services aimed at assisting Indian people. It is one that deserves the immediate attention of all.

A total of 67,101 offenses were reported during Fiscal Year 1967, which represents an increase of 2,766 offenses over the preceding fiscal year. The total involves 1,585 federal offenses, 2,150 state offenses and 63,336 tribal offenses. A crime rate of 274 offenses per thousand Indian population is reflected. This rate far exceeds the national crime rate in rural America.

The total increase of 2,766 offenses does not itself present a true picture, when in fact the number of tribal offenses increased by 5,679 violations or 9.7%. The variance arises as a result of inaccurate reporting, particularly on state offenses during FY–66. The totals now given for both federal and state offenses in FY–67 provide a more accurate base upon which future correlation and analysis can be made.

Bureau and tribal authorities provide services in geographic areas throughout the country totalling 95,732 square miles of reservation land. We are aware that in many locations the Bureau and tribal programs do not begin to meet the current needs and demands for such services. Yet, in the face of many hardships Bureau and tribal law and order personnel have further extended themselves and the limited resources available to provide increased services. Such efforts and dedication should not go unnoticed.

The crime statistics given present a realistic picture as to the rate, type, frequency and disposition of offenses reported. It identifies offenders by sex and distinguishes between adults and juveniles. In so far as possible comparisons have been made with FY–66. We are sure that both Area and Agency law and order personnel will benefit from a close review of the report. In addition to giving them an insight into the overall program activity, such information will be of value in their discussions and talks with tribal officials, reservation and adjacent community groups and the news media.

Sufficient copies of the report are enclosed for distribution to your Agency Offices.

WILLIAM R. CARMACK.

TABLE I.—TOTAL OFFENSES REPORTED AND OFFENDERS IDENTIFIED, FISCAL YEAR 1967

Area	Offenses reported				Identified offenders						Total identified offenders
					Adults			Juveniles			
	Tribal	State	Federal	Total	Males	Females	Total	Males	Females	Total	
Aberdeen	16,061	271	272	16,604	12,388	3,376	15,764	1,484	714	2,198	17,962
Albuquerque	7,222	36	257	7,515	5,249	1,276	6,525	675	230	905	7,430
Billings	10,129	948	260	11,337	7,709	1,767	9,476	1,358	586	1,944	11,420
Minneapolis	1,042	1	15	1,058	705	71	776	241	49	290	1,066
Navajo	12,422	10	356	12,788	9,605	1,462	11,067	293	19	312	11,379
Phoenix	14,000	13	273	14,286	9,872	2,848	12,720	1,271	402	1,673	14,393
Portland	2,490	871	152	3,513	2,825	632	3,457	406	193	599	4,056
Total	63,366	2,150	1,585	67,101	48,353	11,432	59,785	5,728	2,193	7,921	67,706
Total, fiscal year 1966	57,787	4,710	1,838	64,335	36,491	8,808	45,299	5,280	2,195	7,475	52,774
Percentage of change over fiscal year 1966					+32.5	+29.8	+31.1	+8.5	−0.1	+6.0	+28.3

TABLE II.—FEDERAL OFFENSES AND IDENTIFIED OFFENDERS, FISCAL YEAR 1967

Area	Total Federal offenses recorded	Total unfounded and not cleared offenses	Total cleared offenses	Identified offenders								Total persons
				Adult			Juvenile			Total		
				Male	Female	Total	Male	Female	Total	Male	Female	
Aberdeen	272	87	185	196	32	228	101	7	108	297	39	336
Percentage		32	68			67.9			32.1	88.4	11.6	
Albuquerque	257	197	60	172	16	188	31	3	34	203	19	222
Percentage		76.7	23.3			84.7			15.3	91.4	8.6	
Billings	260	88	172	166	17	183	148	12	160	314	29	343
Percentage		33.8	66.2			53.4			46.6	94.5	5.5	
Minneapolis	15	0	15	14	1	15	8	0	8	22	1	23
Percentage			100			65.2			34.8	95.7	4.3	
Navajo	356	307	49	157	27	184	179	5	184	336	32	368
Percentage		86.2	13.8			50			50	91.3	8.7	
Phoenix	273	80	193	223	24	247	133	12	145	356	36	392
Percentage		33.4	66.6			63			37	90.8	9.2	
Portland	152	54	98	112	11	123	32	7	39	144	18	162
Percentage		35.5	64.5			95.9			24.1	88.9	11.1	
Total	1,585	813	772	1,040	128	1,168	632	46	678	1,672	174	1,846
Percentage		51.3	48.7			63.2			36.8	90.6	9.4	

TABLE III.—FEDERAL OFFENSES MOST FREQUENTLY REPORTED, FISCAL YEAR 1967

Area	Arson	Assault with dangerous weapon	Assault with intent to kill	Assault with intent to rape	Burglary	Carnal knowledge	Embezzlement	Hunting, fishing, trapping, and trespassing	Incest	Larceny	Liquor violation	Manslaughter	Murder	Rape	Robbery	All other	Total	Federal prosecution				
																		Unfounded	Not cleared	Cleared	Authorized	Declined
Aberdeen	5	45	3	1	81	6	1	1	2	47	1	8	4	24	9	30	272	3	84	185	61	124
Albuquerque	4	40			25		4	17		74	47	8	7	15		16	257	44	153	60	11	49
Billings	1	35		3	104	4	1	9		61	2	3	1	19	5	12	260	4	84	172	63	109
Minneapolis	1	2		3	2					2	1	1		2		1	15	0	0	15	4	11
Navajo	3	23			96		6	1	1	141	39		10	24	4	8	356	66	241	49	19	30
Phoenix	2	72	5	4	50			10	2	37	9	8	5	15	4	50	273	11	69	192	36	157
Portland	4	25		4	29	4	1	15	1	41		6	4	4	3	15	152	21	33	98	47	51
Total	20	242	8	15	387	14	13	53	6	403	99	34	31	103	25	132	1,585	149	664	772	241	531
Percentage	1.2	15.3	0.43	0.94	24.4	0.93	0.92	3.3	0.37	26.1	6.8	2.2	2.1	6.4	1.5	8.3		9.4	41.9	48.7	31.2	68.8

TABLE IV.—TRIBAL OFFENSES MOST FREQUENTLY COMMITTED, FISCAL YEAR 1967

Offense	Number	Percentage	Offense	Number	Percentage
Disorderly conduct (includes drunkenness)	34,160	53.5	Malicious mischief	1,038	1.6
Liquor violation	3,370	5.3	Theft	1,006	1.5
Moving traffic violation	2,471	3.9	Resisting arrest	860	1.4
Assault and battery	2,411	3.8	All others	14,157	22.5
Disobedience to lawful order of court	1,521	2.5			
Driving while intoxicated	1,323	2.2	Total offenses	63,366	100.0
Contributing to delinquency of minor	1,049	1.7			

TABLE V.—DISPOSITION OF ADULT TRIBAL OFFENSE VIOLATORS, FISCAL YEAR 1967

Area	Identified offenders			Disposition								
				Guilty			Acquitted			Other		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Aberdeen	12,038	3,355	15,393	9,297	2,439	11,736	607	238	845	2,149	663	2,812
Albuquerque	5,077	1,260	6,337	4,663	1,105	5,768	183	66	249	231	89	320
Billings	7,543	1,750	9,293	7,228	1,662	8,890	119	33	152	196	55	251
Minneapolis	691	70	761	653	67	720	38	3	41			
Navajo	9,448	1,435	10,883	7,201	897	8,098	909	283	1,192	1,321	272	1,593
Phoenix	9,649	2,824	12,473	8,946	2,599	11,545	388	149	537	315	76	391
Portland	2,713	621	3,334	2,548	576	3,124	32	8	40	135	35	170
Total	47,159	11,315	58,474	40,536	9,345	49,881	2,276	780	3,056	4,347	1,190	5,537
Percentage of disposition by category				81.3	18.7	100	75.3	24.7	100	78.5	21.5	100
Percentage of identified offenders	80.6	19.4	100									

TABLE VI—OFFENSE RATE—ENFORCEMENT STAFFING PATTERN, FISCAL YEAR 1967

	Reservation Indian population	Enforcement officers		Reported offenses	Offense rate per 1,000 population	Enforcement officers per 1,000 population	Enforcement officers per 100 offenses
		BIA	Tribal				
Aberdeen	37,644	53	22	16,604	441	1.99	0.44
Albuquerque	24,682	17	37	7,515	304	1.78	.72
Billings	22,380	21	29	11,337	507	2.23	.44
Minneapolis	2,900	11		1,058	361	3.79	1.0
Navajo	110,055	4	177	12,788	116	1.64	1.4
Phoenix	32,916	48	39	14,286	433	2.64	.57
Portland	14,419	30	15	3,513	244	3.12	1.3
Total	244,996	184	319	67,101			
Average					274	2.05	.75

S. 1239—INTRODUCTION OF BILL TO DEDUCT FROM GROSS TONNAGE IN DETERMINING NET TONNAGE SPACES USED FOR SLOP OIL ON BOARD VESSELS

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I am introducing a bill to deduct from gross tonnage in determining net tonnage spaces used for slop oil on board vessels.

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

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1239) to deduct from gross tonnage in determining net tonnage spaces used for slop oil on board vessels, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4153 of the Revised Statutes (46 U.S.C. 77) is amended by inserting following subsection (d) the following new paragraph:

"(e) Space occupied by machinery used exclusively to separate, clarify, or purify a ship's own slop oil mixture or tank-cleaning residue and space occupied by any tank or tanks used exclusively for the carriage of such slop oil mixture or residue, but not to exceed a maximum space deduction established by regulations hereunder. The Secretary of the Department in which the Coast Guard is operating shall issue regulations to define the slop oil mixtures or cleaning residue, establish the maximum deductions which may be made, define the manner in which the spaces shall be marked, and as necessary otherwise to carry out the foregoing provisions."

SEC. 2. Section 4153 of the Revised Statutes (46 U.S.C. 77) is further amended by redesignating existing subsections (e) through (i) as (f) through (j).

The letter, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., January 16, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To deduct from gross tonnage in determining net tonnage spaces used for slop oil on board vessels."

The proposed bill would amend section 77 of Title 46, United States Code to permit the deduction from gross tonnage of a vessel, in determining net tonnage, of certain spaces used for carriage of slop oil mixture and machinery used exclusively to separate, clarify or purify slop oil mixture.

In May and June of 1967, certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, came into effect. These amendments greatly increased the number of areas and zones in which the discharge of oil and oily mixture is prohibited. Thus, shipowners now find it necessary to retain slop oil on board vessels in spaces which would otherwise be available for the carriage of cargo. The provisions of the proposed bill would afford an additional incentive for, and encourage efforts on the part of, shipowners and operators in behalf of the program for prevention of pollution of the seas by oil by omitting from the taxable net tonnage spaces which would not be revenue producing because they would be reserved for the carriage of slop oil and oily wastes.

A similar bill, H.R. 11533, was introduced in the 89th Congress, First Session. It was subsequently decided, however, that since the entire problem of tonnage measurement was under consideration by the Intergovernmental Maritime Consultative Organization (IMCO) on an international basis, the proposal in H.R. 11533 should not be dealt with on a unilateral basis by the United States but should be referred to IMCO for consideration and action.

The United States presented a proposal containing the provisions of H.R. 11533 to IMCO in September 1966. This proposal was approved by the IMCO Subcommittees on Tonnage Measurement and Oil Pollution and Maritime Safety Committee and finally by the IMCO Assembly at its Fifth Session in October 1967. Accordingly, it is now appropriate to initiate the domestic legislation here involved.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised by letter dated January 13, 1969, that there will be no objection from the standpoint of the Administration's program to the submission of this draft legislation to the Congress.

Sincerely,

ALAN S. BOYD.

S. 1240—INTRODUCTION OF BILL REQUIRING A RADIOTELEPHONE ON CERTAIN VESSELS

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I am introducing a bill to require a radiotelephone on certain vessels while navigating upon specified waters of the United States.

I ask unanimous consent that the letter of transmittal, and the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1240) to require a radiotelephone on certain vessels while navigating upon specified waters of the United States, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1240

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 "Vessel Bridge-to-Bridge Radiotelephone Act."

SEC. 2. For the purpose of this Act—

(1) "Secretary" means the Secretary of the Department in which the Coast Guard is operating, and

(2) "power-driven vessel" means any vessel propelled by machinery.

SEC. 3. (a) Except as provided in section 6 of this Act—

(1) every power-driven vessel of 300 gross tons and upward while navigating;

(2) every vessel of 100 gross tons and upward carrying one or more passengers for hire while navigating; and

(3) every dredge and floating plant engaged in or near a channel or fairway in operations likely to restrict or affect the navigation of other vessels—

shall have a radiotelephone capable of operation from its navigational bridge or, in the case of dredge, from its main control station and capable of transmitting and receiving on the frequency or frequencies within the 156–162 MHz band using the classes of emissions designated by the Federal Communications Commission, after consultation with other cognizant agencies, for the exchange of navigational information.

(b) The radiotelephone required by subsection (a) shall be carried on board the described vessels, dredges, and floating plants upon the navigable waters of the United States inside the lines established pursuant to section 2 of the Act of February 19, 1895, 28 Stat. 672, as amended, but not including—

(1) the Great Lakes or their connecting or tributary waters;

(2) the Mississippi River or its tributaries above the rail and highway bridge at mile 234 above Head of Passes, Louisiana; or

(3) the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

SEC. 4. The radiotelephone required by section 3 of this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain or cause to be maintained a listening watch on the designated frequency when he is not using it for authorized traffic. The master or person in charge may permit the use of the radiotelephone on other authorized frequencies within the maritime mobile band whenever there is no immediate risk of collision.

SEC. 5. Whenever radiotelephone capability is required by section 3 of this Act, a vessel's radiotelephone equipment shall be maintained in effective operating condition. If the radiotelephone equipment carried aboard a vessel ceases to operate, the master shall exercise due diligence to restore it to effective operating condition at the earliest prac-

ticable time. The failure of a vessel's radiotelephone equipment shall not, in itself, constitute a violation of this Act, nor shall it obligate the master of any vessel to moor or anchor his vessel; however, the loss of radiotelephone capability shall be given consideration in the navigation of the vessel.

SEC. 6. The Secretary may, if he considers the radiotelephone required by section 3 of this Act unnecessary or ineffective for the purposes of marine navigational safety, exempt from the provisions of section 3 of this Act any vessel or class of vessels.

SEC. 7. (a) The Federal Communications Commission shall, after consultation with other cognizant agencies, prescribe regulations necessary to specify operating and technical conditions and characteristics including frequencies, emission, and power of radiotelephone equipment required under section 3 of this Act.

(b) The Secretary shall, subject to the concurrence of the Federal Communications Commission, prescribe regulations for the enforcement of this Act.

SEC. 8. (a) Whoever, being the master or person in charge of a vessel subject to section 3 of this Act, fails to enforce or comply with the provisions of this Act or the regulations hereunder; or

Whoever, being designated by the master or person in charge of a vessel subject to section 3 of this Act to pilot or direct the movement of the vessel, fails to enforce or comply with the provisions of section 3 of this Act or the regulations thereunder—

Is liable to a civil penalty of $500 to be assessed by the Secretary.

(b) Every vessel navigating in violation of this Act or the regulations hereunder is liable to a civil penalty of $500 to be assessed by the Secretary for which the vessel may be proceeded against in any District Court of the United States having jurisdiction.

(c) Any penalty assessed under this section may be remitted or mitigated by the Secretary upon such terms as he may deem proper.

SEC. 9. This Act shall become effective January 1, 1970 or six months after the promulgation of regulations which would implement its provisions, whichever is later.

The letter, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., January 17, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill, "To require a radiotelephone on certain vessels while navigating upon specified waters of the United States."

The proposed bill would require all foreign and domestic vessels of 300 gross tons and upward and those of 100 gross tons and upward carrying passengers, when navigating in specified areas, and dredges and other floating plants when their operations restrict marine traffic in those areas, to be equipped with short-range radiotelephones for the exchange of navigational information. The areas where voice communication capability would be required include the harbors and bays along the Atlantic, Gulf, and Pacific coasts and those of Alaska, Hawaii, Puerto Rico, and the Virgin Islands collectively known as the Inland Waters of the United States. The requirement would apply on the Mississippi River below Baton Rouge, Louisiana, but would not apply on the rest of the Mississippi system. Nor would it apply on the Great Lakes where, since 1954, bridge-to-bridge radiotelephones have been required under a bilateral agreement with Canada. Bridge-to-bridge radiotelephones would, in the opinion of the Department prove to be of cardinal importance in promoting navigational safety on those waters of the United States upon which deep-draft vessels operate.

Since World War II, short-range (line of sight) radiotelephones have been used with increasing effectiveness on bridges of ships. During the war, it had been found that such radiotelephones were an invaluable aid in multi-ship maneuvering situations where their use allowed ship masters to collaborate on their intended movements. To a navigator already receiving radar information about an approaching vessel in fog, a radiotelephone can supply a positive means of determining that vessel's future movements. In times of good visibility, it can supplement required whistle signals of intent. This improved means of ship-to-ship communication is particularly important when wind conditions prevent whistle signals from being heard or when the volume of traffic is so heavy that whistle signals are sometimes confusing rather than helpful. Since World War II there has been a nearly continuous effort directed toward making the radiotelephone a more useful tool for collision prevention, but neither national nor international agreement has been achieved. During the past two decades, it has become increasingly evident that increased speed capabilities and sizes of vessels and technological advances require additional steps, supplementary to the required whistle signals, to help prevent collision in confined waters. It is well established that a significant factor in many collisions was doubt about intended movements of vessels which the required use of radiotelephones would help to prevent.

Within the United States there have been some limited, voluntary applications of short-range, bridge-to-bridge communications. The concepts and usages of the systems employed are varied; and since they are voluntary systems, assurance that other vessels encountered would be appropriately equipped is lacking. The proposed bill would provide a workable and predictable communications system for those United States waters where its implementation could result in a significant reduction in the hazards of marine navigation. The bill is also a step toward the fulfillment of recommendations resulting from the congressional hearings held at the time of the *Andrea Doria-Stockholm* collision and also those submitted by the Secretary of the Treasury's Tanker Hazards Committee.

Although primarily an aid to and an instrument of navigation, the required radiotelephones would, to some extent, come within the Federal Communications Commission's field of statutory responsibility. Under the proposed bill, authority over technical aspects would be vested in the Federal Communications Commission, and concurrence of the Commission would be required in the establishment of enforcement regulations.

Enactment of the proposed bill would not in itself result in any increased costs in the operating expenses of the Coast Guard. Coast Guard vessels that would be required to have radiotelephones either have the necessary equipment or are programmed for its installation within currently appropriated funds.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised by letter dated January 16, 1969, that there would be no objection from the standpoint of the Administration's program to the submission of this draft legislation to the Congress.

Sincerely,

ALAN S. BOYD.

S.1241—INTRODUCTION OF BILL AMENDING FEDERAL AVIATION ACT OF 1958

Mr. MAGNUSON. Mr. President, at the request of the Civil Aeronautics Board, I am introducing a bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs.

I ask unanimous consent that the letter of transmittal, statement of purpose and need, and the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1241) to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1002(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1482(c)) is amended to read as follows:

"(c) If the Administrator or the Board finds, after notice and hearing, in any investigation instituted upon complaint or upon their own initiative, with respect to matters within their jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith, including an order directing restitution for compensation collected for air transportation, or for any service in connection therewith, which is greater than the rates, fares and charges applicable thereto under tariffs lawfully on file with the Board."

SEC. 2. Section 1007(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1487(a)) is amended to read as follows:

"(a) If any person violates any provision of this Act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this Act, the Board or Administrator, as the case may be, their duly authorized agents, or, in the case of a violation of section 401(a) of this Act or an order directing a person to make restitution for compensation collected for air transportation which is greater than the rates, fares, and charges applicable thereto under tariffs lawfully on file with the Board, any party in interest may apply to the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this Act or

of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto."

The letter, presented by Mr. MAGNUSON, is as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., December 31, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs."

The Board has been advised by letter from the Bureau of the Budget dated December 23, 1968, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program provided the draft legislation is submitted prior to January 20, 1969.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR A DRAFT BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958

Under the Federal Aviation Act, the Board, in its discretion, presently may entertain complaints against violations of the Act, including ones that charges have been collected in excess of those contained in effective tariffs, and may issue orders requiring air carriers to cease and desist from exacting such overcharges. However, the Act does not in terms authorize the Board to also order the carrier to repay the overcharges. The Board requires, therefore, as an incident to the issuance of cease and desist orders and for purposes of granting full relief, the authority to order restitution where charges are in excess of tariff ones.

The bill is not designed to establish the Board as a forum for adjudicating private claims for overcharges. Rather, the Board would retain its present discretionary authority as to whether it should entertain a complaint or leave the complainant to its judicial remedies. However, in circumstances in which the Board does entertain a complaint alleging tariff violations, the Board should be empowered to provide full relief by directing the repayment of any overcharges rather than relegating the complainant to its judicial remedies. For example, such authority is particularly desirable in light of the greatly expanded scope of group travel activities where it is possible that relatively slight overcharges with respect to individual passengers may not justify individual suits by them but where the aggregate amount involved may constitute a sizable sum which would constitute unjust enrichment to the carrier if retained by it. It should be emphasized that the bill does not result in the granting of reparations authority beyond that necessary to provide full relief to passengers and shippers by requiring air carriers to refund charges in excess of lawfully filed tariffs.

The bill amends section 1002(c) of the Act, relating to the entry of compliance orders, and section 1007(a), relating to judicial enforcement of Board orders, in implementation of the proposal.

S. 1242—INTRODUCTION OF BILL RELATING TO EDUCATIONAL TELEVISION AND RADIO BROADCASTING FACILITIES

Mr. MAGNUSON. Mr. President, at the request of the Department of Health, Education, and Welfare, I am introducing a bill to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting.

I ask unanimous consent that the letter of transmittal, and the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1242) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1242

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 "Educational Television and Radio Amendments of 1969".

FIVE YEAR EXTENSION OF CONSTRUCTION PROVISIONS

SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking out "and" before "$15,000,000" and by inserting before the period at the end thereof ", and such sums as may be necessary for each of the next 5 fiscal years".

(b) The last sentence of such section is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1976".

ONE YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting "and for the next fiscal year the sum of $20,000,000" after "$9,000,000".

(b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969,".

The letter, presented by Mr. MAGNUSON, is as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
January 17, 1969.

The PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: We are enclosing herewith a draft bill "To amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting". (This bill would be cited as the "Educational Television and Radio Amendments of 1969".)

Authority for appropriations to the Corporation for Public Broadcasting expires June 30, 1969. The Corporation is just beginning to make the contributions toward improved public broadcasting service to the Nation which were anticipated when the President proposed the Public Broadcasting Act of 1967. The proposed legislation would authorize additional Federal grants in the amount of $20,000,000 as provided in the President's budget for 1970.

Further consideration must be given to the methods for permanent financing of the Corporation by the Congress, the Executive Branch, and the Corporation.

We should appreciate it if you would refer this draft bill to the appropriate committee for consideration.

We were advised by the Bureau of the Budget on January 14, 1969 that enactment of this bill would be in accord with the program of the President.

Sincerely,

WILBUR J. COHEN,
Secretary.

S. 1243—INTRODUCTION OF BILL TO AMEND THE MERCHANT MARINE ACT OF 1936

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to amend the last sentence of section 201(b) of the Merchant Marine Act, 1936, and for other purposes.

I ask unanimous consent that the letter of transmittal, statement of purposes and provisions, and the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal and statement of purposes and provisions will be printed in the RECORD.

The bill (S. 1243) to amend the last sentence of section 201(b) of the Merchant Marine Act, 1963, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(b) of the Merchant Marine Act, 1936, (46 U.S.C. 1111(b)), is amended by striking out the word "Commission" wherever it appears in the last sentence thereof and inserting in lieu thereof the words "Federal Maritime Commission."

SEC. 2. Section 303 of Reorganization Plan No. 21 of 1950 (64 Stat. 1273) is amended by striking out the words at the end thereof "or of the Maritime Administration".

SEC. 3. Section 301 of Reorganization Plan No. 7 of 1961 (75 Stat. 840) is amended by striking out the words "and to the Maritime Administrator and all other officers and employees of the Maritime Administration".

The letter and statement of purposes, submitted by Mr. MAGNUSON, are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., December 20, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill, "To amend the last sentence of section 201(b) of the Merchant Marine Act, 1936, and for other purposes," together with a statement of purpose and need in support thereof.

The Department of Commerce recommends enactment by the Congress of this bill which is included in the legislative program of the Department for the 91st Congress.

We were advised by the Bureau of the Budget on December 6, 1968 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AMEND SECTION 201(b) OF THE MERCHANT MARINE ACT, 1936

The last sentence of section 201(b) of the Merchant Marine Act, 1936, provides that it shall be unlawful for any employee of the United States Maritime Commission to be in the employ of any other person, firm, or corporation, or to have any pecuniary relationship with any carrier by water, shipbuilder, contractor or other person with whom the United States Maritime Commission may do business.

Reorganization Plan No. 21 of 1950 abolished the United States Maritime Commission, created the Federal Maritime Board, created the Maritime Administration as an agency within the Department of Commerce, divided the promotional responsibilities of the former United States Maritime Commission between the Federal Maritime Board and the Department of Commerce and gave the regulatory responsibilities of the former United States Maritime Commission to the Federal Maritime Board. Reorganization Plan No. 21 of 1950 provided that the last sentence of section 201(b) should apply to the officers and employees of the Federal Maritime Board and of the Maritime Administration.

Reorganization Plan No. 7 of 1961 abolished the Federal Maritime Board, created the Federal Maritime Commission, gave the promotional functions of the former Federal Maritime Board to the Department of Commerce and gave the regulatory functions of the former Federal Maritime Board to the Federal Maritime Commission. Reorganization Plan No. 7 of 1961 applied the last sentence of section 201(b) of the Merchant Marine Act, 1956, to the officers and employees of the Maritime Administration and of the Federal Maritime Commission.

The provisions of the last sentence of section 201(b) of the Merchant Marine Act, 1936, are more stringent than the conflict of interest statute which is applicable to officers and employees of the Executive Branch in general (chapter 11, title 18 U.S.C.), and this additional stringency in some cases interferes with the efficient operation of the Maritime Administration. Under the restrictions of the last sentence of section 201(b), the Maritime Administration is unable to obtain temporary, part-time, or intermittent services of specialists presently employed in the maritime industry or employed by other firms with whom the Maritime Administration may do business. In addition under the restrictions of section 201(b), Maritime Administration employees are unable through temporary employment in the maritime industry to obtain highly desirable maritime knowledge and experience that would be directly related to their official duties. Chapter 11 of title 18, United States Code does not prohibit such employment.

Legislative relief is needed to permit the Maritime Administration to obtain the services of specialists when needed, and to permit selected Maritime Administration employees to obtain greater or additional experience in the Maritime field and thus to update and improve their knowledge, ability and qualifications. Specific examples of the problems raised by the last sentence of Section 201(b) and the need for additional outside experience are set forth below:

a. An individual is employed as a part-time law clerk in an admiralty law firm which represents shipping companies doing business with the Maritime Administration. His services were needed on a temporary part-time basis to teach a course in admiralty law at the Merchant Marine Academy. He was, of course, not willing to sever his connections with the admiralty law firm, his primary employer, to accept temporary intermittent employment. It was determined that his employment was prohibited under section 201 (b) of the Merchant Marine Act, 1936.

b. An Associate Professor of the Department of Nautical Science, U.S. Merchant Marine Academy, teaches navigation, astronomy and seamanship. He has a Chief Mate's license and last sailed in 1952. He recognizes the need to update his sea experience, most of which was obtained during and after World War II, and he applied for permission to sail as Chief Mate aboard subsidized ships for about nine months in 1964 in order to gain experience on modern ships on which new practices and equipment exist and, to raise his license. Had it been possible to approve his request, he would have been able to revise his course presentation and the additional service would have enabled this teacher to maintain and improve his qualifications in his specialized field. Additionally, the Master's license which he would have acquired would have raised the general level of technical qualifications of the Academy's Department of Nautical Science. This faculty member has a Master's degree. At the time the faculty member made his request, he did not have a commitment for employment with any steamship company. His request was for permission to seek such employment. However, there was no doubt that he would have been successful due to the shortage of licensed seagoing officers. Furthermore, it is sometimes desirable to hire younger members with lower licenses and advance them to higher ranking positions, as circumstances warrant, as their qualifications increase. The only way the desired sea service experience can be upgraded is to return to sea.

c. Another example is an Assistant Professor of Nautical Science who teaches Cargo Handling. He already has his Master's license. In 1963, he requested permission to seek employment in port, aboard vessels with the latest cargo handling devices. Had it been possible to approve this request, it would have enabled the Academy to have one officer with first hand experience in the new hydraulic hatches and it would have enabled the faculty member to become familiar with the latest practice and equipment in Cargo Handling, thereby increasing his value as a teacher of Cargo Handling. Even though this faculty member last sailed as recently as 1956, he believed that his experience was rapidly becoming stale. This was a correct evaluation and it applies even more so to the older officers and employees of the Academy, many of whom have not sailed for 20 years. There is no substitute for first hand, current experience and it is our opinion that certain officers and employees should be given the opportunity to return to sea periodically.

d. A Marine Surveyor, GS–11, in one of the Coast Districts was initially recruited as a Trainee in the college recruiting program. His sea career had advanced his licensed rating to First Assistant Engineer. In order to improve his technical knowledge and at the same time enable him to qualify for a Chief Engineer's license which would materially enhance his effectiveness in day-to-day contacts on the job, he requested one year's leave to accept a seagoing position with a steamship company. This was denied since it was in violation of section 201(b) of the Merchant Marine Act. The identical situation prevailed when a Ship Operations Assistant, GS–11, requested leave to accept a sea position to observe current cargo-loading methods with latest gear, shipboard sailing and working conditions, and at the same time to upgrade his license to Master. This, too, was denied.

e. Another employee who sought permission to return to sea to upgrade his experience was an Operations Specialist. His duties include: advice and assistance to vessel owners and operators in delivery and redelivery requirements; study, analysis and development of comparative cost data on various operations of subsidized lines; direction of the installation, maintenance and use of radiological monitoring equipment and ABC washdown gear; training of marine personnel in the operation of radar and gyrocompass equipment, etc. He was one of the first licensed volunteers (Deck Officer) for the NS *Savannah* assignment. The employee is a graduate of the New York State Maritime Academy and served as an instructor there, as well as at Kings Point during World War II. He was a Naval Officer during this latter period. He has sailed under various ratings up to and including that of 2nd Mate and has been licensed by the Coast Guard as a Chief Mate since 1938. His shoreside experience includes employment as Marine, Port and Stevedore Superintendents, Assistant Wharf Superintendent, Marine Representative and Travelling Stevedore. Returning to sea, even briefly, would have aided this employee in his attempt to remain abreast of current developments in the merchant marine field. As Ship Operations Specialist, the need of staying current in this field is apparent, especially in this period when automation is scheduled, at least in part, on all newly constructed vessels.

f. In 1957 another faculty member, then a teacher of Advanced Steam Engineering with a Chief Engineer's license, desired to upgrade his experience on modern propulsion systems. This faculty member had previously obtained a Bachelor's degree in Mechanical Engineering from Cooper Union and desired to increase his practical knowledge of marine engineering. However, the restrictions of Section 201(b) prevented him from going to sea while on the rolls of the Academy. Therefore, as he was then on active administrative duty as an enrollee in the U.S. Maritime Service, he requested and obtained a release to inactive duty, the equivalent of separation, and accepted employment as a Marine Engineer with Sinclair Oil Company on its tankers. This experience helped him to become one of our best teachers of steam engineering. There is no doubt that the Academy and the Government gained by his action. However, this faculty member now has one year less creditable service, which will reduce his retirement benefits. Should an employee become disabled while not employed by the government, he would not be eligible for civil service disability retirement and in the event of his death his dependents would not be eligible for a survivor annuity.

The last sentence of section 201(b) applies to employees of the Federal Maritime Commission as well as to employees of the Maritime Administration. The draft bill would repeal it only insofar as Maritime Administration employees are concerned. It would still apply to employees of the Federal Maritime Commission.

S. 1244—INTRODUCTION OF BILL MAKING CERTAIN AIR CARRIERS INELIGIBLE FOR SUBSIDY PAYMENTS

Mr. MAGNUSON. Mr. President, at the request of the Civil Aeronautics Board, I am introducing a bill to amend section 406(b) of the Federal Aviation Act of 1958 to make certain air carriers ineligible for subsidy payments.

I ask unanimous consent that the letter of transmittal, statement of purpose and need, and the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, letter of transmittal, and statement of purposes and need will be printed in the RECORD.

The bill (S. 1244) to amend section 406(b) of the Federal Aviation Act of 1958 to make certain air carriers ineligible for subsidy payments, introduced by Mr. MAGNUSON, by request, was re-

ceived, read twice by its title, and referred to the Committee on Commerce.

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1376(b)) is amended by striking out the period at the end thereof, and adding the following: ": *Provided,* That clause (3) of this subsection shall be applicable only to (i) air carriers providing service primarily of a short-haul, local, or feeder nature, (ii) the short-haul, local, or feeder operations of air carriers which received compensation pursuant to clause (3) for such operations conducted within the five years immediately preceding enactment of this proviso, and (iii) the operations of air carriers conducted to, from, or within the States of Alaska or Hawaii, or within a Territory or possession of the United States: *Provided further,* That clause (3) shall in no event be applicable to an air carrier after completion of any consecutive five-year period, whether commencing prior to or subsequent to enactment of this proviso, for which the carrier is not paid any compensation by the Board."

The letter and statement of purpose and need, presented by Mr. MAGNUSON, are as follows:

CIVIL AERONAUTICS BOARD,
Washington, D.C., January 17, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: The Civil Aeronautics Board recommends to the Congress for its consideration the enclosed draft of a proposed bill "To amend section 406(b) of the Federal Aviation Act of 1958 to make certain air carriers ineligible for subsidy payments."

The Board has been advised by letter from the Bureau of the Budget dated January 15, 1969, that there is no objection to the transmission of the draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

JOHN H. CROOKER, Jr.,
Chairman.

STATEMENT OF PURPOSE AND NEED FOR A DRAFT BILL TO AMEND SECTION 406(b) OF THE FEDERAL AVIATION ACT OF 1958 TO MAKE CERTAIN AIR CARRIERS INELIGIBLE FOR SUBSIDY PAYMENTS

Section 406(b) of the Federal Aviation Act empowers and directs the Board to make subsidy payments to air carriers certificated to carry mail to the extent that the Board finds a "need" therefore in accordance with the provisions of clause (3) of such section. These subsidies are to be paid in amounts sufficient to enable the carriers to effectuate the policies of the Act. As the air transportation industry has matured, the need for subsidy has declined, and the Board has carefully sought to reduce subsidies to the minimum level consistent with the achievement of Congressional policies. The Board now proposes an amendment to the statute which, in effect, would withdraw subsidy eligibility from trunklines and most other air carriers not now receiving subsidy, and make operations conducted by presently subsidized carriers ineligible for such assistance after a five-year subsidy-free period. The enactment of such a proposal is recommended as a Congressional declaration of policy to alert the industry that carriers are expected to rely upon their own resources rather than upon subsidy assistance. Its enactment would also lessen the administrative work of the Board in passing upon subsidy requests.

Specifically, the Board proposes that clause (3) of section 406 be limited to air carriers engaged in short-haul operations, *i.e.*, the local service carriers; to trunkline carriers who received subsidy for what were essentially local service operations during the past five years, *i.e.*, Northeast Airlines; and to carriers conducting operations to, from, or within Alaska or Hawaii, or within the Territories and possessions. The Board further proposes that all air carriers conducting operations without subsidy assistance for a five-year period be barred from returning to subsidy with respect to their operations.

These proposals are premised on the maturity achieved by the air transportation industry, and the fact that the Board believes that the increase in earnings and the growth in traffic in both interstate and international operations demonstrate that the carriers conducting these operations have reached such a state of self-sufficiency that they should no longer expect direct Government subsidy for such operations, except for certain limited operations. During the 1962–1967 period, the rate of return on investment of the domestic operations of the trunkline industry increased from 3.70 percent to 7.23 percent (excluding investment tax credit), while the international operations of the passenger/cargo carriers rose from 8.20 percent to 12.60 percent. Moreover, during the 1962–1967 period, revenue passenger miles for the domestic operations increased from 31.8 billion to 71.0 billion miles, with those in international operations progressing from 10.1 billion to 23.2 billion miles.

The effect of these amendments would be that interstate and international trunkline carriers, who have operated without subsidy for more than five years, would be made ineligible for subsidy assistance. On the other hand, the local service carriers, the trunkline carrier who received subsidy until January 1, 1968, for local service operations in the New England area, and other carriers conducting operations during the past five years with subsidy assistance would continue to be eligible for subsidy both as to their existing operations and any extension of those operations. Also, the Board would remain free to certificate and provide subsidy assistance to new carriers performing local service or short-haul operations within the fifty States and the Territories and possessions, or conducting operations to or from Alaska and Hawaii.

The Board believes that enactment of these proposals is a desirable and necessary step in reducing subsidy. Making clear to the carriers that they will be unable to return to a Government subsidy in the event that situations develop which cause them to have inadequate earnings should result in a strong incentive for even greater "honest, economical, and efficient management" on their part. Such an incentive would appear to be particularly desirable in view of the dollar magnitude of proposals by a number of the carriers for the acquisition of new equipment.

S. 1245—INTRODUCTION OF BILL AUTHORIZING APPROPRIATIONS TO CARRY OUT PROVISIONS OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I am introducing a bill to authorize appropriations for the fiscal years 1970 and 1971 for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of "motor vehicle equipment" in the National Traffic and Motor Vehicle Safety Act of 1966.

I ask unanimous consent that the letter of transmittal, and the bill be printed in the RECORD at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 1245) to authorize appropriations for the fiscal years 1970 and 1971 for the purpose of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of "motor vehicle equipment" in the National Traffic and Motor Vehicle Safety Act of 1966, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1245

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

SHORT TITLE

SECTION. 1. This Act may be cited as the "National Traffic and Motor Vehicle Safety Act of 1969".

AUTHORIZATIONS

SEC. 2. There is hereby authorized to be appropriated for the purpose of carrying out the provisions of titles I, II and IV of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718, 15 U.S.C. 1381, et seq.), out of the Highway Trust Fund, not to exceed $23,000,000 for fiscal year 1970 and $40,000,000 for fiscal year 1971.

SEC. 3. For the purposes of carrying out the provisions of title III of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 729), there is hereby authorized to be appropriated, out of the Highway Trust Fund, for fiscal year 1970, $10,000,000 to remain available until expended, for planning and design of highway safety research and test facilities including engineering studies and site surveys.

DEFINITION OF MOTOR VEHICLE EQUIPMENT

SEC. 4. Section 102(4) of title I of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718, 15 U.S.C. 1391(4)) is amended to read as follows:

"(4) 'Motor vehicle equipment' means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as any accessory, or addition to the motor vehicle, and any device, article, or apparel not a system, part, or component of a motor vehicle, which is manufactured, sold, delivered, offered or intended for use wholly or in part to safeguard motor vehicles, drivers, passengers, and other highway users from risk of accident, injury, or death."

The letter, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF TRANPORTATION,
Washington, D.C., January 16, 1969.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation submits herewith as a part of its legislative program for the 91st Congress, 1st Session, a draft of a proposed bill: "To authorize appropriations for the fiscal years 1970 and 1971 for the purposes of carrying out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, and to amend the definition of 'motor vehicle equipment' in the National Traffic and Motor Vehicle Safety Act of 1966."

1. The National Traffic and Motor Vehicle Safety Act of 1966 contained initial authorizations to implement the motor vehicle safety standard provisions in Title I of the Act as follows: $11,000,000 for fiscal year 1967, $17,000,000 for fiscal year 1968, and $23,000,000 for the fiscal year 1969. The Act

also authorized funds to carry out the tire safety provisions of Title I and Title II in the amount of $2,900,000 for fiscal year 1967, $1,450,000 for fiscal year 1968, and $1,450,000 for fiscal year 1969.

The proposed bill would authorize appropriations to continue the implementation of the Act. The bill would change the present method of financing these authorizations from the general fund of the Treasury and would provide that the authorizations come out of the Highway Trust Fund. Section 2 would authorize the appropriation of $23,000,000 and $40,000,000 out of the Highway Trust Fund for fiscal years 1970 and 1971, respectively, for this purpose. The authorizations provided by section 2 will be used to seek appropriations for the operating expenses of the National Highway Safety Bureau, Federal Highway Administration, in carrying out the provisions of Titles I, II, and IV of the 1966 Act. Title I relates to motor vehicle safety standards, including necessary safety research and development; Title II relates to tire safety; and Title IV relates to the National Driver Register.

The authorizations provided in the 1966 Act established a pattern of modest growth during the first three years as the operation of the traffic and motor vehicle safety program evolved. The authorizations requested for fiscal years 1970 and 1971 follow the same general pattern of modest increases. These sums are urgently needed to enable the National Highway Safety Bureau to continue its program under the Act. Existing authorizations for appropriations expire on June 30, 1969. Enactment of section 2 of this bill will, in our view, assure steady and continued improvement in traffic and motor vehicle safety. Failure to do so will mean the end of this effort as a function of the Department of Transportation after June 30, 1969.

The traffic and motor vehicle safety program, though still in the early stages of development, offers encouragement that the toll of human life and injuries resulting from traffic accidents can be reduced. The new energy absorbing steering assemblies now required by Federal standards on all new cars, for example, appear to have reduced fatalities in certain crashes by as much as 70 percent. It has been established that if all cars had such devices, as many as 12,000 lives per year might be saved. Other safety standards under consideration relating to crash prevention properties (braking and steering are examples), crash survivability properties (relative ease of entry into wrecks to remove occupants, for example) offer promise of substantially reducing the carnage and maiming caused by traffic accidents.

The authorization in section 2 of the bill also includes funds for the tire safety program (title II). The major effort in this program is devoted to the development of a uniform quality grading system for motor vehicle tires. Under this system, tires will be graded based on performance with respect to high speed capability, endurance, strength, traction, and tread wear. The initial standard to be issued in fiscal year 1969 will cover passenger vehicles only. During fiscal years 1969 and 1970, it is planned to move our efforts to truck and bus tires and to regrooved and retreaded tires.

The National Driver Register (Title IV) is now being converted to a disc file operation which will enable optional use of the current processing system. State contributions of records to the Register's master file are increasing in volume, and the States are sending an increasing volume of inquiries to the Register. Continued funding is required to convert information submitted by certain States into a form suitable for automatic data processing.

2. Section 3 of the bill authorizes in fiscal year 1970 the appropriation of $10,000,000 out of the Highway Trust Fund to remain available until expended to be used for planning and design of contemplated highway safety research and test facilities, including engineering studies and site surveys. The sum requested is in accordance with the recommendations in the report submitted to Congress pursuant to Title III of the National Traffic and Motor Vehicle Safety Act of 1966, section 302 (80 Stat. 729). The two volume report, entitled "Requirements for Motor Vehicles and Highway Research Test Facilities", submitted on October 7, 1968, outlines a master plan for providing the facilities needed to bring to bear the full potential of modern science and technology on the national goal of reducing deaths and injuries on the Nation's highways.

The primary objective of the master plan is to provide highway safety research and testing facilities by complementing existing facilities, either by expanding installations at their present sites or, when no alternative is available by construction at new locations. The planning will consider the needs of the other agencies within the Department and, through cooperative arrangements with them, will provide for such needs where those needs can be accommodated consistently with the primary purposes of the highway safety research and testing facilities.

The plan depicted in the report to Congress was based on engineering studies and a survey of existing facilities to determine the minimum requirements to carry out the provisions of the highway safety legislation. Two major new safety facilities, a vehicle and highway safety proving ground with certain supporting laboratories and a driving simulation laboratory, will be required in addition to modifications of existing facilities where it is economically feasible to do so and where the facility once modified can become an effective element of the overall required complement of safety research and test facility. The proving ground will be the foundation for the entire facilities program. It will consist of test tracks and supporting laboratories in which a wide variety of test and measurements can be conducted on interrelated problems of vehicle performance characteristics, driver skills, highway design, and other environmental features. The driving simulation laboratory will be used to investigate a variety of driver judgments and risk taking behaviors in a number of realistic and safe simulations of high hazard conditions of actual driving.

The estimate of $10 million for planning these facilities is broken down as follows:

[In millions]

Modification of Existing Facilities: To develop plans and cost estimates for permanent modifications of existing Federal facilities where it is economically feasible and where the facility, once modified, can become an effective element of the overall complement of research and test facilities	$2.0
Vehicle and Highway Safety Proving Ground: To develop detailed engineering plans and cost estimates for the proving ground, the requirements for which cannot be provided with any existing Federal facility	6.2
Driving Simulation Laboratory: To develop detailed engineering plans for the laboratory which is a basic requirement that is not available anywhere today	1.8
Total	10.0

Because the initial motor vehicle safety standards were based, as the Act contemplated, on preexisting standards from design performance criteria, the absence of appropriate laboratories and field testing capabilities did not present a serious handicap at that time. As work proceeds into more complex areas of standards-setting, however, sophisticated facilities are essential. The facilities are needed to support the development of standards relating to present types of motor vehicles. In addition, trends in motor vehicle transportation indicate that, in the course of the next decade or two, substantial changes will occur in motor vehicle design. These changes can result in safer vehicles. To insure this result, however, their introduction will have to be anticipated by performance standards and prerequisite laboratory and field tests. The enactment of section 3 of this bill will provide the authorization necessary to begin planning the modern research and test facilities which are needed if we are to be in a position to insure that the automobiles of the future will be safe ones.

Further authorization of funds is expected to be requested to proceed with construction of highway safety research and test facilities, including modification of existing facilities, upon completion of the necessary planning and designs.

3. Section 4 of the proposed bill relates to the definition of motor vehicle equipment. That term, as presently defined in section 102(4) of the Act, means:

". . . any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part or component or as an accessory, or addition to the motor vehicle." (80 Stat. 718, 15 U.S.C. 1391(4)).

Among the purposes of the National Traffic and Motor Vehicle Safety Act of 1966 was the intent to have the Secretary of Transportation set minimum safety performance standards for items of "motor vehicle equipment". Section 4 of the proposed bill would broaden that definition to include devices, articles or apparel which, though not directly "a system, part, or component of" or "any accessory of addition to" a motor vehicle, are nonetheless manufactured and sold to the public for the purpose of safeguarding vehicle drivers, passengers, and other highway users from risk of accident, injury, or death.

The primary reason for this proposal is to enable the Secretary to set safety performance standards for motorcycle headgear. These protective devices are now required to be worn by motorcycle drivers and passengers under the laws of 39 States and by the driver but not passengers in one State. This requirement has been included among the Highway Safety Program Standards issued by this department under the Highway Safety Act of 1966 (23 U.S.C. 401, *et seq.*) for State and local implementation of safety programs in areas considered essential to accident reduction. It is, therefore, not unlikely that additional States will enact motorcycle helmet requirements in the foreseeable future.

Unfortunately, because helmets are worn by the driver and passengers and are not part of the vehicle, they do not appear to come within the present definition of "motor vehicle equipment" in the National Traffic and Motor Vehicle Safety Act of 1966. As a consequent, the Secretary apparently lacks authority to establish a uniform Federal safety standard applicable to these articles. In addition, most States do not have research and testing facilities designed or equipped to evaluate the effectiveness of the "crash" helmets presently being marketed. Understandable confusion, therefore, exists among the public, the States and the industry over what constitutes an "approved" helmet.

As a result, there is presently no practical way for a member of the motorcycling public, when purchasing protective headgear, to be sure he is getting a helmet which will in fact provide the protection against injury for which it was intended. The proposed legislation would close this unfortunate gap which exists in the present motor vehicle safety standard laws. It would also have the additional advantage of creating uniformity, thereby eliminating the present situation which requires manufacturers and

vehicle operators to conform to differing State standards.

The steadily mounting number of persons who ride motorcycles make this proposal one of immediate significance. Motorcycle registrations nearly quadrupled between 1960 (574,080) and 1967 (1,953,022) and the trend continues. The numbers of dead and injured mirror the increase in the motorcycle population. During the 5 years preceding 1967 motorcycle deaths increased roughly 200 percent.

In 1967 the Secretary of Transportation promulgated a highway safety program standard which called for licensing of motorcycle drivers, establishing and enforcing safety equipment requirements (helmets, eye protection, rear view mirrors), and establishing a motorcycle inspection program. The year 1967 also marked a slight downturn in the national motorcycle death toll of 2 percent, despite an increase in motorcycle registrations of more than 11 percent. It was the first decline in such fatalities in the 6 years for which information is available. Furthermore, during 1967 three States with legislation of the kind required by the standard (New York, Georgia and Michigan) have shown a 26 percent decrease in motorcycle deaths. New York showed the greatest decrease, 42 percent, accompanied by a decrease of 39 percent in recorded accidents involving motorcycles. On the other hand, information indicates that the fatalities in motorcycle crashes are increasing in those States not having legislation required by the standard. Five such States last year averaged a greater than 6 percent increase.

These reports are a clear indication of the effectiveness of the existing standard. We believe that enactment of section 4 of this bill would provide additional future protection against fatalities and injuries sustained in motorcycle crashes by insuring that safety equipment to the motorcycling public meets appropriate safety standards.

The Bureau of the Budget has advised on January 15, 1969 that enactment of this proposed legislation is in accord with the President's program.

Sincerely,

ALAN S. BOYD.

S. 1246—INTRODUCTION OF PATENT REVISION BILL

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill for the general revision of the patent laws, title 35 of the United States Code.

On July 26, 1968, I introduced a predecessor bill, S. 3892 of the 90th Congress. I indicated on that occasion that the measure was the result of extensive efforts to draft a patent bill that might receive general support. The bill reflected a distillation of the various bills and proposals for patent law revision considered by the subcommittee during the 90th Congress.

At the request of various patent bar associations the subcommittee last year deferred the reporting of a bill until this Congress. Meanwhile, S. 3892 was subjected to careful review by those bar and trade associations active in the consideration of this legislation. As a result of this study certain revisions in the legislation have been made. Most significant of the changes is the redrafting of section 102(g) to eliminate the language requiring the applicant for a patent to exercise continuous reasonable diligence leading to the making of the invention available to the public, and the elimination of the 2-year limitation on the proof that may be introduced in a patent invalidity contest.

This legislation has resulted from the studies conducted by the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary and the report of the President's Commission on the Patent System. Both the subcommittee studies and the Commission report recognized that, while the patent system continued to play a significant role in the economic and scientific progress of the country, the procedures of the system were in need of reform and adjustment to contemporary conditions. Since the submission of the Commission's report and the introduction of the administration bill implementing the report, there has existed considerable difference of opinion as to both the necessity and nature of major changes in the patent system. The bill which I am introducing today would institute desirable, but modest, innovations. In making revisions in this legislation, notably in deleting certain provisions recommended by the President's Commission, I have given great weight to the recommendations of the Commissioner of Patents who has indicated that the principal goals of the President's Commission can be achieved without major revisions in the patent system.

Two major objectives of the Commission, to which I fully subscribe, are the more expeditious examination of patent applications, and improvement in the quality of issued patents. The Commissioner of Patents has informed the subcommittee that within the next few years all patents, except those involved in priority contests or appeals, will be issued within 24 months from the filing of the patent application, and that the average period of pendency of the application will be 18 months. This greater efficiency in the operations of the Patent Office would be accomplished principally by administrative actions, and without the necessity for any significant increase in appropriations or personnel.

This bill does not contain any special provisions relating to the licensing of patent rights, field-of-use restrictions, and the doctrine of patent misuse, such as were proposed by the President's Commission. Although I believe the recommendations of the Commission in this area were generally meritorious, the Department of Justice during the subcommittee hearings strongly opposed the inclusion of such provisions in the patent revision bill. I have been requested to again review the desirability of including this subject in the revision bill. In order to assist me in making a final judgment on this matter I have requested the Department of Justice to indicate whether there has been any change in the position of the Department since the time of the subcommittee hearings.

The Congress has previously determined that the Patent Office should be substantially self-supporting. When patent fees were last adjusted in 1965, it was contemplated that the Office should recover through fees from two-thirds to three-fourths of its operating budget. The Patent Office recovery has already fallen well below this range, and the gap will progressively increase in future years. Certain changes which will become effective upon the passage of this bill will also contribute to a loss of revenue. Therefore, it will be necessary for this Congress to give further consideration to the fee schedule. I have requested the Department of Commerce to furnish the subcommittee with its recommendations as to how the Patent Office income can be increased so as to recover a fair share of its expenditures.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1246) for the general revision of the patent laws, title 35 of the United States Code, and for other purposes, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 59—INTRODUCTION OF JOINT RESOLUTION TO AMEND THE CONSTITUTION TO EXPAND THE RIGHT TO VOTE FOR PRESIDENT AND VICE PRESIDENT

Mr. GOLDWATER. Mr. President, I am today introducing a constitutional amendment which would greatly expand the right to vote in elections for President and Vice President for many millions of our citizens who are presently denied this right by legal technicalities.

The best available statistics—which I have checked out with the Library of Congress—indicate that there are up to 11 million citizens who are of voting age and otherwise qualified to vote but who are disfranchised by residence requirements or their absence from home. According to recent surveys, there are from 5 to 8 million citizens of voting age who were prevented from voting in the 1968 presidential election because of residence requirements and at least 3 million who were prevented from voting in such election because they were away from home and could not obtain absentee ballots.

Mr. President, in order to meet the problem disclosed by these statistics, my amendment would provide, to the greatest extent practicable, that all citizens of the United States shall be entitled by virtue of their national citizenship to enjoy a constitutional right to vote in an election for President and Vice President without regard to residence requirements or where they may happen to be on the day of the election. The only exceptions are made in recognition of the valid interests of each State in having an opportunity before the election to verify that only qualified persons will vote in elections held in that State, and in having a minimum of time to carry out the mechanics of administering a system of absentee ballots. Thus, each State is permitted to require that all voters shall have resided within that State for a period of not to exceed 30 days immediately preceding the election. This will enable each State to establish a close-out date for registration or other qualification for voting in its elections, to be able to prepare its voting lists, where used, and to have a reasonable time to check on the eligibility of its voters. Also, the amendment permits each State to require that applications for absentee ballots be made no later than 7 days immediately preceding the election.

In view of the continuing efforts to achieve electoral reform and the possibility that the electoral college may

eventually be abolished, this amendment includes language which will assure that it will remain applicable even if the method of electing the President and Vice President should be changed at some time after the amendment is ratified.

Mr. President, I wish to emphasize that nothing in my amendment will prevent a State from granting more favorable voting opportunities to its residents or former residents. For example, this amendment will not have any effect on the law of my home State of Arizona which permits former residents to vote in presidential elections up to 15 months after leaving the State if they cannot vote in their new States.

Finally, because my amendment will impose on most States a duty to legislate, and because many State legislatures meet only in alternate years, there is a provision in the amendment which would give these States at least a 2-year period to act on any legislation needed to implement the amendment.

In this connection, Mr. President, I wish to state that this is a practical amendment. It is one that the States can live with and administer effectively. Before filling in the details of my amendment, I reviewed the election laws of all 50 States and the District of Columbia to be certain that the requirements set by this amendment would not be impossible for the States to implement.

For example, I wanted to assure myself that the States could provide a special means for voting in presidential elections that would allow persons to vote in such elections but not in local elections. Mr. President, I was pleased to find that a total of 32 of our States have made some form of special provision to enable persons who cannot meet the usual residence requirements to vote in the special case of presidential elections, and that six of these States grant the right to vote in such elections with as few as 31 days residence. Also, 37 States permit special categories of their voters to vote by absentee ballot in presidential elections if application is made up to 7 days prior to the election and 40 States provide that the marked absentee ballots of certain of their voters need not be returned to the voting officials until the day of the election—the same requirements as those which I propose. Since all of these special rules permit voting by absentee ballots by members of the Armed Forces—the type of voters who are likely to be located far from their voting residence—they represent a good test to demonstrate the proven ability of States to operate successfully under similar laws.

In conclusion, Mr. President, the terms of my amendment are adapted from laws already in operation in several of our States. Each of the provisions in my amendment has been tested at the State level and found to be successful and workable. In most States only minor changes will be required. The problem is that not all of our States have afforded the full voting opportunities that some have provided, and not all of these States have both loosened their residence requirements and also extended absentee voting. In fact, had my amendment been in effect for the 1968 election, the total of those citizens who went to the polls to elect a President might well have been increased by more than 15 percent.

Thus, Mr. President, even though our States are to be commended for making considerable progress in this area, the need for a nationwide, uniform constitutional provision on residence requirements and absentee voting is clear.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of the constitutional amendment which I am introducing, and a summary of the State election laws regarding residence requirements and absentee ballots.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD, together with the summary.

The joint resolution (S.J. Res. 59) proposing an amendment to the Constitution of the United States providing that citizens of the United States shall be entitled to vote for President and Vice President without regard to excessive residence and physical presence requirements, introduced by Mr. GOLDWATER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 59

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States to vote in any election for the choice of electors for President and Vice-President, or for President and Vice-President, shall not be denied or abridged by any State by reason of the failure of such citizens to meet any residence requirement of such State, if such citizens have resided in such State for a period of at least thirty days immediately preceding such election; nor shall the right of such citizens to vote in any such election be denied or abridged by any State by reason of the failure of such citizens to be physically present in such State at the time of such election, if such citizens have complied with the requirements prescribed by the law of such State providing for the casting of absentee ballots in such election. Each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any such election, for registration or other qualification as qualified voters for such election; and each State shall provide by law for the casting of absentee ballots for any such election by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied therefor not later than seven days immediately prior to such election and have returned such ballots to the appropriate election officer of such State not later than the time of closing of the polls in such State on the day of such election.

"SEC. 2. The term 'State' as used in section 1 includes the District constituting the seat of Government of the United States.

"SEC. 3. The Congress shall have the power to enforce this article by appropriate legislation.

"SEC. 4. This article shall take effect on the date of its ratification; except that if such ratification occurs within the period of two calendar years immediately preceding any election for the choice of electors for President and Vice-President, or for President and Vice-President, this article shall take effect on January 1 of the first calendar year following the date of such election."

The summary is as follows:

ELECTION LAWS OF THE 50 STATES AND THE DISTRICT OF COLUMBIA RELATING TO RESIDENCE REQUIREMENTS AND ABSENTEE VOTING

ALABAMA

Unless otherwise indicated, references are to 1957 Recompilation of Code of 1940 and 1965 Supplement thereto, Title 17.

I. Residence

To Vote One Must Be:

A resident of the state 1 year, the county 6 months, the precinct 3 months.

Those moving to a new precinct may vote in the old precinct for 3 months. (Const. Amend, CCVII; Code T. 17 §§ 12, 14)

(a) Residence is neither gained nor lost by the presence or absence from the State for the following reasons—temporary absence from the State for the following reasons—temporary absence from state with intent to return; being a student at an institution of learning; navigating, engaged in the civil or military service of the state or the United States. (§ 17)

(b) *Special residence requirements for Presidential elections only—None.*

II. Absentee voting

(1) Who may vote absentee

Voting an absentee ballot by mail (for other than military personnel) is limited to persons in the following categories: persons confined to home or hospital because of physical disability (Supp. § 64(24a)), students away at college or university (Supp. § 64(23)); disabled veterans in veteran facilities (Supp. § 64(16)), seamen, sailors, mariners, deep-sea saltwater fishermen (Supp. § 64(24g)).

(2) Applying for absentee ballot

Application should be made not more than 45 nor less than 5 days prior to election (Supp. §§ 64(23), 64(24b), 64(24(h)).

Application for absentee ballot must be in writing, the certificate accompanying the application must be signed by designated person and the affidavit on the absentee ballot must be executed before the designated person as follows:

Class of voter	Certificate accompanying the application must be signed by—	Affidavit on absentee ballot must be executed before—
Physically disabled	Licensed physician before a notary public (supp. sec 64(24b)).	Authority in charge of the hospital, or a notary public (supp. sec. 64(24c)).
Student	Registrar of college or university (supp. sec. 64(23))	Any officer authorized to administer oaths or any officer of the school (supp. sec. 64(23)).
Disabled veteran	Authority in charge of the veterans' facility (supp. sec. 64(23)).	Any officer authorized to administer oaths or before any officer of the facility (supp. sec. 64(23)).
Seamen	Sworn to before the captain of the ship or a notary public or other official authorized to administer oaths (supp. sec. 64(24h)).	Notary public or other officer authorized to administer oaths (supp. sec. 64 (24i)).

(3) Procedure in voting ballot

Absentee voting by mail: The absent voter must execute the affidavit printed on the absentee ballot before an authority in charge of a hospital, nursing home, rest home or sanitarium, or before a notary public. If the voter is confined at home, must execute affidavit before notary public or other officer authorized to administer oaths (Supp. § 64 (24c)).

Absentee ballots must be returned by United States mail to the register of the circuit court (Supp. §§ 64(23), 64(24d), 64 (24j)).

The absentee ballots must be received by the register of the circuit court in time to be delivered by him no later than the time set for closing the polls, to the election officials (§ 64(26)).

Absentee voting in person: So called "absentee" voting is available to businessmen who will be absent because of business on election day. This form of voting involves placing a ballot in a ballot box before the regularly scheduled day and does not permit voting by mail. The voter may present himself to the Board of Registrars of his county at any time not less than 30 days before an election and request his name be placed upon a list of persons authorized to vote by absentee ballot (Supp. § 64(16)). Thereafter, not more than 20 days nor less than 5 days prior to the election the voter may go to the office of the Registrar of his county and complete his ballot and place it in the absentee voter box (Supp. §§ 64(16); 64(23)).

III. Military and other voters in special categories

(1) Who are included in this category

Any qualified elector who is in service as a member of the Armed Forces of the United States, including the Alabama National Guard, the United States Naval and Air Force Reserves, the United States military reserves on active duty for training, and the spouse of such elector who resides with him at his duty station (Supp. §§ 64(16); 64(23)).

(2) Registration

Registration must be made in person. See the discussion above under "Registration".

(3) Absentee voting

Application for an absentee ballot may be made on a FPCA, or other writing. Should be sent to the Register of the county of residence in time to be received not earlier than 45 nor later than 5 days prior to the election (Supp. § 64(23)).

The 1968 deadline for the general election is October 31, 1968.

The marked ballot must be received by the County Registrar not later than the day of the election.

Special provisions are made for voting in municipal elections by members of the National Guard while absent on active duty. (Supp. § 64(24f)).

NOTE.—Persons in this category may also vote in the office of the Register between 20 days and 5 days before election (Supp. § 64(23)).

ALASKA

(References are to Alaska Stats. (Michie) unless otherwise indicated.)

I. Residence—Voter qualification

To Vote One Must Be:

A resident of the state 1 year and of the election district 30 days (Const. Art. V, § 1, Stats. § 15.05.010(4)).

(a) Residence is neither gained nor lost solely because of presence or absence while: employed in the service of the United States or of this State; a student in an institution of learning; an inmate of an institution or asylum at public expense; in a public prison; residing upon an Indian or military reservation; a member of the armed services, or a spouse or dependent of a member of the armed services (§ 15.05.020).

Statutory rules for determining residence are set forth at § 15.05.120.

(b) Special residence rules for presidential elections only: A resident of the State less than 1 year but otherwise qualified to vote may apply to the Secretary of State of Alaska in writing signed by the applicant, not more than 6 months nor less than 4 days before a presidential election for a ballot to vote for President and Vice President (Stats. §§ 15.15.012; 15.15.014).

The Secretary of State will send a ballot and an affidavit to be executed by the applicant. The applicant shall complete the ballot and have the certificate signed by 2 witnesses and mail these to the Secretary of State in an envelope bearing a postmark not later than election day (§ 15.15.014).

II. Absentee voting

(1) Who may vote absentee—Any qualified voter may vote absentee at any election and primary election if he believes: he will be unavoidably absent from his voting precinct on election day, whether in the state or not; he will be unable to be present at the polls because of physical disability, or because of physical inaccessibility of the polling place causing undue travel expense, hardship, or hazard to the voter (§§ 15.20.010; 15.25.090).

(2) Applying for absentee ballot—Application for absentee ballot may be made in person or by mail, or if the voter is disabled, by his personal representative (§§ 15.20.060; 15.20.120).

Application may be made to the deputy or district magistrate in the election district of the voter, or if made by mail, may also be made to the Secretary of State (§§ 15.20.060; 15.20.070).

The time when application must be made depends on the manner of making the request. If the application is made in person, it must be made between 40 days and 1 day before election (§ 15.20.080); if made by mail, between 90 days and 4 days before election (§ 15.20.100).

(3) Procedure in voting ballot—If the vote is cast in person, the voter in the presence of an election official shall mark the ballot in secret, place the marked ballot in the small envelope, place the small envelope in the larger envelope, sign the voter's certificate on the back of the larger envelope in the presence of the election official, and give it to the election official who shall sign as attesting witness (§ 15.20.140).

If a vote is cast upon receipt of an absentee ballot through a personal representative or by mail, the voter, in the presence of 2 attesting witnesses, both of whom are qualified voters, or before an election judge, notary public, commissioned officer of the armed forces, including the National Guard, district magistrate or deputy magistrate, United States postmaster, United States assistant postmaster, or other person qualified to administer oaths, should mark the ballot in secret, place it in the small envelope, place the small envelope in the larger envelope and sign the voter's certificate on the back of the large envelope in the presence of the above officials or persons who sign as attesting witnesses.

The ballot must be returned to the election official who supplied the ballot, or if returned by mail, must be postmarked not later than the day of the election and mailed to the election supervisor of the voter's district (§15.20.150).

III. Military and other voters in special categories

(1) Who are included in this category—Included are: Members of the armed forces while in active service and their spouses and dependents; members of the Merchant Marine and their spouses and dependents; civilian employees of the United States and their spouses and dependents when residing with or accompanying them; members of religious groups or welfare agencies assisting the armed forces and their spouses and dependents.

(2) Registration—Pre-registration is not required of any voter.

(3) Absentee voting—Persons in this category may request absentee ballot on FPCA or other writing.

A husband and wife should make out separate cards.

The application need not be attested to on line 11 of the FPCA.

The completed ballot must be returned postmarked not later than election day.

ARIZONA

(Unless otherwise indicated, references are to Ariz. Rev. Stats. Ann. and 1967 Supp. and to Constitution of 1912.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year and of the country and precinct 30 days (Const. Supp. Art. VII, § 2; Stats. § 16–101).

(a) Residence is not gained by military personnel by virtue of being stationed in the State (Const. Art. VII, §§ 3, 6). Residence is neither gained nor lost by presence or absence while employed in the service of this State or the United States; engaged in navigation; a student at an institution of learning; kept in an almshouse, asylum or prison (Const. Art. VII, §§ 3, 6; Stats. § 16–925).

(b) Special residence rules for presidential elections only: A *former* resident of Arizona who has been properly registered may retain the right to vote for presidential electors in the precinct from which he has moved (but for no other offices) for 15 months after he moved provided he does not become an elector in another State in this period. Votes cast in accordance with this provision shall be by absentee ballot (Supp. § 16–171).

A *new* resident of Arizona who has been a resident of Arizona for not less than 60 days prior to the date of the presidential election shall be entitled to vote for presidential electors, but for no other office, provided he was a qualified elector in another state immediately prior to his removal to Arizona and provided he is qualified to vote in Arizona in all respects except that he cannot meet the usual residence requirements (Supp. § 16–172).

Procedure for *new* residents: Registration is not required for voting for presidential electors under these special conditions (Supp. § 16–173.A).

Application for a ballot must be made in person in the office of the county recorder and must be made within one year of the presidential election (Supp. § 16–173.B).

Upon receipt of the application, the county recorder shall furnish the applicant a request for a proof form which applicant shall forward to the election clerk of his former residence, requesting proof that the applicant was a qualified voter in his place of former residence (Supp. § 16–173.C).

Must vote in person in the office of the County Recorder not sooner than 15 days nor later than the Friday prior to election day (Supp. § 16–174.A).

Ballot must be marked in the presence of the County Recorder in such manner that no one shall see how it is voted. Ballot should be deposited in an envelope and the affidavit on the envelope attested to (Supp. § 16–174).

II. Absentee voting

(1) Who may vote absentee—Those who may vote by absentee ballot include any registered elector who: Is absent, or expects to be absent, from the county of residence on the date of the primary, special or general election (§ 16–1101); because of physical disability cannot go to the polls on election day (§§ 16–1101; 16–1103); because of the tenets of his religion cannot attend the polls on election day (§16–1101); has moved to another state and cannot qualify as an elector in the new state and wishes to vote in the presidential election. Such persons

may vote an abstentee Arizona ballot for 15 months after they move from the state (§ 16–171.B).

(2) Applying for absentee ballot—Voter should obtain an "Application for Absent or Disabled Voter's Ballot" from the County Recorder of the county of residence not earlier than 30 days next preceding the Saturday before any primary, special or general election, execute the forms in duplicate and return them to the Recorder (§ 16–1102.A).

To and including the last Monday before the election the Recorder may permit absentee voting by an elector who by reason of sudden illness is prevented from voting at the polls (§ 16–1102.D).

The recorder may mail the application form with the ballot and determine the sufficiency of the application upon receipt of the voted ballot and executed application (§ 16–1102.C).

(3) Procedure in voting ballot—The ballot may be marked or stamped with an "X" in pen or pencil (§§ 16.835; 16–1106).

Ballot must be marked in secret, the affidavit on the envelope attested to before a notary public and the ballot received by the County Recorder before 6:00 p.m. on election day (§§ 16–1106; 16–1109).

III. Military and other voters in special categories

(1) Who are included in this category—Persons included in this category are those in the active service of the armed forces or Merchant Marine of the United States (Supp. §16–1101.(C).(D)).

(2) Registration—For such persons, registration in advance is not required. Such persons may complete an FPCA requesting an absentee ballot and mail it to the County Recorder of their county of residence. If the applicant is found not to be registered, the Recorder will forward to him an "Affidavit of Registration" form with the absent voter's ballot (Supp. § 16–1102.E).

Persons in this category may register at any time except the 5 days prior to a primary or general election (Supp. § 16–1108).

(3) Absentee voting—Application for an absentee ballot should be made within the 10 days next preceding the Saturday before a primary or general election (§ 16–1102.A).

Ballot should be voted according to instructions.

Voted ballot must be received by the County Recorder before 6:00 p.m. on election day (§ 16–1109).

ARKANSAS

(Unless otherwise indicated references are to Ark. Stats. 1947 Ann. and 1967 Supp. and to the Constitution of 1874.)

I. Residence

To Vote One Must Be:

A resident of the state 12 months, the county 6 months, the precinct or ward 1 month.

(a) No soldier or marine gains a residence by virtue of being stationed in the State. (Const. Art. 3, § 1 as amend. by Amends. Nos. 8 and 51; Const. Art. 3, § 7; Stats. §3–101).

(b) Special residence requirements for presidential elections only—None.

II. Absentee voting

(1) Who may vote absentee—Any qualified elector may vote absentee in a general election or a primary if he will be unavoidably absent from his voting place on election day or if because of illness or physical disability he will be unable to attend the polls on election day (§§ 3–1124; 3–111).

(2) Applying for absentee ballot—Application for an absentee ballot may be made in 1 of 3 ways: (1) by the voter himself going in person to the office of the county clerk of the county of residence of the voter; (2) by mail; (3) by delivering the application to the clerk's office.

If the application is mailed in it must be received in the office of the county clerk not sooner than 90 days nor later than 1 day before the election.

If the application is delivered to the office of the clerk, the only persons authorized to deliver it are the elector, his spouse, son, daughter, sister, brother, father or mother.

One application may be used to request absentee ballots for both primary elections. The application must be signed by the voter (§ 3–1125).

If the ballot is for a primary election, the voter must specify the party with which he affiliates (§ 3–1111); *Newton County Republican Central Committee* v. *Quinton Clark*, 228 Ark. 965). Party rules should also be consulted as to the eligibility of each individual voter to vote in a particular primary (§ 3–203).

(3) Procedure for voting ballot—Three methods are designated for voting absentee ballots: (1) the voter can go to the clerk's office during regular business hours of any day not earlier than the 15th day before an election, nor later than the 15th day before the election, nor later than 6:30 p.m. on election day; (2) the voter can mail the ballot in time to be received by the county clerk not later than 6:30 p.m. on election day; by delivery of the ballot to the county clerk not later than 6:30 p.m. on election day. Delivery may be made only by the husband, wife, son, daughter, sister, brother, father or mother of the absentee voter (§ 3–1130).

III. Military and other voters in special categories

(1) Who are included in this category—Members of the armed forces and their spouses.

(2) Registration—Registration is not required (Const. Amend. 51(f)).

(3) Absentee voting—A voter may request an absentee ballot on an FPCA mailed to the county clerk within 60 days prior to election. The voted ballot must be completed and returned to the county clerk no later than 6:30 p.m. on election day.

Members of the armed forces may also vote in all elections by writing a letter to the county clerk of the county of residence designating a choice for or against any candidate for office, or proposal or measure. The letter must be acknowledged before a commissioned officer of the armed forces and must be received by the county clerk any time within 60 days prior to the election. Such letter is counted as an official absentee ballot. It must be received by the county clerk by 6:30 p.m. on election day (§ 3–1119).

CALIFORNIA

(Unless otherwise indicated, references are to Elections Code (West's) and 1967 Supp. and to Constitution of 1879).

I. Residence

To Vote One Must Be:

A resident of state at least 1 year, of county at least 90 days and of precinct at least 54 days (Const. Art. 2, 91).

(a) For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State or of the United States, nor while engaged in the navigation of the waters of this State, of the United States, or of the high seas, nor while a student at any seminary of learning, nor while kept at any almshouse or other asylum at public expense or while in public prison (Const. Art. 2, §4; Art. 20, §12).

For statutory provisions relating to residence for voting purposes see Election Code §§ 14280 to 14292. The law was amended in 1967 to provide that when a woman who is a resident of California marries a man temporarily employed in California in the service of the United States Government she may elect to retain her California residence for voting purposes so long as she does not qualify to vote elsewhere (Supp. §14292).

(b) Special residence requirements for Presidential elections only: New residents of California who have resided in this State for at least 54 days but less than 1 year may vote in Presidential elections only provided that they were qualified electors of the other state prior to their moving to California or that they would have been eligible to vote in Presidential elections of their former state had they remained there and if they meet all the other California qualifications to vote except residence (Const. Art. 2, §1½).

The provisions relating to voting by new residents in presidential elections are set forth in the Elections Code at §§750 to 765. Registration is required (§752). New residents must register during the period beginning on the 90th and ending on the 54th day prior to the Presidential election (§754). The new resident must secure from the County Clerk of the county of his California residence an application form which must be completed in duplicate and returned to the County Clerk who shall transmit a copy to the County Clerk of the applicant's former residence (Supp. §756).

Ballots will be mailed to persons so qualifying as new residents of California not earlier than the 29th nor later than the 7th day prior to election day (Supp. §756).

The new resident shall mark his ballot and place it in the identification envelope and shall sign the declaration on the identification envelope and mail or deliver it to the office of the clerk not later than 5:00 p.m. of the day before election (Supp. §757).

II. Absentee voting

(1) Who may vote absentee—Any one of the following may vote absentee: one who expects to be absent from his precinct on election day; who cannot go to the polls because of illness or other physical disability; who resides more than 10 miles from the nearest polling place; whose religion requires his attendance at church or religious services on election day; who resides in a precinct which is owned or controlled by the United States on the day on which the election is held; who resides in a precinct where there are 30 or less persons registered to vote and the clerk has announced that there will be no polling place open there on election day; military voters (§§ 14620; 14620.5 as amended 1967, Supp. §§ 14662, 14800).

(2) Applying for absentee ballot—A written request for an absent voter's ballot, on letter size stationery, should be sent to the County Clerk of the county of residence or, if a resident of Los Angeles, San Francisco, or Santa Clara counties, to the Registrar of Voters of the county of residence, for statewide or county wide election, or to the County Clerk for municipal elections (§ 14621, Supp. § 14621.5).

Requests for absentee ballots must usually be made not more than 29 nor less than 7 days before election (§ 14621). Applications received by the clerk on or after the 60th day but prior to the 29th day before election will be held by the Clerk and processed following the 29th day prior to the election (§ 14621). Special provisions are made for the ill or disabled and where conditions arise after close of period to apply for a ballot, making it impossible for the voter to go to the polls on election day. Those ill or disabled on election day may request an absentee ballot up to the time the polls close on election day. The Clerk may give a ballot to an authorized representative of the voter possessing a written statement signed by a doctor or official of a hospital, nursing home or sanitorium. The ballot may be voted and returned at any time up to the close of the polls (Supp. § 14800).

Those who find after the closing date for applying for absentee ballot that they will be unable to go to the polls on election day may submit an affidavit to the Clerk requesting an absentee ballot. This ballot may be voted in the Clerk's office or outside and returned before 5:00 p.m. the day before election day (§ 14801).

(3) Procedure in voting ballot—Others must return the voted ballot on or before 5:00 p.m. election day (Supp. § 14662).

III. Military and other voters in special categories

(1) Who are included in this category—Persons included in this category include: Members of the armed forces of the United States or any auxiliary branch thereof; those employed by the United States and serving outside the territorial limits of the United States; those employed by the American Red Cross and serving outside the territorial limits of the United States; those employed as an officer or member of a crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States; members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces; spouses and dependents of the persons enumerated above.

(2) Registration—Registration is required but separate application is not required. Absentee ballot may be requested on FPCA. When such persons apply for absentee ballot, if found by the Clerk not to be registered, an application for registration will be sent at the same time as the absentee ballot (§ 250). Party preference should be stated if the person wishes to vote in the primary election. Application for absentee ballot should be mailed to County Clerk 60 days before election.

(3) Absentee voting—The applicant, before marking the absent voters ballot shall execute the affidavit of registration before the clerk, notary public, commissioned officer, warrant officer, noncommissioned officer of a grade not lower than sergeant, any minister, consul or vice consul of the United States, and return the affidavit of registration in the return envelope (but not in the identification envelope) together with the absent voters ballot enclosed in the identification envelope to the Clerk from whom they were received. These must be received by the Clerk not later than 5:00 p.m. on the day before election day (Supp. § 251).

COLORADO

(Unless otherwise indicated, references are to Rev. Stats. 1963 as amended 1967 and to Constitution of 1876.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the county 90 days and of the precinct 20 days next preceding the election (Const. Art. VII, § 1; Stats. § 49–3–1).

(a) An elector moving to another county in the state within 90 days of election may vote by absentee ballot in his former county. If he moves to another precinct in the same county within 20 days of election may vote in the precinct where registered (§ 49–3–1).

No person shall be deemed to have gained or lost a residence by reason of presence or absence while in the civil or military service of the state or of the United States; nor while a student at any institution of learning (but a student may gain a legal residence under certain conditions); nor while kept at public expense in any public prison or state institution unless the person is an employee or member of the household of an employee of such prison or institution (Const. Art. VII, § 4; Stats. § 49–3–4).

For statutory rules for determining residence for voting purposes see § 49–3–3.

(b) Special residence rules for presidential elections only: Those otherwise qualified who have resided in the state less than 1 year, but at least 6 months, and in the county or city at least 90 days and in the precinct at least 15 days prior to a presidential election may vote in that election (Const. Art. VII, § 2; Stats. § 49–24–1).

Registration is required (§ 49–24–2).

Application may be made for the special ballot not sooner than 90 days before the election nor later than the close of business the Friday immediately preceding the election. Application must be signed by the applicant or a member of his family before an officer authorized to administer oaths (§ 49–24–3).

The county clerk, if he finds the application is in order, will send a special ballot in the same manner as is provided for absentee ballots (§ 49–24–4).

The voter shall mark the ballot in the same manner as is provided for absentee ballots (§ 49–24–6). The counties shall provide new residents' polling places (§ 49–24–7). In all counties in which voting machines are used, the new resident's polling places shall be opened 15 days prior to the presidential election and remain open until the close of business on the Friday immediately preceding the election. Qualified applicants for new residents' ballots appearing in person at the new residents' polling place during this time may cast their ballots on voting machines expressly provided for that purpose during the same time as for absentee voting (§ 49–24–8). In all other respects, the procedures followed by new residents shall be the same as to absentee voting (§ 49–24–9).

II. Absentee voting

(1) Who may vote absentee—Any qualified voter may vote by absentee ballot in any general, primary, or special election if, on election day, he will be absent from his county of residence, or if because of his work he is likely to be absent, or because of serious illness or physical disability, or because of his religious beliefs, he will be unable to go to the polls (§ 49–14–1).

(2) Applying for absentee ballot—Application for absentee ballot may be in the form of a letter giving the necessary facts and signed by the applicant or a member of his family. If a primary ballot is requested, party affiliation should be given.

The request should be filed in the county clerk's office of applicant's county of residence not earlier than 90 days nor later than the close of business on the Friday immediately preceding the election (§ 49–14–2).

(3) Procedure in voting ballot—Ballot must be voted secretly but in the presence of an officer authorized to administer oaths. The executed ballot must be received by the county clerk not later than 5:00 p.m. on election day (§ 49–14–6).

III. Military and other voters in special categories

(1) Who are included in this category—Included in this category are: members of the armed forces while in active service and their spouses and dependents; members of the merchant marine of the United States, and their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with them or accompanying them whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress; members of religious groups or welfare agencies assisting members of the armed forces who are officially attached to and serving with the armed forces and their dependents (§ 49–4–14).

(2) Registration—Persons in this category must be registered in order to vote but they may apply to be registered at the same time as they apply for absentee ballot and may use the FPCA for this purpose.

Such applications may be made at any time after 45 days following any general election and until 20 days immediately preceding a general, primary or special election (§§49–4–14; 49–14–2; 49–14–3).

(3) Absentee voting—Application for absentee ballot must be made not earlier than 90 days nor later than the close of business on Friday immediately preceding the election (§49–14–2).

Ballot must be marked in secret but in the presence of an officer authorized by law to administer oaths. The affidavit on the return envelope should be subscribed before the officer authorized to administer oaths. The marked ballot must be returned in time to be in the hands of the county clerk not later than 5:00 p.m. on election day (§49–14–6).

CONNECTICUT

(Unless otherwise indicated, references are to Conn. Stats. Ann. 1958, 1967 ed. and Constitution of 1965.)

I. Residence

To Vote One Must Be:

A resident of the state and town at least 6 months* (Const. Art. VI § 1; Stats. § 9–12).

(a) Residence is not gained nor lost while residing in any institution maintained by the state (§ 9–14). For residence of a pauper see § 9–15. A person moving to another town in Connecticut may continue to vote in former town for 6 months (Const. Art. VI § 9).

Connecticut has adopted the Uniform Voting by New Residents in Presidential Elections Act, C.G.S.A. §§ 9–163a to 9–163j.

Former residents: A registered elector who moves to another state may continue to vote in Connecticut for President and Vice President only for 24 months after moving provided he cannot qualify in the new state (§ 9–158).

A special absentee ballot may be obtained from the Town Clerk for this purpose (§ 9–158). Application for such ballot should be made in writing to the Town Clerk of former residence not more than 2 months before the election (§ 9–161).

The voter shall swear to the affidavit printed on the ballot envelope before an election official of his new state (§ 9–160). He shall mark his ballot and place it in the smaller envelope and place that envelope in the larger envelope and return it to the Town Clerk of his former residence (§ 9–162).

New residents: A resident of the town less than 6 months but at least 60 days who is qualified to vote except for residence, may within 30 days prior to election and prior to 5 p.m. of the day before election execute an affidavit before the Town Clerk applying for a special ballot (§ 9–163).

The ballot must be marked in secret in the presence of the Town Clerk and the certification on the envelope completed (§ 9–163e).

II. Absentee voting

(1) Who may vote absentee—Any qualified voter, civilian or military, may vote absentee in any national, state, municipal or special election but not primary election when he is unable to appear at his polling place during the hours of voting for any one of the following reasons:

(1) Absence from state during all of such hours.

(2) Absence from the town during all of such hours because of status as a student in a Connecticut college, university, nurse's training school or other institution of higher learning in Connecticut but located outside his town of voting residence.

(3) Absence from the town of his residence during all of such hours because of temporary place of abode in a town other than the town of voting residence because of membership in a religious community.

(4) Illness.

(5) Physical disability.

(6) The tenants of his religion forbid secular activity (§§9–134; 9–135; 9–137).

(2) Applying for absentee ballot—*Applications for blank absentee ballots may be made* either in person or by mail to the Town Clerk or Borough Clerk of place of residence *not sooner than 45 days before the election* (§ 9–140).

(3) Procedure in voting ballot—The blank absentee ballot shall contain instructions for the voter to follow (§ 9–136).

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*(b) Special residence rules for presidential elections only.

The voted ballot shall be returned to the municipal clerk inserted in an inner envelope on which is printed a form which the voter must sign (§§ 9–137; 9–138).

The absentee ballot shall be mailed so that it is received by the municipal clerk not later than 6 p.m. of the day before the election, except when the election is held on a Monday, by 12 noon of election day (§ 9–146).

III. Military and other voters in special categories

The Connecticut constitution provides that the General Assembly may provide by law for the admission as electors in absentia of members of the armed forces, the United States merchant marine, members of religious or welfare groups or agencies attached to and serving with the armed forces and civilian employees of the United States, and the spouses and dependents of such persons (Const. Art. VI § 8).

(1) Who are included in this category—Included in this category are members in the active service of the armed forces and all regular and reserve components thereof; the United States merchant marine, members of religious or welfare groups attached to and serving with the armed forces or civilian employment with the United States or spouse or dependent of any such person (§§ 9–25a; 9–26; 9–134; 9–141).

(2) Registration—Persons in this category are required to register to vote but they may register by mail if unable to appear in person (§ 9–26).

Election officials will supply a printed form of Affidavit of Registration which the voter must execute before a commissioned officer in the armed forces, a consul or vice consul or deputy consul of the United States, or a Town Clerk residing in Connecticut (§ 9–26). The literacy of the applicant must be attested to (§ 9–27).

(3) Absentee voting—There is no absentee voting in primary elections. For all other elections, any member of this class, other than the merchant marine, may if absent from their town of voting residence on election day during hours of voting apply on a FPCA in person or by mail to the Town Clerk of the town of his residence not more than 90 days before the election for an absentee ballot (§§ 9–140; 9–141; 9–143).

The ballot must be voted according to instructions and returned in the official envelope supplied by the Town Clerk along with the ballot (§§ 9–137; 9–139).

The voted ballot must be received by the Town Clerk not later than 6 p.m. of the day before the election unless this election is held on a Monday in which event the clerk must receive the ballot not later than 12 noon on election day (§ 9–146).

DELAWARE

(Unless otherwise indicated, references are to Code Ann. 1953 and 1966 Supp. Title 15 and to Constitution of 1897 as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the county 3 months, of the election district 30 days (Const. Supp. Art. V, § 2; Code Supp. § 1701).

(a) No person in the military, naval, or marine service of the United States shall acquire a residence in this state by reason of being stationed here (Const. Supp. Art. V, § 2; Supp. § 1701), nor lose a residence by reason of service elsewhere (§ 1921).

For statutory provisions relating to determination of residence, see Supp. § 4947.

(b) Special residence requirements for presidential elections only: In 1966 the General Assembly by 55 Del. Laws, Ch. 295, § 2 gave initial approval to the addition of a proposed new section 2B to Art. V of the Constitution. The new section provides that the General Assembly shall extend to a citizen of the United States who has resided in this state for at least 3 months next preceding an election but who does not meet the residence requirements in section 2 the right to vote for President and Vice President, but for no other office provided the person was either a qualified voter in another state immediately prior to his removal to Delaware and would have been eligible to vote in the other state had he remained there and provided he meets all the Delaware requirements to vote except residence.

II. Absentee voting

The Delaware Constitution authorizes absentee voting in general elections in certain circumstances (Const. Art. V, § 4A).

(1) Who may vote absentee—A qualified elector who may be absent on the day of a general election because of: service in the Armed Forces of the United States; in the public service of the State of Delaware; requirements of his business or occupation; personal sickness or disability; in the public service of the United States may vote absentee (Supp. §§ 5501; 5503).

(2) Applying for absentee ballot—Those applying on the ground of sickness or disability must file an affidavit with the Department of Elections of their county of residence. Affidavit must be subscribed to before an officer authorized by law to administer oaths, by a person authorized to practice medicine under the laws of this State; must be dated not more than 30 days prior to the general election (Supp. § 5504(a)).

Those applying because of business or occupation must file an affidavit with the Department of Elections of county of residence subscribed to before an officer authorized by law to administer oaths, by his employer, or by the elector himself if self-employed. Such affidavit shall not be dated more than 30 days prior to the next election (Supp. § 5504(b)).

Those who qualify to vote absentee shall not later than 12 noon of the day prior to the election request the Department of Elections of the county of residence for an absentee ballot (Supp. § 5505).

(3) Procedure in voting ballot—The absentee voter shall make and subscribe to the affidavit printed on the voucher envelope, before an officer authorized by law to administer oaths, and such voter shall thereupon in the presence of such officer, and of no other person mark such ballot but in such manner that the officer cannot know how the ballot is marked, and the ballot shall then in the presence of the officer be deposited by the voter in the official envelope. The official envelope containing the ballot shall then be deposited in the voucher envelope, and the voucher envelope shall be securely sealed by the voter. Thereupon the voucher envelope containing the marked ballot shall be enclosed in the carrier envelope received by the voter from the Department of Elections and after the voter has enclosed the voucher envelope containing the marked ballot in the carrier envelope, he shall securely seal the carrier envelope and mail it, postage prepaid, to the Department of Elections of the county issuing the ballot, or if more convenient, it may be delivered to the Department in person, to be received in either case, by the Department of Elections prior to noon of election day and not thereafter (§§ 5510; 5511).

III. Military and other voters in special categories

The Delaware Constitution requires the General Assembly to enact laws for absentee voting under certain conditions (Const. Art. V, 4A).

(1) Who are included in this category—Members of the armed forces or merchant marine of the United States; those serving with the American Red Cross; the Society of Friends; the USO attached to and serving with the armed forces, or one who has received official notice of induction into any such service or who is the spouse of anyone so enumerated (Supp. § 1901).

(2) Registration—Registration is required but may be accomplished in one of several ways.

If, when a person in this category requests an absentee ballot, the Department of Elections finds that he is not registered, it will automatically send him the registration forms to complete (Supp. § 1908).

The applicant may apply in person at the usual time and in addition, in New Castle Kent and Sussex counties, the Department of Elections shall sit at such other times as may be necessary up to 10 days prior to the general election to register persons in this category.

In addition, persons in this category, if absent from the state, may register absentee (Supp. §§ 1901(b); 1906).

Absentee registration may be affected by applying to the Department of Elections of the county of residence, in writing, for an absentee registration form. Such request may be made at any time except the 30 days before the general election is held.

The affidavit should be signed before any commissioned officer of the armed forces or merchant marine or before any other officer authorized by law to administer oaths (Supp. § 1906(b)).

The affidavit, properly completed, should be returned to the Department of Elections of the voter's residence no later than 10 days prior to election day (§ 1906(a)).

The Delaware law also provides for the appointment of Auxiliary Registrars who, by direction of the Governor, shall visit in any year in which a general election is held, the military encampments in this state and in the United States, to register those qualified to vote in Delaware (§§ 1921 to 1932).

(3) Absentee voting—Persons who are absent from the county of their residence on the day of a general election while serving with the armed forces, or in the public service of the state of Delaware or of the United States are eligible to vote absentee (Supp. §§ 5501; 5503).

Those applying because of service for the State or United States shall not later than 12 noon of the day prior to the general election request the Department of Elections of the county of residence for a ballot. Such a request may be made by the voter or anyone acting on his behalf (Supp. § 5505).

The absentee voter shall subscribe the affidavit printed on the voucher envelope before an officer authorized by law to administer oaths and the voter shall then mark the ballot in the presence of such officer but in such manner that the officer does not know how the ballot is marked and deposit the ballot in the official envelope. The official envelope should be deposited in the voucher envelope which should be placed in the carrier envelope, that envelope should be sealed and mailed or delivered to the Department of Elections of voter's county of residence.

The voted ballot must be received by the Department of Elections before 12 noon of the day of the election (Supp. §§ 5510; 5511).

DISTRICT OF COLUMBIA

(References, unless otherwise indicated, are to Code, 1967 ed.)

I. Residence

To Vote One Must Be:

A resident of the District 1 year (§ 1–1102 (2)).

II. Absentee voting

(1) Who may vote absentee—Those who are absent from the District or who, because of physical condition are unable to vote in person at the polling place may vote by absentee ballot (§ 1–1109(b)).

(2) Applying for absentee ballot—Apply to D.C. Board of Elections, District Building, Washington, D.C.

(3) Procedure in voting ballot—No provision.

III. Military and other voters in special categories

(1) Who are included in this category—Members of the armed forces while in active service, their spouses and dependents; members of the Merchant Marine of the United States, their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the United States and their spouses and dependents, whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress; religious groups or welfare agencies assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces, their spouses and dependents (50 U.S.C. § 1451; 75 Stat. 817 sec. 2(c)).

(2) Registration—Registration is necessary. Those in this category may simultaneously register and apply for both primary and general election ballot by sending FPCA at any time after January 2 for the primary and after May 7 for the general election (50 U.S.C. § 1452).

Application may be made to D. C. Board of Elections, District Building, Washington, D.C. 20004.

(3) Absentee voting—Vote ballots according to instructions and return in time to be received not later than 8:00 p.m. election day.

FLORIDA

(Unless otherwise indicated references are to Stats. Ann. and 1967 amends. and Constitution of 1887 as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year* the county 6 months (Const. Supp. Art. VI § 1; Stats. § 97.041).

(a) A person who has not filled the residence requirements at the time the registration books close but who will fulfill them by the time of the election may register in the 60 days prior to the closing of registration (§ 97.041 (3)).

*(b) Special residence requirements for presidential elections only: Persons who meet all the Florida qualifications to vote except residence and who are registered electors of the state from which they have moved may vote a special ballot for President and Vice President.

Such persons must execute an oath in the office of the Supervisor of Elections not more than 45 days nor less than 30 days prior to the election (§ 97.031(2)).

The Supervisor will then write to the election official of the former residence and request a cancellation of the registration to vote in the former state. Upon receipt of this notice of cancellation the Supervisor will notify the applicant that he may come in and vote for President and Vice President (§ 97.031(3),(4)).

II. Absentee voting

(1) Who may vote absentee—Those who may vote absentee ballot at a general special or primary election include any registered and qualified elector who: due to physical disability is unable without assistance to attend the polls; is an inspector, a poll worker, or other election official who will be working in precinct other than his own voting precinct; because of the tenets of his religion cannot attend the polls on election day; or will not be in the county of his residence during the hours the polls are open on election day (§§ 97.021 (6); 101.62)).

For special rules for military see "MILITARY AND OTHER VOTERS IN SPECIAL CATEGORIES" post.

(2) Applying for absentee ballot—May apply to supervisor of any permanent registration office in person or by mail, for an absentee ballot for any primary, special or general election (§ 101.691).

Such applications should be made at any time during the 45 days preceding an election but not later than 5 p.m. of the day preceding the election (§ 101.62(1)).

(3) Procedure to vote ballot—The elector shall in secret mark his ballot, follow instructions enclosed with his ballot, place only the marked ballot in the plain envelope and return same to the supervisor of the county in which his precinct is located (§ 101.66).

III. Military and other voters in special categories

(1) Who are included in this category—Members of the Armed Forces while in active service, their spouses and dependents; members of the Merchant Marine of the United States, their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits and their spouses and dependents when residing with or accompanying them.

Members of religious groups or welfare agencies assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces and their spouses and dependents (§§ 97.021 (15), (16), (17); 101.691).

(2) Registration—Registration is required but special provisions are made for persons in this category to register.

Any person under 21 years of age subject to be called for military duty who has received induction papers, or who is already inducted or enlisted, may be specially registered and the Supervisor shall hold his registration in a re-registration book until he becomes 21 years of age (§ 97.062).

Members of the Armed Forces while in active service and their spouses may register absentee. FPCA requesting absentee ballot will be accepted as a request for absentee registration if the applicant is un-registered (§§ 97.063; 97.0631; 101.692).

There are special provisions for federal employees, military personnel, and the spouses and dependents of such persons, to reactivate registrations which have lapsed (§ 97.064).

For the purposes of executing the registration affidavits oaths may be administered by any commissioned officer in active service of the Armed Forces, any member of the Merchant Marine designated by the Secretary of Commerce, or any civilian official empowered by state or federal law to administer oaths (§ 97.065).

(3) Absentee voting—May apply for ballot on FPCA (§§ 101.691, 101.692).

Vote ballot according to instructions (§ 101.694).

Voted ballot must be received by Supervisor not later than 5 p.m. of the day preceding the primary or general election (§ 101.65 (1)).

GEORGIA

(Unless otherwise indicated, references are to Code Ann. 1964 and 1967 Supp. and to Constitution of 1945, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the county 6 months* (Const. Art. II § 702; Code Supp. § 34–602).

(a) Residence is not gained by reason of being stationed in the State while on military duty (Const. Art. II, § 702).

The word "residence" as used in the election law means "domicile" (Supp. § 34–103 (aa)).

One with less than the required residence in the state may register to vote provided he will acquire such residence within 6 months after registering (Supp. § 34–602).

Statutory rules for determining residence are set forth at (Supp. § 34–632).

(b) *Special residence requirements for Presidential elections only: An amendment to the Constitution ratified by the voters in November, 1966 authorizes the General Assembly to enact a law providing for special residence requirements for new residents in the state to enable them to vote in Presidential elections only. Implementing legislation has been passed to make such provision effective (Const. Supp. Art. II § 703).

VI. Absentee voting

(1) Who May vote absentee—An elector who either (1) is required to be absent from the county of his residence during the primary or election or, (2) because of physical disability will be unable to be present at the polls on the day of the primary or election (Supp. § 34–1401).

(2) Applying for absentee ballot—Any absentee elector or, upon satisfactory proof of relationship, his mother, father, aunt, uncle, sister, brother, spouse, or daughter or son age 18 or over, may apply for ballot. Application must be made in writing (§ 34–1402(a)).

Application shall be made not more than 90 days before the election in which vote to Board of Registrars of county of elector's residence (§ 34–1402(b)).

If the application is made on the ground of physical disability it must be accompanied by a certificate of a licensed physician, hospital administrator, or Christian Science practictioner (§ 34–1402).

(3) Procedure in voting ballot—At any time after receiving the ballot but before the day of the primary or election the elector shall appear before a postmaster of the United States or his assistant in a post office or any commissioned officer of the Armed Forces, if in service, or any consul of the United States, or a registrar or deputy registrar of county of elector's residence, or the registrar or deputy registrar of any college or university.

The elector shall display the unmarked ballot to one of the above named persons and shall then mark it in pen or pencil in the presence of such person but in such manner that the person administering the oath is unable to see how the same is marked and then fold the ballot and enclose it in the envelope printed "Official Absentee Ballot" and seal the envelope. This envelope should be placed in the other envelope on which is printed the form of affidavit of elector. The elector shall fill out and subscribe and swear to the affidavit and the jurat shall be subscribed and dated by the person before whom the affidavit was taken. This envelope should then be sealed and mailed or delivered to the appropriate Board of Registrars (Supp. § 34–1406).

Voted ballot must be received prior to the closing of the polls election day (Supp. § 34–1407).

III. Military and other voters in special categories

(1) Who are included in this category—A resident of Georgia who is temporarily residing outside the state because he is a Member of the Armed Forces of the United States while in active service; Member of the Merchant Marine of the United States; Civilian employee of the United States; Member of a religious group or welfare agency assisting members of the Armed Forces of the United States who is officially attached to and serving with such Armed Forces; or the spouse or dependent of the above.

(2) Registration—Registration is necessary but may be made by mail.

Any absentee applicant, or upon satisfactory proof of relationship, his mother, father, sister, brother, spouse, or daughter or son of the age of 18 or over, may at any time apply to the Board of Registrars of the county of the applicant's residence for a registration card to be mailed to such applicant. The application should be in writing and contain the name and address of the applicant.

Any person in this special category may apply for a registration card or an absentee ballot on a FPCA (Supp. § 34–619).

(3) Absentee voting—Follow same rules as are set forth for other voters above for absentee voting in primary and general elections.

HAWAII

(Unless otherwise indicated references are to Election Laws of Hawaii 1966 ed. and to the Constitution of 1959 as amended.)

I. Residence

To Vote One Must Be:

A resident of the state at least 1 year and of the county and precinct 3 months (Const. Art. II § 1).

(a) Residence is neither gained nor lost because of presence or absence while employed in the service of the United States or while engaged in navigation or while a student at any institution of learning (Const. Art. II § 3).

(b) Special residence requirements for Presidential elections only—None.

II. Absentee voting

(1) Who may vote absentee—Any qualified voter who will be unable to appear at his polling place during the hours of voting at any primary, general or special election because of absence from the island of his residence during the hours of voting (§11–138); illness (§11–132); religious beliefs (§11–133.5); confined at home by illness or physical disability (§11–133).

(2) Applying for absentee ballot—Applicant may apply in person or by mail to the county clerk of his residence for an absentee ballot. Such application should be made not more than 60 days nor less than 5 days if the applicant is within the state, and not less than 10 days if without the state (§11–139).

One request may cover both the primary ballot and the immediately following general election ballot (§11–139).

(3) Procedure in voting ballot—The voter should mark the ballot secretly and place it in the ballot envelope and seal the envelope. The voter should complete and subscribe to the statement printed on the ballot envelope. The ballot envelope shall then be placed in the covering reply envelope and mailed or delivered to the county clerk who issued the ballot.

The voted ballot must be received by the clerk not later than the established closing hour of business on the day before the election (§11–144).

III. Military and other voters in special categories

(1) Who are included in this category—The same rules apply to persons in this category as to other voters with the exception of registration procedures and persons designated before oaths may be taken.

(2) Registration—Registration is not required of persons in military service but such persons shall make and subscribe to an affidavit supplying the same information as is given in the application of registration (§§11–140; 11–141). The affidavit may be sworn to before any officer authorized by law to administer oaths, including commissioned officers in active service of the Armed Forces of the United States, the Coast Guard and any of the Hawaii National Guard services (§11–141).

(3) Absentee voting—Instruction will be sent with the ballot. The same rules apply as for other voters. The voter after marking the ballot shall complete and subscribe to the statement printed on the ballot envelope. The ballot envelope shall then be placed in the covering reply envelope and mailed or delivered to the county clerk who issued the ballot.

The voted ballot must be received by the clerk not later than the established closing hour of business on the day before election (§11–144).

IDAHO

(Unless otherwise indicated, references are to Code of 1948, 1963 rev. and 1967 Supp. and to Constitution of 1889, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 6 months* and of the county 30 days next preceding the day of the election (Const. Supp. Art. 6 § 2).

(a) For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this state, or of the United States, nor while engaged in the navigation of the waters of this state or of the United States, nor while a student of any institution of learning, nor while kept at any alms house or other asylum at the public expense (Const. Art. 6 § 5, Code § 34–403).

(For statutory rules for determining residence see Supp. § 34–1021).

(b) Special residence requirements for presidential elections only*: Idaho has adopted the Uniform Voting By New Residents In Presidential Election Act (Code §§ 34–408 to 34–421).

New residents in the state less than 6 months but at least 60 days may vote for President but for no other office, providing he has all the other qualifications to vote (Const. Supp. Art. VI § 2; Code § 34–408).

A person desiring to vote under these provisions shall be deemed to be registered if within 10 days before the election he executes in the presence of the county auditor an affidavit stating certain facts on which he bases his application to vote (§ 34–409).

The county auditor then is required to mail a duplicate of this affidavit to the appropriate official of the state in which the applicant last resided (§ 34–410).

After the ballots are available, and in no event not later than 10 days prior to the presidential election, the county auditor shall give the applicant a ballot to vote (§ 34–412).

The applicant shall mark the ballot in the presence of the county auditor but in such manner that the official does not know how the ballot is marked. The voter shall put the ballot in an envelope given to him by the auditor for this purpose and seal the envelope. The voter shall sign the certification on the envelope (§ 34–413).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who is absent or expects to be absent from the election precinct in which he resides on election day, or who will be in the election precinct but because of blindness or physical disability will be unable to go to the polls election day may vote absentee (§ 34–1101).

(2) Applying for absentee ballot—Make written application to the county auditor, the city clerk or other proper officer for an official ballot. Said application shall contain the name of the elector, the precinct where he is registered and his present address, and if for a primary ballot, the party affiliation (§ 34–1102).

(3) Procedure in voting ballot—On marking such ballot the absent or disabled voter shall refold same as before and shall inclose the voted ballot in the official envelope and seal the envelope and mail by registered or certified mail or deliver it in person to the officer who issued it not later than 12 o'clock noon on the day of the election. Ballots shall be marked secretly except where the voter is disabled in which event he may have the assistance of a person of his choice in marking the ballot (Supp. § 34–1105).

III. Military and other voters in special categories

(1) Who are included in this category—The following persons are included in this special category: (1) members of the Armed Forces while in the active service, and their spouses and dependents; (2) members of the merchant marine of the United States, and their spouses and dependents; (3) civilian employees of the United States in all categories serving outside the territorial limits of the United States and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress; (4) members of religious groups or welfare agencies assisting members of the Armed Forces and their spouses and dependents.

The terms "Armed Forces" and "members of the merchant marine of the United States" are defined at (§ 34–1118(b) and (c)).

The term "dependent" is defined as "any person who is in fact a dependent" (§ 34–118(d)).

(2) Registration—Registration is required but persons in this category may register for voting at the general election by completing the "Registration and Voting Certificate" which is printed on the back of the ballot envelope.

This certificate shall be certified by any commissioned officer in the active service of the Armed Forces, or by any member of the merchant marine designated for this purpose or by any civilian official empowered by State or Federal law to administer oaths (Supp. § 34–1120).

(3) Absentee voting—Written request may be made by any elector in United States service, or any interested person, not less than 5 days before the general election, containing the name and home address of the elector, address to which the ballot is to be sent, and name of person requesting same (§ 34–1121).

Upon receipt of the absentee ballot the voter shall mark it in secret and seal it in the envelope provided for this purpose. He shall then execute the registration and voting certificate on the back of the envelope before the official designated, see the discussion under (2) Registration above. After which the ballot shall be sent by any available mail service to the county auditor who issued it. Return by registered mail is not required of this class of elector (§ 34–1124).

The ballot should be received by the election official at least 1 day before election day (§ 34–1105).

ILLINOIS

(Unless otherwise indicated references are to Smith-Hurd Ann. Stats. (1965 ed.) and 1967 Supp., Chap. 46 and to the Constitution of 1870, as amended).

I. Residence

To vote one must be:

A resident of the state 1 year, *the county 90 days and the election district 30 days, (Const. Art. VII § 1).

(a) Residence is not lost by reason of absence while on business of the United States or this state, or in the military or naval service of the United States (Const. Art. VII §4; Code §3–2).

Residence is not gained by a soldier, seaman, or marine in the army or navy of the United States being stationed in this state (Const. Art. VII §5).

Inmates of soldiers and sailors homes may acquire voting residence in Illinois (§3–3).

A permanent abode and dwelling place in the precinct are necessary to qualify as a resident to register to vote (§5–2).

*(b) Special residence requirements for presidential elections only—A person who has resided in Illinois less than 1 year or in the county less than 90 days but who has resided in the election district 60 days next preceding a presidential election who otherwise meets the Illinois voting requirements, who is not entitled to vote for president in any other state but who was a qualified elector in another state or county immediately prior to his removal to Illinois or his present county of residence, or would have been eligible to vote in his prior state of residence had he remained there may vote for President in Illinois (§3–1).

Application for a special ballot should be made in person to the county clerk or board of election commissions, as the case may be, in county of residence, not more than 90 nor less than 30 days prior to the election.

The application shall be made in the form of an affidavit signed and sworn to in the presence of the county clerk or clerk of the board of election commissioners (§21–1.01).

The county clerk or board of election commissioners shall forward to the election clerk of the applicant's former residence a request of proof that applicant was a qualified voter immediately prior to his removal to Illinois or would have been a qualified voter had he remained a legal resident of his previous state or county (§21–1.01).

Upon receipt of the requested proof the county clerk or board of election commissioners shall notify the applicant, in writing, that satisfactory proof of eligibility has been received and that he may vote not sooner than 15 days nor later than 3 days prior to the presidential election (§ 21–1.01).

The applicant will be given a special ballot which he shall mark in the presence of the county clerk or board of elections commissioners but in such manner that the election official does not know how he is marking it. The voter shall then place the marked ballot in an envelope, seal the envelope, and execute the affidavit printed on the envelope. The election official will then seal this envelope in a carrier envelope which is also sealed and not opened until it is opened at the polls on election day immediately after the polls are closed (§ 21–1.01).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who expects to be absent from his county of residence, or who has been appointed a judge of election in a precinct other than the precinct in which he resides, or who because of physical incapacity or the tenets of his religion in the observance of a religious holiday will be unable to be present at the polls on the day of a special, general or primary election at which any presidential preference is indicated or any candidates are chosen or elected for any congressional, state, district, county, town, city, village, precinct or judicial offices or at which questions of public policy are submitted may vote absentee (Supp. § 19–1).

(2) Applying for absentee ballot—Not more than 30 nor less than 5 days prior to the date of the election make application to the county clerk or to the Board of Election Commissioners for an official ballot (Supp. § 19–2).

One applying on the basis of physical incapacity must submit with his application a certificate of a licensed physician, or a Christian Science practitioner who is listed in the Christian Science Journal certifying to the fact that the applicant is physically incapacitated (Supp. § 19–2).

(3) Procedure in voting ballot—The absent voter shall make and subscribe to the affidavits provided for in the application and on the return envelope before an officer authorized by law to administer oaths and such voter shall exhibit the ballot to such officer unmarked, and shall thereupon in the presence of the officer and of no other person mark the ballot but in such manner that the officer cannot see or know how the ballot is marked, the voter shall then refold the ballot, place it in the envelope and reseal the envelope. The officer shall then endorse his certificate on the back of the envelope and the voter shall mail the envelope, or deliver it in person, to the official who issued the ballot to him.

The voted ballot must be received by the official in the proper polling place before the closing of the polls on election day (§ 19–6).

III. Military and other voters in special Categories

(1) Who are included in this category—Any person in the United States Service who expects in the course of his duties to be absent from his county of residence on the day of holding any special, general or primary election at which presidential preference is indicated or any candidates are chosen or elected, or at which questions of public policy are submitted.

For this purpose "Members of the United States Service" means: members of the Armed Forces while in active service, their spouses and dependents; members of the Merchant Marine of the United States and their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the United States and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress; members of religious groups or welfare agencies assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces and their spouses and dependents.

For these purposes, the term "dependent" shall mean a father, mother, brother, sister, or child of voting age who is actually residing with or is accompanying the member of the United States Service and is financially dependent upon the member (§ 20–1).

(2) Registration—For persons in this special category, no registration is required in order to vote (§ 20–1).

(3) Absentee voting—Any elector in this category expecting to be absent from the county of his residence on election day, or the mother, father, sister, brother, husband or wife of the age of 21 or over, of any such elector, may not more than 100 or less than 5 days prior to the day of election apply to the county clerk of the county of the elector's residence for an official ballot (§ 20–2).

Application for such ballot when made by the elector may be made on a FPCA, or on a blank card furnished by the county clerk for this purpose (§ 20–3).

The affidavit and application for ballot must be sworn to before any officer authorized to administer oaths including a commissioned officer in active service of the Armed Forces of the United States, and a member of the Merchant Marine designated for this purpose (§ 20–3).

If an application is made for a primary ballot party affiliation must also be designated (§ 20–3).

If the application is made by a designated relative, an affidavit must be executed by that relative (§ 20–2).

The absent voter shall make and subscribe to the affidavits provided for in the application and on the return envelope for said ballot before an officer authorized by law to administer oaths (or a commissioned officer in the active service of the Armed Forces of the United States or any member of the Merchant Marine of the United States designated for this purpose and such voter shall exhibit the ballot to such officer unmarked, and in the presence of the officer and of no other person mark the ballot in such a way that the officer cannot see or know how the ballot is marked and place the marked ballot in the envelope provided for this purpose and seal the envelope. The officer shall then endorse his certificate on the back of said envelope and the voter shall mail or deliver the envelope to the officer who issued the ballot in sufficient time to be delivered by such officer to the proper polling place before the close of the polls on the day of election (§ 20–6).

INDIANA

(Unless otherwise indicated references are to Burns Ann. Stats. 1949 Replacement and 1967 Supp. and Constitution of 1851, as amended.)

I Residence

To Vote One Must Be:

(1) United States citizen (Const. Art. 2 § 2; Stats. § 29–3426).

(2) At least 21 years of age (Const. Art. 2 § 2; Stats. § 29–3426). Persons who will be 21 on the date of next ensuing election otherwise qualified may register and vote in primary (Stats. §§ 29–3603, 29–3426).

(3) A resident of the state at least 6 months, of the township 60 days and in the ward or precinct 30 days.

(a) No soldier, seaman, or marine in the army or navy of the United States or its allies shall be deemed to have acquired a residence in this state as a consequence of having been stationed here.

No person shall be deemed to have lost his residence in the state by reason of his absence while on business of the state or of the United States (Art. 2 §4).

The statutory rules for determining residence are set forth at Supp. §29–4803.

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—Voting absentee by *mail* is limited to those in the armed forces category and their spouses; those who will be absent from the State of Indiana because of employment with the federal or state governments, their spouses and dependents; those attending school, college or university or other institution of learning located outside the county of residence and their spouses; those absent from their county of residence because of illness and while they are in a hospital, nursing home or convalescence home; those employed outside the United States, and their spouses and dependents (Supp. §29–4903).

There are special provisions for absentee voting but not by mail for the following:

Those who are ill and confined within their county of residence may vote absentee ballot before a special absent voters board at the place of their confinement (Supp. §29–4923).

Those who will be absent from the county on business may vote before the Absent Voters' Board in the office of the Clerk of the Circuit Court. Such voter must sign application on form prescribed in §29–4903. Such persons may vote not more than 17 days nor later than the Saturday immediately preceding the election (Supp. §29–4923).

(2) Applying for absentee ballot—Application for absentee ballot should be made not more than 30 days prior nor later than Saturday next prior to the date of election (Supp. §29–4902).

Application may be made in person or by mail on a blank furnished by the county election board.

(3) Procedure in voting ballot—The voter shall subscribe to the affidavit on the ballot envelope before any officer authorized by law to administer oaths. The voter shall then in the presence of such officer and of no other person mark the ballot in such manner as the officer does not know how the ballot is marked and then fold it and place it in the envelope supplied for this purpose and mail or deliver it to the county election board in time for such board to deposit it with the election board of the elector's voting precinct before the closing of the polls on election day (§ 29–4909).

The ballot may be marked with pen and ink or lead pencil with any color of lead and it shall have the same force as if marked with a pencil with blue lead (§ 29–4910).

III. Military and other voters in special categories

(1) Who are included in this category—An elector who expects to be absent by reason of his or her membership, or the membership of his or her spouse, or the membership of the head of the household of which such elector

is a dependent member, in the armed services or the merchant marine of the United States; an elector who expects to be absent by reason of his employment, or the employment of his or her spouse, or the employment of the head of the household of which such elector is a dependent, by the federal or state government outside the State of Indiana (Supp. § 29–4903).

(2) Registration—Registration is required but voters who are absent from county of residence while in military or naval service may have the affidavit or form of registration certified to by the company clerk or any commissioned officer (Supp. § 29–3412).

Application for absent ballot may be made on FPCA or other standard form. Upon receipt of such form the clerk of the Circuit Court or Board of Registration shall mail applicant the registration form. Upon return of this form properly executed and certified the applicant shall be registered (Supp. § 29–3412).

If the application for registration is sent to the Secretary of State he shall forward it to the proper clerk or Registration Board (Supp. § 29–3412).

Registration must be made not later than 29 days before any primary or general election (Supp. § 29–3412).

(3) Absentee voting—Application for absentee ballot may be made on FPCA (Supp. § 29–3412) and should be made between 30 days before and the Saturday before election.

The affidavit on the ballot envelope may be executed before any officer authorized by law to administer oaths, or if in the armed services or merchant marine, before a commissioned officer.

The ballot shall be voted in the presence of such officer but in such a way that he will not know how it is marked. The voter shall then fold the ballot and place it in the envelope supplied for this purpose and seal the envelope.

The envelope may be mailed or delivered to the county election board of the county of residence in time to be deposited with the election board of the voter's precinct before the closing of the polls on election day (§ 29–4909).

The ballot may be marked with pen and ink, or lead pencil of any color of lead (§ 29–4910).

IOWA

(Unless otherwise indicated references are to Iowa Code Ann. and 1966 Supp. and to the Constitution of 1857, as amended).

I. Residence

To Vote One Must Be:

A resident of the state 6 months, and of the county 60 days (Const. Art. 2 § 1).

(a) No person in the military, naval, or marine service of the United States shall be considered a resident of the state by being stationed in any garrison, barrack, or military or naval place, or stationed in his state (Const. Art. 2 § 4).

(b) Special residence requirements for presidential elections only: There are none at present but a resolution was introduced in the 1967 session, S.J. Res. 24, to amend the constitution to authorize the legislature to set various residents requirements for voting in various elections. Further action is needed before this proposal becomes law.

II. Absentee voting

(1) Who may vote absentee—Any qualified voter who in the conduct of his business or due to other necessary travel expects to be absent on election day from his county of residence or because of illness or physical disability expects to be unable to go to the polls on election day may vote absentee at any general, municipal, special, or primary election or any election held in any community or independent town, city or consolidated school district (§ 53.1 and Supp. § 53.1).

(2) Applying for absentee ballot—On any day not a Sunday, election day, or holiday and not more than 20 days prior to the date of election may apply to the county auditor, or to the city or town clerk for an official ballot. Such application may be made in person or in writing (Supp. § 53.2). The election officials will furnish forms to be used to apply for the ballots (§ 53.4). The forms are in the form of an affidavit which must be sworn to by the elector (§ 53.5).

(3) Procedure in voting ballot—The voter on receipt of the ballot shall mark it in the presence of the officer administering the oath but in such manner that such officer will not know how it is marked (§ 53.15).

After marking the ballot the voter shall subscribe to the affidavit on the ballot envelope and fold the ballot and place it in the envelope and seal it (§ 53.16).

The sealed envelope shall be mailed or delivered to the auditor or county clerk prior to election day (§ 53.17).

III. Military and other voters in special categories

There is the "Iowa Service Men's Ballot Commission" to prescribe rules for voting by persons in this special category (Supp. §§ 53.45 to 53.52).

(1) Who are included in this category—The term "Armed Forces of the United States" shall mean the army, navy, marine corps, coast guard, and air force of the United States, and for the purpose of absentee voting also spouses and dependents of members of the armed forces while in active service; members of the merchant marine of the United States and their spouses and dependents; civilian employees of the United States in all categories serving outside the United States and their spouses and dependents when residing with or accompanying them whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress; members of religious groups or welfare agencies assisting members of the armed forces who are officially attached to and serving with the armed forces, and their spouses and dependents (Supp. § 53.37).

(2) Registration—Whenever registration is required in order to vote at either the primary or general election the affidavit on the ballot envelope shall constitute sufficient registration (Supp. § 53.38).

(3) Absentee voting—The form of application blank for absentee ballot required to be completed by other voters is not required for voters in this special class (Supp. § 53.39). As to the latter, ballot will be sent upon request in writing (Supp. § 53.40).

Such request may be made at any time prior to the day of the election by the voter and may be made not more than 45 days before an election on behalf of a voter by a spouse, parent, adult brother, adult sister, adult child of such voter residing in the county of the voter's residence. A request made by other than the voter may be required to be made on forms prescribed by the Iowa servicemen's ballot commission (Supp. § 53.40).

The request shall show the residence, including the street address if any, of the voter, the age of the voter, the length of residence in the city, town, or township, county and state and designate the address to which the ballot is to be sent, and in case of a primary election, party affiliation.

The request shall be made to the county auditor of the county of the voter's residence but if the voter makes the request of any elective state, city, town, or county official, the said official shall forward it to the county auditor of the county of voter's residence (Supp. § 53.40).

The voter on receipt of the ballot shall mark it in the presence of the officer administering the oath but in such manner that such officer will not know how it is marked (§ 53.15).

After marking the ballot the voter shall subscribe to the affidavit on the ballot envelope and fold the ballot and place it in the envelope and seal it (§ 53.16).

Any oath required may be administered by any commissioned officer of the Armed Forces of the United States or other persons authorized by the government of the United States to administer oaths (Supp. § 53.44).

The sealed envelope shall be mailed or delivered to the auditor or county clerk prior to election day (§ 53.17).

An alternative procedure is provided whereby any qualified voter in the Armed Forces may personally appear in the office of the county auditor of the county of his residence and there vote an absentee ballot at any time not earlier than 30 days before the primary or general election (Supp. § 53.42).

KANSAS

(References unless otherwise indicated are to Kansas Stats. Ann. 1964 revision and 1965 Supp. and to Constitution 1859, as amended).

I. Residence

To Vote One Must Be:

A resident of the state 6 months and in the township or ward 30 days* (Const. Art. 5 § 1; Stats. § 25–408).

(a) For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the state, or of the United States, or of the high seas, nor while a student at any seminary of learning, or while kept at any almshouse or other asylum at public expense, nor while confined in a public prison (Const. Art. 5 § 3, Stats. § 25–408).

For the statutory rules for determining residence see § 25–407 and Supp. § 25–1108.

(b) Special residence requirements for presidential elections only: Those otherwise qualified who are newly come to the state and have lived at least 45 days next preceding the presidential election in the township or ward in Kansas may vote for president and vice president (Const. Art. 5 § 1).

Registration is not required for such voters. Not more than 25 days prior to such election nor later than 12 noon on the Monday preceding the election make application in the form of an affidavit executed in the presence of the county clerk or election commissioner (§ 25–1802).

The county clerk or election official shall then send a duplicate of the application to the appropriate official of the state in which applicant last resided (§ 25–1803).

If the Kansas election official is satisfied that applicant is qualified he shall give applicant a ballot not sooner than 25 days nor later than the Monday preceding the next presidential election (§ 25–1805).

The applicant upon receiving the ballot shall in the presence of the county clerk or election commissioner mark the ballot but in a way that the official will not know how it is marked. The voter shall then fold the ballot and place it in the envelope and seal the envelope. The voter shall sign the certification on the carrier envelope and give it to the election official (§ 25–1806).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who is absent from his county, whether within or without the state, upon the day of any primary or general election during the hours the polls are open (Supp. § 25–1101).

(2) Applying for absentee ballot—Between April 1 in any year in which a general election is held and the last Thursday preceding any primary election, or between 90 days before holding any city or school primary election and the Thursday preceding such election, any one entitled to vote may, or any qualified elector of his precinct or voting district in his behalf, may file with the

county clerk an affidavit executed before an officer qualified to administer oaths. The affidavit shall state the precinct, ward, or district or resident street number, if any, where he is an elector, the address to which the absentee ballot is to be sent, and if a primary, party affiliation (§ 25–1104(a)).

In addition, if the voter will be away on election day he may, on Friday, Saturday and until 12 noon on the Monday preceding any primary or general election, he may file with the county clerk an affidavit following the same requirements as for an absentee ballot. The county clerk shall give such applicant an absentee ballot which must be voted and returned to the county clerk before 1 p.m. on Monday preceding the primary or general election (Supp. § 25–1104(b)).

(3) Procedure in voting ballot—The voter shall place his cross mark with ink or blacklead pencil in the square opposite the name of the person for whom he desires to vote. He shall place the ballot in the envelope provided for this purpose and complete the affidavit on the envelope and swear to the same before the attesting officer who shall certify to it. The ballot envelope shall be mailed or otherwise transmitted by the voter to his county clerk.

The ballot must be received by the county clerk not later than 9 a.m. Monday next preceding the date of the primary or general election (Supp. § 25–1106).

III. Military and other voters in special categories

(1) Who are included in this category—For purposes of this act, "Federal services" means active service in the armed forces of the United States; merchant marine of the United States; all categories of civilian employment with the United States outside the territorial limits of the United States; religious groups and welfare agencies assisting members of the armed forces which are officially attached to and serving with the armed forces. "Dependents" includes the spouse, son and daughter of any member of the federal services who reside with and receive more than one-half of their support from such member (§ 25–1214).

These provisions apply to all elections—primary and general (§ 25–1215).

(2) Registration—Those who would be eligible for registration and are otherwise qualified may vote notwithstanding any provision of law relating to the registration of qualified voters (§ 25–1215).

(3) Absentee voting—Request may be made of a FPCA or on a form supplied by the Secretary of State of Kansas (§ 25–1216). Application should be made at least 65 days before the general election and 120 days before the primary.

The ballot should be voted in accordance with instructions and then placed in the envelope supplied for this purpose. Any commissioned officer shall have the authority to attest to the oaths required. This envelope shall then be placed in the carrier envelope which is provided and mailed by the voter to the Secretary of State of Kansas (§ 25–1221).

KENTUCKY

(Unless otherwise indicated references are to Rev. Stat. 1962 and subsequent session laws up to and including 1967, and to Constitution of 1891 as amended)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, the county 6 months, and the precinct 60 days (Const. § 145).

(a) No person in the military, naval or marine service of the United States shall be deemed a resident of this state by reason of being stationed here (Const. § 146).

Statutory rules for determining residence are set forth at § 117.610.

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—Any qualified voter who expects to be absent from his county of residence on election day (§ 126.140 as amend. Chap. 189 L. 1964).

(2) Applying for absentee ballot—Application, in writing, should be made at any time not less than 20 days before the election to the clerk of the court of county of residence (§ 126.150 as amend. Chap. 189, L. 1964).

Application must be signed and sworn to before anyone authorized by law to administer oaths who is not connected by blood, marriage, or employment to any candidate to be voted on in the election (§ 126.160 as amended Chap. 189, L. 1964).

(3) Procedure in voting ballot—When the absentee voter receives the ballot and the two envelopes he should go before anyone authorized by law to administer oaths who is not connected by blood, marriage, or employment to any candidate to be voted on in the election (§ 126.230, as amended Chap. 189, L. 1964).

The voter shall subscribe the affidavit on the face of the envelope and in the presence of that officer and no one else, mark the ballot but in such a way that no one knows how it is marked. The voter shall then fold the marked ballot, place it in the envelope, seal the envelope, place it in the outer envelope and seal it and write his name across the face of the outer envelope and mail it at once to the county clerk (§ 126.230, as amend. Chap. 180, L. 1964).

Ballots must be received by the county court clerk prior to the closing of the polls on election day (§ 126.250).

Any absent voter who returns to his place of residence by election day may vote in person provided he has not sent in his absentee ballot. If he elects to vote in person he must return his absentee ballot unmarked to the county court clerk who sent it to him (§ 126.290).

III. Military and other voters in special categories

(1) Who are included in this category—"United States Service" means members of the armed forces while in the active service, and their spouses and dependents residing with them; members of the Merchant Marine of the United States and their spouses and dependents residing with them; civilian employees of the United States in all categories and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress; members of religious groups or welfare agencies assisting members of the armed forces who are officially attached to and serving with the armed forces and their spouses and dependents residing with them (§ 126.140 as amend. Chap. 189, L. 1964).

(2) Registration—Registration is required but persons in this category will be registered automatically if their application for absentee ballot is accepted.

Any member of this special class while on extended duty may register not later than 20 days before the election provided he possesses the necessary qualifications (§ 117.615 as amended Chaps. 142 and 189, Laws 1964).

Application by person absent from the county of his residence shall be signed and sworn to by the applicant before anyone authorized by law to administer an oath.

(KRS, a new section added by Chap. 189, L. 1964).

Upon receipt of an application for an absentee ballot, if the county court clerk finds the applicant is not registered but is entitled to be registered, he shall mark the records "Absentee Registration". Such registration may be made not later than 20 days before the election. Any person who has been registered in this way is required to reregister in person upon his first return to the county of his residence at a time the books are open.

The oath required of a members of the United States services may be administered and attested to by any commissioned officer in the active service of the armed forces, or any member of the merchant marine of the United States designated for this purpose, or any civilian official empowered by the state or federal law to administer oaths (§ 126.170 as amended Chap. 189, L. 1964).

(3) Absentee voting—Not less than 20 days before the election should apply in writing and by mail to the clerk of the county court of the county of residence for an absentee ballot. The application may be in the form prescribed in the Kentucky Statutes (KRS 126.160) or on a FPCA (§ 126.150 as amended Chap. 189, L. 1964).

Application for absent voter's ballot shall be signed and sworn to by the absent voter before anyone authorized by law to administer an oath provided neither the person so authorized, nor his deputy or employee nor anyone for or with whom he works or with whom he is related by blood or marriage is a candidate to be voted for at the election (§ 126.160 as amended Chap. 189, L. 1964).

The oath required of a member of the United States service may be administered and attested by any commissioned officer in the active service of the armed forces, or any member of the merchant marine of the United States designated for this purpose, or any civilian official empowered by a state or federal law to administer oaths (§ 126.170 as amended Chap. 189, L. 1964).

An absentee ballot may be voted by one who will be at least 18 years of age on the day of the election (§ 126.210 as amended Chap. 189, L. 1964).

When the absent voter receives the ballot and two envelopes, he shall go before any one authorized by law to administer oaths provided neither the person so authorized nor his deputy or employee or anyone for or with whom he works or with whom he is related by blood or marriage is a candidate to be voted for at the election and before him make and subscribe to the affidavit on the face of the envelope and shall in the presence of such officer, and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner that the officer does not know how he voted. The voter shall then fold the ballot and enclose it in the inner envelope and seal said envelope and enclose it in the outer envelope, then seal and write his name across the face of the outer envelope and at once mail it to the county court clerk (§ 126.230 as amended Chap. 189, L. 1964).

LOUISIANA

(References unless otherwise indicated are to West's Stats. Ann. 1950 and 1966 Supp. T. 18, and to Constitution of 1921, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the parish 6 months, and of the municipality for municipal elections 4 months, and of precinct 3 months (Const. Supp. Art. VII § 1; Stats. Supp. § 31).

(a) Removal from one precinct to another in the same parish shall not operate to deprive any person of the right to vote in the precinct from which he has removed until 3 months after such removal; provided that removal from one parish to another shall not deprive any person of the right to vote in the parish from which he has been removed for district officers to be elected in a district which includes the parish to which he has removed or for state officers whether the parish be in the same district or not, until he shall have acquired the right to vote for such officers in the parish to which he has removed (Const. Supp. Art. 8 § 1);

For the purpose of voting, no person shall

be deemed to have gained a residence by reason of his presence, or to have lost it by reason of his absence, while employed in the service, either civil or military, of this state or of the United States; or while engaged in the navigation of the waters of this state or the United States or of the high seas; or while a student at any institution of learning (Const. Art. 8 § 11).

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—Persons outside the parish of voting residence may vote absentee in any primary, special or general election (Supp. § 1071).

(2) Applying for absentee ballot—Application in writing should be made to the clerk of the district court of the parish of his voting residence for an official ballot. Application by mail should be made during the period beginning 60 days before an election and ending 7 days before the election. Application in person should be made not more than 19 days nor less than 6 days before election. Applications for absentee ballots must be postmarked outside Louisiana and must request that the ballot be mailed to a person outside the state except that for members of the Armed Forces and students at institutions of higher learning in Louisiana and their spouses and dependents requests may be postmarked and ballots sent in Louisiana (Supp. § 1073 A).

(3) Procedure in voting ballot—Beginning 30 days prior to the election the clerk of the court will mail out absentee ballots. If application is made in person, the clerk of the court or civil sheriff in the parish of Orleans will hand the elector a ballot. The elector will then vote his ballot in secret, marking it with a pencil containing black lead.

He shall then fold it and place it in an envelope provided for this purpose. After the voter has sealed the envelope he shall subscribe to the affidavit before any officer authorized to administer oaths (Supp. § 1074).

Those voters who receive absentee ballots by mail should fill in the blank spaces in the affidavit contained in the flap of the envelope and sign it in the presence of any officer authorized to administer oaths. The voter shall exhibit the unmarked ballot to the attesting officer and shall thereupon in the presence of the officer and of no other person and using a pencil containing black lead mark the ballot in such a way that the officer cannot see how it is marked. The ballot shall then in the presence of the officer be folded by the voter and deposited in the affidavit envelope. This envelope should be sealed and placed in the carrier envelope addressed to the clerk of the court of the parish or the civil sheriff of the parish of Orleans. The voted ballots must be received in sufficient time to enable the officials to deliver them to the appropriate voting precinct (Supp. § 1074).

III. Military and other voters in special categories

(1) Who are included in this category—For voting purposes, "United States service" means: Members of the Armed Forces while in active service and their spouses and dependents; members of the Merchant Marine and their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the United States and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress; members of religious groups or welfare agencies assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces and their spouses and dependents (Supp. § 1071).

(2) Registration—Registration is required and must be made in person. A registrant whose name appears on the polls of a parish containing cities of 300,000 population or more who is on active military duty as a member of the army, navy, marine corps or coast guard of the United States is allowed 60 days from the date of mailing by the registrar of a notice to show cause why his name should not be canceled from the registration records to request reinstatement.

This request may be made by mail. These provisions also apply to the spouse of a member of the Armed Forces if such spouse is present and resides with such member at or near his place of military duty (Supp. § 240).

(3) Absentee voting—Any registered voter in United States service and his spouse and dependents may apply by mail and vote absentee ballot whether absent from this State or not on election day (Supp. §1071 C).

Application by mail may be made on FPCA to clerk or court or civil sheriff in parish of Orleans not more than 60 days nor less than 7 days before election. Application may be made in person not more than 19 days nor less than 6 days before election (Supp. § 1073).

Upon receipt by the absent voter of the envelope containing the ballot he shall completely fill in the blank spaces in the affidavit contained on the flap of the envelope and shall sign it in the presence of any officer authorized to administer oaths. The voter shall exhibit the unmarked ballot to the attesting officer and shall thereupon, in the presence of the officer and of no other person and using a pencil containing black lead, mark the ballot in such manner that the officer cannot see or know how the ballot is marked, unless assisted as herein provided. The ballot shall then in the presence of the officer be folded by the voter, and in the presence of the officer be deposited in the envelope on the flap of which the affidavit appears. The fact that the absent voter has marked his ballot and enclosed it in the proper envelope and has executed the affidavit shall be certified to by the attesting officer upon the envelope, as indicated thereon. The envelope shall be securely sealed and, if application was made by mail, shall be enclosed in the envelope addressed to the clerk of the court of the parish of Orleans wherein the absentee voter is registered, which likewise shall be sealed.

The envelope containing the enclosures shall be returned by the voter to the officer issuing the ballot within sufficient time to enable the officials to deliver it to the special deputies appointed to deliver the election paraphernalia to the commissioners at each voting precinct (Supp. 18:1074).

MAINE

(References, unless otherwise indicated, are to Rev. Stats. Ann. 1964 and 1967 Supp., Title 21 and to Constitution of 1820, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 6 months next preceding any election, 3 months in city, town or plantation (Const. Supp. Art. II, § 1; Stats. Title 21, § 241.4).

(a) Persons in the military, naval or marine service of the United States, or of this State, shall not be considered to have obtained an established residence by reason of being stationed in any city, town or plantation (Const. Supp. Art. II, § 1; Stats. § 242.4).

The residence of a student at any seminary of learning shall not entitle him to the right of suffrage in the city, town, or plantation where such seminary is established (Const. Supp. Art. II, § 1; Stats. § 242.4).

No person shall be deemed to have lost his residence in this State by reason of his absence from the State in the military service of the United States or of this State (Const. Supp. Art. II, § 1).

"Resident" and "residence" refer to domicile (Stats. T. 21, § 1.35).

For statutory rules for determining residence for voting purposes see § 242.

A married woman may be deemed to have a residence separate from that of her husband for the purpose of voting. Her residence for this purpose is determined as if she were single (§ 242). However, the nonresident wife of a resident serviceman must meet the 6 months requirement before she can become a qualified voter in Maine and if she does not reside in Maine at any time, she cannot become a qualified voter merely by virtue of marrying a Maine voting-resident serviceman (1963–64 Atty. Gen. Rept. 93).

A person who has a voting residence may elect to retain it while he is an employee of a federal agency where he is required to reside on land ceded to the Federal Government by this State, while he is a patient in a Federal institution, and while on duty as a member of the armed forces and national guard (§ 242).

(b) Special residence requirements for Presidential elections only: Maine has adopted the Uniform Voting By New Residents In Presidential Elections Act, 21 M.R.S.A. §§ 281–319.

An otherwise qualified person who cannot meet the usual 6 months residence requirement to vote may vote in presidential election only if he applies on or before 30 days before the election by submitting an affidavit executed before the municipal clerk. Registration is not required for this type of voter. The municipal clerk will mail a duplicate of the affidavit to the appropriate official in the state where applicant last resided (§ 313).

If satisfied that the application is proper, the municipal clerk will deliver to the applicant a ballot for presidential and vice-presidential electors not sooner than 15 days nor later than 1 day prior to the election (§ 315).

The applicant upon receiving the ballot shall mark it in the presence of the municipal clerk but in such manner that the official cannot know how it is marked. The voter shall then fold the marked ballot and place it in the envelope furnished for this purpose; seal the envelope and place it in a carrier envelope. The voter shall sign the certification on the envelope and deliver the sealed envelope to the municipal clerk (§ 316).

II. Absentee voting

(1) Who may vote absentee—A voter who is unable to cast his ballot in the municipality in which he is registered to vote because of: absence from the municipality during the time the polls are open on election day; physical incapacity not adversely affecting his soundness of mind; religious beliefs which prohibit his doing so; unreasonable distance from the polls if he is a resident of a township. A person who is serving a sentence in jail or a penal institution is not an absentee voter (§ 1.1).

(2) Applying for absentee ballot—A completed application signed by the applicant requesting an absentee ballot must be submitted to the clerk. The clerk will send or deliver an absentee ballot to the applicant or to a 3d person designated in the application (Supp. § 1253.2).

(3) Procedure in voting ballot—When an absentee voter is within the State, he must mark his ballot in the presence of one of the following officials: Justice of the Peace, notary public, clerk or deputy clerk of a municipality, dedimus justice or clerk of courts.

When the absent voter is outside the State, he must mark his ballot before any notary public having a seal, any diplomatic or consular official of the United States, the master of a United States registered vessel of 1,000 tons or more (Supp. § 1254.1).

Before marking the ballot the voter must show it to the official who shall examine it to be certain it is unmarked (§ 1254.2). There must be no communication between the voter and the official as to person or party for whom the voter is to vote (§ 1254.3).

The voter shall mark his ballot in such a way as to make it impossible for anyone to see how he voted. He shall then seal the bal-

lot in the return envelope and complete the affidavit on the envelope in the presence of the official; who shall subscribe his name, note his title and affix his seal if a notary public (Supp. § 1254.4).

The voter shall then complete the address on the envelope and mail or deliver it personally or by agent to the clerk of the municipality of which he is a resident (§ 1254.5).

A voter who is unable to mark his ballot because of physical incapacity may request one of the officials listed as an official in the first paragraph before whom an absent ballot may be voted to read the ballot to him and mark it for him according to his instructions. The same official may, at the voter's request, complete and sign the affidavit on the envelope (§ 1254.6).

In order to be valid, an absentee ballot must be delivered to the clerk before 3:00 p.m. on election day in a municipality having more than one voting district and in other municipalities before 5:00 p.m. on election day (§ 1255).

III. Military and other voters in special categories

(1) Who are included in this category—"Members of the armed forces" include: the Army, Navy, Air Force, Marine Corps, Coast Guard, their spouses and dependents, members of the Merchant Marine of the United States, except those employed in the inland waterways, their spouses and dependents; civilian employees of the United States serving outside the territorial limits of the United States, whether or not paid from appropriated funds, their spouses and dependents when accompanying them; and members of religious groups and welfare agencies serving with or accompanying the armed forces and their spouses and dependents (§ 1.16).

(2) Registration—Persons in this class may register at any time by: completing and filing with the registrar an application provided by the municipality stating the information necessary to show his qualification; completing and filing a FPCA; or a blood relative, former guardian or spouse may complete and file with the registrar an application form furnished by the municipality (§ 1302).

(3) Absentee voting—A written request for an absentee ballot from a member of the armed forces, his spouse, a blood relative or his former guardian is sufficient (§ 1306).

The ballot shall be marked in such a way as to make it impossible to see how it is marked. The voter shall seal the voted ballot in the envelope provided for this purpose and write his voting residence in the upper left hand corner of the return envelope, sign his name and have his signature certified as being that of the voter. The signature may be certified by any commissioned officer, noncommissioned officer not below the rank of sergeant or petty officer in the armed forces, or by any diplomatic or consular official of the United States. The voter shall then mail the envelope to the clerk of his municipality (§ 1307).

The ballot must be received by the clerk before 5:00 p.m. on election day (§ 1309).

MARYLAND

(References unless otherwise indicated are to Ann. Code of 1957, 1967 Replacement Volume, 1967 Supp. Art. 33 (Chap. 392 Acts of 1967 repealed the former Art. 33) and to Constitution of 1867, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year preceding election; and of the Legislative District of Baltimore City or of the county 6 months next preceding the election.

(a) In case any county or city shall be divided into different electoral districts for the election of Representatives in Congress, Senators, Delegates or other officers, then he must be a resident of that electoral district 6 months preceding the election. A person who has acquired residence in the county or city entitling him to vote at that election shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city into which he has moved (Const. Art. I, § 1).

The General Assembly is charged with the duty of enacting laws to punish those who move into an election district or precinct of any ward in the City of Baltimore not for the purpose of acquiring a bona fide residence but to vote in the election (Const. Art. I § 4).

A person who is in the special military category see "MILITARY AND OTHER VOTERS IN SPECIAL CATEGORIES" post, shall be deemed and held to have resided continuously in the precinct in which he resided at the time he first left to become absent and engaged in such service for the entire period he has been so absent and engaged (§ 3–7).

*(b) Special residence requirements for presidential elections only: Maryland has adopted the Uniform Voting By New Residents—see Presidential Elections Act Code Art. 33, §§ 288–301.

A person who is qualified to vote in all respects except for residence may vote for presidential and vice presidential electors and for no other officers if he has resided in the ward of election district at least 45 days next preceding the election (§ 28–1).

A Registrar of New Resident Voters shall be available in every county during normal working hours of the board of election supervisors during the period 25 days preceding any general presidential election (§ 28–2).

The application shall be in the form of an affidavit executed before the registrar (§ 28–3).

The registrar shall mail to the appropriate official of the state in which the applicant last resided a duplicate of the application (§ 28–4).

If satisfied that the applicant is qualified to vote the registrar shall give him a ballot for presidential and vice presidential electors (§ 28–6).

The applicant shall mark the ballot forthwith in the presence of the registrar but in such manner that he shall not know how it is marked. The applicant shall fold the ballot and deposit it and seal it in an envelope supplied for this purpose.

This envelope shall be placed by the voter in a carrier envelope which shall then be sealed. The voter shall sign the certification on the carrier envelope and give it to the registrar (§ 28–7).

II. Absentee voting

(1) Who may vote absentee—The following qualified voters may vote absentee in all elections except municipal elections: those who may be unavoidably absent from the state for any reason on election day; who as a condition of their employment may be required to be absent a distance of more than 75 miles from their place of residence on election day; are full-time and regular students in a bona fide school, college, hospital or similar institution and who are unavoidably absent from the county or Baltimore City where they are registered to vote; ill and disabled persons who submit a certificate from a duly licensed physician attesting to the voters' inability to go personally to the polls to vote (§§ 27–1 to 27–3).

(2) Applying for absentee ballot—Application for absentee ballot must be made in writing and must be received by the appropriate election board not later than 10 days before the election (§ 27–4).

Printed forms for this purpose will be supplied by the election boards (§ 27–5).

The applicant must complete the affidavit and acknowledge it before certain designated members of the boards of elections, notary public or other officer authorized to administer oaths, including any person authorized by federal law to administer oaths (§ 27–4).

If physical disability is alleged to be the reason for absent voting, a medical certificate must be attached to the affidavit (§ 27–5 (2)).

(3) Procedure in voting ballot—Follow the printed instructions which are supplied with the ballots. The ballot may be marked either with pencil or ink. It must be marked secretly and then placed by the voter in the ballot envelope which shall then be sealed by the voter. After sealing the envelope, the voter must then in the presence of a witness fill in the blanks in the "Oath of Absentee Resident" and sign the oath before the witness who must fill in his name, date and position. The witness must be a notary public or other person authorized to administer oaths.

The ballot envelope must then be placed in the return envelope which should then be sealed and mailed. It must be received by the appropriate Board of Supervisors of Elections not later than the closing of the polls on election day (§ 27–8).

In any election other than a primary, write-in votes are permitted (§27–8(f)).

There are special provisions for assistance in voting for those voters who are blind physically disabled (§ 28–8(h)).

III. Military and other voters in special categories

When the election law was re-written in 1967, the provisions which had theretofore been in Art. 33 at sections 242–266 under the heading "Servicemen's Absentee Voting" were apparently deleted. However, special provisions are made in the 1967 law with respect to registration formalities. The new law does not appear to specify whether a FPCA will be accepted as an application for an absentee ballot.

(1) Who are included in this category—Members of any branch of the armed forces of the United States or any component thereof, including those honorably discharged therefrom within 30 days prior to the last registration day prior to an election and his spouse or children; person employed as an officer or member of the crew of any vessel documented under the laws of the United States or enrolled for such employment with the federal government and his spouse and children; a civilian employee of the United States in all categories serving outside the United States whether or not paid from funds appropriated by Congress and his spouse and children; any person serving with the American Red Cross, the Society of Friends, and Women's Auxiliary Service Pilots, and the USO who is attached to or serving with the Armed Forces of the United States outside the United States and his spouse and children.

(2) Registration—Registration is necessary but persons in this category may register by casting an absentee ballot (§ 3–7 (b)).

A person is deemed to have resided continuously in the precinct in which he resided at the time he first left to become absent and engaged in such service for the entire period he has been so absent and engaged (§ 3–7 (b)).

No person's name will be removed from the registry during his service in the Armed Forces of the United States (§ 3–19).

(3) Absentee voting—Any voter who may be unavoidably absent from the State for any reason on election day and any voter who as a condition of his employment may be required to be absent at a distance of greater than 75 miles from his place of residence on election day may vote by absentee ballot (§ 27–1 (a), (b)).

For the procedure to be followed to procure a ballot and vote it, see the discussion earlier under the heading "(VI) Absentee voting".

MASSACHUSETTS

(Unless otherwise indicated, references are to Gen. L. Ann. 1958 and 1966 Supp. Chap. 51 to 53 and to Constitution of 1780, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year* and within the town or district 6 months next preceding the election (Const. Amend. Art. III; Gen. L. Chap. 51 Supp. § 1).

(a) No person otherwise qualified to vote shall be disqualified from voting in the town from which he has removed until after 6 months provided the new residence is also in Massachusetts (Const. Amend. Art. XXX; Gen. L. Chap. 51 Supp. § 1).

*(b) Special residence requirements for presidential elections only: A person who has resided in Massachusetts less than 1 year but who will have resided therein and in the city or town where he claims the right to vote not less than 31 days next preceding the presidential election, or a person not in active military service who lives on land within Massachusetts purchased by or ceded to the United States Government and who will have resided there not less than 31 days next preceding such election may vote in the presidential election (Chap. 51 Supp. § 1A).

No application under these provisions will be received between 10 p.m. on the 32nd day preceding and the day following and election at which Presidential electors are to be chosen (Chap. 51 § 26).

The applicant must complete and swear to the application supplied by the registrar of voters in the city or town of residence. Except in the case of those living on federal reservations, the registrar will send a duplicate of the application to the appropriate election official of the state of applicant's former residence (Chap. 51 Supp. § 1A). Applicants must be able to pass the literacy test (Chap. 51 Supp. § 46).

Those who will be 21 years of age by election day may apply to vote (Chap. 51 Supp. § 46).

II. Absentee voting

(1) Who may vote absentee—Any voter who during the hours that the polling places are open on the day of the biennial election is absent from the city or town where he is a voter by reason of his employment or for any other reason, or who because of physical disability is unable to cast his vote in person (Chap. 54 § 86). Not entitled to vote by absentee ballot is any voter in a penal institution under sentence (Chap. 54 § 86).

Application for such ballot should be made in writing on the form furnished by the state secretary or by the city or town clerk (Chap. 54 § 89).

Members of Peace Corps may vote by absentee ballot.

(2) Applying for absentee ballot—Application for an absentee ballot must be received in the office of the city or town clerk or the registrars of voters before noon on the day preceding the election (Chap. 54 § 89).

(3) Procedure in voting ballot—The voter shall mark the ballot in the presence of an official authorized by law to administer oaths and no other person if he marks it in a place other than where he is registered, or if he applied because of disability he may mark the ballot in any municipality, or if on the high seas may mark the ballot in the presence of the city or town clerk and of no other person, in the municipality where he is registered.

The voter shall mark the ballot and enclose and seal same in the envelope provided for this purpose and execute the affidavit thereon before the designated official. He shall then place this in the carrier envelope and mail it to the clerk of his place of residence (Chap. 54 § 92).

The voted ballot must be mailed or delivered on or before the day of the election (Chap. 54 § 93).

III. Military and other voters in special categories

(1) Who are included in this category—"Federal service personnel" includes persons on active service of the Armed Forces or Merchant Marine of the United States, civilian employees of the United States serving outside the territorial limits of the United States, and spouses, parents or children of, and accompanying or being with, such persons and having the qualifications entitling them to register in the same election district (Chap. 54 § 103B).

(2) Registration—Registration is required but special provisions are made for registering persons in this category.

Any legal resident of the Commonwealth who is included in the definition of "Federal service personnel" and who has the qualifications for voting but who is not currently registered may be qualified upon the personal application of a registered voter of the Commonwealth who is kindred of such resident (Chap. 54 § 103J).

"Kindred" includes a spouse, father, mother, sister or brother of the whole of half blood, son, daughter, adopting parent or adopted child, step-parent or step-child, uncle, aunt, niece or nephew (Chap. 54 § 103B).

Such application may be made not less than 32 days before a state election or 20 days before a city or town election at any time during regular business hours or at sessions held for the purpose of registering voters for such election.

(3) Absentee voting—If the registrars certify that the applicant has all the qualifications except the ability to sign his name and read, he shall be entitled to an absentee ballot, but before the ballot is marked the officer before whom it is marked shall require the voter to sign his name and to read (Chap. 54 § 103J).

Those under 21 but who will be 21 by election day may vote absentee ballot (Chap. 54 § 103).

Ballot should be voted as indicated for civilians but any soldier, sailor or marine without the United States may substitute for the required jurat and transmit with the sealed ballot a written statement in such form as the state secretary shall prescribe setting forth the facts required made by one of his superior officers of a rank in the army higher than a first lieutenant and in the navy higher than a lieutenant of the second grade (Chap. 54 § 101).

MICHIGAN

(Unless otherwise indicated, references are to Comp. L. Ann. 1967 revision and 1967 Supp. and to Constitution of 1964.)

I. Residence

To Vote One Must Be:

A resident of the state 6 months* and of the city or township at least 30 days prior to election (Const. Art. 2 § 1; Comp. L. § 168.492).

(a) Residence is defined in the statutes at §§ 168.11 and 168.758. **Special provision is** made for former residents of Michigan presently residing in the District of Columbia or former residents serving in the United States Army, Navy, Merchant Marine, Marine Corps or Air Force (§ 168.758).

(b) Special residence requirements for presidential elections only: A citizen of the United States above the age of 21 may vote by absentee ballot for President and Vice President if (1) he has removed from a place in the United States or its possessions to this state, was qualified to vote for President and Vice President at the time of his removal but is no longer qualified to vote in that place, has resided in Michigan less than 6 months and in the city or town in Michigan for not less than 30 days prior to the election, or (2) if he has removed from Michigan to another place in the United States or its possessions, was a qualified and registered voter in Michigan at the time of his removal and cannot yet qualify in the place of his present residence (§ 168.758a (1)).

Application for a presidential ballot must be made by a new resident in person to the clerk of the city or township of present residence not later than 2 p.m. on the Saturday immediately prior to the election. An application for a presidential ballot must be made by a former resident in writing on a prescribed form and mailed so as to reach the city or township clerk of his last place of residence in Michigan not later than 2 p.m. of the Saturday immediately prior to the election. It must include a certificate from the voting officer of the place of present residence stating that applicant cannot vote there because of failure to meet residence requirements (§ 168.758a).

II. Absentee voting

(1) Who may vote absentee—The following may vote by absentee ballot: any qualified elector who on account of physical disability is unable to attend the polls; because of the tenets of his religion cannot attend the polls on the day of an election or a primary; because his duties as an election precinct inspector take him to another precinct; who is 70 years of age or more; who, unless confined in a prison or jail expects to be absent from the town or city of residence during the entire period the polls are open for voting on the day of the election or primary (§ 168.758).

(2) Time to apply for absentee ballot—At any time during the 75 days preceding any primary or election, but not later than 2 p.m. of the Saturday prior thereto, may apply for absentee ballot either in person or by mail. Application may be in the form of any writing, or on application forms provided by the clerk or the city, town or village, or on a federal post card application and must be signed by the applicant (§ 168.759).

In addition, any registered elector who becomes physically disabled or shall be absent from the city or town because of sickness or death in the family at a time when he could not meet the regular deadline for applying for a ballot, may at any time up to 4 p.m. on election day file an emergency absent voter application (§ 168.759b). No applications may be received by the clerk after 2 p.m. on the Saturday prior to the election (§ 168.761).

(3) Procedure in voting ballot—The ballot should be marked in accordance with instructions thereon. Then the voter should fold the ballot so that the face of the ballot is not exposed and so that the numbered corner is visible. The ballot should then be placed in the envelope and the envelope sealed.

The statement printed on the back of the envelope should be executed and signed by the voter. The envelope should be mailed or delivered personally to the clerk before the opening of the polls on election day. The voted ballot must reach the clerk of the town, city or village in which the precinct is located in time to be deposited by him with the proper election board before the closing of the polls on election day (§ 168.764). The emergency absent ballots must be returned to the appropriate clerk in time to be delivered to the polls prior to 8 p.m. on election day (§ 168.759b).

III. Military and other voters in special categories

(1) Who are included in this category—Those in this category include any civilian employee of the Armed Service of the United States outside of the United States or any member of his immediate family outside the United States, or any member of the Armed Services of the United States or member of his immediate family who is a qualified elector of any city or township of this state.

(2) Registration—For persons in this category, registration is necessary but may be accomplished at the same time as applying for absent ballot. The clerk will send both the form for absent ballot and registration form. Both the application for registration and the executed absentee ballot must be received before the close of the polls on election day (§ 168.759a).

(3) Absentee voting—Same as for other voters, see (VI) (3) above.

MINNESOTA

Unless otherwise indicated, references are to Stats. Ann. (1962 revision) and 1967 Supp., and to Constitution § 1857, as amended.

I. Residence

To Vote One Must Be:

A resident of the state 6 months, in the precinct 30 days next preceding the election (Const. Supp. Art. VII § 1).

(a) For purposes of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this State or of the United States; nor while a student in any seminary of learning; nor while kept at any almshouse or asylum; nor while confined in public prison (Const. Art. VII § 3). Statutory rules for determining residence are set forth at § 201.26.

(b) Special residence requirements for presidential elections only: Minnesota has adopted the Uniform Voting By New Residents In Presidential Elections Act, U.S.A. § 208.21 et seq.

A citizen who possesses all the other requirements to vote except residence and, where required, registration, may vote for electors for President and Vice President and for no other officer (Supp. § 208.21).

Such a person is not required to register but he must, not less than 30 days prior to the election, make an application in the form of an affidavit executed by him in the presence of the county auditor (Supp. § 208.22). The county auditor shall send a duplicate of this affidavit to the appropriate election of the state of applicant's former residence (Supp. § 208.23).

An application will be accepted from one who will be at least 21 years of age on election day (Supp. § 208.22).

If satisfied that applicant is qualified to vote in Minnesota, the county auditor shall deliver to him not sooner than 15 days later than 1 day to the election a ballot (Supp. § 208.24).

The applicant upon receiving the ballot shall mark it the same way as prescribed for absentee voting, shall enclose the marked ballot in a carrier envelope which he shall then seal. He should then sign the certification on the envelope (Supp. § 208.25).

II. Absentee voting

(1) Who may vote absentee—Any person entitled to vote in any general election, any primary, any city election, or any village or town election where the Australian Ballot System is used, who is absent from his precinct on the day such election is held, or who, because of illness or physical disability or because of religious discipline, is unable to go to the polling place on election day, may vote by mail (Supp. § 207.02).

(2) Time and place to apply for a ballot—At any time not more than 45 days nor less than 1 day before the election the voter should apply in writing subscribed by him to the auditor of the county in which he is a resident for absentee ballots (Supp. § 207.03).

(3) Procedure in voting ballot—The voter shall mark the ballot in the presence of a notary public, United States Postmaster, Assistant United States Postmaster, postal supervisor, clerk in charge of contract postal station, or any officer having authority to administer an oath or take an acknowledgement. The voter shall exhibit the unmarked ballot to such person and then in his presence but in such manner that the official will not know how the ballot is marked, the voter shall mark the ballot, fold it and place it in the "Ballot Envelope" and seal the envelope. The voter should then sign his name on the back of the "Return Envelope" and seal the "Return Envelope." The voter should deposit the Return Envelope in the mail in the presence of the attesting witness or have the witness do it for him (Supp. § 207.08).

The ballots must be received by the judges of election at the voter's polling place before the polls close on election day (Supp. § 207.08 (8)).

III. Military and other voters in special categories

(1) Who are included in this category—Any member of the "armed forces" which includes Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine, American Red Cross, Society of Friends, Women's Auxiliary Pilots, Salvation Army, USO and all other persons connected in any capacity with the Army or Navy of the United States including all civilian employees of the United States Government outside the United States or the spouses or dependents of such persons if actually accompanying such persons and residing with them (§ 207.18).

(2) Registration—Registration is required but may be made simultaneously with the request for absentee ballot. Registration for the primary and general elections may be made by or for any member of the armed forces over 21 years of age or who will attain the age of 21 years on or before the primary or election.

Registration may be made by the member of the Armed Forces for himself or may be made by his parent, spouse, brother, sister, or child over 18 years of age by filing in the office of the county auditor of the county of residence by filing a written application for absentee ballot signed and sworn to (Supp. § 207.19). Application for registration may be made at any time (§ 207.27).

(3) Absentee voting—Application for absentee ballot may be mailed at any time before election by persons in this category. The required affidavit must be executed before a commissioned officer, a warrant officer or non-commissioned officer not lower than the grade of sergeant or its equivalent, or any other person authorized to administer oaths (§ 207.21).

Executed ballots must be received by the county auditor before the closing hours of the polls (§ 207.23).

MISSISSIPPI

Unless otherwise indicated, references are to Code of 1942 Annotated recompiled and 1966 Supplement and to Constitution of 1890, as amended.

I. Residence

To Vote One Must Be:

A resident of the state 2 years and 1 year in the election district.

(a) A minister of the gospel in charge of an organized church and his wife residing with him may vote after 6 months residence (Const. Art. § 241; Code Supp. § 3235).

(b) Special residence requirements for presidential elections: None.

II. Absentee voting

(1) Who may vote absentee—There are no general provisions for voting absentee by mail except for members of the military on active service.

There is so-called "absentee" voting by persons engaged in the transportation service as an actual driver, operator or crewman employed by an authorized common carrier in interstate commerce and whose employment necessitates his absence from the county of his voting residence at the time of a primary or general or special election (Supp. § 3203–11).

(2) Applying for absentee ballot—These persons may not more than 10 nor less than 2 days prior to the election apply in person to the Circuit Clerk of the county in which he resides for an official ballot (Supp. § 3203–12).

(3) Procedure in voting ballot—Upon receiving the ballot, the voter shall mark it in the clerk's office in secret and then place it in an envelope given to him by the clerk and seal the envelope and subscribe the affidavit on the back of the envelope and give the envelope to the clerk (Supp. § 3203–13).

III. Military and other voters in special categories

(1) Who are included in this category—The term "absent voter" includes any citizen of Mississippi who is a member of the United States Army, Navy, Air Force, or any division of the Armed Services; member of the Merchant Marine and American Red Cross; disabled war veteran who is a patient in a hospital; civilian attached to and serving outside the United States with any branch of the Armed Forces or Merchant Marine or American Red Cross; wife of any of foregoing who is absent from the state with her husband.

(2) Registration—Persons in this category must be registered but may register by mail. May obtain from the registrar of the county of residence a registration application to be completed by the applicant and subscribed by him before an officer of the Armed Forces, Merchant Marine, constituted authority or officer authorized to administer oaths. The voter must be registered at least 4 months before the election in which he desires to vote (§ 3196–06).

(3) Procedure in voting ballot—The absent voter, upon receipt of the absent ballot, shall go before a commissioned officer of the Armed Services, or before some other constituted authority or officer authorized to administer oaths and shall present his unmarked absent ballot and shall then vote the ballot and shall then vote the ballot before the officer, but in secret, place the marked ballot in the envelope provided for this purpose, seal the envelope and fill out and sign the printed form of oath and the officer administering the oath shall then sign the attestation clause on the envelope and the certificate of oath (§§ 3196–09, 3196–10).

The absentee voter shall then mail the envelope bearing the marked ballot to the person designated for delivery in the affidavit which the voter completed on the ballot envelope. The person so designated must deliver the ballot envelope still sealed to one of the managers of election between the opening and closing of the polls on election day (§ 3196–11).

MISSOURI

(References, unless otherwise indicated, are to Vernon's Ann. Mo. Stats. (1966 rev.) and 1967 and to Constitution of 1945; as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year* and the county, city or town 60 days next preceding the election (Const. Supp. Art. 8 § 2; Stats., see citations cited under (1)).

(a) Occupants of soldiers' and sailors' homes may acquire a voting residence in Missouri (Const. Supp. Art. 8 § 2).

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while engaged in the civil or military service of this state or of the United States, or in the navigation of the high seas or the waters of the state or of the United States, or while a student of any institution of learning or kept in a poorhouse or other asylum at public expense or confined in a public prison (Const. Art. 8 § 6).

*(b) Special residence requirements for presidential elections only: A citizen who has resided in this state at least 60 days but less than 1 year who is otherwise qualified to vote may vote for presidential and vice presidential electors but no other officers (Const. Supp. Art. 8 § 2; Stats. § 111.063).

Such persons are not required to register but must make application in person to the county clerk, city clerk, or election authority of the county in affidavit form signed in the presence of the election authority (§ 111.065 (1)).

If satisfied that the application is in order, the election official shall give the applicant

a ballot. The voter shall mark the ballot in the official's presence but in such a way that he will not know how it is voted. The voter shall then fold the ballot and hand it to the official who shall deposit it in a special ballot box for this purpose (§ 111.065(2)).

II. Absentee voting

(1) Who may vote absentee—Any duly qualified elector who expects to be absent from the county of his voting residence on election day or who through illness or physical disability expects to be unable to go to the polls (§ 112.010).

(2) Time to apply for ballot—Within 30 days next before the election may apply in person or by mail to the county clerk or the board of election commissioners as the case may be (§ 112.020).

Application may be made on blank furnished by election official or in any other writing (§ 112.030).

(3) Procedure in voting ballot—The voter shall make and subscribe to the affidavits provided on the return envelope for the ballot before any officer authorized by law to administer oaths; the voter shall exhibit the ballot to the officer unmarked and shall in the presence of the officer and of no other person mark the ballot in such a way that the officer does not know how it is marked. The voter shall then put the marked ballot in the envelope supplied for this purpose and seal the envelope. The officer shall sign the certificate on the envelope. The voter shall then mail the envelope to the officer who issued the ballot.

The voted ballot must bear a postmark not later than the date of the election and shall be delivered to the election official not later than 6 p.m. of the day after the day of the election (§ 112.050).

III. Military and other voters in special categories

(1) Who are included in this category—Any person who is a duly qualified elector of Missouri who is absent, or who expects to be absent, from the state or county of his voting residence on military or naval service; the wife of such person when residing with her husband; any member of the Merchant Marine of the United States, or of a religious or welfare organization assisting service men, a civilian employee of the United States Government outside the continental limits of the United States and the spouse of such persons when residing with her husband outside the continental limits of the United States assuming they are otherwise qualified.

(2) Registration—Not required for persons in this category (§ 112.310).

(3) Absentee voting—To obtain an absentee ballot to vote in a general, primary or special election, may apply on a FPCA or any other form of written request to county clerk or Board of Election Commissioners. If application is made to the Secretary of State it will be deemed an application to the appropriate election official.

The application may be made by the voter or by his father, mother, spouse or next of kin (§ 112.320).

The instructions accompanying the ballot should be followed. After the ballot has been marked, the declaration on the back of the envelope should be signed and the signature witnessed by any commissioned officer in active service of the Armed Forces, member of the Merchant Marine designated for this purpose or any civilian official empowered by state or federal law to administer oaths (§ 112.340).

MONTANA

(Unless otherwise indicated, references are to Rev. Codes of Mont. 1947 Ann. 1967 and to Constitution of 1889, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year and of the county 30 days immediately preceding the election.

(a) For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at the public expense nor while confined in a public prison (Const. Art. IX, § 3).

No military person shall acquire a residence in the State in consequence of being stationed here at a military place (Const. Art. IX, § 6).

Statutory rules for determining residence are set forth at Code § 23–522.

(b) Special residence requirements for Presidential elections only—None.

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who is registered and who is absent from the county or who is physically incapacitated from attending the precinct polls on the day of any general, special or primary election may vote absentee (§ 23–1301).

(2) Applying for absentee ballot—Application may be made at any time within the period beginning 45 days next preceding the day of election and ending at 12 noon on the day next preceding the election (§§ 23–1302(1) and (2)).

Application must be in writing and sworn to before a notary public (§ 23–1303). It may be mailed or delivered to the appropriate clerk (§ 23–1304).

(3) Procedure in voting the ballot—The voter upon receipt of the absentee ballot should make and subscribe to the affidavit on the ballot envelope before an officer authorized by law to administer oaths pursuant to the laws of the place of execution and the voter in the presence of such officer and of no other person shall mark the ballot in such manner as the officer will not know how it is voted and in the presence of the officer the voter shall place the ballot in the envelope provided for this purpose and seal the envelope. The officer shall then sign the end of the jurat and affidavit and the voter should mail the envelope to the appropriate city, county or town clerk (§ 23–1307).

The voted ballot must be received by the clerk of the county of residence by 12 noon on the day preceding the election (§ 23–1309).

III. Military and other voters in special categories

(1) Who are included in this category—"Elector in United States service" as used in the election law includes: members of the armed forces while in the active service and their spouses and dependents; members of the Merchant Marine of the U.S. and their spouses and dependents; civilian employees of the U.S. in all categories serving outside the territorial limits of the several states and the District of Columbia and their spouses and dependents when residing with or accompanying them whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress; members of religious groups or welfare agencies assisting members of the armed forces who are officially attached to and serving with the armed forces and their spouses and dependents (§ 23–1402).

(2) Registration—Registration is required but if the applicant is absent from the state and county of residence it may be made by mailing to the county clerk of county of residence a filled out and signed under oath FPCA (§ 23–1401). Such oath may be administered and attested, within or without the United States, by any commissioned officer in the active service of the armed forces or by any member of the Merchant Marine designated for this purpose or any civilian official empowered by state or federal law to administer oaths (§ 23–1404).

(3) Absentee voting—The county clerk will notify the voter as soon as he enters his name on the official register and will inform him that in order to secure a ballot he must mail at any time within 45 days next preceding the election another FPCA to the clerk of his county of residence (§ 23–1405).

The ballot should be voted in accordance with the accompanying instructions, see above (II) (3) with respect to procedure to be followed by civilians in voting ballots.

The voted ballot must be received by the clerk of county of residence by 12 noon on the day preceding the election (§ 23–1309).

NEBRASKA

(Unless otherwise indicated, references are to Rev. Stats. of Nebraska 1943, Reissue of 1960, and to the 1965 Cumulative Supplement and 1967 Supp. thereto and to Constitution of 1875, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 6 months, of the county 40 days and of the precinct, township or ward 10 days (Const. Art. VI, §1; Stats. §32–102).

(a) Rules for determing residence—No soldier, seaman, or marine in the Army or Navy of the U.S. shall be deemed a resident of the state in consequence of being stationed therein (Const. Art. VI, §4).

Residence is defined as that place at which a person has established his home, where he is habitually present, and to which when he departs he intends to return (§32–107). See also §32–475 for statutory rules for determing residence for purpose of voting.

Special residence requirements for presidential elections only—Nebraska has adopted the Uniform Voting By New Residents in Presidential Elections Act, R.S. 1963 Supp. §§32–1301 to 32–1314.

One who cannot meet the Nebraska residence requirements to vote but who has all the other necessary qualifications may apply to vote for President and Vice President (Supp. §32–1301).

Such persons are not required to register but at least 2 days before the election they should make an application in affidavit form executed in the presence of the county clerk or election commissioner (Supp. §32–1302).

The county clerk should immediately send a duplicate of the affidavit to the appropriate election official of the state of former residence (Supp. §32–1304).

If satisfied that the application is proper the county clerk shall deliver a ballot when available but not later than 2 days prior to the election (Supp. §32–1305).

The applicant shall mark the ballot in the presence of the clerk but in such manner that the official cannot know how the ballot is marked. He shall then fold the ballot in the clerk's presence and place it in the envelope furnished to him by the clerk and seal the envelope (Supp. §32–1306). The voter should then sign the certification on the envelope and give it to the clerk (Supp. §32–1306).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who because of physical disability cannot go to the polls on election day (§ 32–802) or who will be absent from the county of residence on election day (§ 32–803).

(2) Applying for absentee ballot—Apply in writing signed by the elector to the county clerk or election commissioner of county of residence not more than 90 days nor less than 2 days before the election for an absentee ballot (§ 32–803). If the election is a primary the voter must state his party affiliation (§ 32–803).

(3) Procedure in voting ballot—The absent

voter shall take the ballot to a county clerk, election official or any official having a seal and authorized to administer oaths by the laws of the place where the oath is administered (§§ 32–808, 32–813).

In the presence of that official and no other person, the voter should exhibit the unmarked ballot and then mark it but in such a way that the official will not know how it is marked, fold the ballot and hand it to the official who shall place it in the identification envelope and seal the same (§ 32–808).

The voter shall before the official subscribe and swear to the oath printed upon the identification envelope (§ 32–810).

The absent ballot must be voted not later than midnight of the day preceding election day. If delivered by hand it must be delivered to the county clerk or election commissioner on or before the day of election. If mailed, the envelope must bear a postmark not later than midnight of the day preceding election day, and must actually be received by the appropriate official not later than 10:00 a.m. of the 1st Thursday following election day (§ 32–812).

III. Military and other voters in special categories

Apparently Nebraska laws are considered to be so liberal that special provisions for those in military service are not needed.

§ 32–813 provides that necessary oaths may be subscribed before any commissioned officer, non-commissioned officer not below the rank of sergeant, or petty officer in the armed forces of the United States, or before a member of the Merchant Marine designated for this purpose.

NEVADA

Unless otherwise indicated, references are to Elections Laws 1966 (Title 24 NRS) and to Constitution of 1864, as amended.

I. Residence

To Vote One Must Be:

Continuously resided in this state 6 months and in the precinct 10 days next preceding the day of election (Const. Art. 2 § 1).

(a) No person may gain or lose a residence by his presence or absence while employed in the military, naval or civil service of the United States or of the State of Nevada or while engaged in the navigation of the waters of the United States or of the high seas, or while a student at any seminary or other institution of learning, or while an inmate of any public institution or public prison (Const. Art. 2 § 2; Stat § 293.497).

Statutory rules for determining residence are set forth in §§ 293.490; 293.493; 293.495; 293.497; 293.500.

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—Any registered voter, if he is, or expects to be (1) absent from the precinct or district in the county of his residence because of the nature of his vocation, business, or any other unavoidable cause; (2) unable because of illness or physical disability to go to the polling place; (3) is in the service of the United States; (4) the spouses and dependents of the foregoing (§ 293.313).

Absent voting is also provided in any precinct where there are not more than 20 voters registered (§ 293.213).

(2) Applying for absentee ballot—At any time before 5 p.m. on the Tuesday preceding the election may apply in person, by mail, telephone or telegraph to the clerk of the county for an absentee ballot (§ 293.315).

(3) Procedure in voting ballot—When an absentee voter receives his ballot he shall stamp and fold it in accordance with the accompanying instructions, deposit it in the return envelope supplied for this purpose, seal the envelope and affix his signature on the back of the envelope in the space provided therefor. The voter shall then mail the envelope (§ 293.330).

The voted ballot must be received by the appropriate county clerk before the close of the polls on election day (§ 293.317).

III. Military and other voters in special categories

(1) Who are included in this category—"Service of the United States" means the Armed Forces of the United States and the auxiliaries thereof, the United States Coast Guard, the Merchant Marine of the United States, civilian employment by the Federal Government beyond the boundaries of the State of Nevada, and religious groups and welfare agencies officially attached to and serving with the Armed Forces of the United States.

(2) Registration—An elector who has not registered to vote in the state or who has registered, but whose registration has been canceled, and who contemplates enlisting in, or has been inducted into, the Armed Forces of the United States may, at any time, appear before the county clerk of the county of his residence and register (§ 293.550).

Any elector of this state who is in the service of the United States and by reason thereof is beyond the boundaries of this state, and who has not theretofore registered, or whose registration has been canceled, may, at any time, request from the county clerk of his county of residence by mail, telephone, or telegram an affidavit of registration (§293. 553).

If the spouse of dependent of one who is in the service of the United States is an elector of Nevada but has not been registered, or his registration has been canceled, and such spouse or dependent is required by reason of the elector's being in the service of the United States to reside beyond the boundaries of this state, the spouse or dependent may register in the same way as provided for those in United States service (§ 293.555).

Armed Forces personnel must complete the form of affidavit required for registration before receiving an absent ballot (§ 293.320 2).

(3) Absentee voting—Apply for ballot before 5 p.m. of the Tuesday preceding the election (§ 293.315). Follow instructions and same procedure as is indicated above for civilians.

NEW HAMPSHIRE

(Unless otherwise indicated, references are to Rev. Stats. Ann. 1955 as set forth in New Hampshire Primary and Election Laws 1968 issued by the Secretary of State and to the Constitution of 1784, as amended.)

I. Residence

To Vote One Must Be:

An inhabitant of the state.

(a) Statutory definition of residence §§54: 8; 54:10.

(b) Special residence requirements for Preseidential elections only: No provision.

II. Absentee voting

(1) Who may vote absentee—Any voter who is absent from the city, town or place of voting residence on the day of the biennial election or who by reason of physical disability is unable to vote in person may vote absentee (§ 60:1).

(2) Applying for absentee ballot—No provision.

(3) Procedures in voting ballot—The voter should mark the ballot and place it in the envelope supplied for this purpose, seal the envelope and endorse thereon his name, address and voting place and shall mail or have it delivered to the appropriate city or town clerk (§ 60:6).

The voted ballot must be mailed or delivered to the appropriate county or city clerk in time to be delivered to the moderator at the proper polling place prior to the closing of the polls on election day (§ 60:7).

III. Military and other voters in special categories

(1) Who are included in this category—The term "armed services absentee" as used herein shall be construed to mean: (1) members of the Armed Forces while in active service at any time and their spouses and dependents when absent from voting residence on the day of the biennial election. The term "Armed Forces" shall include the United States Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, Public Health Service, and all regular and reserve components thereof; (2) members of the United States Merchant Marine at any time and their spouses and dependents when absent from the place of their voting residence on the day of the biennial election. Merchant Marine is defined; (3) civilian employees of the United States in all categories serving outside the territorial limits of the states and District of Columbia and their spouses and dependents when residing with or accompanying them; (4) members of religious groups or welfare agencies assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces, and their spouses and dependents when residing with or accompanying them (§ 60:17).

(2) Registration—Such persons must be on the check-list but the receipt of the voted absentee ballot in the envelope on which is printed the affidavit, if properly executed, shall be prima facie evidence of the voter's qualifications to become a voter and his name shall be added to the check-list (§ 60:23).

(3) Absentee voting—Application for absentee ballots may be made in any form to the Secretary of State by the absent voter or anyone on his behalf provided his name, service organization, service address and legal residence are given (§ 60:19).

When he receives the ballot, the voter shall display the unmarked ballot to any official authorized by law to administer oaths or to any commissioned officer, non-commissioned officer, or petty officer, in the Armed Forces of the United States, any member of the United States Merchant Marine designated for this purpose, any civilian official empowered by state or federal law to administer oaths (§§ 60:21; 60:16).

The voter shall mark the ballot in the presence of that official and no one else in such a way that the official will not know how it is marked. The voter will then enclose the marked ballot in the envelope supplied for this purpose and seal the envelope. The voter will then execute before the official the affidavit on the envelope and then will place the envelope in the return mailing envelope, endorse thereon his name and voting place and mail the envelope or have it delivered to the Secretary of State of New Hampshire (§ 60:21).

The voted ballot must be received before the close of the polls on election day (§ 60:7).

NEW JERSEY

(Unless otherwise indicated, references are to NJSA Title 19 and 1967 Supp. and to Constitution of 1949, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 6 months and of the county 40 days next before the election (Const. Supp. Art. 2, § 3; Stats. § 19:4–1).

(a) Rules for determining residence—No person in the military, naval or marine service of the United States shall be considered a resident of this State by reason of being stationed in this State (Const. Art. 2, § 5).

Statutory rules for determining voting residence are set forth at §§ 19:4–1 to 19:4–4.5.

(b) Special residence requirements for presidential elections only: or those qualified in all respects to vote except that they cannot meet the residence requirements

there are special residence requirements. New residents if they have been legal residents of the county 40 days next before the election and former residents if they were registered to vote in New Jersey but who, because they have moved to another state or county can no longer meet the residence requirements, may vote in presidential elections in New Jersey (Const. Supp. Art. 2, § 3; Stats. Supp. § 19:58–2).

Any person applying for an application form for a presidential ballot shall not later than the 40th day preceding the election swear to and file with the municipal or county clerk an affidavit of residence. The affidavit shall be forwarded by the clerk to the commissioner of registration of the county (Supp. §§ 19:58–7; 19:58–8). Any additional registration is not required (Supp. § 19:58–24).

An application for Presidential ballot shall be made to the clerk of the county in which the ballot is to be voted, in person or by mail not later than 8 days preceding the date of the election.

If the application is made by a former resident, it must be accompanied by a certificate of the appropriate election official of his new state certifying that applicant cannot vote in the presidential elections in the new state because of insufficient residence (Supp. § 19:58–9).

The county clerk will send a presidential ballot and appropriate directions and the procedure in voting is patterned after the absentee voting procedure (Supp. § 19:58–17).

The voter shall mark the ballot, place it in the inner envelope supplied for this purpose, seal the envelope, fill out the certificate attached to the inner envelope and sign his name and swear to the certificate before an official authorized by law to administer oaths in the place where the oath is administered. The voter shall then place the inner envelope with the certificate attached in the outer envelope and seal it (Supp. § 19:58–21).

The sealed outer envelope should then be mailed or delivered to the appropriate county board of elections (Supp. § 19:58–22). The voted ballot must be received by the county boards prior to the time designated for closing of the polls (Supp. § 19:58–25).

II. Absentee voting

(1) Who may vote absentee—"Civilian absentee voter" means any qualified and registered voter of the State who expects to be absent from the State on the day of any election and any such voter who will be in the State but because of illness or physical disability including blindness or pregnancy, or because of the observance of a religious holiday pursuant to the tenants of his religion, or because of residence attendance at a school, college, or university will be unable to cast his ballot at his polling place on election day (§§ 19:57–2; 19:57–3).

(2) Applying for absentee ballot—At any time not less than 8 days prior to the election, a civilian absentee voter may apply for an absentee ballot. Such application must be made in writing, signed by the applicant and state the place of voting residence, the address to which the ballot is to be sent, and the reason the ballot is requested (§ 19:57–4).

The application is made to the county clerk of the county of voting residence (§ 19:57–6).

(3) Procedure in voting ballot—Printed instructions will be sent by the county clerk along with the ballot. He will also send 2 envelopes to be used in returning the voted ballot. The outer envelope will be addressed to the county board of elections which issued the ballot. The inner envelope is designed to have the voted ballot placed in it and sealed (§ 19:57–16). The certificate printed on the ballot envelope must be sworn to by the voter. If the voter claims the right to vote because of physical disability he must include within the outer envelope a certificate of a duly licensed physician or Christian Science practioner certifying to his disability (§§ 19:57–18; 19:57–23).

The ballot envelope for primary ballot will have an additional certificate that the voter intends to vote for the nominees of the party whose primary ballot he votes (§ 19:57–19).

The voted ballots must be received by the appropriate county board before the closing of the polls on election day (§ 19:57–26).

III. Military and other voters in special categories

(1) Who are included in this category—"Military service voter" means any person in the military service, or any patient in any veterans' hospital, located in any place other than the place of his residence who has been in the military service in any war in which the U.S. has been engaged and having been discharged or released from the military service and who prior to entering military service or prior to being admitted as a patient in such hospital was a resident of this State, and who at the time of holding the election is a resident of the U.S. 21 years or older and has not been disqualified by reason of having been convicted of a crime (§ 19:57–2).

(2) Registration—It shall not be necessary to qualify any military service voter to vote by a military service ballot that he shall have been registered to vote in any election district in this State at the time of the election or any other time, if his name has been certified by the county clerk to the commissioner of registration. If the certificate on the ballot envelope containing the voted ballot contains information which would qualify the military voter to vote in the election district if he were registered to vote therein and if the certificate has been properly executed and sworn to (§19:57–25; §19:57–21).

(3) Absentee voting—A voter in this category who is absent on election day from the election district of his voting residence, whether he is within or without the State, or is within or without the U.S. may vote by absentee ballot assuming he is otherwise qualified (§19:57–3).

Such person may himself apply for a ballot or any relative or friend may apply on his behalf (§19:57–4).

If a relative or friend applies on his behalf, the person applying must sign and swear to an affidavit setting forth the facts (§19:57–5).

Application must be made to the county clerk of the county of voting residence (§19:57–6).

Instructions will be sent along with the ballot. They are similar to those set forth above for civilians but oaths may be sworn to before the military voter's commanding officer or the superintendent of the veterans' hospital in which the voter is a patient (§19:57–17).

NEW MEXICO

Unless otherwise indicated, references are to New Mexico Stats. 1953 Ann. and 1967 Supp. and to Constitution of 1911, as amended.

I. Residence

To Vote One Must Be:

A resident of the state 12 months* in the county 90 days and in the precinct 90 days next preceding the election (Const. Art. VII § 1; Stats. §§ 3–1–1; 3–2–51).

(a) No person shall be deemed to have acquired or lost a residence by reason of his presence or absence while employed in the service of the United States, or of the State, or while a student at any school (Const. Art. VII §4).

Residence includes residence upon land privately owned, or owned by the State of New Mexico, any county or municipality thereof, or upon lands originally belonging to the United States or ceded to the United States by the State of New Mexico or any county thereof, or any municipal corporation or private individual, by purchase, treaty or otherwise. A person's residence is that place wherein he legally resided and has his domicile and from which when temporarily absent he intends to return (§ 3–1–1).

*(b) Special residence requirements for presidential elections only: A new resident of the State who immediately prior to his moving to New Mexico was a citizen of another State and who has lived in New Mexico not less than 30 days may, if otherwise qualified, vote in New Mexico for President and Vice President only (Supp. §§ 3–17–2; 3–17–3).

Such a new resident is not required to register to vote but shall at least 30 days prior to the election execute before the county clerk of the county in which he claims residence execute an affidavit. A duplicate of that affidavit is mailed by the county clerk to the appropriate election official of the State of former residence (Supp. § 3–17–6).

The County Clerk will designate a voting place at which votes may be cast for President and Vice President by new residents (Supp. § 3–17–7).

II. Absentee voting

(1) Who may vote absentee—May only vote absentee for federal officials. Any registered qualified elector who cannot be present at the voting division's polling place on election day because of illness, disability or the requirements of his business or profession is entitled to vote absentee for presidential electors or candidates for the United States House and Senate (Supp. § 3–5–21).

(2) Applying for absentee ballot—Application for an absentee ballot may be made in person or by mail to the office of the county clerk in which the applicant is registered not less than 7 days before the election.

(3) Procedure in voting ballot—The elector shall secretly mark his ballot, place it in the official innermost envelope and seal that envelope. The voter shall then fill in, subscribe, and attest to the oath printed on the inner envelope and deliver it or mail it by registered mail to the county clerk of his residence (Supp. § 3–5–24).

The voted ballot must be received by the county clerk not later than noon on the day preceding the election (§ 3–5–28).

III. Military and other voters in special categories

(1) Who are included in this category—The phrase "any qualified elector serving in the military forces of the United States" includes: members of the Armed Forces while in active service, their spouses and dependents; members of the Merchant Marine of the United States; their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the several states and the District of Columbia, and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to civil service laws and the federal classification act of 1949 and whether or not paid from funds appropriated by Congress; members of religious groups or welfare agencies assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces and their spouses and dependents (Supp. §§ 3–2–7; 3–14–12).

(2) Registration—The making of an application for or the mailing of an absentee ballot by a person in this category who is not registered but has all the qualifications to vote in New Mexico shall constitute registration for the election for which the ballot is cast (Supp. § 3–14–13).

Also, a qualified elector in this category may execute an affidavit on a form furnished by the Secretary of State giving his father, mother, husband, wife, brother, sister, or any qualified elector of New Mexico a power of attorney to register him (Supp. § 3–2–7).

(3) Absentee voting—Application for ab-

sentee ballot may be made by filing an application with the Secretary of State of New Mexico. The application shall be a letter or post card executed and acknowledged before a person authorized to administer oaths (Supp. § 3–14–14).

In lieu of a letter or post card, the application for the ballot may be made on the FPCA (Supp. § 3–14–15).

The ballots may only be voted for federal officials, President, Vice President, United States Senator and Representative (Supp. § 3–14–20).

The voter shall secretly mark the ballot, place it in the official innermost envelope, seal same. This envelope shall then be placed by the voter in the inner envelope and that envelope sealed. The oath printed on the envelope shall then be filled in and attested to by the voter who should then place this envelope in the outer envelope and mail it to the Secretary of State of New Mexico. Any commissioned officer, noncommissioned officer not below the rank of sergeant or petty officer, member of the Merchant Marine designated for this purpose may administer the necessary oath (Supp. § 3–14–24).

The voted ballots must be received by the Secretary of State before noon on the day preceding the election and in time to be delivered to the appropriate County Clerk before noon of the day before election (Supp. § 3–14–26).

NEW YORK

(Unless otherwise indicated, references are to McKinneys Election Law (1964 rev.) and 1967 Supp. and to Constitution of 1895, as amended.)

I. Residence

To Vote One Must Be:

A resident of the State 3 months* and of the precinct before the election (Const. Art. II § 1 as amended 1966).

(a) For purposes of voting residence is neither gained nor lost by the presence or absence while employed in the service of the United States, navigating student at any seminary of learning, kept at any welfare institution, asylum or other institution wholly or partly supported at public expense or by charity, confined in prison (§ 151).

*(b) Special residence requirements for presidential elections only: If otherwise qualified, may vote if in State 90 days and in the District 30 days before the election (§ 341 and 1964 Op. Atty. Gen. Inf. 156).

Such persons must be registered but there are special provisions for registering them. They must appear personally, irrespective of whether personal registration is otherwise required, at the Board of Elections of the county of residence except in New York City at the borough office of the Board of Elections between August 7 and October 8, 1968 (§ 342).

II. Absentee voting

(1) Who may vote absentee—The following qualified voters may vote absentee:

1. Those confined because of illness or disability.
2. Patients in a veterans' facility.
3. Those unavoidably absent from the county of residence because of:

a. Business—specifically including:

1. Employees of railroads.
2. Employees of airlines.
3. Commercial travelers.
4. Actors.
5. Federal employees.
6. Members of the Armed Forces.
7. Superintendents or teachers employed at schools outside the county of residence.

b. On vacation: The parents, spouses and children of the above may also vote absentee (§§ 117:153a).

(2) Applying for absentee ballot—The general rule is that application must be made by applying in person before the Board of Inspectors of the Election District in which he is a qualified voter. However, § 117.6 lists those who may apply by mail and the listing appears to embrace all those eligible to vote absentee, and their spouse, children or parents accompanying them (§§ 117; 153a).

If the applicant is NOT registered, he must apply on one of the days provided for local registration or before the Board of Central Registration when the board is open. If the applicant is registered, he must apply for the absentee ballot before October 29, 1968—7th day before the election (§ 117.2).

(3) Procedure in voting ballot—Follow the directions accompanying the ballot. Write-in candidates permitted (§ 120).

The voted ballot must be received by the Board of Education not later than Friday before the election, November 1, 1968 (§ 121).

III. Military and other voters in special categories

The declared legislative purpose is to guarantee to every voter in the military forces and to the spouse, parent or child of such voter accompanying him if a qualified voter and a resident of the same election district, the right to vote in all elections (Supp. § 300).

There is established in the Department of State a division to be known as the "Division for Servicemen's Voting" (Supp. § 301).

(1) Who are included in this category—"Military voter" includes a qualified voter who is in active military service of the State or of the United States, including Army, Navy, Marine Corps, Air Force, Coast Guard, including all components thereof, and the National Guard when in the service of the United States pursuant to call as provided by law, and the spouse, parent, child of the foregoing accompanying him if a qualified voter and a resident of the same election district (§ 302).

(2) Registration—Registration is required. May be registered as other voters. A military voter is not required to appear in person to be registered. An application for a military ballot shall constitute personal registration (§ 305.2).

The directors of the Division of Servicemen's Voting shall ascertain from the Armed Forces the names and addresses of each New York State voter and shall transmit this information to the appropriate election district (§ 305.3), and shall also send to each military voter a post card application for servicemen's voting (§ 305.4). These provisions apply equally to the spouse, parent, child of the person in the military (§ 305.11).

(3) Absentee voting—Mark ballot with pen or pencil. Write-in vote is permitted. No other marking of ballot is permitted. After marking the ballot, the voter should enclose it in the ballot envelope and seal the envelope. He shall then sign the statement, with the blanks properly filled in. The envelope shall then be inserted in another envelope which is addressed to the Secretary of State of New York, Division for Servicemen's Voting, Albany 1, New York (§ 307.1).

The signing of the voter's name to the statement constitutes conclusive proof of literacy.

Ballot must be received by the Division no later than noon, November 7. The Servicemen's Voting Division will forward the ballot to the appropriate Board of Elections (Supp. § 307.3).

NORTH CAROLINA

(Unless otherwise indicated, references are to Gen. Stats. of N.C. as amended Sess. L. 1967 ch. 775 and to Constitution of 1868, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state at least 1 year and of the precinct or ward or election district 30 days. May vote in former precinct for 30 days after moving to another precinct in the State (Const. Supp. Art. VI, § 2).

(a) Rules for determining residence—Residence is defined for registration and voting at § 163–57.

(b) Special residence requirements for presidential elections only—A person who possesses all the qualifications for voting except that of residence who has been a resident of North Carolina for not less than 60 days immediately prior to the Presidential election may vote for President and Vice President only (Const. Supp. Art. VI, § 2; Stats. § 163–56).

Such persons must register in person before the chairman of the Board of Elections of county of residence not earlier than 20 days before election day nor later than 5:00 p.m. of the Friday preceding election day (§ 163–73).

The chairman, if satisfied that the application is in order, will administer the oath and give the applicant a special ballot to vote. The applicant shall mark the ballot in the presence of the chairman but in such a way as not to disclose how it is marked and hand the marked ballot to the chairman (§ 163–73).

II. Absentee voting

(1) Who may vote absentee—Any voter who expects to be absent from the county in which he is registered during the entire period that the polls are open on the day of the state-wide election in which he desires to vote, or who, because of sickness or other physical disability is unable to vote in person (§ 163–226).

(2) Applying for absentee ballot—An application for a ballot may be made not earlier than 45 days prior to the election nor later than 6:00 p.m. on Wednesday before the election (§ 163–227).

If a voter unexpectedly becomes ill after 6:00 p.m. on Wednesday and before 10:00 a.m. on Monday before the election, he may apply for an absentee ballot not later than 10:00 a.m. of the Monday preceding the election (§ 163–227(3)).

(3) Procedure in voting ballot—In the presence of an officer authorized to administer oaths the voter shall mark his ballot, fold it and place it in the container-return envelope and seal the envelope, make and subscribe the affidavit printed on the envelope. The officer administering the oath shall then complete the form on the envelope, and the envelope shall be returned to the chairman of the county board of elections who issued the ballot. The voted ballot must be received by the chairman of the county board of elections by 12:00 noon on the Saturday immediately preceding the state-wide election (§ 163–231(b)).

III. Military and other voters in special categories

(1) Who are included in this category—Persons serving in the armed forces of the U.S. including but not limited to the Army, Navy, Air Force, Marine Corps, Coast Guard, Army Nurse Corps, Navy Nurse Corps, the Women's Navy Reserve, the Marine Corps Women's Reserve, the Women's Army Corps, the Merchant Marine, and members of the National Guard and Military Reserve who are absent on active duty on the day of a primary or general election; the wives of men serving in the armed forces of the U.S. residing outside the counties of their husband's voting residence; disabled war veterans in U.S. government hospitals; civilians attached to and serving outside the United States with the armed forces of the U.S.; members of the Peace Corps (§ 163–245).

(2) Registration—If, on application for absentee ballot, the chairman of the county board of elections finds that the applicant is not registered, the chairman shall make a reasonable investigation as to applicant's residence and if he finds him to be a resident of the precinct asserted and that he is otherwise eligible to register and vote, the chairman shall register him (§ 163–249(b)). Upon leaving the service this registration expires and the voter must register in the usual way (§ 16–253).

(3) Absentee voting—In the presence of

any commissioned officer or non-commissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or the equivalent rank in other branches of the armed forces, the voter shall mark his ballot according to instructions, fold the ballot, place the folded ballot in the container-envelope and seal it, make and subscribe the certificate printed on the container-return envelope. The officer witnessing the voter's signature shall then complete the form on the envelope and sign it. The envelope shall then be mailed to the chairman of the county board of elections which issued the ballot (§ 163–250).

Ballots will be counted if received by the chairman of the county board of elections before 3:00 p.m. of the day of the primary or general election (§ 163–251(b)).

NORTH DAKOTA

(Unless otherwise indicated, references are to N.D. Century Code Ann. and 1967 Supp. and to Constitution of 1889, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, county 90 days and precinct 30 days next preceding the election. May vote in former precinct for 30 days after moving to another precinct in the state (Const. Art. V. § 121; Code §§ 16–01–03; 16–01–05).

(a) Rules for determining residence—No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or this State, or in the military or naval service of the United States (Const. Art. V, § 125). No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed herein (Const. Art. V, § 126).

(b) Special residence requirements for Presidential elections only—Each citizen of the U.S. who immediately prior to his removal to North Dakota was a citizen of another state and who has resided in North Dakota less than 1 year may vote for Presidential and Vice Presidential electors (Supp. § 16–16–17).

Such a person is not required to register, but not less than 10 days before the election he shall execute an affidavit in the presence of the county auditor applying for a special presidential ballot (Supp. § 16–16–18). The county auditor shall mail to the appropriate official of the applicant's last state of residence a duplicate of the affidavit (Supp. § 16–16–19).

If satisfied that the applicant is qualified to vote, the county auditor will deliver a ballot to him not sooner than 30 days nor later than 1 day prior to the election (Supp. § 16–16–21).

The applicant will mark the ballot in the presence of the county auditor but in such manner that he will not know how the ballot is marked. The voter shall then fold the ballot and seal it in an envelope furnished for this purpose and then enclose that envelope in a carrier envelope and sign the certification printed on the carrier envelope and give it to the county audtior (Supp. §16–16–22).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who is absent from the county in which he is an elector or who by reason of physical disability, is unable to attend the polling place in his precinct to vote at any general, special or primary election may vote absentee (Supp. § 16–18–01). For special provisions for military voters, see discussion under (VII) post.

(2) Applying for absentee ballot—At any time within 30 days next preceding the election voter may apply to the county auditor of the county, or the auditor or clerk of the city, for a ballot. No absentee ballot may be issued on the day of the election (Supp. § 16–18–05).

The application blank may be obtained in the office of the clerk or it may be requested by mail (Supp. § 16–18–07).

(3) Procedure in voting ballot—The affidavit provided shall be made and subscribed by the absent voter before an officer authorized by law to administer oaths and who has an official seal. The voter shall then mark the ballot in the presence of the officer but in such manner that the officer cannot see the vote. The ballot shall then be folded and deposited in the envelope and the envelope securely sealed, and mailed to the office from which it was obtained (Supp. § 16–18–10).

III. Military and other voters in special categories

(1) Who are included in this category—The following are included in this special category: members of the armed forces while in active service and their spouses and dependents; members of the Merchant Marine of the U.S. and their spouses and dependents; civilians serving outside the territorial limits of the several states and the District of Columbia and their spouses and dependents when residing with them or accompanying them; members of religious groups or welfare agencies assisting members of the armed forces who are officially attached to and serving with the armed forces and their spouses and dependents (Supp. § 16–18–01).

(2) Registration—Pre-registration is not required for any voter in North Dakota.

(3) Absentee voting—A register of military voters is maintained by the county auditors (Supp. §§ 16–18–06; 16–18–12). They will send absent voter ballots to military personnel on active duty without application (Supp. §§ 16–18–06; 16–18–12).

If ballot is not received automatically the voter may request it at any time within 30 days preceding the election (Supp. § 16–18–05).

The ballot should be voted according to instructions and placed in the envelope supplied for this purpose and the affidavit printed on the envelope should be signed by the voter (Supp. § 16–18–09).

It must be returned in time to be canvassed in the proper precinct while the polls are open, or if received too late for that, may be held and canvassed by the county canvassing board at any time prior to the meeting of that board (Supp. § 16–18–14).

OHIO

(Unless otherwise indicated, references are to Page's Ohio Rev. Code Ann. 1960 rev. and 1966 Supp.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year next preceding the election and of the county, township or ward 40 days (Const. Supp. Art. V, § 1; Code Supp. § 3503.01).

(a) Rules for determining residence—No person in the military, naval or marine service of the U.S. shall by being stationed in any garrison, or military or naval station within the state, be considered a resident of the state (Const. Art. V, § 5).

Any person who changes his residence to another county or precinct in the 40 days prior to the election may vote in the former precinct, and if a person moves to another residence within the precinct and registration is required, he may vote in the precinct. (Supp. § 3503.02).

Statutory rules for determining residence are set forth at § 3503.02. Inmates of soldiers' homes for 1 year, if otherwise qualified, have a lawful voting residence in the county where the home is located (§ 3503.03). Inmates of public and private institutions for at least 1 year have a voting residence in the county where the institution is located unless they are only there for temporary treatment in which case their voting residence shall be the one they had on entering the institution (§3 503.04).

The voting residence of a student and his spouse is that which he had at the time immediately commencing his attending such institution unless he establishes a home for permanent residence (§ 3503.05).

One in the armed forces of the U.S. may vote only in the precinct in which he has a voting residence in this state and that voting residence shall be the place in the precinct in which he resided immediately preceding the commencement of such service provided that the time during which he continuously resided in the state immediately preceding the commencement of such service plus the time subsequent to such commencement and prior to the day of election is at least 1 year.

The spouse of the service voter may vote only in the precinct in which he has a voting residence and provided the time of residence in the state prior to leaving for the purpose of being with the service member and the time subsequent total at least 1 year (Supp. § 3511.01).

If the service member or his spouse do not meet the 1 year residence requirement but have resided in the state before leaving for service reasons, they may vote in presidential elections only (Supp. § 3511.01).

(b) Special residence requirements for presidential elections only—A person who has been a resident of this state for less than 1 year may vote for presidential and vice presidential electors and no other officers provided he was either a qualified elector in another state immediately prior to his removal to Ohio or would have been eligible to vote in the other state had he remained there and provided he has all the voting qualifications required by Ohio except residence (§ 3504.01).

Similarly, persons in the armed forces and their spouses who resided in Ohio for less than 1 year before the election and are not qualified to vote elsewhere may vote in the presidential elections in Ohio (Supp. § 3511.01).

Persons qualifying under these provisions are not required to register to vote (§ 3504.02).

The new resident must submit to the clerk of the board of elections of his county of residence a certified statement from the appropriate election official of his former state of residence that he was a qualified voter of that state or would have been qualified there had he remained (§ 3504.03).

Application for a ballot must be made in person to the clerk of the board of elections of the county of applicant's residence during regular office hours not sooner than 40 days nor later than 12 noon on the 4th day before the election.

When applicant receives the ballot he shall immediately go to voting compartment provided by the board and mark the ballot. He shall then place the marked ballot in the envelope provided for this purpose and seal the envelope, sign the statement thereon, swear to and subscribe the affidavit thereon before a clerk authorized to administer oaths and deliver the envelope to the clerk (§ 3504.04).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who will be unavoidably absent from his polling place on the day of the election due to his entry into a hospital for medical or surgical treatment or who will be unavoidably absent from the county and more than 10 miles distant from the precinct in which his voting residence is located may vote absentee in any primary or general election (§ 3509.02).

Any qualified elector who on account of his own personal illness or physical disability will be unable to travel from his home or place of confinement to the voting booth in his precinct on the day of any general, special or primary election (Supp. § 3509.08).

(2) Applying for absentee ballot—Written application for such ballot should be made to the clerk of the board of election of the county where the person's voting residence

is located upon a form furnished by said clerk not more than 30 days if the applicant is within the United States and not more than 60 days by a person without the U.S. nor later than 4:00 p.m. of the 5th day before election (§ 3509.03).

(3) Procedure in voting ballot—The voter shall mark the ballot without permitting anyone to see his markings, fold the ballot, place it in the identification envelope received from the clerk for this purpose and seal the envelope. The elector shall then fill in the statement of voter on the outside of the identification envelope, sign the statement and in the absence of an officer authorized to administer oaths swear to and subscribe the affidavit thereon. The officer shall then sign and execute the affidavit attesting same. The envelope shall then be mailed or delivered to the clerk from whom it was received.

The voted ballot must be received by the clerk not later than 12 noon of the 4th day before election (Supp. § 3509.05).

III. Military and other voters in special categories

(1) Who are included in this category—This category includes any person serving in the armed forces of the United States, or the spouse of a person serving in the armed forces of the U.S. who resides outside the state for the purpose of being near such service member (Supp. § 3511.01).

(2) Registration—If persons in this category are not already registered, if the facts given on the application for an absent voter's ballot indicate that they are qualified to vote, the clerk will send them a ballot (§ 3511.01).

(3) Absentee voting—Armed service absent voter's ballots may be obtained by applying to the clerk of the board of elections of the county of voting residence. Application may be made in writing in any form provided necessary information is given. Application may be made by the voter or by the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother or sister of the whole or half blood, son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew or niece. The clerk will furnish a blank form to any of the relatives listed who appear in person in his office or who apply in writing. The application must be subscribed and sworn to by the applicant and set forth the required information. If the application is for a ballot to be voted for presidential and vice presidential electors only the applicant must submit to the clerk a certified statement from the appropriate election official of the voter's former residence to the effect that the person was a qualified voter in his former state prior to his removal to Ohio or that he would have been qualified had he remained in such other state until the time of the presidential elections (Supp. § 3511.02).

Upon receiving the ballot, the elector shall fill in the answers to the questions on the face of the identification envelope and write his usual signature in the proper place thereon. He shall then examine the ballot to make sure that there are no voting marks thereon and on being satisfied that there are none, he shall mark the ballot without permitting anyone to see how he has marked it. If there is more than 1 ballot, he shall fold each separately, place them in the identification envelope and seals the envelope. The voter shall then swear to the answers on the identification envelope before a commissioned officer, warrant officer, noncommissioned officer not below the rank of sergeant or petty officer, or other person authorized to administer oaths. The voters shall then place the identification envelope in the return envelope and mail it to the clerk of the board of elections to whom it is addressed (Supp. § 3511.09).

Such voted ballots must be received by the appropriate clerk prior to 12 noon of the day of the election (Supp. § 3511.11).

If, after the 60th day and before 12 noon of the 3d day before a general or primary election, a valid application for armed service absent voter's ballot is delivered to the clerk of the board of elections by a person making application in his own behalf, the clerk shall hand him a ballot and an identification envelope. The voter shall then go to a voting booth in the office of the board and mark the ballot. He shall then follow the same procedure as to sealing the envelope and answering the questions on the face of the envelope and shall swear to the answers before a proper official of the board. He shall then deliver the identification envelope to the clerk.

If a person is discharged after the closing date of registration and he and his spouse meet all the other requirements he may vote prior to the day of the election in the office of the board of his county as set forth above (Supp. § 3511.10).

OKLAHOMA

(Unless otherwise indicated, references are to Okla. Stats. Ann. Title 26 and 1967 Supp. and to Constitution of 1907, as amended.)

I. Residence

To Vote One Must Be:

A resident of the State at least 6 months, of the county at least 2 months, and of the election precinct 20 days next preceding the election (Const. Supp. Art III, § 1).

(a) Rules for determining residence—For the purpose of voting, no member of the Army or Navy of the U.S. shall gain a residence in this State by reason of being stationed here or lose a residence while absent from the State in such service (Const. Art. III, § 2).

(b) Special residence requirements for Presidential elections only—Oklahoma has adopted the Uniform Act for Voting by New Residents in Presidential Elections (Laws 1967, c. 266; Stats. Ann. 1967 Supp. §§ 601 to 614).

Each citizen of the United States who immediately prior to his removal to this State was a citizen of another state and a qualified elector therein, and who has been a resident of Oklahoma for less than 6 months prior to a presidential election is entitled to vote for presidential and vice presidential electors at that election, but for no other officers if he otherwise possesses the substantive qualifications to vote in Oklahoma except for residence (Supp. § 602).

A person desiring to qualify under this act does not have to register but on or before the 15th day immediately preceding the election he shall submit to the Secretary of the County Election Board of the county of his residence an affidavit executed by him before a notary public or other official authorized to administer oaths required in the administration of the laws of Oklahoma relating to absentee voting. The affidavit should be substantially the form set out in the statute (Supp. § 603).

The Secretary of the County Election Board shall mail to the appropriate official of the state in which the applicant last resided a duplicate of the application (Supp. § 604).

If satisfied that the application is in order, the Secretary of the County Election Board shall deliver to the applicant in person or by mail a ballot for presidential and vice presidential electors not sooner than 30 days nor later than 5:00 p.m. prior to the election (Supp. § 606).

The applicant shall mark the ballot in the presence of an official authorized to administer oaths but in a manner that the official will not know how it is marked. The voter shall then fold the ballot in the official's presence and seal it in a plain envelope furnished by the Secretary of the County Election Board. The voter shall then enclose that envelope in a carrier envelope also furnished by the Secretary of the County Election Board and shall seal that envelope. The voter shall then sign the certification on the carrier envelope and deliver the envelope in person or by mail to the Secretary of the County Election Board to be received by that official not later than 5:00 p.m. of the Friday prior to the election (Supp. § 607).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who swears that he intends to be absent from his county on election day, or who swears before 2 witnesses that he is physically incapacitated through accident or illness may cast an absentee ballot in any statewide special election, primary, run-off primary or general election (Supp. § 326).

(2) Applying for absentee ballot—An absentee ballot may be procured from the Secretary of the County Election Board of the county in which the elector resides not more than 30 days before the election and not later than 5:00 p.m. on Friday preceding the election (Supp. § 326).

Application must be made in writing and transmitted by mail (Supp. § 326a).

(3) Procedure in voting ballot—The voter shall mark the ballot in pencil or in ink by stamp or fountain pen. The ballot shall then be sealed in a blank envelope and the envelope placed in the so-called "inner" envelope supplied for this purpose by the Secretary of the County Election Board at the same time as the absentee ballot is supplied. The voter must complete the affidavit on the inner envelope and if an absent voter, must attest to it before an officer authorized to administer oaths and if an incapacitated voter must attest to it before 2 witnesses. This envelope should be placed in the outer envelope also supplied with the absentee ballot and marked "Official Election Absentee Ballot" and mailed to the Secretary of the County Election Board (Supp. § 326c).

Executed absentee ballots must be transmitted through the U.S. mail and must be received by the Secretary of the County Election Board not later than 5:00 p.m. on the Friday immediately preceding the election (Supp. § 326a).

III. Military and other voters in special categories

(1) Who are included in this category—Any qualified elector who is in the armed forces of the U.S., or in the Merchant Marine of the U.S., or who is a civilian outside the U.S. officially attached to and serving with the armed forces of the United States, or who is the spouse or officially accredited dependent of such person and is absent from the place of his residence by reason of such service (Supp. § 345.1).

(2) Registration—Any person in this category if a qualified elector of the precinct of his or her residence is entitled to vote in any statewide regular or run-off primary, special or general election without being registered (Supp. § 345.1).

(3) Absentee voting—The applicant may himself apply for an absentee ballot in any form of writing including a FPCA or the application may be made on his behalf by a parent, husband, wife, adult child, brother, sister or friend (Supp. § 345.3).

Any oath or affidavit which is required may be taken or sworn to before any commissioned officer of the armed forces (§ 343).

OREGON

Unless otherwise indicated, references are to Election Laws 1967–1969 published by the Secretary of State and to Constitution of 1857, as amended.

I. Residence

To Vote One Must Be:

A resident of the state at least 6 months immediately preceding the election. (Const. Art. II § 2).

(a) For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any seminary of learning, nor while kept at any alms house or other asylum at public expense, nor while confined in any public prison (Const. Art. II § 4).

No soldier, seaman, or marine in the Army or Navy of the United States or its allies, shall be deemed to have acquired a voting residence in the state in consequence of having been stationed here (Const. Art. II § 5).

The statutory rules for determining voting residence are set forth at § 250.410.

(b) Special residence requirements for presidential elections only: A person who is qualified to vote except that he has resided in this state less than 6 months immediately preceding the election is entitled to vote in elections for President and Vice President if he did not vote in such election in another state during the 6 months immediately preceding his request for registration under Oregon law § 247.420 for the purpose of voting for the nomination of such candidates in the presidential primary election of this state or in the regular general biennial election in this state (§ 247.410).

The applicant should appear personally in the office of the County Clerk and request to be registered (§ 247.420). A special registration certificate will be issued which must be surrendered at the time of voting (§ 247.460).

II. Absentee voting

(1) Who may vote absentee—Any registered elector of this State who has reason to believe that he will be absent from the county in which his voting precinct is situated on the day of any general, special or primary election, or whose place of residence is more than 15 miles from the polling place or who is unable by reason of physical disability to go to the polls may vote by absentee ballot.

(2) Applying for absentee ballot—Within 60 days preceding an election but not later than 5 days before the election, the voter may apply to the county clerk in writing and signed by the applicant requesting an absent ballot (§ 253.030).

The voter must personally mark the ballot and not exhibit the marked ballot to any other person. The statement on the ballot envelope must be signed by the voter and witnessed by 2 competent persons who shall affix their names and residence addresses (§ 253.040).

The voted ballot must be received by the appropriate County Clerk not later than 5 p.m. of the day before the election if the ballot is delivered to the voter in the clerk's office and immediately marked and returned and in all other cases not later than the closing of the polls on election day (§ 253.070).

III. Military and other voters in special categories

(1) Who are included in this category—"Service voter" means a citizen of the State of Oregon absent from the place of his residence and serving in: the Armed Forces of the United States; in the Merchant Marine of the United States; as a civilian employee of the United States in whatever category outside the territorial limits of the several states of the United States and the District of Columbia, whether or not paid from funds appropriated by the Congress; a religious group or welfare agency assisting members of the Armed Forces of the United States and officially attached to and serving with the Armed Forces (§ 253.510).

The spouse and dependents of any service voter, temporarily living outside the county or city in which is situated, the last home residence in this state of such spouse or dependents may vote in the same manner as a service voter (§ 253.530).

(2) Registration—Registration requirements are considered satisfied when the voter returns the absentee ballot and the affidavit on the ballot envelope has been properly executed under oath (§ 253.600).

(3) Procedure in voting ballot—Secure a ballot by mailing a signed application setting forth the necessary facts to the County Clerk of the county of voter's residence or to the Secretary of State of Oregon. The application may be made on a post card or in any other writing (§ 253.540).

Printed instructions and transmittal envelopes will be mailed with the ballots (§ 253.560).

The voted ballots must be received by the County Clerk not later than the closing of the polls on election day (§§ 253.560, 253.070).

PENNSYLVANIA

(Unless otherwise indicated, references are to Purdin's Penna. Stats. Ann. 1963 Rec. and 1966 Supp. Title 25, and to Constitution of 1874, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state at least 90 days preceding the election, of the election district at least 60 days immediately preceding the election (Const. Art. VIII § 1, as amended 1967).

(a) One qualified to vote in an election district immediately preceding the removal of his residence to another place in Pennsylvania may vote in his former district for 60 days after moving (Const. Art. VIII § 1 as amended 1967; Code § 2811).

Any person employed in the service of this State or of the United States and required thereby to be absent from the city where he resided when entering such employment, and the city where he resided when entering such employment, and the spouse of such person, may be registered as of the district where he resided prior to entering the service. In such a case residence by street and number is not required (§ 321.).

Statutory rules for determining residence are set forth at § 2813.

No person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, not while confined in public prison, except that any veteran who resides in a home for disabled and indigent soldiers and sailors, operated and maintained by the Commonwealth of Pennsylvania, and who possesses all the qualifications for voting, may gain a residence for registration and voting at the home for disabled and indigent soldiers and sailors.

These provisions are not to be construed as affecting the voting rights of bedridden or hospitalized veterans to choose to vote as absentee electors by the use of veterans' official ballots (§ 2813).

NOTE: These provisions were based on former Const. Art. 8§13. The Constitutional provision was deleted in 1967 but the statutory provision was apparently left in the law.

In the case of one in the United States Armed Services, if when he entered the service—he did not have sufficient length of residence in Pennsylvania to qualify him to vote at that time he may nevertheless be registered to vote at such time as he would have become entitled had he continued to reside in that place (Supp. § 623.20.2(f)).

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—Any qualified, registered and enrolled elector who expects to be or is unavoidably absent from the Commonwealth or county of his residence during the entire period the polls are open for voting on the day of any primary or election (Supp. § 2602(10); 3146.1(j)) or who is unable to go to the polling place because of illness or physical disability (Supp. §§ 2602(11), 3146.1(k)).

The words "qualified absentee elector" shall not be construed to include persons confined in a penal or mental institution (Supp. § 2602(12); 3146.1(L)).

(2) Applying for absentee ballot—Application for absentee ballot should be made in writing addressed to the Secretary of the Commonwealth of Pennsylvania or to the county board of election of the county where applicant's voting residence is located (Supp. § 3146.2(a)). The application should furnish the information necessary to establish his right to an absentee ballot (Supp. § 3146.2 (b)). The application may be made on forms furnished by the County Board of Elections (Supp. § 3146.2(e)(1)).

Applications for absentee ballots must be received in the office of the County Board of Elections not earlier than 50 days before the primary or election and not later than 5 p.m. of the 1st Tuesday prior to the day of any primary or election. Those who become ill, or who unexpectedly must be absent on election day, may apply at any time prior to 5 p.m. on the day preceding any primary or election by executing an Emergency Application on a form provided by the election officials. If illness is alleged, a supporting affidavit from a doctor should be submitted. If unexpected business is alleged, then the applicant must swear to the facts (Supp. § 3146.2a).

(3) Procedure in voting ballot—At any time after receiving an absentee ballot but on or before the day of the primary or election, the elector shall in secret proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and then fold the ballot, place it in the ballot envelope marked "Official Absentee Ballot" and seal the envelope.

This envelope shall be placed in the carrier envelope on which is printed the form of declaration of the elector and the address of the elector's County Board of Election. The elector shall fill out, date, and sign the declaration on the envelope. It may be mailed or delivered to the proper County Board of Election (Supp. § 3146.6(a)). If the elector is in the county of residence on election day or recovers from his illness he should vote in person rather than by absentee ballot (Supp. § 3146.6 (b)).

There are additional provisions for assistance for the physically disabled who vote absentee ballot (Supp. § 3146.6a).

The voted ballot must be returned in time to be received not later than 10 a.m. of the 2nd Friday following the primary or November election (Supp. § 3146.8).

III. Military and other voters in special categories

(1) Who are included in this category—A qualified elector who is or may be in the military service of the United States regardless of whether at the time of voting he is present in the election district of his residence or is within or without Pennsylvania and regardless of whether he is registered or enrolled (Supp. § 2602(w)(1)).

The spouse and dependents residing with or accompanying a person in military service of the United States, if at the time of voting such spouse is absent from the State or county of his residence, provided however,

that said elector has been registered or enrolled according to law or is entitled under provisions of the Permanent Registration Law to absentee registration prior to, or concurrently with, the time of voting (Supp. § 2602)(w)(2).

Also afforded special treatment but under less liberal provisions than for those in military service are members of the following and their spouses and dependents: the Merchant Marine of the United States (Supp. § 2602(w)(3)); religious or welfare groups officially attached to and serving with the Armed Forces (Supp § 2602(w)(5)); civilian employees of the United States (Supp §2602 (w)(7). All the persons in this category must be qualified electors who are registered or enrolled or are entitled to absentee registration prior to or concurrently with the time of voting.

The significant difference in the rules for persons in this category as compared to the rules for those who are in military service is that persons in military service may vote absentee whether or not at the time of voting they are in the election district of residence or are within or without Pennsylvania but all others to be entitled to absentee voting must be absent from the State or county of their residence at the time of voting.

The spouses and dependents must be residing with, or accompanying, persons in these categories and must be absent form the state and county of residence. "Dependent" is defined as "any person who is in fact a dependent" (Supp. § 2602(y)).

(2) Persons in this category may register as do all other voters or they may avail themselves of the special provisions set forth in the Permanent Registration Act.

They may apply for a registration card. A request for an absentee ballot from any person in this category may be considered as an application for a registration card. The registration commission will send two blank registration cards to be completed and sworn to or affirmed to prior to or concurrently with the time of voting the absentee ballot. The envelope containing such executed registration cards shall bear a postmark not later than the day of the primary or election for which the ballot is being voted (Supp. § 623–20.2(a)).

The status of residence shall remain his home residence from which he is qualified to register. If one in this category has not resided in Pennsylvania or in a particular election district thereof, a sufficient length of time when he leaves for one of the designated activities he shall be entitled to be registered at such time as he would have become so entitled had he continued to reside in that place instead of leaving for one of the designated activities (Supp. § 623–20.2(f)).

(3) Absentee voting—Application for an absentee ballot may be made by persons in this special category at any time before a primary or election (Supp. § 3146.1 (a) to (h); 3146.2(a)).

It may be made on post card application or other form supplied by the Federal Government, or by any post card, letter or other writing addressed to the Secretary of the Commonwealth of Pennsylvania or to the County Board of Election of the county in which his voting residence is located.

In the case of all except a person in military service and hospitalized or bedridden veterans, the application must be signed by the voter. In the case of military electors and hospitalized or bedridden veterans the application may be made over the signature of any person who is familiar with the voting qualifications of the elector (Supp. § 3146.2 (c)).

Detailed information must be supplied as to home residence at the time of entering military service etc. (Supp. § 3146.2). No application of any qualified elector in military service shall be rejected for failure to include on his application any information if such information may be ascertained within a reasonable time by the County Board of Elections (Supp. § 3146.2b).

At any time after receiving the absentee ballot but on or before the day of the primary or election the elector shall in secret proceed to mark the ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink, in fountain pen or ball point pen, and enclose it in the envelope marked "Official Absentee Ballot". This envelope shall be sealed and placed in the second envelope on which is printed the declaration which the elector must fill out and sign. The envelope shall be sealed and mailed (Supp. § 3146.6).

Also, any qualified elector in actual military service who is present in his voting district of residence on any primary, special, municipal or general election day and who has not voted in such election, may apply in person at the office of the County Board of Election of the county of his residence and he may thereupon execute an application for an absentee ballot (Supp. § 3146.7).

If found to be qualified, he will be given an absentee ballot which he should vote in secret and return to the Chief Clerk (Supp. § 3146.7).

Voted ballot which are mailed in must be received by the County Board of Election not later than 10 a.m. of the 2nd Friday following the primary or November election (Supp. § 3146.8).

RHODE ISLAND

(Unless otherwise indicated, references are to Gen. L. 1956, 1967 Supp. and to the Constitution of 1843, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state for 1 year and in the town or city 6 months next preceding the election (Amend. XXIX § 1; G.L. § 17–1–3).

(a) No person in the military, naval, marine, or any other service of the United States shall be considered as having the required residence by reason of being stationed in this state (Const. Amend. XXIV § 4).

The residence and home of any person immediately prior to the commencement of his active service as a member of the Armed Forces or of the Merchant Marine of the United States, or immediately prior to his absence from the state in the performance of services in connection with military operations shall continue to be his residence and home during the time of such service and for 2 years thereafter unless such person shall change his residence by registering or taking other action to vote in another city or town (§ 17–21–3).

The superior court shall hear petitions of persons alleging residence in the state (§ 17–1–4).

(b) Special residence requirements for presidential elections only: None

II. Absentee voting

(1) Who may vote absentee—Electors absent from the state or who by reason of old age, physical disability, illness or for other infirmities are unable to vote in person may vote absentee in the general election (§17–20–1).

(2) Applying for absentee ballot—The voter must obtain from the local board of his city of residence an application form for an absentee ballot the voter must complete and sign either before an officer authorized to administer oaths or before 2 witnesses (§17–20–3).

The application when duly executed shall be delivered in person or by mail so that it shall be received by the local board not later than 5 p.m. on the 21st day before the election (§17–20–3).

(3) Procedure in voting ballot—A shut-in voter may mark and cast his ballot only in the State of Rhode Island, an absentee voter may mark and cast his vote only outside Rhode Island and shall mail same from without Rhode Island (§17–20–12).

Instructions will be sent along with the ballots. The voter should mark the ballot in the presence of an officer authorized to administer oaths and of no other person. Before marking the ballot, the voter shall exhibit it to said official who shall satisfy himself that it is unmarked. The voter shall not let the official know how he marked the ballot. The voter shall then enclose and seal the ballot in the envelope provided for it, and shall execute the oath on the envelope and endorse the reverse side of the envelope. He shall then place this in the carrier envelope addressed to the state board and mail (§17–20–18).

The voted ballot must be received by the proper official not later than 9 p.m. local time on election day (§17–20–13).

III. Military and other voters in special categories

(1) Who are included in this category—Any member of the Armed Forces or of the Merchant Marine of the United States in active service and any person absent from the state in the performance of services intimately connected with military operations.

"Services intimately connected with military operations" includes members of religious groups or welfare agencies assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces, and their spouses and dependents, and the spouses and dependents of members of the Armed Forces and of the Merchant Marines, provided however, that such spouses and dependents shall be residing outside the state with such members of the Armed Forces, Merchant Marine, or members of such religious or welfare agencies (§ 17–21–1).

(2) Registration—Any person in this category who would be a qualified elector except for registration shall be exempt during the period of such service and for 2 years thereafter from registration requirements (§ 17–21–2).

(3) Voting—Members in this category have the option of voting in one of the following ways:

(1) If present in the state on the day of the election he may vote as all other voters.

(2) If outside the state he may vote by absentee ballot.

(3) May cast an official Rhode Island state war ballot.

(4) May cast an official federal war ballot in accordance with the laws of the United States (§ 17–21–4).

Request for a war ballot must be received by the local board not later than 5 p.m. on the 21st day before the election signed by the voter or someone on his behalf (§ 17–21–12).

The voter may mark the ballot on or before election day (§ 17–21–24).

After marking the ballot, the voter shall place it in the official inner envelope and seal the same. He shall fill in and subscribe the oath printed on the envelope and shall then place this envelope in the carrier envelope and mail it to the state board (17–21–25).

The voted ballot must be received by the state board not later than 9 p.m. local time on election day (§ 17–21–28).

SOUTH CAROLINA

Unless otherwise indicated, references are to Code of Laws of South Carolina 1962 and 1967 Supp. and to Constitution of 1895, as amended.

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the county 6 months, and of the polling precinct 3 months except ministers in charge of an organized church and teachers of public schools and the spouse of any such person may vote after 6 months residence in the state if otherwise qualified (Const. Supp. Art. II § 4; Code Supp. § 23–62).

(a) Temporary absence from the State

shall not forfeit a residence once obtained (Const. Art. I § 12);

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any institution of learning (Const. Art. II § 7).

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—Students, members of military, and members of National Guard on active duty, see discussion under next heading "Military and Other Voters in Special Categories".

III. Military and other voters in special categories

(1) Who are included in this category—The following are included in this category: members of the Armed Forces of the United States and their spouses; members of the Merchant Marine of the United States; persons serving with the American Red Cross or with the United Service Organizations who are attached to and serving with the Armed Forces of the United States outside of the counties of their residence; members or employees of any department of the United States Government serving overseas; and students (Supp. § 23–442).

Members of the National Guard on active duty (Supp. § 23–400.18).

"Members of the Armed Forces of the United States", "members of the Merchant Marine of the United States" and "students" are defined (Supp. § 23–441). Provision will be made for voting by members of National Guard on active duty (Supp. § 23.400.78).

(8) Registration—Members of the Armed Forces will be registered by mail (Supp. § 23–449.1). Students must register in person (Supp. § 23–499.1).

(3) Absentee voting—Any person in the Armed Forces or his spouse when residing with him may apply for an absentee ballot may submit to any registration board in this State or through the Secretary of State, a request for a ballot together with a sworn statement that he is in the Armed Forces (Supp. § 23–449.1).

Printed instructions will be sent with the ballots. The voter should sign the oath which accompanies the ballot before a notary public of any state, a United States Consul, his commanding officer or any officer authorized by law to administer oaths (§ 23–449.5).

The voter shall mark the ballot and fold it and place it and the completed oath in the envelope supplied for this purpose and mail it in time to be received by the commissioners of election and delivered by them to the managers of election on election day (§§ 23–449.6; Supp. 449.7).

SOUTH DAKOTA

(Unless otherwise indicated, references are to Primary and General Election Law—1966, and to Constitution of 1889, as amended.)

I. Residence

To Vote One Must Be:

A resident of the United States 5 years and of this state 1 year, in the county 90 days and in the election precinct 30 days next preceding the election (Const. Art. VII, § 1).

(a) Rules for determining residence—No elector shall by reason of having changed his residence from one county or precinct to another be deemed to have lost his right to vote at any election in the precinct from which he has removed until he shall have acquired a new voting residence in the county or precinct to which he has removed (Const. Art. VII, § 1).

No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state, or in the military or naval service of the United States (Const. Art. VII, § 6).

No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein (Const. Art. VII, § 7).

(b) Special residence rules for presidential elections only—No provision.

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who shall be absent from his home precinct on election day or who shall be unable to attend the polling place in his precinct because of illness or other physical disability (§16.0606).

(2) Applying for absentee ballot—Application should be made in writing at any time after the official ballots have been delivered to the county auditors. The application may be made in a letter or on blanks furnished by the county auditor and must be subscribed by the applicant (§16.0606).

(3) Procedure in voting ballot—The elector shall not earlier than the 15th day preceding such election, before the county, or city auditor or town or township clerk, or other officer having an official seal and authorized to administer oaths privately mark such ballot and fold and place it in the return envelope supplied for this purpose. The attesting official shall then complete a certificate and the voter shall place it in the return envelope and seal the envelope and execute the affidavit printed on the envelope to the official who shall mail or deliver it to the superintendent of the election board of the voter's home precinct (§16.0607).

The envelope must be received in time to be delivered before close of polls (§ 16.0608).

III. Military and other voters in special categories

(1) Who are included in this category—For the purpose of this act, the term "persons in the United States service" shall mean: members of the Armed Forces while in active service and their spouses and dependents; members of the Merchant Marine of the United States and their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and their spouses and dependents when residing with or accompanying them whether or not the employee is subject to the Civil Service laws and Classification Act of 1949 and whether or not paid from funds appropriated by Congress; members of religious groups or welfare agencies assisting members of the Armed Forces and their spouses and dependents.

The term "dependent" means any person who is in fact a dependent. The terms "Armed Forces" and "members of the Merchant Marine of the United States" are defined (§16.0610).

(2) Registration—Registration is required. Persons in this category may apply for registration at same time they apply for absentee ballot and may use a FICA.

If the person is not already registered, he may apply to the county or city auditor or clerk of town where he has his legal residence or a registered voter of the state of the same voting precinct may make, in person, make an application in his behalf. Such application may be made not less than 20 days before the election and registration boards shall receive such applications in the case of a primary on and after April 1 before the primary and on and after August 1 before the general election. The application must be made under oath in writing (§ 16.0611).

(3) Absentee voting—Application may be made by the voter or by a registered voter of his precinct on his behalf. Application may be made on FPCA or in other writing to county or city auditor or clerk of town of voter's residence (§ 16.0612).

Upon the receipt of the official ballot, but no earlier than 20 days before election the absent voter in the presence of one of the following persons, any commissioned officer, member of the Merchant Marine designated for this purpose, person in charge of a section, coup or detachment of any of the auxiliary organizations named or any civilian official empowered under state or federal law to administer oaths, shall mark the ballot without revealing how it is being marked, shall then fold the ballot and place it in the return envelope supplied for this purpose and seal the envelope and hand it to the attesting official who shall execute the necessary affidavit and deposit the enevelope in the mail.

The voted ballot must be received by county auditor in time to be delivered to the superintendent of the election board of the home precinct before the closing of the polls on election day (§ 16.0614).

TENNESSEE

(Unless otherwise indicated, references are to Tenn. Code Ann. and 1966 Supp. and to the Constitution of 1870, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 12 months and of the county 3 months next preceding the election (Const. Art. IV, § 1; Code Supp. § 2–201).

(a) Rules for determining residence—Voters are required to vote in the county of their residence except judges, candidates for county and state offices or for Congress may vote in county in which they may be on election day (§§ 2–202, 2–203).

(b) Special residence requirements for presidential elections only—None.

II. Absentee voting

(1) Who may vote absentee—Any registered voter who will be absent from county of residence on election day because of business, occupation, health, education or travel, or who because of sickness or physical disability cannot go to the polls to vote may vote an absentee ballot (Supp. § 1602).

Alternative procedures are available, one provides for voting an absence ballot by going in person to the office of the county election commission prior to the day of the election and voting an absentee ballot, the other provides for voting such a ballot by mail (Supp. § 2–1602).

(2) Applying for absentee ballot—A voter desiring to vote absentee by personal appearance shall present himself at the office of the county election commission within the posted hours not more than 20 days nor less than 5 days before the election and shall fill out an application for a ballot. If found to be in order, the county election commission will hand the applicant a ballot to be voted in its office (Supp. § 2–1603).

The county election commission office shall be open a minimum of 3 consecutive hours each week day including Saturdays between 8:00 a.m. and 6:00 p.m. during the 15 day period provided for absentee voting by personal appearance (Supp. § 2–1603).

A voter desiring to vote an absentee ballot by mail shall request in writing over his signature not more than 40 nor less than 5 days before the election of the county election commission an official absentee ballot. If illness or physical disability is alleged, the application must be accompanied by a medical certificate. If the reason for voting absentee is other than illness or physical disability, the application must be mailed and postmarked outside the county of residence.

(3) Procedure in voting ballot—If the absentee ballot is to be voted before the election in the office of the county election commission, the applicant will mark the ballot in said office in secret, fold it and seal it in the absentee ballot envelope and in the presence of the attesting official complete the affidavit on the envelope, hand it to the attesting official who shall certify to the affidavit and deposit it in the sealed box provided for this purpose (Supp. § 2–1603).

If the absentee ballot is to be voted by mail, the voter shall exhibit the unmarked absentee ballot to the attesting official, mark such ballot in secret, fold the ballot and seal it in the absentee envelope, complete, sign and make oath to the affidavit on the flap of the sealed envelope, and deliver the sealed absentee envelope to the attesting official who shall testify to the affidavit, then seal the absentee ballot envelope in the larger envelope bearing the name and address of the county election commission which issued the ballot to the voter. The sealed envelope must then be given to the voter to mail and it must be postmarked in the same county where certified by the attesting official (Supp. § 2–1604).

An attesting official for one voting by mail shall be: (1) for sick or physically disabled voter, a U.S. postmaster or assistant postmaster or any officer authorized to administer oaths; for a voter residing temporarily within the state of Tennessee a commissioner of elections of absentee voting deputy for the Tennessee county of temporary residence of such voter; for voter residing temporarily without the state of Tennessee a U.S. postmaster or assistant postmaster or a U.S. consul or his assistant (Supp. § 2–1606).

Voted absentee ballot must be received by mail by the county election commission prior to 10:00 a.m. on election day (Supp. § 2–1610).

III. Military and other voters in special categories

(1) Who are included in this category—For this purpose, the term "armed forces" means persons who are members of the armed forces of the United States or members of the Merchant Marine of the United States and their spouses and dependents when residing with or accompanying them; members of any religious group or welfare agency assisting members of the armed forces who are officially attached to and serving with the armed forces, and their spouses and dependents; federal personnel, meaning civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by Congress.

The term "dependent" means father, mother, brother, sister or child of voting age who is actually residing with or is accompanying and is financially dependent upon the person who is a member of the armed forces or federal personnel (§§ 2–1616; 2–1702).

(2) Registration—An application for an absentee ballot will be treated as an application for temporary registration by one not registered (§ 2–1704).

Application for registration on the FPCA may be made at any time except that registration is not permitted within 30 days of any primary or general election (Supp. § 2–1704(d)).

(3) Absentee voting—Application must be in writing. FPCA will be accepted. Application must be signed and sworn to before an official authorized to administer oaths or a commissioned officer of the armed services of the United States.

Application must be made to the county election of the county where applicant resides and must be received not earlier than 90 days nor later than 10 days before such election (Supp. § 2–1704).

The voter shall in the presence of the attesting official exhibit the unmarked absentee ballot to the attesting official; mark such ballot in secret; fold the ballot and seal it in the absentee envelope; complete, sign and make oath to the affidavit on the flap of the absentee ballot envelope and deliver the sealed envelope to the attesting official who shall certify to the affidavit and then seal the ballot envelope in the larger envelope bearing the name and address of the county election commission which issued the ballot to the voter. The voter shall mail the sealed envelope to his county election commission (Supp. § 2–1705).

The voted ballot must be received by the county election commission prior to 10:00 a.m. on election day (Supp. §§ 2–1710; 2–1610).

TEXAS

Unless otherwise indicated, references are to Vernon's Ann. Rev. Stats. of Texas, Election Code (1966 revision) and 1967 Supp. and to Constitution of 1876, as amended.

I. Residence

To Vote One Must Be:

A resident of the state 1 year preceding the election, and the last 6 months within the district or county (Const. Supp. Art. VI § 2).

(a) Residence is neither gained nor lost while absent from the State on business of the State or of the United States (Const. Art. XVI § 9; Code Supp. § 5.08).

The statutory rules for determining residence are set forth at Code Supp. Art. 5.08.

(b) Special residence rules for presidential elections only: A person who has been a resident of Texas for more than 60 days but less than 1 year prior to the date of the presidential election shall be entitled to vote for presidential and vice presidential electors but for no other officers if the elector was either a qualified elector in another state immediately prior to his removal to Texas or would have been eligible to vote in such other state had he remained there until such election and if he otherwise possesses the substantive qualifications of an elector in Texas other than residence (Const. Supp. Art. VI § 2a; Code Supp. Art. 5.05a).

It is not necessary to register to vote under the general registration provisions but between the 60th day and the 45th day preceding the election the applicant shall register by making an application to the County Clerk of the county of his residence in the form of an affidavit executed in the presence of the County Clerk (Supp. Art. 5.05a).

A former resident of Texas who has become a legal resident of another state may vote for presidential and vice presidential electors by absentee ballot in the county of his former residence if (1) on the day of the election he will not have resided in the new state long enough to meet that State's residence requirements; (2) the period of time since he ceased to be a resident of Texas is less than 24 months; (3) he otherwise possesses the substantive qualifications of an elector except for residence; (4) at the time he left Texas he was a registered voter of Texas if he was then eligible to register.

The former resident shall register by making a written, sworn application to the County Clerk of the county of his former residence for an absentee ballot for President and Vice President only on a form to be furnished by the County Clerk. The application should be accompanied by a voter registration certification current at the time the applicant left Texas.

If satisfied that the applicant is entitled to vote under this section, the County Clerk shall mail him a ballot and a carrier envelope containing an affidavit. The procedures for voting absentee ballot shall be followed as nearly as possible (Supp. Art. 5.05b).

II. Absentee voting

These provisions are applicable to all elections, general, special or primary (Art. 5.05 Subdiv. 1a).

(1) Who may vote absentee—Any qualified voter who expects to be absent from the county of his residence on the day of election, or who because of sickness or physical disability cannot appear at the polling place in the election precinct of his residence on the day of the election may vote by absentee ballot by either (1) voting by personal appearance in the clerk's office or (2) voting by mail (Art. 5.05).

(2) Time to apply for absentee ballot—Application shall be made not earlier than 60 days nor later than the 4th day before the election (Art. 5.05 sub. 1 and 4).

For those who are sick or disabled, the application for absentee ballot must be mailed to the clerk (Art. 4.05 Sub. (:)

Those who expect to be absent from their county of residence on election day and also during the clerk's regular office hours during the entire period for absentee voting may mail or deliver to the clerk an application for an absentee ballot (art. 5.05 sub. 1(ii)).

(3) Procedure in voting ballot—If the absence is for the day of the election only, the voter should go to the clerk's office during the period designated for absentee voting which shall begin on the 20th day and continue through the 4th day preceding the date of the election (Art. 5.05 Sub. 3).

In the discretion of the clerk, voting absentee in person may also be permitted between 2 p.m. and 8 p.m. on the last Saturday and Sunday, or other Saturday and Sunday of the absentee voting period (Art. 5.05 Sub. 1(i)).

The period for voting in the general election and 1st primary begins on the 20th day before the election. The ballot shall be marked by the voter before a notary public or other person authorized to administer oaths. The voter shall sign his name on the back of the ballot stub, detach the stub from the ballot, fold the ballot and place it in the envelope marked "Ballot Envelope" and seal the same. The voter shall then place the stub and the ballot envelope in the carrier envelope, seal it and sign and swear to the affidavit on the carrier envelope which shall be certified by the notary public or other official before whom the ballot is marked. The carrier envelope shall then be mailed to the county clerk.

The envelope must be postmarked not later than midnight of the day preceding the election and must be received in the clerk's office before 1 p.m. on election day (Art. 5.05 Sub. 4).

The procedure for voting in a run-off election or a 2nd primary is the same as that described above except that the voting period begins not later than the 10th day preceding the election (Art. 5.05 Sub. 4a and 4b).

III. Military and other voters in special categories

(1) Who are included in this category—Any qualified voter who is a member of: the Armed Forces of the United States; the Merchant Marine of the United States; a civilian employee of the United States serving outside the territorial limits of the several states and the District of Columbia; a religious group or welfare agency assisting members of the Armed Forces who are officially attached to and serving with the Armed Forces and the spouse and dependents residing with or accompanying the foregoing.

(2) Registration—If the applicant's official address is outside the county but within the State of Texas, he must be registered in the usual way in order to vote (Supp. Art. 5.05 Sub. 2a(4)(1)).

If applicant's official address is outside the State of Texas, and he is not registered, he will be deemed to have applied for registration when he applies for an absentee ballot on the FPCA. If the clerk finds that the applicant has the necessary qualifications, he will register him (Supp. Art. 5.05 Sub. 2a (4)(2); Art. 5.18b).

(3) Absentee voting—The usual requirement that the application for absentee ballot must be made not more than 60 days before the election does not apply to applications made on FPCA (Supp. Art. 5.05 Sub. 2a(4)).

The voter shall mark the ballot before a person authorized to administer oaths, sign his name on the back of the ballot stub, detach the stub from the ballot, fold the ballot and place it in the envelope marked "Ballot Envelope" and seal the same. The voter shall then place the stub and the ballot envelope in the carrier envelope which shall be certified by the official before whom the ballot was marked. The carrier envelope shall then be mailed to the county clerk and must be postmarked not later than midnight preceding the election and must be received in the clerk's office before 1 p.m. election day (Art. 5.05 Sub. 4).

UTAH

(Unless otherwise indicated, references are to Utah Code Ann. 1953 and 1965 Supplement and 1967 Session Laws and to Constitution of 1895, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, the county 4 months and the precinct 60 days next preceding the election (Const. Art. IV, § 2).

(a) Rules for determining residence—For statutory definition of resident, see Code § 20–2–12, for statutory rules to determine residence, see § 20–2–14 and Supp. § 20–2–14.

(b) Special residence requirements for presidential elections only—None.

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who has complied with the law in regard to registration and who on the day of election is absent from the county or city of which he is an elector and is not within 20 miles of his voting precinct or district, and any physically disabled elector who is confined in a hospital and any physically disabled elector who is confined any other place and who produces a certificate from a physician, may vote absentee (§ 20–6–1).

(2) Applying for absentee ballot—At any time within the 30 days next preceding the election application may be made to the county clerk, or in the case of municipal elections, to the city recorder for a ballot (Supp. § 20–6–3).

Application must be made in writing on a form furnished by the county clerk (Supp. § 20–6–4).

(3) Procedure in voting ballot—The voter shall make and subscribe the affidavit printed on the ballot envelope before an officer authorized by law to administer oaths and in the presence of such officer and no other person, mark the ballot, but in such manner that the officer cannot see the vote. The voter shall then fold the ballot and place it in the envelope, seal the envelope and mail it (§ 20–6–7).

The ballot must be received by the county clerk or city recorder in time to be delivered to the judges of election of the voting district in which the absent voter resides while the polls are open on election day (§§ 20–6–7; 20–6–8).

III. Military and other voters in special categories

The intent and purpose of the Utah act respecting military voting is "to make it possible for electors of the state in the military service of the United States to vote in county, state and national elections during their absence, by reason of such service, to enable these voters to register more conveniently, and to modify such provisions of the election laws of Utah as might otherwise prevent their participation in said elections. The act shall be construed to apply to municipal, special or school elections (Supp. § 20–17–1).

(1) Who are included in this category—Qualified electors who are: members of the armed forces of the United States while in the active service and their spouses and dependents; members of the Merchant Marine of the United States and their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the several states and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress; members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, their spouses and dependents (Supp. § 20–17–4).

(2) Registration—Registration is required but persons in this category may be registered by completing the registration and voting certificate printed on the back of the ballot envelope and subscribing and swearing to it before a commissioned officer, warrant officer or non-commissioned officer of no lower in rank than a sergeant, or an officer of equivalent rank of any branch of the military or naval service of the United States, or by some other person qualified to administer oaths (Supp. § 20–17–8).

(3) Absentee voting—Application for a ballot must be in writing, signed by the elector and received by the county clerk not less than 5 days before the election and must state name, home address and mailing address of the elector (§ 20–17–9).

Upon receipt of the ballot, the elector shall mark it in secret and seal it in the ballot envelope provided for that purpose. He shall then execute the registration and voting certificate on the back of the envelope. Special provision is made for those who need assistance in marking the ballot. The ballot shall be sent by any available mail service to the county clerk who issued it. Electors in the military service are not required to return the voted ballot by registered mail (Supp. § 20–17–12).

The voted ballot must be received in time for the county clerk to deliver it to the polls on election day (Supp. §§ 20–17–13; 20–17–14; 20–17–5).

VERMONT

(Unless otherwise indicated, references are to Vt. Stats. Ann. and 1965 Supp. T. 17; 1967 Sess. Laws checked and to Constitution of 1793, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year next before the election and of the town 90 days (Const. § 34; Stats. §§ 62; 63).

(a) The statutory rules for determining residence are set forth at Stats. §§ 64; 65; 66;

(b) Special residence requirements for presidential elections only: A person who has qualified to vote at a general election in a town or city and has removed permanently to another state shall retain his right to vote for electors for president and vice-president, and not otherwise, in the town or city from which he has removed for a period of 15 months after such removal, provided he shall not during such period have become qualified to vote for such electors in another state, and provided that prior to his departure he files with the town or city clerk a written declaration of his intention to retain such residence for such purpose, and his name shall not be removed from the check-list of voters until the expiration of 15 months or until such voter notifies his town or city clerk that he has gained a new residence in the new state whichever is earlier. Such votes shall be cast in the manner provided for voting by absentee ballot (§ 67).

II. Absentee voting

(1) Who may vote absentee—Any legal voter of the state who being in the town of his domicile, by reason of illness, injury or other physical disability, or by reason of religious principles, is unable to attend at the polling place therein or who is necessarily absent from his legal residence, or who is necessarily absent from his legal residence during the hours the polls are open upon the day of any general, local, special or primary election, or special meeting at which a check-list and printed ballot are used (§ 121).

(2) Time to apply for absentee ballot—The usual rule is that the application must be made not later than 9 p.m. of the 4th day preceding such election, the voter may make written application to the town clerk for ballot but if the applicant becomes eligible to vote less than 4 days prior to the election, he may apply not later than 9 a.m. of the day preceding the election, and a voter who is necessarily absent continuously from a date less than 4 days prior to the election may apply not later than 12 noon of the day preceding the election and a voter who becomes ill may apply up to 9 a.m. of the day preceding the election provided he submits an affidavit from a doctor (§ 123).

(3) Procedure in voting ballot—Ballots will be delivered to applicants who state in their application that they will be absent from their residence continuously from a date prior to 10 days before the election. Other applicants should apply in person at the clerk's office for the ballot and the clerk will give them a ballot which the voter should thereupon in the Clerk's office vote the ballot and mark and make out the affidavit on the envelope supplied with the ballot and swear to the affidavit before the clerk (Supp. § 136).

Ballots will be delivered to those who are physically unable to go to the polling place (Supp. §§ 137, 138).

Those who vote the ballot by mail must attest to the affidavit before a notary public or other official authorized to administer oaths.

The voted ballot must be received by the town clerk in time to be deposited by him with the proper election officials before the closing of the polls on election day (§ 139).

III. Military and other voters in special categories

(1) Who are included in this category—Members of the Armed Forces of the United States absent from the town of their domicile (§ 126). "Armed Forces of the United States" for this purpose means the Army, Navy, Air Corps, Coast Guard, Merchant Marine, Army and Navy Construction Corps and members of any organization in the field for aid and assistance to members of the Armed Forces and their spouses and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress (§ 1).

(2) Registration—In lieu of a registration system, a freeman's oath must be sworn to by the voter. This oath may be administered by an officer authorized by a regulation of the Armed Forces of the United States or other person qualified to administer oaths at any place within or without the territorial limits of the United States (§ 68). It may be submitted along with the voted absentee ballot (§ 135).

(3) Absentee voting—Application may be made by the person in the Armed Forces or by his spouse, member of his family or household (§ 126).

The voter shall mark the ballot and sign and attest to the affidavit printed on the envelope supplied with the ballot. An oath of allegiance to the state and to support the Constitution of the United States must be taken (§ 135).

The voted ballot must be received by the town clerk in time to be deposited by him with the proper election officials before the closing of the polls on election day (§ 139).

VIRGINIA

(Unless otherwise indicated references are to Code (Michie), 1950, 1964 Replacement and 1966 Supp. and to Constitution of 1902, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the county, city or town 6 months, and of the precinct 30 days next preceding the election (Const. § 18; Code § 24–17).

(a) Removal from one precinct to another in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved for 30 days after moving (Const. § 18; Code § 24–17).

No officer, soldier, seaman, or marine of the United States Army or Navy shall be deemed to have gained a residence to vote in the state or in any county, city, or town thereof by reason of being stationed therein, nor shall an inmate of any charitable institution, or a student in any institution of learning be regarded as having either gained or lost a residence to vote by reason of his location or sojourn in such institution (Const. § 24; Code §§ 24–19; 24–20).

A certificate of proof of residence is required in lieu of payment of poll tax (Code § 24–17.2).

For the purpose of registering and voting, the residence of a married woman shall not be controlled by the residence or domicile of her husband (§ 24–21).

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—A duly qualified voter who will in the regular and orderly course of his business, profession, occupation, or other personal affairs, or while on vacation or during his attendance as a student at any school or institution of learning, be absent from the city, town or from the precinct in which he is entitled to vote, if in a county, and any such voter who may be physically unable to go in person to the polls on the day of election, may vote in any primary, second primary, special or general election by absentee ballot (§ 24–319).

(2) Time to apply for absentee ballot—The voter should apply in writing to the registrar of his precinct not less than 5 nor more than 60 days prior to any primary, second primary, special or general election if the voter is in the continental United States.

Such application shall be made not less than 10 days nor more than 90 days if the voter is in Hawaii, Puerto Rico, the Canal Zone, or in the territory over which the United States has no jurisdiction (Supp. § 24–321).

(3) Procedure in voting ballot—Upon the receipt of the registered or certified letter forwarded by the electoral board, the voter shall not open the sealed envelope marked "ballot within" except in the presence of a notary public or other officer authorized by law to take acknowledgments to deeds, and shall then and there mark and refold the ballot without assistance and without making known the manner of marking same. He shall then and there place the ballot in the envelope provided for the purpose, seal the envelope, and fill in and sign the voucher printed on the back of the envelope in the presence of a notary public or other officer who shall witness same in writing. This envelope, together with the coupon, which must be filled out and signed by the notary public, shall be enclosed within the envelope directed to the electoral board. The envelope shall then be mailed or delivered to the electoral board (§ 24–334).

The voted ballot must be received by the electoral board in time to be turned over to the judges of election on the day of the election (§ 24–340).

III. Military and other voters in special categories

It is the public policy of Virginia to encourage, aid and facilitate voting by her qualified citizens who are now or hereafter become members of the Armed Forces in time of war in all elections for public officers (§ 24–345.1).

(1) Who are included in this category—Members of the Armed Forces on active duty in the military or naval service of the United States who are qualified to vote in Virginia (§ 24–345.2; 24–345.12).

(2) Registration—Members of the Armed Forces are exempt from registration requirements (Const. Art. XVII).

(3) Absentee voting—A written application signed by the voter should be made. No particular form of application is required but it shall be sufficient to state the active service of which the voter is a member, his home address, A.P.O., F.P.O., or other service post-office address, his legal residence and his date of birth (Supp. § 24–345.5).

The same procedure in voting the ballot is followed as for other absentee ballot. The voter must swear to the affidavit printed on the ballot envelope before a commissioned officer (§ 24–345.7).

WASHINGTON

(Unless otherwise indicated, references are to Rev. Code of Washington Ann. 1950, 1965 revision and 1967 Supp. and to the Constitution of 1889, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the county 90 days, and the city, town, ward or precinct 30 days immediately preceding the election (Const. Art. VI § 1; Code § 29.07.070).

(a) For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor-house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of the state or of the United States, or of the high seas (Const. Art. VI § 4).

Statutory rules for determining residence are set forth at § 29.01,140.

(b) Special residence requirements for presidential elections only: Those citizens of the United States who became residents of the State of Washington during the year of a presidential election with the intention of making this state their permanent residence who can meet all the qualifications for voting except residence may vote for presidential and vice presidential electors but for no other officers provided they have resided in Washington at least 60 days preceding the presidential election and provided they can no longer vote in the presidential election in the State of former residence.

All voting under this provision shall be by mail and by a special ballot. Insofar as possible, the usual absentee voting procedure will be followed. The new resident must execute an application form and the signed application form must be received by the Secretary of State no later than the day prior to the election concerned. In order to be valid, the ballots must be voted and post-marked no later than the day of the election and received by the Secretary of State no later than the 15th day following the election (Supp. App. 29.1 § 3).

II. Absentee voting

(1) Who may vote absentee—Any duly registered voter may vote an absentee ballot for any primary or election if: he expects to be absent from his precinct during the polling hours on the day of the primary or election; is unable to appear in person to cast a ballot because of illness or physical disability; because of his religious tenets cannot with a clear conscience cast his ballot on the day of the primary or election (§ 29.36.010).

(2) Time to apply for absentee ballot—The voter must apply in writing to his county auditor or city clerk no earlier than 45 days nor later than the day prior to the election or primary. The application must be signed by the voter and may be made in person or by mail or messenger (§ 29.36.010). The city or county registrar will issue a certificate that voter is authorized to vote by absentee ballot (§ 29.36.020).

(3) Procedure in voting ballot—Upon receipt of the certificate authorizing absentee voting, the officer having jurisdiction of the election will issue an absentee ballot (§ 29.36.030). Only the voter himself or a member of his family may pick up an absentee ballot at the election office, otherwise the ballot will be mailed to the voter (§ 29.36.035).

The voter must mark the ballot, then fold it and enclose it in the smaller envelope and seal the envelope. He must then fill out and sign the statement on the larger envelope, then place the smaller envelope containing the ballot in the larger one, seal that, attach postage and mail it.

The voted ballot must be in an envelope postmarked the day of the election or sooner and reach the county auditor on or before election day (§ 29.36.040).

III. Military and other voters in special categories

These provisions should be liberally construed so that all service voters may be afforded an opportunity to fully exercise their voting rights (§ 29.30.900).

These provisions apply only to general elections and not to primaries, special elections or municipal elections (Supp. § 29.39.030).

(1) Who are included in this category—"Service voter" means an elector who comes within any of the following categories: members of the Armed Forces while in the active service, and their spouses and dependents, including students and faculty members of the United States military academies; members of the Merchant Marine of the United States and their spouses and dependents; civilian employees of the United States in all categories, including members of the Peace Corps, serving outside the territorial limits of the several states of the United States and District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1959, and whether or not paid from funds appropriated by the Congress; members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents; citizens of the United States and of the State of Washington temporarily residing outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

The term "dependent" means any person who in fact is a dependent.

The terms "Armed Forces" and "Merchant Marine" are defined (Supp. § 29.39.010).

(2) Registration—All voters must be registered, but if the applicant is not previously registered, a properly executed declaration on the back of the absentee ballot envelope constitutes the necessary registration (§ 29.39.140).

(3) Absentee voting—The service voter shall execute the printed declaration on the larger envelope. Then he shall mark the

ballot, fold it and enclose it in the smaller envelope, sealing that and enclosing it in the larger envelope which shall be sealed and mailed to the county auditor whose name and address is printed thereon, by air mail postage to be paid by the addressee unless the laws of the United States provide for air mail transmission of such ballot without charge (§ 29.39.140).

The voted ballot must reach the county auditor on or before election day (§§ 29.39.170; 29.36.040).

WEST VIRGINIA

Unless otherwise indicated, references are to West Virginia Code Ann. 1966 rev. and to the Constitution of 1872, as amended.

I. Residence

To Vote One Must Be:

A resident of the state 1 year, of the county 60 days (Const. Art. IV § 1; Code § 3–1–3).

(a) No person in the military, naval, or marine service of the United States shall be deemed a resident of this state by reason of being stationed herein (Const. Art. IV § 1).

Those moving to a new location within the same county within 30 days of an election may vote in former precinct (§ 3–2–27).

(b) Special residence requirements for presidential elections only: None.

II. Absentee voting

(1) Who may vote absentee—any qualified voter, being duly registered, who by reason of the nature of his employment, business, or on account of other unavoidable causes, expects to be absent from the county on the date of any primary, general or special election, or who by reason of physical disability, illness or injury will be unable to vote in person at the polls, or who is a student attending any college or university, or is the spouse of any such student outside the county wherein he is legally registered to vote, or who is a member of any branch of the armed services of the United States and who expects to be absent on duty on election day from the county in which he is registered, or the spouse or members of his family living with him. For this last class of voter, see (VII) Military and other Voters in Special Categories post.

(2) Application for absentee ballot—The voter should apply to the Clerk of the Circuit Court of the county in which his voting precinct is located for an absentee ballot.

Such application should be made not more than 60 days prior to the election not later than the Saturday next preceding a primary or general election nor after regular business hours on the 3d next preceding the date of any special election (§ 3–3–2).

Application for ballot may be made in person or by mail on a blank to be furnished by the clerk of any Circuit Court. The voter must complete and sign the application and return it to the clerk of the Circuit Court of the county in which he is a qualified elector (§ 3–3–3).

(3) Procedure in voting ballot—Upon receipt of the ballot, the voter shall make and subscribe the declaration printed on the ballot envelope which the clerk will send at the same time as the ballot.

The voter then shall be in the presence of no other person mark the ballot, fold it and place it in the ballot envelope and seal the envelope. The voter shall then mail or deliver the envelope to the officer who issued the ballot.

The voted ballot must be received by the appropriate clerk of the Circuit Court in time for him to deliver it to the election commissioners before the closing of the polls (§ 3–3–7).

III. Military and other voters in special categories

(1) Who are included in this category—A member of any branch of the Armed services of the United States and who in the performance of his duties expects to be absent on election day from the county in which he is registered, or his wife or husband or other member of his family living with such person (§ 3–3–1).

(2) Registration—Registration is required but may be made by mail (§ 3–2–23). Same provisions apply as are set forth for civilian voters at (V) Registration.

(3) Absentee voting—Same provisions apply as are set forth at (VI) Absentee Voting.

WISCONSIN

(Unless otherwise indicated, references are to West's Wisconsin Stats. Ann. 1967 ed. and to Constitution of 1848, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year next preceding the election, and in the election district 10 days (Const. Art. III § 1; Stats. § 6.02).

(a) Those moving from one election district to another in the state within 10 days of election may vote in former precinct (§ 6.02).

No person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state (Const. Art. III § 4);

No soldier, seaman or marine in the Army or Navy of the United States shall be deemed a resident of this state in consequence of being stationed here (Const. Art. III § 5);

Statutory rules for determining residence are set forth at Stats. § 6.10.

(b) Special residence requirements for presidential elections only—New residents: Any person who would have been a qualified elector on the day of the presidential election had he remained in the state from which he moved and who is qualified to be an elector in Wisconsin except that he cannot meet the residence requirements because he has lived in Wisconsin less than 1 year, may vote for president and vice president but for no other offices.

Such person need not register to vote but should apply to the proper municipal clerk either in person or in writing at any time prior to the election.

The applicant shall swear to an affidavit before the municipal clerk or and officer authorized by law to administer oaths and shall also complete and sign a card saying that he intends to vote for President in Wisconsin and that his voting privileges should be canceled at his previous residence.

The municipal clerk shall then forward the card to the proper officials of the state of former residence and request a certificate from that official certifying to the fact that the applicant would have been qualified to vote in his former state had he not moved.

When the municipal clerk receives this certification, he shall notify applicant that he may vote sooner than 15 nor later than 1 day before the election.

The applicant, voting in person, shall mark the ballot in the clerk's presence in a manner that will not disclose his vote. The applicant shall then fold the ballot and place it in the envelope furnished by the clerk for this purpose, seal the envelope and swear to the affidavit printed on the envelope (§ 6.15).

Former residents—If ineligible to qualify as an elector in the state to which he has moved, any former qualified Wisconsin elector may vote an absentee ballot in the precinct of his prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it properly executed to the municipal clerk of his prior Wisconsin residence. Application must be received in sufficient time for ballots to be mailed and returned prior to the Presidential election (§ 6.18).

II. Absentee voting

(1) Who may vote absentee—Any qualified elector who is or expects to be absent from the municipality in which he is a qualified elector on election day whether by reason of active service in the United States Armed Forces or for any other reason, or who because of sickness, physical disability or religious reasons cannot appear at the polling place in his precinct. Any qualified elector who changes his residence within this state after registration closes, but who fails to change his registration may vote an absentee ballot in the precinct where qualified to vote before moving (§ 6.85).

(2) Applying for absentee ballot—Application for absentee ballot may be made by the voter in writing or in person.

If the application is made in writing, the application, signed by the elector, shall be received no sooner than the 1st of the month 3 months before the election nor after 5 p.m. on the Friday immediately preceding the election.

If the application is made in person, the application shall not be made sooner than the 1st of the month 3 months before the month of the election nor later than 5 p.m. on the day preceding the election (§ 6.86).

(3) Procedure in voting ballot—The voter shall subscribe to the affidavit printed on the ballot envelope either before a person authorized to administer oaths or before 2 witnesses who are qualified electors of Wisconsin.

The voter shall then in the presence of the officer administering the oath or 2 witnesses as the case may be, mark the ballot but in such a way that the observer will not know how he marked it. The voter shall then fold the ballot and place it in the ballot envelope supplied for this purpose. The envelope shall then be mailed or delivered in person to the appropriate clerk.

The voted ballot must be received by the municipal clerk in time for delivery to the polls before the closing hour (§ 6.87).

III. Military and other voters in special categories

(1) Who are included in this category—For these purposes "military elector" includes: members of the Armed Forces of the United States; members of the Merchant Marine of the United Sates; civilian employees of the United States and civilian officially attached to the military serving outside the territorial limits of the United States; spouses and dependents of the foregoing residing with or accompanying them when living outside the territorial limits of the United States (§6.22).

The special voting privileges for persons in this category shall continue for 6 months after honorable discharge but this extension does not apply to spouses and dependents of military electors (§6.22(7)).

(2) Registration—Military electors are not required to register as a prerequisite to voting at any election (§6.22(3)).

(3) Absentee voting—The ballot shall be marked and returned the same as other absentee ballots (§6.22(5), see VI Absentee Voting).

WYOMING

(Unless otherwise indicated, references are to Wyoming Stats. 1957 and 1965 Supp. and to the Constitution of 1890, as amended.)

I. Residence

To Vote One Must Be:

A resident of the state 1 year and in the county 60 days next preceding the election and of the precinct at least 10 days (Const. Art. 6 § 2; Stats. Supp. § 22–118.3).

(a) No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States, or of this state, or in the military or naval service of the United States (Const. Art. 6 § 7; Stats. Supp. § 22–118.3).

No soldier, seaman, or marine in the Army or Navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein (Const. Art. 6 § 8; Stats. Supp. § 22–118.3).

For statutory rules to determine residence see Stats. Supp. § 22–118.3).

Persons who move to a new precinct within 10 days of an election may still vote in their former precinct (Supp. § 22–118.3 (j)).

(b) Special residence requirements for presidential elections only: A former resident loses his residence in Wyoming when he acquires a residence in another state except that in a year in which a general election is held, if his Wyoming registration is in force at the time he removes to another state with the intention of making it his home, and if under the laws of the other state, he will be ineligible to qualify as a voter of that state because of insufficient residence in that state he shall be deemed to have retained his residence in Wyoming for the purpose of voting in the general election. Upon complying with the absent voting provisions, such persons will be sent a Wyoming general election ballot which he may vote in the precinct in which he was registered at the time he removed from Wyoming to the other state (Supp. § 22–118.3 (K) (6)).

II. Absentee voting

The following provisions apply to primary, general and special elections to fill vacancies in the office of representative in the Congress of the United States participated in by the voters of a county, district larger than a county, or of the state; municipal primary, general and special elections; bond elections of any county, city or town, school district or high school district (Supp. § 22–118.121).

(1) Who may vote absentee—Any qualified elector who expects to be absent from his county of residence on election day or who is physically unable to appear at the polls of his voting precinct by reason of illness or otherwise or who is a member of the Armed Forces. As to the last category, see (VII) Military and Other Voters in Special Categories post (Supp. § 22–118.122).

(2) Applying for absentee ballot—Request ballot from appropriate clerk in writing, but no particular form is required except that it shall set forth the necessary information.

The request may be made on behalf of the voter by any qualified voter of the same county who shall state that he is acquainted with the elector and knows him to be a qualified elector (Supp. § 22–118.124).

Requests for ballots must be made not more than 40 days prior to the election concerned (Supp. § 22–118.126).

(3) Procedure in voting ballot—The voter upon receipt of the ballot and ballot envelope shall mark the ballot in the presence of any public official authorized by law to administer oaths or in the presence of two disinterested witnesses but in such manner that such persons cannot see the vote.

The voter shall then take and subscribe the affidavit on the back of the envelope before the official or witnesses. The voter shall then fold the ballot and place it in the ballot envelope and seal the envelope. The public official, or witnesses, as the case may be, shall sign the certificate on the ballot envelope. The envelope shall then be mailed to the clerk (Supp. § 22–118.129).

Such ballots must be received by the clerk in time for him to deliver them at or before the opening of the polls on election day (Supp. § 22–118.138).

III. Military and other voters in special categories

The following pertain to primary, general and special elections to fill vacancies in the Office of United States Representative in Congress, participated in by the voters of a county, district larger than a county, or of the state; municipal primary, general and special elections; bond election of any county, city, town, school district or high school district (Supp. 22–118.121).

It is the intent of the Wyoming law that every effort be made to enable military personnel to participate in the electoral process and the state and county selective service boards, all military organizations, the adjutant general, citizens and officers of the state are charged with the duty of cooperating with the election officials in carrying out the intent and purpose of this law (Supp. § 22–118.123).

(1) Who are included in this category—Members of the Armed Forces while in active service and his spouse and dependents; member of the Merchant Marine of the United States and his spouse and dependents; civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and his spouse and dependents when residing with or accompanying him, whether or not the employee is subject to the Civil Service Laws and the Classification Act of 1949 and whether or not paid from funds appropriated by the Congress; members of a religious group or welfare agency assisting members of the Armed Forces who is officially attached to and serving with the Armed Forces and his spouse and dependents (Supp. § 22–118.122).

(2) Registration—Registration is required of electors in military service and such electors must re-register for each election in which they vote (Supp. § 22–118.130).

However, for electors in military service registration may be made at the same time as voting the absentee ballot from the information given on the ballot envelope (Supp. § 22–118.132; 22–118.141).

(3) Absentee voting—Requests for ballots may be made at any time during the year but not less than 15 days prior to the election concerned (Supp. § 22–118.126).

In other respects, the procedure for other absent voters shall be followed. The clerks are urged to make a special effort to see that ballots received by the clerk on election day from military voters are delivered to the polls (Supp. § 22–118.138).

SENATE JOINT RESOLUTION 60—INTRODUCTION OF JOINT RESOLUTION TO ESTABLISH A COMMISSION ON BALANCED ECONOMIC DEVELOPMENT

Mr. MUNDT. Mr. President, during the 90th Congress, I introduced a resolution to establish a National Commission on Balanced Economic Development. This resolution, Senate Joint Resolution 64, had wide bipartisan support. The Senate Government Operations Committee, on which I serve as ranking minority member, held extensive public hearings under the able chairmanship of the distinguished Senator from Montana (Mr. METCALF), and the resolution was unanimously endorsed by the committee. On October 27, 1967, this legislative proposal to establish the Balanced Economic Development Commission passed the Senate by a unanimous vote and was sent to the House where it was referred to the House Foreign and Interstate Commerce Committee. Unfortunately, the House committee had a backlog of legislation to consider and no hearings were scheduled in the House. The resolution, of course, died with the adjournment of the 90th Congress.

Today, Mr. President, I reintroduce this joint resolution and once again I am happy to say that I have been joined by a large number of cosponsors from both sides of the aisle and from every section of the country. Cosponsoring this resolution are Senators BAKER, BENNETT, BURDICK, COOK, CURTIS, DOMINICK, FANNIN, HANSEN, HARRIS, HRUSKA, JORDAN of Idaho, MCGOVERN, MILLER, PEARSON, PERCY, PROUTY, RANDOLPH, and STEVENS.

In again speaking to the subject of the economic development of our great communities across the Nation, I recall that on February 6, 1967, I expressed the opinion that the Federal Government has an interest and obligation to attempt an objective appraisal of the contributing factors that make for rapid economic development in certain areas of the country and slow economic development and even stagnation in others; population explosions in metropolitan areas and outmigration in rural areas, thus creating serious economic, educational and social problems in both places.

It was with these thoughts in mind that I developed the legislative proposal to establish a National Committee on Balanced Economic Development which I introduced in the Senate on April 6, 1967. It has now been 2 years since I made my original observations and although some progress to bring this critical problem to the forefront in our thinking and some considerations of the national economy have been made, the situation continues to escape practical, sensible, and systematic solution.

In reviewing my remarks on Senate Joint Resolution 64 over the past 2 years, I have found the reasoning behind and justification for a national commission to study the social, demographic, political, educational, and economic factors affecting population shifts and economic development in both the rural and urban areas of America are still valid. I call attention to the CONGRESSIONAL RECORD, volume 113, part 7, page 8518, and volume 113, part 22, page 30359. The following pertinent remarks are particularly significant, and I should like again to share them with those Senators who were present at the time, and also summarize the remarks as background information for our new and distinguished colleagues.

I am convinced we do not have the luxury of 10, 20, or perhaps 30 years to investigate and start to correct economic and social problems, and find their solutions on a piecemeal basis. Expert testimony given before the U.S. Senate Government Operations Committee confirmed this conviction. The time element is crucial and critical. American patience is running low. It is time to get America going again!

As significant and worthwhile as some of the legislative proposals introduced in the 90th Congress has been in addressing the social and economic problems faced by the citizens of this nation, they unfortunately do not provide for coordination of their specific ends into a significant and systematic program for a national goal. We have reached a decisive crossroads in the 20th Century that demands a sober, honest look at the causes of the social and economic illnesses besetting America, what our future should be, and how best to obtain these goals. We must draw together, in a concrete way, the many aspects of the social, economic, and political factors that come into play in the everyday lives of all our citizens and affect their tomorrow—their security—their dignity as individuals—and above all, their opportunities to live a tranquil and productive life.

To all this, it falls within our purview to reassess the impact and the roles of local, state, and Federal governmental entities sin-

gularly, in their interrelationship, and collectively. We must also reassess the role of the private sector of our economy—this powerful demonstration of our economic freedom—and offer suggestions to that sector to the end that its strength and full potential can be utilized and coordinated with the efforts of our governmental structures in bringing about the social and economic gains necessary to perpetuate our inherent rights and enable this great nation of ours to move forward.

To this end, Senate Joint Resolution #64 (and companion bill House Joint Resolution #900) proposes the establishment of a National Commission on Balanced Economic Development composed of 16 public-spirited individuals from a cross-section of rural and urban communities throughout the United States, plus 4 members selected by the President from among those most qualified by training, experience, or knowledge in the fields pertinent to the Commission's subject matter. The lifespan of the Commission is two years to assure the American people that they are not saddled with another self-perpetuating bureaucracy, but rather a commission that will do its job and dissolve.

How can a country that is fabulously rich and yet shockingly poor . . . that is strong in potential and yet, to a certain extent, weak in results . . . that has unexhausted resources and yet for some is exhausted in opportunities . . . that finds its citizens living in overpopulated areas, and yet has vast unpopulated lands . . . and which is above all a free and democratic society . . . achieve its millennium: The best possible development of its economy and best possible life for its citizens? It is the purpose of Senate Joint Resolution #64 to help find constructive and effective answers to these questions by establishing a National Commission on Balanced Economic Development.

Since the original resolution was introduced and passed by the Senate, I have received over 500 letters from every corner of the United States expressing an interest in the establishment of a National Commission on Balanced Economic Development. These letters have come from educators, local, State and Federal officials, scientists, entrepreneurs, national interest groups, public and nonprofit research organizations, and so forth. Every letter expressed strong support and many have written several pages giving me the benefit of their counsel and advice which I deeply appreciate. At random I have chosen examples of such letters and want to share them with Senators, and therefore ask unanimous consent to have them printed in the RECORD, in order that they, too, can understand my optimism and confidence that the establishment of a National Commission will reap countless benefits in our understanding and correction of the rural-urban imbalance which has helped to bring financial crises of city governments, financial bankruptcy to many municipal and county governments, as well as threatening the solvency of State governments, in the less populated areas of this land of plenty.

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

COMMENTS FROM FEDERAL AGENCIES

Jonathan Lindley, Deputy Assistant Secretary for Policy Coordination, Economic Development Administration, U.S. Department of Commerce, Washington, D.C., June 19, 1968: ". . . As you so aptly put it, this nation has yet to approach the problem of the city in its totality. The national economy is becoming increasingly characterized by a system of cities. Yet left alone, it is becoming an unbalanced system with the bulk of the growth occurring in a few major urban places. Such unbalanced growth could threaten the stability of the whole system."

Clyde T. Ellis, Consultant to the Secretary, Department of Agriculture, Washington, D.C., August 21, 1968: ". . . Speaking only for myself, I can congratulate you and the other sponsors of this Resolution, and am happy to express my feeling that it would be a good thing and that its passage would be good for the whole country."

George D. Hann, Regional Assistant Commissioner, U.S. Department of Health, Education, and Welfare, Regional Office, Dallas, Tex., August 6, 1968: ". . . You can expect me to do anything I can to further this project . . ."

Harold A. Haswell, Director of Educational Research, U.S. Department of Health, Education, and Welfare, Regional Office Dallas, Tex., August 14, 1968: ". . . I urge the passage of legislation establishing a Commission on Balanced Economic Development as proposed in S.J. Res. 64."

T. W. Taylor, Acting Commissioner, Bureau of Indian Affairs, U.S. Department of Interior, Washington, D.C., August 14, 1968: ". . . Our program of Employment Assistance designed to help Indian people find satisfactory employment, as you know, involves us, and has involved us since 1952, directly in the problem so acutely described in S.J. Res. 64. . . . Consequently, the establishment of a commission whose objectives is to find ways and means that will assist us in furtherance of employment for Indian people has our total support'."

William C. Galegar, Regional Director, Federal Water Pollution Control Administration, U.S. Department of Interior, Dallas, Tex., August 5, 1968: ". . . The distribution of the population is a major factor in the field of water pollution control. I can assure you of our continuing interest in this field. I share your interest in improving the economic balance between urban and rural areas and wish you every success in your efforts to do so through this legislation."

COMMENTS FROM STATE AND LOCAL AGENCIES

George Nader, mayor, Chandler, Ariz., January 15, 1968: ". . . As the Mayor of an agricultural community, I am definitely interested in taking steps to create a greater economic balance in the urban-rural sectors . . . I am sending letters to Senator Hayden and Senator Fannin asking them to support your resolution . . ."

Lester Maddox, Governor, State of Georgia, August 10, 1968: ". . . I would be pleased to lend my support to your efforts . . . there is a need for pulling together the fragmented activities of the Federal agencies and departments into more meaningful, coordinated administrative units . . ."

Richard D. Chumney, Deputy Administrator, Department of Agriculture, State of New Jersey, Trenton, N.J., February 9, 1968: ". . . The New Jersey Department of Agriculture is vitally concerned with the total economic development of both rural and urban areas and strongly supports the establishment of a Presidential study commission such as envisioned in S.J. Res. 64."

Arthur L. Ortiz, State Planning Officer, State Planning Office, State of New Mexico, Santa Fe, N. Mex., March 12, 1968: ". . . we wish to support S.J. Resolution 64 . . . we feel that the concept embodied in it is certainly a good one."

Clifford Wright, Ed. D., Director of Curriculum, State Department of Education, Oklahoma City, Okla., August 14, 1968: ". . . I am firmly convinced that the establishment of such a Commission would provide a thorough study of population migration with the objectives of finding and recommending solutions to the urban-rural imbalance. I shall exert my energies to helping in this cause . . ."

Ira E. McConnell, special consultant, fiscal and programs, Oklahoma Public Welfare Commission, August 21, 1968: ". . . There never has been a truly economic distribution of labor and I sincerely hope that your efforts will achieve it. . . . "Someone has said that modern has four basic wants: respect, social justice, economic opportunity, and political voice. It would appear to me that we could plan for the fulfillment of these wants only after obtaining the information which should be made available following the culmination of work such as proposed to be accomplished by a "Commission on Balanced Economic Development."

Ramon Garcia Santiago, Chairman, Puerto Rico Planning Board, Office of the Governor, Santurce 29, P.R., March 19, 1968: ". . . I think it will be very useful to establish a Commission on Balanced Economic Development to study the problem of population imbalances and design recommendations revitalizing areas from where people are emigrating."

COMMENTS FROM NATIONAL INTEREST GROUPS

James G. Patton, consultant to the board of directors, National Farmers Union, Washington, D.C., February 14, 1967: ". . . I am delighted that you, a conservative, are identifying yourself with the future in developing new city complexes outside the urban centers."

David R. Hunter, deputy general secretary, National Council of the Churches of Christ in the U.S.A., New York City, February 5, 1968: ". . . I am sharing this material (on J. Res. 64, Balanced Economic Development Commission) with my colleagues, particularly in the Division of Christian Life and Mission, and we will relate ourselves to this development in every possible way. The goal is a worthy and much needed one and I trust that it may be achieved."

George Douth, U.S. affairs editor, City East CEPCOR, Inc., New York, N.Y., August 15, 1968: ". . . It is not in the best interest of the nation to have action precede knowledge. The Commission on Balanced Economic Development could contribute immeasurably by disseminating vital information on the rural to urban population shift, generating a more meaningful and enriched way of life for all America."

COMMENTS FROM INDUSTRY

Derryfield N. Smith, executive director, Environmental Development Associates, Consultants for Planning, Research and Management, Dulles International Airport, Washington, D.C., July 9, 1968: ". . . The concept and scope of your excellent proposal are thoroughly justified in view of the apparently aimless drift of the American economy. Since the hearings conducted on your proposal about a year ago, the continued downward spiral of social welfare for all citizens and the lopsided emphasis on unbalanced economic solutions, so clearly pointed out in those hearings, have continued unabated. Today under the increasing urgency of telescoping events it is most difficult to maintain an essential degree of balance and objectivity."

James R. Anderson, Clark & Enersen-Eisson, Burroughs & Thomsen, Architects-Engineers-Planners, Lincoln, Nebr., August 22, 1968: ". . . It is precisely with these problems that you speak of, the rural-urban population shift, stimulating industrial decentralization and the like, that we are faced with daily in developing Comprehensive Plans for communities and counties in South Dakota and elsewhere."

James M. Rice, president, James M. Rice Associates, Industrial Developers & Consultants, Maywood, N.J., April 12, 1968: ". . . The Bill that Senator Mundt has proposed will be of great assistance in taking future national clients out of the cities into the rural areas."

Hans K. Klunder, Hans Klunder Associates, Inc., consultants for New England and New York, Hanover, N.H., January 25, 1968: ". . . Be assured that we in New England will lend our support to programs designed to develop rural areas and therefore help solve urban core problems."

H. M. Conway, Jr., president, Conway Research, Inc., Atlanta, Ga., February 16, 1968: ". . . This is . . . to urge the adoption of S.J. Res. 64, which would create a Commission on Balanced Economic Development. As publisher of the magazine, Industrial Development, we see the opportunity for such a unit to make a significant contribution."

COMMENTS OF DISTINGUISHED EDUCATORS

Faculty members of the following colleges and universities across the nation have endorsed or are favorably inclined toward the basic objectives of this Joint Resolution:

CALIFORNIA

University of California, Berkeley, California—Agricultural Extension Service.

University of California, Los Angeles, California—California College of Medicine (Phyllis Freeman Murphy, Department of Pharmacology).

FLORIDA

University of Florida, Gainesville, Florida—Florida Agricultural Extension Service, Institute of Food & Agricultural Sciences (M. O. Watkins, Director).

ILLINOIS

Northwestern University, Chicago, Illinois—School of Business (Kenneth Gordon, Department of Managerial Economics).

University of Illinois, Urbana, Illinois—Department of Anthropology (Dr. D. B. Shimkin, Professor of Anthropology & Geography).

KANSAS

Wichita State University, Wichita, Kansas—Office of Information Services (George J. Wordon, Director).

KENTUCKY

University of Kentucky, Lexington, Kentucky—Department of Sociology.

MAINE

University of Maine, Orono, Maine—Cooperative Extension Service.

MASSACHUSETTS

Harvard University, Cambridge, Massachusetts—John F. Kennedy School of Government, Institute of Politics (John McClaughry, Fellow).

MINNESOTA

University of Minnesota, St. Paul, Minnesota—Institute of Agriculture (Wilbur R. Maki, Professor & Research Coordinator in Resource and Community Development, Department of Agriculture Economics).

MISSISSIPPI

University of Mississippi, Columbia, Mississippi—School of Law, Legal Institute of Agricultural & Resource Development (Walter E. Chryst, Director of Economic Research).

MISSOURI

University of Missouri, Columbia, Missouri—College of Agriculture (Rex R. Campbell, Associate Professor, Department of Rural Sociology).

University of Missouri, Kansas City, Missouri—School of Education (Calvin E. Gross, Dean).

University of Missouri, Columbia, Missouri—School of Social and Community Services (Hugh Denney, Associate Professor, Department of Regional and Community Affairs).

NEW YORK

State University of New York, Buffalo, New York—Office of Urban Affairs (Gordon Edwards, Director)

NORTH CAROLINA

North Carolina State University, Raleigh, North Carolina—College of Agriculture & Life Sciences, Agricultural Policy Institute (F. A. Mangum, Jr., Associate Director).

OKLAHOMA

Oklahoma State University, Stillwater, Oklahoma—College of Business, Manpower Training Center (Dr. John Sheare, Director).

Oklahoma State University, Stillwater, Oklahoma—Research Foundation (Dr. John Egermeier, Director).

OREGON

Oregon State University, Corvallis, Oregon—Cooperative Extension Service (Ted Sidor, Resource Development Specialist).

SOUTH DAKOTA

Black Hills Teachers College, Spearfish, South Dakota (J. B. Smith, Professor of Geography).

University of South Dakota, Vermillion, South Dakota—Institute of Public Affairs.

TEXAS

Texas A&M University, College Station, Texas—College of Engineering, Department of Highway Economy, William G. Adkins, Head; Texas Transportation Institute; and Industrial Economics Research Division.

OTHERS

Kenneth Gordon, Department of Managerial Economics, School of Business, Northwestern University, Chicago, Ill., August 6, 1968: ". . . The subject indeed is worthy of congressional study, and it is to be hoped the Commission will stimulate work in this area more generally."

George J. Worden, Office of Information Services, Wichita State University, Wichita, Kans., August 9, 1968: ". . . You may be assured that those of us at Wichita State University will lend any support we can to help establish this important commission."

Thomas R. Ford, Chairman, Department of Sociology, University of Kentucky, Lexington, Ky., August 6, 1968: ". . . It is gratifying to learn of your efforts to seek remedies for these problems through the establishment of a Commission on Balanced Economic Effort. We shall be pleased to lend our support to the legislation . . ."

Edwin H. Bates, Associate Director, Cooperative Extension Service University of Maine, Orono, Maine, January 18, 1968: ". . . The concern of many people who are engaged to some degree in trying to bring about desirable changes in both rural and urban areas is the sheer size of the job to be done. The probable costs, though immense, will be small indeed compared to the obvious benefits from balanced economic development. And the costs of continued neglect and absence of corrective action, as you point out, is so frightening and insensible, they can no longer be considered acceptable alternatives."

John McClaughry, Institute of Politics, John F. Kennedy School of Government, Harvard University, Cambridge, Mass., January 5, 1968: ". . . I commend you for your important initiative in this area . . . Our party has sound ideas which will gain us increased support if their importance is brought home to the American People . . ."

Walter E. Chryst, Director of Economic Research, Legal Institute of Agricultural and Resource Development School of Law, University of Mississippi, University, Miss., January 11, 1968: ". . . Your proposal is excellent and extremely timely. . . . there is a growing need to address the problems of Mainstreet . . ."

Calvin E. Gross, Dean, School of Education, University of Missouri, Kansas City, Mo., June 17, 1968: ". . . I am always wary of Federal activities which tend to manipulate the destinies of people, but I am also quite aware that to do nothing also constitutes a policy, and I am therefore more than willing to support your proposal for this Commission . . ."

Fred A. Mangum, Jr., Associate Director, North Carolina State University at Raleigh, Agricultural Policy Institute, Raleigh, N.C., August 7, 1968: ". . . Realizing that urban places serve as the foci of economic growth, much can still be accomplished in promoting development within the economic sphere of these cities as well as job opportunities in completely rural areas. Your bill will be a valuable contribution."

James R. Bradley, Head, Industrial Economics Research Division, Texas A&M University, College of Engineering, August 2, 1968: ". . . I want you to know that our university will cooperate in any way possible. As a land grant university, we are fully aware of the urban-rural imbalance, and we feel that with adequate study, a great deal of corrective action could and should be taken."

William G. Adkins, Head, Department of Highway Economy, College of Engineering, Texas Transportation Institute, Texas A&M University, College Station, Tex., January 10, 1968: ". . . May I . . . commend you for focusing your attenion and energies on this most important subject? . . . I agree that it is most worthwhile that we should develop a well-conceived and well-reinforced national goal to seek a balanced rural-urban society. The Commission you propose and its study task should contribute to this purpose."

Mr. MUNDT. Mr. President, such a spontaneous reaction to proposed legislation does not come too often, and needless to say, it is a rewarding experience to have such important grassroots support from the college campuses to the Federal Government agencies. There is without shadow of a doubt a need to inventory the instruments and instrumentalities at the local, State, and Federal levels that have contributed to the population imbalance that is facing our Nation today. We must also establish priorities as to what can be done first to alleviate the disparity of income and social services that exist from community to community—whether in the rural, less populated areas of the country or in the overcrowded ghettos in the American cities.

But, first, we must systematically analyze the forces that interact to create conditions that deprive many of our citizens the opportunity to live a life that guarantees adequate social services, a livable wage, and an unrestricted opportunity to compete in the free enterprise system that is a hallmark of the American way of life. A National Commission on Balanced Economic Development, made up of distinguished citizens from representative communities and the Federal Government, is an efficient and economical way to ferret out these factors and forces, order the priorities for a national policy to alleviate the population imbalance and uneven economic development of local communities, and make recommendations to the Congress as to the method which is best suited for all segments of our society to enjoy those guaranteed liberties and freedoms which our Constitution provides.

To summarize the basic areas of concern that the National Commission would be interested in, this resolution provides that the Commission make—

First, an analysis and evaluation of the economic, social, and political factors which affect the geographic location of industry;

Second, an analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;

Third, a consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation;

Fourth, an analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

Fifth, an analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentration;

Sixth, an analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;

Seventh, an analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and

Eighth, an analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

Thorough analysis of these eight points will be of immeasurable assistance to the Congress and the President in their respective decisionmaking function, which, in the last and final analysis, is to provide equal opportunities and a fair chance for a free people, wherever they live in these United States.

Mr. President, I ask unanimous consent that the text of the Senate joint resolution be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 60) to establish a Commission on Balanced Economic Development, introduced by Mr. MUNDT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 60

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

SECTION 1. The Congress finds and declares that there is a need for more information and understanding concerning the means for achieving a better geographic and population balance in the economic development of the Nation. With a view to providing such information and understanding, it is the purpose of this joint resolution to establish a bipartisan commission to undertake a thorough study and analysis of current geographic trends in the economic development of the Nation, the causative factors influencing the same, the implications thereof in terms of the distribution of population, the effect of government actions in shaping such trends, and the factors, private and public, influencing the geographic location of industry and commerce and the movement of population as an aid in the formation of policy at all levels of government.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is hereby established a commission to be known as the Commission on Balanced Economic Development (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of twenty members to be appointed by the President as follows:

(1) Four members to be appointed from among residents of cities in the United States with a population of at least one million persons.

(2) Four members to be appointed from among residents of cities in the United States with a population of less than one million persons, but not less than one hundred thousand persons.

(3) Four members to be appointed from among residents of cities in the United States with a population of less than one hundred thousand persons, but not less than ten thousand persons.

(4) Four members to be appointed from among residents of towns, villages, and communities in the United States with a population of less than ten thousand persons.

(5) Four members to be appointed without regard to residence or political affiliation from among citizens of the United States who are specially qualified by training, experience, or knowledge in any field pertinent to the subject matter to be studied by the Commission.

(c) In the case of each class of four members described in clauses (1), (2), (3), and (4) of subsection (b), not more than half shall be members of the same political party.

(d) For the purposes of clauses (1), (2), (3), and (4) of subsection (b), the population of any city, town, village, or community in the United States shall be determined upon the basis of data contained in the current decennial census of population taken in the United States.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Eleven members of the Commission shall constitute a quorum.

(g) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

DUTIES OF THE COMMISSION

SEC. 3. The Commission shall undertake a thorough and objective study and investigation in furtherance of the purposes set forth in section 1. Such study and investigation shall include, without being limited to—

(1) an analysis and evaluation of the economic, *physical, environmental,* social, and political factors which affect the geographic location of industry *and the movement of population;*

(2) an analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;

(3) a consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation;

(4) an analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

(5) an analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentration;

(6) an analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;

(7) an analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and

(8) an analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

(b) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than two years after the effective date of this joint resolution.

POWERS AND ADMINISTRATION PROVISIONS

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act as such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) The Commission may appoint such staff personnel as it deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall fix the compensation of such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) The Commission may procure such temporary and intermittent services as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

COMPENSATION OF MEMBERS

SEC. 5. (a) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(b) Members for the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 6. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this joint resolution.

EXPIRATION OF THE COMMISSION

SEC. 7. The Commission shall cease to exist ninety days after the submission of its report.

ADDITIONAL COSPONSOR OF BILLS

Mr. MOSS. Mr. President, I ask unanimous consent that, at its next printing, the names of the senior Senator from Washington (Mr. MAGNUSON) and the junior Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of the bill (S. 1151) to provide protection for the fish resources of the United States including the fresh water and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes.

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

Mr. DIRKSEN. Mr. President, on behalf of the Senator from Michigan (Mr. GRIFFIN), I ask unanimous consent that, at its next printing, the names of the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. FANNIN), the Senator from South Carolina (Mr. THURMOND), and the Senator from Delaware (Mr. WILLIAMS) be added as cosponsors of the bill (S. 103) to replace the National Labor Relations Board with a U.S. Labor Court.

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

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from New Jersey (Mr. CASE), the Senator from Tennessee (Mr. GORE), the Senator from Oregon (Mr. HATFIELD), the Senator from Washington (Mr. JACKSON), and the Senator from Maryland (Mr. MATHIAS) be added as cosponsors of the bill (S. 1033) the Comprehensive Community College Act of 1969.

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

Mr. COOK. Mr. President, on behalf of the Senator from Vermont (Mr. PROUTY), I ask unanimous consent that, at its next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of the bill (S. 1102) to amend the National Defense Education Act of 1958 and the Public Health Service Act in order to provide for cancellation of loans pursuant to such acts for service in the Armed Forces, and to amend the Higher Education Act of 1965 in order to provide for payments for such service on loans insured or made pursuant to agreements under such act.

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

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of the bill (S. 309) the postal employee-management relations bill.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill (S. 1164) to provide for orderly trade in iron and steel mill products by establishing quota limitations on steel imports into this country.

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

SENATE CONCURRENT RESOLUTION 9—CONCURRENT RESOLUTION TO OBSERVE "PURDUE UNIVERSITY DAY"

Mr. HARTKE. Mr. President, Purdue University, one of the very fine institutions of Indiana, this year celebrates its 100th anniversary. Established as a land-grant college, it grew out of the first major Federal effort to promote the advancement of American higher education. It has since distinguished itself in service to individuals from every part of the country and has generally enhanced the welfare of the Nation.

I am pleased to join with my distinguished Hoosier colleague, Mr. BAYH, an alumnus of Purdue, in introducing a concurrent resolution calling for observance of May 6, 1969, as "Purdue University Day."

I ask unanimous consent that the full full text of the concurrent resolution be printed in the RECORD.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 9) was referred to the Committee on the Judiciary, as follows:

S. CON. RES. 9

Whereas, Purdue University was organized 100 years ago on May 6, 1869, under the 1869 Acts of the Indiana General Assembly, as a land-grant university pursuant to the 1862 Act, popularly known as the Morrill Act, of the United States Congress and

Whereas, the University was named for John Purdue, a citizen of Lafayette, Indiana, and a principal benefactor of the University and

Whereas, Purdue University was established for the teaching of the agricultural and mechanical arts, and other scientific and classical studies, in order to promote the liberal and practical education of the people of the State of Indiana and the United States and

Whereas in the 100 years since its humble beginnings Purdue University has continued to fulfill its original purposes and has become an institution of national and international reputation for excellence in agriculture, engineering, science, education, technology, and the humanities; and

Whereas Purdue University has prepared thousands upon thousands of Indiana's and the Nation's young citizens for useful service to themselves, to their neighbors, to their communities, States, and Nation; and

Whereas the stature of this great University is a tribute to the vision and effort of all of the citizens of Indiana; and

Whereas the students, faculty, staff, alumni, and friends of Purdue University reaffirm Purdue's dedication to continued distinguished education, research, and service of benefit to all of mankind: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that May 6, 1969, should be observed as "Purdue University Day" throughout the Nation as an expression of the appreciation by not only the people of Indiana but people everywhere for the work of this preeminent university, its continuing record of accomplishments in higher education, and its service to the whole fabric of society.

SENATE RESOLUTION 100—RESOLUTION RELATING TO CONTROL OF AIRLINE HIJACKING

Mr. MOSS submitted a resolution (S. Res. 100) relating to the control of airline hijacking, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. Moss, which appears under a separate heading.)

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. COOK. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of the resolution (S. Res. 30) to amend the Standing Rules of the Senate relative to the Select Committee on Small Business.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 28, 1969, he presented to the President of the United States the enrolled bill (S. 17) to amend the Communications Satellite Act of 1962 with respect to the election of the board of directors of the Communications Satellite Corporation.

NOTICE OF HEARING—SUBCOMMITTEE ON SECURITIES

Mr. WILLIAMS of New Jersey. Mr. President, I wish to announce that the Subcommittee on Securities of the Committee on Banking and Currency will hold a hearing to ascertain the views of Hamer H. Budge, Chairman of the Securities and Exchange Commission, on problems in the securities industry.

The hearing will begin at 10 a.m. on Thursday, March 6, 1969, in room 5302, New Senate Office Building.

NOTICE OF HEARINGS ON SENATE RESOLUTION 78—TO ESTABLISH A SELECT COMMITTEE ON TECHNOLOGY AND THE HUMAN ENVIRONMENT

Mr. MUSKIE. Mr. President, I should like to announce that the Subcommittee on Intergovernmental Relations will hold hearings on Senate Resolution 78, to establish a Select Committee on Technology and the Human Environment on March 4, 5, and 6, and continuing on March 18.

It is the purpose of Senate Resolution 78 to create a forum in the Senate to study the character and extent of technological changes that will probably occur and should be promoted within the next 50 years and their effect on population, communities, and industry. Its purpose is also to recommend policies that would encourage the maximum investment in means of improving the human environment.

Hearings on March 4 will be in room 1114, New Senate Office Building beginning at 9:30 a.m.; hearings on

March 5 will be in room 6226, New Senate Office Building, beginning at 10 a.m.; and hearings on March 6 will be in room 6226, New Senate Office Building, beginning at 9:30 a.m.

Any Senator or other person wishing to testify should notify the subcommittee, room 357, Old Senate Office Building, extension 4718, in order that he might be scheduled as a witness.

NOTICE OF HEARING ON NOMINATION OF ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT AND HEARINGS ON S. 1072 AND S. 1090

Mr. RANDOLPH. Mr. President, as chairman of the Committee on Public Works, I wish to announce that on Tuesday of next week, March 4, at 11 a.m., the committee will hold a public hearing on the nomination of Robert A. Podesta, of Illinois, to be Assistant Secretary of Commerce for Economic Development.

On Wednesday, March 5, the Subcommittee on Economic Development, under the chairmanship of the Honorable JOSEPH M. MONTOYA, will begin hearings on S. 1072, the Appalachian Regional Development Act Amendments of 1969 and the Public Works and Economic Development Act Amendments of 1969, and on S. 1090, the Regional Development Act of 1969.

The subcommittee plans to hear testimony from the Appalachian Regional Development Commission on March 5, from the Four Corners and Ozarks Regional Development Commissions on the morning of March 6, from the Upper Great Lakes Regional Development Commission on the afternoon of March 6, and from the Coastal Plains Regional Development Commission on Friday morning, March 7. The New England Regional Commission will be heard at a later hearing. Hearings are scheduled to begin at 10 a.m. on March 5, 6, and 7.

Testimony from administration and public witnesses will be received at hearings to be scheduled at a later date.

The views of interested Members of the Senate are, however, most welcome at the hearings scheduled next week. Senators wishing to appear personally at these hearings are requested to call Stewart McClure, professional staff member, on extension 6176.

NOTICE OF HEARINGS ON ELECTORAL REFORM

Mr. BAYH. Mr. President, I wish to give notice that the Subcommittee on Constitutional Amendments will hold hearings on March 10, 11, 12, and 13 on proposals relating to electoral reform. The hearings will begin at 10 a.m. in room 2228, the Judiciary Committee hearing room in the New Senate Office Building. Senators, Representatives, and other persons interested in being heard should contact the subcommittee staff in room 419, Old Senate Office Building.

FISCAL YEAR 1970 MILITARY PROCUREMENT AUTHORIZATION—NOTICE OF HEARINGS

Mr. STENNIS. Mr. President, I wish to announce that on Tuesday, March 18, 1969, Mr. Laird, the Secretary of Defense, will make the initial presentation to begin hearings on the fiscal year 1970 legislation authorizing funds for planes, ships, missiles, tracked combat vehicles, and research and development for the Department of Defense before the full Committee on Armed Services.

Following Mr. Laird's presentation, the Secretaries of the military departments and the various other witnesses necessary in connection with this detailed legislation will be heard.

Secretary Laird's presentation will cover not only the details of the legislation but an overall review of our military posture generally. I should emphasize that this legislation will be considered by the full Committee on Armed Services; at the same time special subcommittees will be appointed to make special studies of certain aspects of this bill as an assistance to the full committee. Although we do not know how long the hearings will last, they will be exhaustive and will require considerable time.

The legislation requests an authorization for funds of over $23 billion of which the major components are as follows:

Aircraft	$7,916,400,000
Missiles	4,026,860,000
Naval vessels	2,698,300,000
Tracked combat vehicles	336,000,000
Research, development, test, and evaluation	8,174,100,000

The foregoing summary represents the request of the previous administration. We do not know at this time what changes will be recommended by the new administration. Revisions as a result of the review currently underway by the new administration will be reflected during the course of the hearings.

I would emphasize, Mr. President, that this $23 billion request will receive the most rigorous scrutiny. The committee will have to be satisfied that all of the requested authorizations are necessary and justified in the interests of national defense.

I would also note that during the course of the hearings a separate period will be set aside for consideration of any recommendations concerning the antiballistic-missile issue. We do not expect, however, to cover this matter in detail as a part of the opening hearing.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

EXECUTIVE SESSION

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

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

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF DEFENSE

The bill clerk proceeded to read sundry nominations in the Department of Defense.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—DIPLOMATIC AND FOREIGN SERVICE AND THE ARMY

The bill clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service and in the Army which had been placed on the Secretary's desk.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF AGRICULTURE

Mr. ELLENDER. Mr. President, earlier today I reported from the Committee on Agriculture and Forestry, the nominations of David A. Hamil, of Colorado, to be Administrator of the Rural Electrification Administration for a term of 10 years; the nomination of Richard E. Lyng, of California, to be an Assistant Secretary of Agriculture, and the nomination of James V. Smith, of Oklahoma, to be Administrator of the Farmers' Home Administration.

I have consulted the minority and majority leaders, and I desire now to ask unanimous consent that these nominations be considered at this time.

I wish to inform the Senate that I understand there is objection with respect to consideration of the nomination of Mr. James V. Smith, of Oklahoma. The Senator from Oklahoma desires to make a statement about the nomination and, I believe, to present some material.

As to the other nominations, I do not know of any objection.

The VICE PRESIDENT. The nominations will be stated.

The legislative clerk read the nomination of Richard E. Lyng, of California, to be an Assistant Secretary of Agriculture.

Mr. DIRKSEN. Mr. President, reserving the right to object, heretofore I have made the point that the nominations ought to be printed on the Executive Calendar. In this case, they are not; but I am not unmindful of the fact that we have been out of session for some days and that there has been delay that is not particularly attributable either to the Senator from Louisiana or to the Department of Agriculture. So I will withhold objection in both these cases.

However, I want to reaffirm the point that I am going to insist that no nomination be considered unless they are printed on the Executive Calendar. It is the only way that Members of the Senate can be advised and alerted to the fact that there will be a nomination. They may be interested. They may want

to object. They may want to oppose it. But they will have no opportunity to do so unless we abide by the practice of the Senate. So in this instance, there being peculiar situations that do develop, I withhold the objection.

Mr. ELLENDER. Mr. President, I wish to advise the Senate that hearings were held on all of these nominations and as far as we know there were no objections by Senators from States from which the nominees came. The committee was unanimous in its approval of the nominations now being considered.

The legislative clerk read the nomination of Richard E. Lyng, of California, to be an Assistant Secretary of Agriculture.

The VICE PRESIDENT. Without objection, the nomination will be considered and confirmed.

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

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

The legislative clerk read the nomination of David A. Hamil, of Colorado, to be Administrator of the Rural Electrification Administration.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

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

SUSAN B. ANTHONY

Mr. YARBOROUGH. Mr. President, this month, February, we honor some of the greatest statesmen America has produced. Also in this month, we honor one of the greatest pioneers in human equality and justice—Susan B. Anthony, crusader for women's rights.

Susan Brownell Anthony was born in Adams, Mass., in 1820. During her long and fruitful life, she sought to provide women with the same rights as men. Though in her lifetime she never saw her highest aim, universal suffrage for women come about, but she did see many changes, and many injustices corrected.

In the early part of the 19th century, women were not allowed to own property, to vote, or to receive equal pay for equal work. Education was not available to them on the same level as was available to men. Susan Anthony dedicated her life to helping women achieve some of those rights that had been denied them for so many years.

During her long crusade, she was often insulted, jeered, and abused, but she never lost her inspiration and devotion to her cause. It is because of her that women received the vote in 1920, 100 years after her birth; it is because of her fight that women are able to receive a good education anywhere in this Nation; it is because of her that women have equal pay rights, equal property rights, and control over their own destinies.

Susan Anthony was a recognized world traveler as well. She was welcomed by women all over the world as a crusader; she was honored by heads of state of many foreign nations.

Today we honor this pioneer for women's rights. Her fight was not only for women, but should be an example in the struggle for the equality of all men. Every American can benefit by her example in working for freedom, justice, and human rights of all people, all over the world.

PROPOSED EEC TAX ON SOYBEANS

Mr. HARTKE. Mr. President, the U.S. soybean industry is deeply concerned by the proposal of the European Economic Community—EEC—to establish a tax levy on the importation of soybean oil and soybean meal. The EEC is presently considering the imposition of a $60-per-metric-ton internal tax on soybean oil and a $30-per-metric-ton internal tax on soybean meal, which is tantamount to a 30- to 55-percent ad valorem tariff on the U.S. soybean exports to the Community. The immediate effect of this proposal, if enacted, would be to drastically reduce the current level of U.S. exports in soybeans, soybean oil, and soybean meal.

Let it be noted, Mr. President, that during the last marketing year, the EEC purchased approximately 93,000,000 bushels of soybeans and 1,982,000 soybean meal short tons—equivalent to 87,000,000 bushels of soybeans—from the United States. These sales were for dollars and returned approximately $450,000,000 in hard currency to the U.S. economy. During the 1967–68 marketing year these exports to the EEC equaled 35 percent of the total soybeans and 68 percent of the total soybean meal exported from the United States. The tax, particularly as it relates to soybean meal, will reduce consumption within the EEC by approximately the equivalent of 50,000,000 bushels. This reduction, if it occurs, represents the production of 2,000,000 acres of U.S. farmland. Obviously, then, such a reduction in consumption by the EEC would have a most serious impact upon the U.S. soybean farmer and processor.

Certainly this proposal, if implemented, would have an immediate and disastrous effect on the soybean industry in my own State, for Indiana is this country's fourth largest exporter of soybeans and soybean products, outranked only by Illinois, Iowa, and Missouri. Indiana's soybean, soybean oil, and protein meal exports in fiscal year 1968 amounted to $91.1 million and constituted 36 percent of its total exports. Indiana and the above-named States are by no means alone, however, in their dependence upon soybean exports: Arkansas, Minnesota, Ohio, Mississippi, Louisiana, Tennessee, North Carolina, Kansas, Nebraska, South Carolina, and Alabama are also large-scale exporters of soybeans and soybean products.

The apparent objective of this proposal is to increase the cost of margarine so that the EEC members can dispose of 350,000 tons of surplus butter. This butter surplus is chiefly due to French overproduction and has developed because of President de Gaulle's efforts to pacify the French dairy farmer through the granting of high price supports. Other EEC countries, particularly Germany and the Netherlands, also have dairy farmers with butter surpluses, but they have cattle interests as well, who wish to continue using low-cost feed from soybean meal. Thus, the Germans and the Dutch are reportedly divided over the proposal, although their agriculture ministers appear to favor it.

It is my belief, Mr. President, that this proposed tax violates those trade agreements reached in the Dillon and Kennedy rounds which provided for duty-free bindings on imported soybeans and meal. It also very clearly violates article 3 of the GATT which states that internal taxes cannot be imposed in a manner which discriminates against foreign commerce. In addition, section 252 of the Trade Expansion Act specifically directs the President to withdraw tariff concessions from those countries which maintain nontariff barriers, including variable levies, against U.S. commerce.

If the EEC acts on its taxation proposal the United States should promptly institute retaliatory import levies against $450 million worth of Common Market industrial products. Such action would put the Common Market countries on notice that we will not tolerate the imposition of levies that masquerade as internal taxes.

I today call upon my colleagues in the Senate and the House to join with me in voicing our opposition to this taxation proposal, for certainly no one will be the winner if we are forced to retaliate against the implementers of this most improvident tax.

NOTRE DAME'S POLICY ON DISORDER

Mr. BYRD of Virginia. Mr. President, I have before me the text of an open letter written by the Reverend Theodore M. Hesburgh, president of the University

of Notre Dame, on the subject of campus demonstrations and disciplinary procedures, addressed to the faculty and students of Notre Dame University and published in the Wall Street Journal.

This statement, in the form of an open letter, by the president of that great institution, is one of the soundest and best that I have read on the subject by a university president.

Last week I inserted a portion of his statement in the RECORD. At that time I did not have the full text. I do have the text today, and I ask unanimous consent that it be printed in the RECORD at this point.

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

NOTRE DAME'S TOUGH POLICY ON DISORDER

Dear Notre Dame Faculty and Students: This letter has been on my mind for weeks. It is both time and overtime that it be written. . . . I have tried to write calmly, in the wee hours of the morning when at last there is quiet and pause for reflection.

My hope is that these ideas will have deep personal resonances in our own community, although the central problem they address exists everywhere in the university world today and, by instant communication, feeds upon itself. It is not enough to label it the alienation of youth from our society. God knows there is enough and more than enough in our often non-glorious civilization to be alienated from, be you young, middle-aged, or old.

The central problem to me is what we do about it and in what manner, if we are interested in healing rather than destroying our world. Youth especially has much to offer—idealism, generosity, dedication, and service. The last thing a shaken society needs is more shaking. The last thing a noisy, turbulent, and disintegrating community needs is more noise, turbulence, and disintegration. Understanding and analysis of social ills cannot be conducted in a boiler factory. Compassion has a quiet way of service. Complicated social mechanism, out-of-joint, are not adjusted with sledge hammers.

The university cannot cure all our ills today, but it can make a valiant beginning by bringing all its intellectual and moral powers to bear upon them: All the idealism and generosity of its young people, all the wisdom and intelligence of its oldsters, all the expertise and competence of those who are in their middle years. But it must do all this as a university does, within its proper style and capability, no longer an ivory tower, but not the Red Cross either.

PROFITING FROM THE PAST

Now to the heart of my message. You recall my letter of November 25, 1968. It was written after an incident, or happening if you will. It seemed best to me at the time not to waste time in personal recriminations or heavy-handed discipline, but to profit from the occasion to invite this whole University community, especially its central Councils of faculty, administration, and students, to declare themselves and to state their convictions regarding protests that are peaceful and those that threatened the life of the community by disrupting the normal operations of the University and infringing upon the rights of others.

I now have statements from the Academic Council, the Faculty Senate, the Student Life Council, some College Councils, the Alumni Board, and a whole spate of letters from individual faculty members and a few students. . . . In general, the reaction was practically unanimous that this community recognize the validity of protest in our day—sometimes even the necessity—regarding the current burning issues of our society: War and peace, especially Vietnam; civil rights, especially of minority groups; the stance of the University vis-a-vis moral issues of great public concern; the operation of the University as university. There was also practical unanimity that the University could not continue to exist as an open society, dedicated to the discussion of all issues of importance, if protests were of such a nature that the normal operations of the University were in any way impeded, or if the rights of any member of this community were abrogated, peacefully or non-peacefully.

I believe that I now have a clear mandate from this University community to see that: 1) Our lines of communication between all segments of the community are kept as open as possible, with all legitimate means of communicating dissent assured, expanded, and protected; 2) civility and rationality are maintained as the most reasonable means of dissent within the academic community; and 3) violation of others' rights or obstruction of the life of the University are outlawed as illegitimate means of dissent in this kind of open society. Violence was especially deplored as a violation of everything that the University community stands for.

WHAT WILL HAPPEN

Now comes my duty of stating, clearly and unequivocally, what happens if. I'll try to make it as simple as possible to avoid misunderstanding by anyone. May I begin by saying that all of this is hypothetical and I personally hope it never happens here at Notre Dame.

But, if it does, anyone or any group that substitutes force from rational persuasion, be it violent or non-violent, will be given fifteen minutes of meditation to cease and desist. They will be told that they are, by their actions, going counter to the overwhelming conviction of this community as to what is proper here. If they do not within that time period cease and desist, they will be asked for their identity cards. Those who produce these will be suspended from this community as not understanding what this community is. Those who do not have or will not produce identity cards will be assumed not to be members of the community and will be charged with trespassing and disturbing the peace on private property and treated accordingly by the law.

The judgment regarding the impeding of normal University operations or the violation of the rights of other members of the community will be made by the Dean of Students. Recourse for certification of this fact for students so accused is to the tri-partite Disciplinary Board established by the Student Life Council. Faculty members have recourse to the procedures outlined in the Faculty Manual. Judgment of the matter will be delivered within five days following the fact, for justice deferred is justice denied to all concerned.

After notification of suspension, or trespass in the case of non-community members, if there is not then within five minutes a movement to cease and desist, students will be notified of expulsion from this community and the law will deal with them as non-students.

Lest there be any possible misunderstanding, it should be noted that law enforcement in this procedure is not directed at students. They receive academic sanctions in the second instance of recalcitrance and, only after three clear opportunities to remain in student status, if they still insist on resisting the will of the community, are they then expelled and become non-students to be treated as other non-students, or outsiders.

There seems to be a current myth that university members are not responsible to the law, and that somehow the law is the enemy, particularly those who society has constituted to uphold and enforce the law. I would like to insist here that all of us are responsible to the duly constituted laws of this University community and to all of the laws of the land. There is no other guarantee of civilization versus the jungle or mob rule, here or elsewhere.

If someone invades your home, do you dialogue with him or call the law? Without the law, the university is a sitting duck for any small group from outside or inside that wishes to destroy it, to incapacitate it, to terrorize it at whim. The argument goes—or has gone—invoke the law and you lose the university community. My only response is that without the law you may well lose the university—and beyond that—the larger society that supports it and that is most deeply wounded when law is no longer respected, bringing an end of everyone's most cherished rights.

I have studied at some length the new politics of confrontation. The rhythm is simple: 1) Find a cause, any cause, silly or not; 2) in the name of the cause, get a few determined people to abuse the rights and privileges of the community so as to force a confrontation at any cost of boorishness or incivility; 3) once this has occurred, justified or not, orderly or not, yell police brutality—if it does not happen, provide it by foul language, physical abuse, whatever, and then count on a larger measure of sympathy from the up-to-now apathetic or passive members of the community. Then call for amnesty, the head of the president on a platter, the complete submission to any and all demands. One beleaguered president has said that these people want to be martyrs thrown to toothless lions. He added, "Who wants to dialogue when they are going for the jugular vein?"

So it has gone, and it is generally well orchestrated. Again, my only question: Must it be so? Must universities be subjected, willy-nilly, to such intimidation and victimization whatever their good will in the matter? Somewhere a stand must be made.

I only ask that when the stand is made necessary by those who would destroy the community and all its basic yearning for great and calm educational opportunity, let them carry the blame and the penalty. No one wants the forces of law on this or any other campus, but if some necessitate it, as a last and dismal alternative to anarchy and mob tyranny, let them shoulder the blame instead of receiving the sympathy of a community they would hold at bay. The only alternative I can imagine is turning the majority of the community loose on them, and then you have two mobs. I know of no one who would opt for this alternative—always lurking in the wings.

We can have a thousand resolutions as to what kind of a society we want, but when lawlessness is afoot, and all authority is flouted, faculty, administration, and student, then we invoke the normal societal forces of law or we allow the university to die beneath our hapless and hopeless gaze. I have no intention of presiding over such a spectacle: Too many people have given too much of themselves and their lives to this University to let this happen here. Without being melodramatic, if this conviction makes this my last will and testament to Notre Dame, so be it. . . .

May I now confess that since last November I have been bombarded mightily by the hawks and the doves—almost equally. I have resisted both and continued to recognize the right to protest—through every legitimate channel—and to resist as well those who would unthinkingly trifle with the survival of the University as one of the few open societies left to mankind today. . . .

MAJORITY CONCERN NEEDED

As long as the great majority of this community is concerned and involved in maintaining what it believes deeply to be its identity and commitment, no force within it, however determined or organized, can really destroy it. If any community as a whole does not believe this, or is not committed to it, it does not deserve to survive and it probably will not. I hope we will. . . .

I truly believe that we are about to witness a revulsion on the part of legislatures, state and national, benefactors, parents, alumni, and the general public for much that is happening in higher education today. If I read the signs of the times correctly, this may well lead to a suppression of the liberty and autonomy that are the lifeblood of a university community. It may well lead to a rebirth of fascism, unless we ourselves are ready to take a stand for what is right for us. History is not consoling in this regard. We rule ourselves or others rule us, in a way that destroys the university as we have known and loved it.

Devotedly yours in Notre Dame,
(Rev.) THEODORE M. HESBURGH, C.S.C.,
President.

ORDER OF BUSINESS

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

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

NEED FOR EARLY FUNDING OF FEDERAL EDUCATION PROGRAMS—IMPORTANCE OF IMPACTED AREAS AID TO LOCAL SCHOOLS

Mr. SPONG. Mr. President, March 1 will soon be upon us. In many school districts this will signal the time for finalizing the budget for the 1969–70 school year; that is, the school year which will begin next September.

As these districts complete their budgetary preparations, most do so with a huge question mark in their figures. That question mark represents the Federal aid which will be available for the coming school year. It may not be removed for months to come.

The need to coordinate the Federal appropriations and allotment process with the school budget process has been widely recognized. A provision for advance funding was included in the Elementary and Secondary Education Act Amendments of 1967. The Study of the U.S. Office of Education, released last year by the House Special Subcommittee on Education, contained an entire chapter on the problem. The Vocational Education Act of 1968 extended the advance funding provisions of the Elementary and Secondary Education Amendments of 1967 to all programs administered by the Office of Education. And, in fiscal 1969, for the first time, an appropriation was made 1 year in advance for title I of the Elementary and Secondary Education Act.

Yet, title I of ESEA is only one program. And, advance funding, of whatever nature, can only be a partial solution. It is perhaps impossible to foresee fiscal and budgetary situations a year or more in advance. It is entirely possible that fiscal considerations could require reduction of the fiscal 1970 appropriation for title I in the same manner that various programs were reduced at the end of the 90th Congress by Public Law 90–218 or that additional resources might permit a higher funding than 90 percent of the fiscal 1969 appropriation which has already been appropriated for title I in fiscal 1970.

Thus, while advance funding can serve a useful purpose and should be utilized, it must, I believe, be coupled with an annual review of appropriations in the months just prior to the beginning of a fiscal year. Under such a system, school districts could at least begin the school year with an adequate understanding of the Federal funds which would be available for that year.

The need for earlier determination of available education funds can be seen in a chart which I am inserting to show that date on which the regular education appropriation has been passed by Congress in each of the past 10 years. Taking into account the fact that educational appropriations have been supplemented every year and that the Office of Education must estimate allotments after passage of the appropriations bill, it is safe to assume that, in at least half of the cases, school districts have actually begun their activities in September not knowing how much Federal funds they would receive for that school year.

I ask unanimous consent that a chart on the subject be printed in the RECORD at this point.

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

LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS BILLS, 1959–69

Date	Bill No.	Date bill passed Congress
1969	H.R. 18037	Oct. 10, 1968
1968	H.R. 10196	Oct. 27, 1967
1967	H.R. 14745	Oct. 21, 1966
1966	H.R. 7765	Aug. 17, 1965
1966	H.R. 10586 [1]	Sept. 9, 1965
1965	H.R. 10809	Sept. 3, 1964
1964	H.R. 5888	Sept. 26, 1963
1964	H.J. Res. 875 [1]	Jan. 29, 1964
1963	H.R. 10904	Aug. 2, 1962
1962	H.R. 7035	Sept. 12, 1961
1961	H.R. 11390	Aug. 26, 1960
1960	H.R. 6769	July 30, 1959
1959	H.R. 11645	July 18, 1958

[1] These were special supplemental appropriation bills for the Departments of Labor and Health, Education, and Welfare. In addition, certain educational programs received additional funds in each of the above years under general supplemental appropriations bills. These general supplemental appropriations bills passed after the regular appropriations bills and thus were allocated to local school districts at a later date.

Mr. SPONG. Mr. President, the importance of early funding can also be found in the results of a poll of the school superintendents in Virginia, which I recently conducted. Of 131 school superintendents, 44 mentioned delayed and uncertain funding as a major flaw in Federal education programs. A number of other superintendents mentioned it in evaluations of specific programs.

Here are some of the comments concerning current funding patterns:

Usually funds and projects are not approved until late January and February. Then all activities must be completed before June 15. This is not ample time to prepare orders of needed materials and have them processed by the companies. Trying to work within these deadlines is most frustrating.

Budgetary planning is sometimes destroyed due to lack of early information concerning receipt of funds.

It would be most helpful if we were advised about our allocation in July or August rather than in January of each year.

In these and many other cases school superintendents pointed to the lack of adequate planning time, the impossibility of hiring qualified personnel and the inability to obtain desired equipment and materials as the unfortunate results of late funding.

While the complaints concerning delayed funding are universal as far as education programs are concerned, certain features of late and uncertain funding have posed particular problems for the impacted areas program.

After California, my State of Virginia receives more funds under the impacted areas program—Public Law 874—than any other State in the Nation.

The impacted areas program is a relatively simple program. Funds are allotted directly to local school districts according to the number of schoolchildren with parents who live and/or work on Federal property.

The program is easily administered. In fact, it has been suggested that the program is so easily administered it is an embarrassment to the Office of Education that so many pupils can be serviced by so few Federal employees.

The program provides a type of general Federal aid for the operation and maintenance of a school system. Funds may, for example, be used for teachers' salaries, to hire specialists or to purchase supplies—whatever may be the district's particular need. As one respondent to my poll said of the program:

Local board members and administrators are privileged to determine the use of funds and are not restricted by a list of priorities established at the national level.

I do not mean to insinuate that there should be no programs to concentrate on special problems. Indeed, title I of the Elementary and Secondary Education Act has performed well in this respect.

But, other, more recently enacted programs have not replaced the need for impacted areas aid.

Public Law 81–874 is an old program, as far as elementary and secondary educational aid is concerned, having been initiated in 1951. During its first year, the program was funded at slightly over 96 percent of the entitlement provided by the authorizing legislation. With two slight exceptions, 100 percent of the entitlement has been provided every year through fiscal 1968. At this point, I ask unanimous consent to have printed in the RECORD a chart detailing Public Law 81–874 appropriations since 1951.

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

PUBLIC LAW 874, AS AMENDED—HISTORY OF ENTITLEMENTS AND PAYMENTS, 1951–68

	Entitlement	Payment	Payment as a percent of entitlement
Fiscal year:			
1951	$29,686,018	$28,501,577	[1] 1
1952	47,815,681	47,815,681	100
1953	57,697,895	57,697,895	100
1954	71,861,047	71,861,047	100
1955	75,287,517	74,918,604	[2] 2
1956	85,895,851	85,895,851	100
1957	111,320,777	111,320,777	100
1958	122,379,829	122,379,829	100
1959	156,847,056	156,847,056	100
1960	184,820,640	184,820,640	100
1961	208,244,128	208,244,128	100
1962	251,330,356	251,330,356	100
1963	264,269,382	264,269,382	100
1964	292,690,225	292,690,225	100
1965	319,250,689	319,250,689	100
1966	369,831,165	369,831,165	100
1967	419,748,036	416,200,000	[3] 3
1968	486,355,000	486,355,000	100

[1] Aid for schools on military reservations, in national parks, and other areas which service students with parents who live and work on Federal property was provided at 100 percent; regular local schools systems servicing students who parents work on Federal property was prorated at 96 percent of entitlement.

[2] Aid for the 1st category of students mentioned in footnote 1 was provided at 100 percent; aid for the 2d category was prorated at 99.5 percent of entitlement.

[3] Aid for the 1st category of students mentioned in footnote 1 and for the disaster relief provisions was provided in full; aid for the 2d category of students was prorated at 98.7 percent of entitlement.

Mr. SPONG. Full funding has not, however, been accomplished without numerous congressional-executive struggles. As a result of these struggles impacted areas school districts have not only had to wait for the regular appropriation bill to learn their anticipated revenue for the year, but they have, seven times since 1960, also been forced to wait for a supplemental before knowing their likely appropriation.

Let me review for a moment the most recent struggle over impacted areas funds—the one which occurred in fiscal 1968.

In October 1967—almost 2 months after most school districts began classes—Congress enacted the regular education appropriations bill, without full funding for Public Law 81–874. About 6 weeks later, just prior to adjournment, provision was made for spending reductions and the Bureau of the Budget cut the amount it planned to allocate for the impacted areas program by $20 million. This meant that school districts—in the middle of the school year—were informed that they would receive only 80-percent entitlement that year for a program under which they had—for 17 years—been able to anticipate about 100 percent of entitlement. Many school districts foresaw real financial problems.

In February 1968, efforts were initiated by Senator FULBRIGHT to provide the $91 million needed to bring the fiscal 1968 appropriation up to 100-percent entitlement. Those who were here undoubtedly remember that the additional money was first included in an appropriation bill which died in conference, then in the second supplemental appropriation bill. Thus, just as the school year was ending, eligible districts learned that the money they had anticipated receiving—and in some cases had spent—had not been appropriated.

As fiscal 1968 neared its end, however, it became obvious that the Bureau of the Budget did not intend to allocate the appropriated funds. It took 2 months' time and more congressional action before the funds were released to the Office of Education for allocation to eligible school districts. Fortunately, Senator ERVIN's Judiciary Subcommittee on Separation of Powers is investigating constitutional grounds for the withholding of appropriated funds by the executive, and I hope this matter can be clarified.

But we are now in the midst of the school year which fiscal 1969 funds cover. The fiscal 1969 funds already appropriated cover 100 percent of entitlement for federally connected children who attend federally operated schools on military bases or Indian reservations, but only 92 percent of entitlement for those who attend regular schools. Undoubtedly, as a result of the supplemental appropriations required in the 1960's and the large-scale struggle of last year, school divisions have been wary in anticipating funds for fiscal 1969.

Soon, however, Congress will have to determine the funds to be appropriated for fiscal 1970, and, if the advance funding provisions of the 1968 Vocational Education Act are to be utilized, for fiscal 1971. The Johnson administration request for impacted areas in fiscal 1970 represents a sharp cutback and plans for curtailment of the program. There is no request for advance funding.

We have not had a proposal on the matter from the new administration, so we cannot know President Nixon and Secretary Finch's plans for the program.

We are, however, likely to be faced in the near future with the same old timing problems. If full entitlement for fiscal 1969 is provided at a later date, then there may not be time to plan effectively for use of those funds.

If, on the other hand, the funds are not provided, and if fiscal 1970 funds are more severely restricted, Congress moves toward a break with a 17-year precedent in educational funding.

This is a significant diversion from precedent and traditional policy—and it should not be accomplished in an appropriations bill, especially in one enacted after the school budgeting process for the year has been completed.

Perhaps it is time for a major review of a program which has continued in its essential form for 18 years. There are undoubtedly reasons why the program has been so popular and why the modifications which have been made in it have been in the direction of enabling more and more school districts to participate. Perhaps a reexamination of the program can suggest new means by which to attack our educational problems. The Public Law 81–874 approach may, for example, be the one which should be extended to such problems as aid for overcrowded areas. In view of the recent additions to elementary and secondary education aid, as provided in the 1965 legislation and subsequent amendments to it, perhaps it is time to study the relationship between the two programs. Hopefully, the study of impacted areas aid being conducted by the Columbus, Ohio, Battelle Memorial Institute under appropriation provided by Congress in 1969 and scheduled for completion by December of this year, will provide some valuable guidance on the impacted areas program.

At any rate, one of the oldest, the most popular, the most fully funded and the largest of the educational aid programs should not be significantly disrupted and modified in the appropriations process. Such a program—one that has provided as much as 9 percent of the total school budget in some districts—surely deserves a full review by a legislative committee if it is to be curtailed to the extent of budget requests in recent years. In such a hearing, I cannot but believe that the fallacies of the proposed curtailment would be quite evident.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. SPONG. I am delighted to yield to the senior Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I am glad that the Senator has focused attention on the impacted area program. He has taken a keen interest in this program during the time he has been in the Senate, as have I. I think that what he says is completely accurate, and it needs to be said.

This is a program of 17 years' standing. It is a fair and just program. It has been so recognized by Congress for 17 years. In the last several years, under the administration of President Johnson, funds for the impacted area program have been reduced. However, that action has not brought about a reduction in the budget. Instead these funds, which would go back to the localities without any strings attached, were transferred to other programs to which strings were attached so that the localities could be better controlled by the officials in Washington.

Thus, there has been no saving of money to the taxpayers by what has been done or what has been attempted in the last several years.

I repeat. Funds have been taken from a program which had no strings attached and have been transferred to other programs. The programs that receive the funds do have strings attached. And those strings have been pulled by the officials in Washington.

I ask my colleague from Virginia if he would concur in this general assessment.

Mr. SPONG. Mr. President, I thank my senior colleague from Virginia for his remarks.

The point I wish to emphasize has been stressed on the floor in the past by the Senator from Rhode Island (Mr. PASTORE), by the Senator from Connecticut (Mr. RIBICOFF), the Senator from South Dakota (Mr. MUNDT), the Senator from Arkansas (Mr. FULBRIGHT), and many other Senators who are interested in the impacted areas program.

The point is: if the program is going to be curtailed, it should be done pursuant to a complete legislative review and not through budget requests and other facets of the appropriations and obligation process, especially when the executive branch acts contrary to congressional intent.

We simply must find some means of advising local school divisions of their

funds early enough for them to be able to plan effectively for use of those funds.

TRIBUTE TO SUSAN B. ANTHONY

Mrs. SMITH. Mr. President, it is again my privilege to pay tribute to Susan B. Anthony. I can add nothing more than what I said last year on this occasion.

Simply put, she was the original leader and fighter for equal rights for women. She dedicated her life to that cause—and it was a long and illustrious life for it covered a span of 86 years. She had many hardships and heartbreaks—but she never gave up.

She not only is irreplaceable to us for her pioneering fight for equal rights for women—but she is invaluable to us because of the greatly increased stature and dimension that she gave to women and to the reputation of, and respect for, women by her intellect, behavior, and achievements.

Yes, it is a personal privilege for me to pay tribute to Susan B. Anthony for all women—it is even more personal for me because it gives me the opportunity to publicly thank her, for without her I could never have become a Member of the U.S. Senate.

NATIONAL ADVISORY COMMISSION ON LOW-INCOME HOUSING—APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. Pursuant to Public Law 90–448 the Chair appoints the Senator from Texas (Mr. TOWER) and the Senator from Illinois (Mr. PERCY) as members of the National Advisory Commission on Low-Income Housing.

THE U.S. TERRITORIAL EXPANSION MEMORIAL COMMISSION—APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. Pursuant to Public Resolution 32 of the 73d Congress the Chair appoints the Senator from Idaho (Mr. CHURCH) to the U.S. Territorial Expansion Memorial Commission in lieu of the Senator from Oregon (Mr. Morse) retired.

SENATE JOINT RESOLUTION 61—INTRODUCTION OF A JOINT RESOLUTION TO PROPOSE A CONSTITUTIONAL AMENDMENT PROVIDING FOR EQUAL RIGHTS FOR MEN AND WOMEN

Mr. McCARTHY. Mr. President, I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution to provide for equal rights for men and women. Joining me in sponsoring the proposed amendment are 41 Senators as of February 27.

Mr. President, the purpose of the amendment is to establish equality of rights for men and women under the Constitution and the Federal and State statutes and to guarantee enjoyment of rights already defined.

Although there has been substantial improvement in the status of women in this century, it was more than 130 years after the Constitutional Convention that the 19th amendment, guaranteeing the right of women to vote, was ratified. The fact that a constitutional amendment was needed to guarantee this right is an indication of the difficulty encountered in trying to make progress.

There was hope that the passage of the 19th amendment would result in general revision of laws and practices so that discrimination against women would end. However, as recently as 1964, Congress found it necessary to include in title VII of the Civil Rights Act, provision to prohibit discrimination on the basis of sex as well as race. This provision prohibits discrimination in connection with employment, referral for employment, membership in labor organizations, and participation in apprenticeship or other training programs. This legislation does not reach to many employment situations which are not covered by title VII, and discrimination against women continues to exist not only with respect to employment opportunities, but also to property rights, inheritance rights, the right to own and control one's earnings, educational opportunity, jury service, and in other areas.

The resolution we are introducing today is the same as the joint resolution that was introduced in the 88th, 89th, and 90th Congresses. Last year the Subcommittee on Constitutional Amendments favorably reported the proposed amendment, and in 1964 it was reported favorably by the Committee on the Judiciary. In its report at that time the committee dealt with the need for adoption of this amendment, and I ask unanimous consent that the report (No. 1558, 88th Congress, 2d sess.) be printed at this point in the RECORD.

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

PROPOSED AMENDMENT TO THE CONSTITUTION RELATING TO EQUAL RIGHTS FOR MEN AND WOMEN

PURPOSE

The purpose of the proposed joint resolution is to submit to the State legislatures an amendment to the Constitution of the United States which, if adopted, would insure equal rights under the law for men and women.

STATEMENT

The substantive section of the proposed amendment is quite simple and straightforward. It reads as follows:

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation."

Senate Joint Resolution 45 was introduced in the 88th Congress by Senator McGee for himself and 35 other Senators as cosponsors. During the past 10 years, the Legislatures of Connecticut, Delaware, Louisiana, Massachusetts, Pennsylvania, and Maryland have adopted resolutions memorializing the Congress to submit this amendment to the States for ratification.

This proposal has been before the Congress since the 19th amendment to the Constitution extended voting rights to women. In recent years, resolutions proposing this amendment were reported favorably by the Committee on the Judiciary in the 80th, 81st, 82d, 83d, 84th, 86th, and 87th Congresses. In the 81st and 83d Congresses, the amendment passed the Senate with a floor amendment, but it was never acted upon by the House of Representatives. In the 86th Congress, the same floor amendment was adopted by the Senate and then the resolution was recommitted to the Committee on the Judiciary upon motion of its principal sponsors. (The provisions of this floor amendment or "rider" are discussed subsequently in this report.)

Adoption of this amendment will complete women's long movement for legal equality. Like the 14th amendment, the restrictions of this proposed amendment apply only to governmental actions. It would not apply to private or to individual action.

The 14th amendment provides a body of case law as to what constitutes "State action" and its precedents will be available for judicial determination of the scope of this amendment.

There remain many well-known vestiges of ancient rules of law which treat women as inferiors. In many States, a woman cannot handle or own separate property in the same manner as her husband. In some States, she cannot engage in business or pursue a profession or occupation as freely as can a member of the male sex. Women are classified separately for purposes of jury service in many States. Community-property States do not vest in the wife the same degree of property rights as her husband enjoys. The inheritance rights of widows differ from those of widowers in some States. Restrictive work laws, which purport to protect women by denying them a man's freedom to pursue employment, actually result in discrimination in the employment of women by making it so burdensome upon employers. Such protective restrictions hinder women in their competition with men for supervisory, technical, and professional job opportunities.

Your committee has considered carefully the amendment which was added to this proposal on the floor of the Senate in the 81st, 83d, and 86th Congresses. Its effect was to preserve "rights, benefits, or exemptions" conferred by law upon persons of the female sex. This qualification is not acceptable to women who want equal rights under the law. It is under the guise of so-called "rights" or "benefits" that women have been treated unequally and denied opportunities which are available to men.

Just as equal protection of the law under the 14th amendment is not a mathematical equality, this amendment does not contemplate that women must be treated in all respects the same as men. Nor does it mean that all legal differentiation of the sexes will be abolished. "Equality" does not mean "sameness." "Equal" rights does not necessarily mean "identical" rights. For instance, a law granting maternity benefits to women would not be an unlawful discrimination against men. As a grant to mothers, it would be based on a reasonable classification despite its limitation to members of one sex.

Nor would the amendment mean that criminal laws governing sexual offenses would become unconstitutional. The public has such an interest in relations between the sexes that the conduct of both sexes is subject to regulation under the police power apart from any considerations of unequal treatment or protective status.

In the past, it has been suggested that this amendment would require equal treatment of men and women for purposes of compulsory military service. This is no more true than that all men are treated equally for purposes of military duty. Differences in physical abilities among all persons would continue to be a material factor. It could be expected that women will be equally subject to military conscription and they have demonstrated that they can perform admirably in many capacities in the Armed Forces. But the Government would not require that women serve where they are

not fitted just as men with physical defects are utilized in special capacities, if at all.

Your committee wishes to emphasize one additional fact. The proposed amendment would confirm equal rights under law for *both* men and women. In instances where laws are burdensome to meet solely because of their sex, they would benefit from the amendment. For instance, alimony laws probably could not favor women solely because of their sex. However, a divorce decree could award support to a mother if she was granted custody of children. This would be incidental to the children's support. Matters concerning custody and support of children properly should be determined solely with a view to the welfare of the children, without favoritism to either parent solely because of sex.

Both major political parties have repeatedly supported this proposal in their national party platform. The United States, as a signatory to the United Nations Charter, has confirmed its faith in equal rights of men and women. Nevertheless, we withhold from our women a constitutional guarantee of equal treatment under the law and thus lag behind such countries as Burma, Egypt, Japan, Greece, Pakistan, and West Germany.

An impressive list of women's organizations have recorded their support of this proposal in the past. Among them are the following:

Alpha Iota Sorority.
American Association of Women Ministers.
American Federation of Soroptimist Clubs.
American Medical Women's Association.

Mr. McCARTHY. Many organizations and individuals have worked over the years to secure the adoption of this resolution by the Congress and for submission of the amendment to the States. It is time that the objective of these efforts be achieved and that equality of rights for men and women under Federal and State statutes be assured as a constitutional right.

I do hope that the Senate this year will move beyond action by the committee and face up to this proposition on the floor of the Senate.

Mr. President, I ask unanimous consent that the names of Senators who are cosponsors of this amendment be printed at this point in the RECORD.

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

COSPONSORS

Senator Bible, Senator Boggs, Senator Burdick, Senator Case, Senator Cooper, Senator Dole, Senator Dominick, Senator Fulbright, Senator Gurney, Senator Hansen, Senator Hart, Senator Hartke, Senator Hatfield, Senator Hughes.

Senator Inouye, Senator Mathias, Senator McGee, Senator McGovern, Senator Mondale, Senator Montoya, Senator Moss, Senator Mundt, Senator Murphy, Senator Muskie, Senator Nelson, Senator Pastore, Senator Pearson, Senator Prouty, Senator Proxmire, Senator Randolph, Senator Ribicoff.

Senator Schweiker, Senator Smith, Senator Sparkman, Senator Stennis, Senator Stevens, Senator Tower, Senator Tydings, Senator Williams of Delaware, Senator Young of North Dakota, Senator Young of Ohio.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 61) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, introduced by Mr. McCARTHY (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, I wish to add my voice in support of the statement that has been made by the lady of the Senate. One of the Alaskans whom I respect greatly had the honor of participating in nominating her on the floor of the Republican convention. I look forward to being able to work with her and with the Senator from Minnesota (Mr. McCARTHY) to achieve the amendment that he seeks to our Constitution, and I am joining with him as a cosponsor today.

The lady from Maine (Mrs. SMITH), with her usual modesty, has paid tribute to Susan B. Anthony here today. And, as Mrs. SMITH has stated, she is a Member of this body because of the dedication of Susan B. Anthony to the fight for equal rights for women. We are all proud to have Mrs. SMITH continue this battle for she proves that Susan B. Anthony's fight was not in vain—and she carries the banner high for all women of America.

Mr. MUSKIE. Mr. President, I am proud to be a cosponsor of the resolution offered by the senior Senator from Minnesota (Mr. McCARTHY) to secure equal rights for women.

This ideal was the lifelong goal of Susan B. Anthony, whose name is synonymous with women's rights. Miss Anthony began her fight for women's suffrage when she was only 17 years old, and now, almost a century and a half later, we have still fallen short in our efforts to secure those rights.

At a time when we are considering broadening the franchise by lowering the voting age, and strengthening it by instituting the direct popular election of the President, it is right that we should insure that those ideals to which we have paid lipservice are guaranteed in fact.

REORGANIZATION OF EXECUTIVE AGENCIES

Mr. McCLELLAN. Mr. President, earlier today from the Committee on Government Operations, I reported favorably S. 1058. I have cleared on both sides of the aisle the unanimous-consent request for its immediate consideration, and I make such request.

The VICE PRESIDENT. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1058) to extend the period within which the President may transmit to the Congress plans for reorganization of agencies of the executive branch of the Government.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCLELLAN. Mr. President, this is simply a bill extending the most recent Reorganization Act, which expired a short time ago. The bill would give to President Nixon the same authority that was given to previous administrations with respect to submitting reorganization plans for the executive branch of the Government.

There is no change whatever in the law as it has existed. This bill merely extends the date until April 1, 1971—a period of a little more than 2 years. That is the amount of time requested by the President in the message he sent to Congress on January 30, in which he requested such legislation. The President requested that it be extended for 2 years, and this will provide the full 2-year period.

I ask for a third reading.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to be read a third time, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 905(b), title 5, United States Code, is amended by striking out "December 31, 1968", and inserting in lieu thereof "April 1, 1971".

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE SENTINEL ABM SYSTEM

Mr. SPARKMAN. Mr. President, in the February 23 issue of the Sunday Star appeared a most thoughtful and well-reasoned editorial on the matter of deployment of the Sentinel anti-ballistic-missile system. For the benefit of those who may not have seen the editorial, and also for the purpose of making the editorial a part of the continuing debate on deployment of the Sentinel system, I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

SENTINEL—LET'S GIVE IT THE GREEN LIGHT

A bit more than 20 years ago a "great debate" was under way in this country's scientific community.

The question was whether it was possible to build an H-bomb and, if it was possible, whether it was desirable to do so. The opposition arguments ran along several lines: It was not technically feasible to produce an H-bomb. In any event it would be morally wrong for the United States to create this hideous threat to mankind. With our large stockpile of A-bombs, what purpose would be served by arming ourselves with vastly more powerful weapons? Assuming the capability, if we should push ahead with the H-bomb development, would not Russia feel compelled to do likewise? And so on.

This debate continued behind closed doors for weeks and weeks. But then Dr. Edward Teller, sometimes called the "father" of the H-bomb, came up with a "brilliant invention" which settled one aspect of the argument. It *was* technically possible to build the more powerful weapon. Armed with this, proponents took their case to President Truman. Back from the White House came the word: Build it.

The United States can count itself fortunate that it then had a President who was willing and able to make hard decisions. For shortly after we had tested our first thermonuclear device, the Russians successfully tested theirs. Life for us in the 1950s might have been quite a different matter if the Soviet Union, and only the Soviet Union, had had the H-bomb in its armory.

A somewhat similar debate is under way in this country today. But this time the debate has to do with defense. Is it technically possible to develop and deploy an effective anti-ballistic missile system? If the answer is yes, should we get off the dime and start work on a "thin" ABM system, popularly known as Sentinel?

Opposition is mounting in Congress, especially on the part of self-appointed military experts on the Foreign Relations Committee. There is also opposition by some scientists and among some other people who, for various reasons, do not want Sentinel deployed in or near the cities in which they live.

The word from the White House is that the Sentinel system as envisioned in the Johnson administration is under review. It will not be surprising if some modifications are proposed. But there is strong indication that the final decision, expected around the middle of March, will be to push ahead with an ABM system.

It is important to keep in mind what could and what could not be expected from the deployment of a thin system. No one in the present state of the "art" thinks that a thin, or any other system, could provide meaningful protection for the United States in event of a massive first strike by the Soviet Union. Many millions of Americans would be killed and our major cities laid waste. Our shield against this threat has to be the maintenance of an assured capability to strike back on such a scale, after absorbing the initial blow, that the cost to the Russians of a surprise attack would be prohibitive. If this is not an especially reassuring prospect should a Soviet attack come, it is the best that can be offered as of today.

The pro-Sentinel people are confident, however, that a thin system could give very substantial protection in four and perhaps five other situations. They believe, for one thing, that it would provide an important safeguard against the kind of nuclear attack which Communist China is expected to be able to launch by 1975–77.

There has been considerable skepticism concerning any threat from Red China. What this comes down to is a suspicion that the real purpose in proceeding with Sentinel would be for the United States to have at least a start on deployment as a card to play in missile negotiations with the Kremlin, if and when that stage of nuclear arms limitation is reached. But such a purpose, if it exists, would not necessarily be without merit. Our intelligence people know that the Russians have started work on what is apparently a rather primitive ABM system of their own. And Defense Secretary Laird told the Foreign Relations Committee last week that the Soviet Union has begun testing a new and "sophisticated" ABM system. Common sense suggests, or so it seems to us, that the United States would be in a weaker position at the arms negotiating table if the Russians were going forward with a sophisticated ABM program while we were standing still.

The Communist Chinese threat, however, apparently is not something to be lightly brushed aside. Laird, originally one of the skeptics, now says that he has changed his mind, that on the basis of information which has come to him as Secretary of Defense he thinks Peking can have from 15 to 25 nuclear-tipped intercontinental missiles capable of hitting the United States by the mid-1970s. In his last report as Secretary of Defense, Clark Clifford said: "We believe it is both prudent and feasible on our part to deploy the Sentinel ABM system designed to protect against this (the Chinese) threat." Without the Sentinel ABM system, he went on to say, "we might suffer as many as 23 million fatalities from an attack by a Chinese intercontinental ballistic missile force. With the Sentinel, we might be able to hold fatalities to 1 million or less." These informed opinions, coming from two secretaries of defense, impose a heavy burden of proof on those who scoff at the Chinese threat or who are simply against the deployment of the Sentinel, period.

The Sentinel proponents also contend that the thin system would be effective protection in case of an accidental launch of a few missiles against the United States from any source, that for several years after its deployment it could cope with missiles fired against us from submarines, and that it could destroy a missile or missiles fired from an orbiting platform, if this weapon should be developed. The fifth possible benefit would be to provide some protection for our underground ICBMs in event of a Soviet attack, thereby enhancing our strike-back capability.

The Sentinel system, as planned, would consist of long-range Spartan missiles and short-range Sprints placed in some 15 to 20 antimissile complexes. The cost estimate is from $5 to $6 billion, and it might go as high as $10 billion. Congress has already invested about $4 billion in this project, and the request in the 1970 fiscal year defense budget is for $1.8 billion.

Some opponents say it would be better to spend new Sentinel money on rehabilitating slums instead of investing it in what they call an unreliable ABM system. Others profess to fear that for the United States to do what the Russians are doing in missile defense would serve only to escalate the arms race. Further opposition comes from local groups who, without any real basis in past experience, fear a missile complex explosion; still others who say that a site near the city in which they live would invite an enemy attack, and this despite the fact that our major cities in any event probably would be targets. Finally, there are some who simply don't want to give up the real estate (some 200 acres) that each missile complex would require.

Congressional opponents, especially in the Senate, are claiming that they have or will have the votes to block any further appropriation for Sentinel. Perhaps they have. It is always easy for a politician to stand on the side of the angels, to be for spending to aid the poor and against spending for defense, and to capitalize on the apprehensions of many people as they contemplate any enlargement, offensive or defensive, of our nuclear capability.

As a responsible President, however, Richard Nixon cannot indulge in politicking on this question. If he is persuaded, as we think he will be, that our national security requires him to give the go-ahead signal on the Sentinel program, he should grasp that painful nettle—just as Harry Truman did two decades ago. If the legislators want to block the program by refusing to appropriate the necessary funds, let them take the responsibility—and let them also be held accountable for the consequences of what could be a disastrous decision on their part.

S. 1212 AND S. 1213—INTRODUCTION OF BILLS ON SMALL BUSINESS

Mr. SPARKMAN. Mr. President, less than 10 years ago, the first small business investment companies were licensed and began providing equity capital and long-term loans to new and growing small business concerns.

Since March 1959, SBIC's have disbursed more than $1,400 million in some 30,000 separate financing transactions. Statistics compiled by the Small Business Administration have demonstrated that the dollars put out by SBIC's have been extremely effective in fostering the growth and profitability of those 30,000 independent firms.

As a matter of fact, the small businesses helped by SBIC's have fared many times better than all businesses in the economy and, naturally, much, much better than their small business colleagues who, by and large, have not shared in the general economic prosperity of the past decade.

Thus, the Small Business Investment Act of 1958 did create a new financial institution which has taken on the responsibility which we assigned to it and the SBIC program shows that it is possible for a partnership between the Federal Government and the private sector of our economy to work together to achieve a national policy goal.

I remember well that when Congress passed the 1958 act, those of us who served as its sponsors stressed that this was a new type of financial institution undertaking a pioneering task; namely, investing in brandnew or largely unproven small businesses. We realized that the job would not be an easy one. We also knew full well that our design for the SBIC program was tentative and would require reshaping in the light of actual operating experiences.

Several times since 1958, the Congress has responded to the demonstrated needs for changes. Most recently in 1967, we passed a rather comprehensive series of amendments to the 1958 law.

Once again, in 1969, however, our studies have convinced us that SBICs should be enabled to accomplish even more for small business concerns in need of capital and long-term credit in these days of high-cost money which, all too often, is not available for smaller firms.

For that reason, together with Senators BENNETT, BIBLE, BROOKE, CRANSTON, HATFIELD, HOLLINGS, HUGHES, JAVITS, MANSFIELD, MCINTYRE, METCALF, MONDALE, MUSKIE, PERCY, PROXMIRE, TOWER, and WILLIAMS of New Jersey, I am introducing two bills which should greatly improve the operations of the SBIC industry.

Since I shall ask to have explanatory notes printed along with each of these bills, I shall not make any detailed explanation now.

The first of these two bills would amend the Small Business Investment Act in seven respects. Several of the changes are quite minor and technical, but I would like to touch briefly on two of them. This bill would overcome one of the greatest problems faced by the SBIC program—the lack of continuity in the administration and regulation of the industry by the Small Business Administration. We propose to give the Associate Administrator for Investment a stated, 5-year term and have his decisions reviewed only by a three-man Investment Division Board consisting of the Administrator and two other members appointed by the President with confirmation by the Senate. Another section would make unincorporated businesses eligible for a greater range of SBIC assistance and is designed to help those 85

percent of all business firms which are not incorporated.

The second bill brings a more comprehensive change to the format of the SBIC program by establishing a Small Business Capital Bank which would serve as a secondary source of funds for SBIC's. Based on the experiences of the Banks for Cooperatives and the Federal Intermediate Credit Banks, this Small Business Capital Bank would sell its debentures and make loans to SBIC's which meet its credit scrutiny. We believe that this new institution should eventually take over the role of SBA which now lends to SBIC's. We also think that it will bring greater continuity and stability to the important job of lending to SBIC's than SBA can at present with its periodic lack of funds and changing guidelines.

Incidentally, the idea of a capital bank for SBIC's is not a novel one. With several of the same cosponsors, I introduced similar bills in 1964 and 1965. In addition, the concept has been strongly supported by both the Senate and the House Small Business Committees, by ranking officials of the Small Business Administration, and by a number of trade associations.

Taken together, these two bills will go far toward making SBIC's more efficient and more effective channels of equity funds to small business concerns. Together they should also help attract hundreds of millions of additional private dollars to the SBIC program. We are sure that SBIC's do not now have the resources they need to meet the responsibility Congress has given them. These bills will help augment the industry's capital and total assets.

Before concluding, I wish to acknowledge the assistance of the National Association of Small Business Investment Companies in drafting these two bills and in bringing together the background data which support the various proposals. Officials of the Small Business Administration have also helped us greatly in putting together these legislative recommendations.

Mr. President, I ask unanimous consent to have printed at this point in my remarks several documents: first, a brief background paper prepared by NASBIC on the status of the SBIC industry today; second, the text of the bill to amend the Small Business Investment Act of 1958 along with explanatory notes; third, the bill to create a Small Business Capital Bank, along with explanatory notes.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills and material will be printed in the RECORD.

The bills (S. 1212) to amend the Small Business Investment Act of 1968, and (S. 1213) to create a Small Business Capital Bank, and for other purposes; introduced by Mr. SPARKMAN, were received read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1212

A bill to amend the Small Business Investment Act of 1968

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

SECTION 1. This Act may be cited as the "Small Business Investment Act Amendments of 1969".

SEC. 2. Title II of the Small Business Investment Act of 1958 is amended to read as follows:

"SMALL BUSINESS INVESTMENT DIVISION AND INVESTMENT DIVISION BOARD OF THE SMALL BUSINESS ADMINISTRATION

"ESTABLISHMENT OF SMALL BUSINESS INVESTMENT DIVISION AND INVESTMENT DIVISION BOARD

"SEC. 201. There is hereby established in the Small Business Administration a division to be known as the Small Business Investment Division. The Division shall be headed by an Associate Administrator who shall be appointed by the President by and with the advice and consent of the Senate. Such Associate Administrator shall be appointed for a term of five years and shall receive compensation at the rate provided by law for other Associate Administrators of the Small Business Administration.

"SEC. 202. There is also hereby established in the Small Business Administration an Investment Division Board. The membership of the Investment Division Board shall consist of the Administrator of the Small Business Administration and two other persons appointed by the President by and with the advice and consent of the Senate. Each member of the Board appointed by the President shall be appointed for a term of six years; except that of the two members first appointed by the President, one shall be appointed for a term of three years and one shall be appointed for a term of six years. Each member of the Board appointed by the President shall serve full time and shall receive compensation at the rate provided by law for Associate Administrators of the Small Business Administration.

"SEC. 203. It shall be the function of the Investment Division Board to oversee, review and approve all actions of the Associate Administrator of the Small Business Investment Division except those actions specifically delegated to said Associate Administrator by the Investment Division Board."

SEC. 3. Subsection 302(a) of the Small Business Investment Act of 1958 is amended by adding the following sentence at the end thereof: "For the purposes of this section and sections 303(b) and 306(a) of this Act, the combined paid-in capital and paid-in surplus of each company authorized to operate under this Act shall consist of the cash consideration received for its common stock, preferred stock and debenture bonds having a maturity of not less than 10 years."

SEC. 4. Subsection 302(b) of the Small Business Investment Act of 1958 is amended by striking the phrase "shares of stock in small business investment companies" and by substituting in lieu thereof the phrase "securities of small business investment companies as described in the preceding subsection".

SEC. 5. Section 303(b) of the Small Business Investment Act of 1958 is amended by striking the second sentence thereof and by substituting in lieu thereof the following sentence: "Debentures purchased by the Administration under this subsection shall be subordinate to any other debenture bonds, promissory notes, or other debts and obligations of such companies except debenture bonds issued by such companies pursuant to subsection 302(a)."

SEC. 6. Subparagraph (2) of subsection 303(b) of the Small Business Investment Act of 1958 is amended by striking the first sentence thereof and by substituting in lieu thereof the following sentence:

"(2) The total amount of debentures which may be purchased and outstanding at any one time from a company which has investments or legally binding commitments of 65 percent or more of its total funds available for investment in small business concerns invested or committed in venture capital, shall not exceed 300 percent of the company's paid-in capital and surplus."

SEC. 7. Subsections 304 (a) and (d) of the Small Business Investment Act of 1958 are amended by adding the words "and unincorporated" after the word "incorporated" in each of said subsections.

SEC. 8. Subsection 306(b) of the Small Business Investment Act of 1958 is amended by striking it in its entirety and by substituting in lieu thereof the following new subsection:

"(b) For the purpose of this section, the combined paid-in capital and paid-in surplus of a small business investment company shall consist of (1) the cash consideration received for securities of such small business investment company as defined in subsection 302(a) of this Act, and (2) for any such company licensed prior to January 1, 1968, the following portions of the funds outstanding from the Administration through the issuance of subordinated debentures as of the effective date of the Small Business Investment Act Amendments of 1967, or on January 1 of each of the following calendar years, whichever is less: (A) 100 percent, during 1968; (B) 75 percent, during 1969; (C) 50 percent, during 1970; (D) 25 percent, during 1971; and (E) zero, during 1972 and thereafter."

SEC. 9. Subsection 308(c) of the Small Business Investment Act of 1958 is amended by adding the following language at the end thereof: "The provisions of such regulations to the contrary notwithstanding, a small business investment company shall be permitted to maintain up to one-third of its assets in loans to or investments in eligible small business concerns without regard to regulations of the Administration relating to (1) overline loans and investments, (2) minimum period of financing and maximum amortization, and (3) purchases of outstanding securities privately or on the open market."

SEC. 10. Subsection 308(f) of the Small Business Investment Act of 1958 is amended by adding the following sentence at the end thereof: "In addition, the Administrator and the Administration shall have the powers and duties set forth in section 7 of the Small Business Act to the end of encouraging and assisting financing by small business investment companies of business ventures designed to combat air and water pollution, to encourage the development of urban rapid transit facilities and to attain other national policy goals."

SEC. 11. Section 308 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(h) Any action by the Associate Administrator for Investment denying an application of a small business investment company for funds under this Act or demanding repayment of such funds shall be subject to appeal to the Investment Division Board at the election of such company."

S. 1213

A bill to create a small business Capital Bank, and for other purposes

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

TITLE I—SHORT TITLE, STATEMENT OF PURPOSE AND DEFINITIONS

SHORT TITLE

Sec. 11. This Act, divided into titles and sections according to the following table of contents, may be cited as the "Small Business Capital Bank Act".

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STATEMENT OF PURPOSE

SEC. 12. (a) The Congress hereby finds that there is an increasing need among small business investment companies for funds to increase their operations to the end of providing additional funds to the small business concerns of this Nation in order to promote and facilitate their growth, expansion, and modernization; that this need must be met in the interest of a sound national economy; and that the funds which are presently available to small business investment companies from the Federal Government and from other public and private sources are insufficient to meet this need.

(b) It is therefore declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the national economy in general and the small business segment thereof in particular by establishing a Small Business Capital Bank to serve as a secondary source of funds for small business investment companies in order to enable such companies to provide to the small business concerns of this Nation the equity capital and long-term loan funds which they need for the sound financing of their business operations and for their growth, expansion, and modernization.

DEFINITIONS

SEC. 13. As used in this Act—

(1) the term "Bank" means the Small Business Capital Bank established under section 21 or any branch thereof;

(2) the term "Board" means the Board of Governors of the Small Business Capital Bank.

(3) the term "small business investment company" means a company licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958, as amended;

(4) the term "small business concern" shall have the same meaning as in the Small Business Investment Act of 1958, as amended, and in the regulations promulgated thereunder by the Small Business Administration.

TITLE II—ESTABLISHMENT OF SMALL BUSINESS CAPITAL BANK

Establishment of the Bank

SEC. 21. There is hereby established, as an independent agency of the Government of the United States, a Small Business Capital Bank. The principal office of the Bank shall be located in the District of Columbia, but the Bank may establish such district and branch offices throughout the United States as it deems necessary and appropriate.

Board of Governors

SEC. 22. (a) The management of the Bank shall be vested in a Board of Governors consisting of nine members. The Secretary of the Treasury, the Administrator of the Small Business Administration, and the Associate Administrator for Investment of the Small Business Administration shall serve as members of the Board. The remaining six members of the Board shall be appointed by the President by and with the advice and consent of the Senate. In making such appointments, the President shall have due regard to a fair representation of the public interest as well as of the particular interests and needs of small business investment companies and the special contributions which can be made by such companies to the sound development of the national economy.

(b) Each member of the Board appointed by the President shall be appointed for a term of six years; except that (1) of the six members first appointed by the President, two shall be for terms of two years, two for terms of four years, and two for terms of six years, as designated by the President at the time of appointment, and (2) any member appointed to fill a vacancy shall be appointed only for the unexpired portion of his predecessor's term.

(c) Each member of the Board shall be a citizen of the United States and shall receive the sum of $100 for each day or part thereof spent in the performance of his official duties; provided, however, that such per diem compensation shall not be paid to the Secretary of the Treasury, the Administrator of the Small Business Association, nor to the Associate Administrator for Investment of the Small Business Association. In addition to receiving such per diem compensation, each member of the Board, including the Secretary of the Treasury, the Administrator of the Small Business Administration, and the Associate Administrator for Investment of the Small Administration, shall be reimbursed for necessary travel, subsistence, and other expenses actually incurred in the discharge of his duties as such member, without regard to any other laws relating to allowances for such expenses.

(d) As soon as practicable after the first members of the Board have been appointed as provided in subsection (a), the members shall meet, subscribe to the oath of office, and organize by electing from among the membership a Chairman, a Vice-Chairman and a Secretary. The Chairman, Vice-Chairman, and Secretary shall be elected annually for terms of one year, and shall serve until their respective successors are elected and take office. The Chairman shall preside at all meetings and the Vice-Chairman shall preside in the absence or disability of the Chairman. The Board may, in the absence or disability of both the Chairman and Vice-Chairman, elect any of its members to act as chairman pro tempore. Five members shall constitute a quorum of the Board for the transaction of business, and the Board may function notwithstanding vacancies provided a quorum is present. The Board shall meet at such times and places as it may fix and determine, but shall hold at least six regularly scheduled meetings a year; and special meetings may be held on call of the Chairman or any three members.

(e) Notwithstanding subsection (b), any member of the Board may at any time be removed from office for cause by the President or, if cause exists but the President does not act, by the Congress through impeachment proceedings.

Executive Director

SEC. 23. (a) The Board shall appoint an Executive Director, who shall serve at the pleasure of the Board and shall, subject to the general supervision and direction of the Board as to matters of a broad and general supervisory, advisory or policy nature, and, except as otherwise specifically provided in this Act, be responsible for the execution of the functions of the Board.

(b) The Board shall fix the compensation of the Executive Director, but his annual rate of basic compensation shall not exceed $———. In addition to receiving such compensation, the Executive Director shall be reimbursed for necessary travel, subsistence and other expenses actually incurred in the discharge of his duties without regard to any other laws relating to allowances for such expenses.

(c) The Executive Director shall comply with all orders and directions which he receives from the Board; but as to all third persons his acts shall be presumed to be in compliance with the orders and directions of the Board.

(d) The Executive Director, subject to the approval of the Board, shall employ such personnel (including attorneys, economists, accountants, experts, assistants, clerks, and laborers) as may be necessary to carry out the functions, powers and duties vested in the Board, and fix their compensation, without regard to the civil service laws or the Classification Act of 1949, as amended. All functions, powers, and duties of the Board, except those specifically reserved to the Board itself by this Act, shall be exercised and performed by the Executive Director and may be exercised and performed by him through such employees of the Board as he may designate.

Regulations

SEC. 24. The Board shall prescribe and publish such regulations, and take such other actions, as may be necessary and appropriate in carrying out this Act and in effectively exercising the functions expressly and impliedly vested in it under this Act.

TITLE III—INCORPORATION AND FUNDING OF SMALL BUSINESS CAPITAL BANK

Incorporation

SEC. 31. (a) The members of the Board of Governors shall, under their hand, forthwith execute and file with the Secretary of the Senate and with the Secretary of the House of Representatives articles of incorporation which shall specifically state the amount of the Bank's authorized capital stock and the number of shares into which such stock is to be divided, and all other matters necessary or appropriate to the organization of the Bank and the accomplishment of the purposes of this Act.

(b) The Board is authorized to direct such changes in or additions to any such articles of incorporation not inconsistent with this Act, as and when it may deem necessary or expedient.

(c) Upon the Board's duly making and filing the articles of incorporation, the Bank shall become, as of the date of the filing of such articles, a body corporate, and as such, it shall have power—

(1) to adopt and use a corporate seal;

(2) to have succession until it is dissolved by Act of Congress or under the provisions of this Act;

(3) to make contracts;

(4) to sue and be sued, complain, interplead, and defend in any court of law of equity, as fully as a natural person;

(5) to elect, by its Board of Governors, a Chairman, a Vice-Chairman and a Secretary, and to appoint an Executive Director and other officers and employees, define their duties, require bonds of them and fix the penalty thereof, and dismiss any such officers and employees at pleasure and appoint others to fill their places;

(6) to prescribe, by its Board of Governors, by-laws not inconsistent with law, regulating the manner in which its stock shall be issued, held, and disposed of, its officers elected, its staff appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed; and

(7) to exercise, by its Board of Governors or its duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry out its functions under this Act.

Capitalization

SEC. 32. (a) The Bank shall be established with an authorized capital of $150,000,000, of which $50,000,000 shall be paid-in capital subscribed for by the Secretary of the Treasury on behalf of the United States, and the remainder shall be provided through purchases of capital stock of the Bank by small business investment companies pursuant to section 44. For the purpose of funding the paid-in capital subscribed for by the Secretary of the Treasury, the Secretary is hereby authorized on request of the Bank to pay to the Bank from the general funds of the Treasury the sum of $50,000,000.

(b) The capital stock of the Bank shall consist of two classes, common and preferred, the rights and preferences of the separate classes to be as specified in the articles of incorporation of the Bank; provided, however, that the authorized capital to be subscribed through the issuance of common stock shall not exceed $100,000,000 and the authorized capital to be subscribed through the issuance of preferred stock shall not exceed $50,000,000.

(c) The common stock shall be available for purchase only by small business investment companies pursuant to section 44.

(d) The preferred stock shall be issued only to the Secretary of the Treasury in exchange for the contribution to the paid-in capital of the Bank pursuant to section 32(a), and such preferred stock shall be redeemed and retired by the Bank from earnings available therefor as soon as possible after the Bank has received a minimum of $50,000,000 in exchange for its common stock.

Borrowing power

SEC. 33. (a) In addition to its authorized capitalization, the Bank shall have authority to obtain funds through the sale to the public of its debenture bonds, which shall bear interest at such rate and contain such other terms as the Board may fix.

(b) The aggregate amount of obligations which may be outstanding at any one time pursuant to subsection (a) of this section shall not exceed $1,000,000,000. The proceeds of the issues of such obligations shall be used only for the purchase of obligations of small business investment companies as provided in section 43.

(c) The Secretary of the Treasury is authorized in his discretion to purchase any obligations issued pursuant to subsection (b) of this section, as now or hereafter in force, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(d) All obligations issued by the Bank shall, to the same extent as securities issued by the United States or its instrumentalities, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission and of section 5136 of the Revised Statutes.

Curtailment of government obligations

SEC. 34. For the purpose of curtailing Government obligations under the small business investment company program—

(1) Effective on the date of the enactment of this Act, funds authorized under any other law for the revolving fund of the Small Business Administration for purposes of the small business investment company program shall be reduced by $50,000,000; and

(2) Effective on the last day of the fiscal year following the year in which the proceeds from the sale of the common stock of the Bank exceed $50,000,000, section 303(b) of the Small Business Investment Act of 1958, as amended, is hereby repealed.

TITLE IV—PROVISION OF ASSISTANCE TO SMALL BUSINESS INVESTMENT COMPANIES

Use of bank's funds

SEC. 41. It shall be the primary function of the Bank to use any funds available to it from its capital account or from any of its other accounts to make direct loans to small business investment companies as provided in section 43:

Standards of eligibility for assistance

SEC. 42. The Board shall promulgate standards to determine the eligibility of small business investment companies for the assistance provided by this Act. In promulgating such standards, the Board shall give consideration to—

(1) the need to promote the development and growth of small business investment companies so as to enable them to make their maximum contribution to productive investment and employment and to the economic stability and growth of the Nation;

(2) the need to make loan funds more readily available to small business investment companies in adequate amounts and on reasonable terms;

(3) the need to facilitate maximum participation of private financial institutions and investors in financing small business investment companies and eligible small business concerns; and

(4) the need to supplement the existing facilities of the United States Government and of banks and other private financial institutions through the program of assistance provided under this Act.

Provisions of loan funds to small business investment companies

SEC. 43. (a) The Bank is authorized to make loans, in the manner and subject to such terms and conditions as may be prescribed by the Board, to small business investment companies which meet the standards of eligibility promulgated by the Board under section 42, in order to provide such concerns with funds needed for their financing activities.

(b) Loans made under this section may be made directly, or in cooperation with banks or other lending institutions, through agreements to participate on an immediate or deferred basis.

Purchase of Bank stock by small business investment companies

SEC. 44. (a) Whenever the Bank advances funds to a small business investment company under section 43, such small business investment company shall be required to become a stockholder of the Bank by investing in the common stock of the Bank.

(b) A small business investment company receiving loan funds from the Bank pursuant to section 43 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank an amount equal to one per centum per annum of the amount of the loan funds so provided by the Bank; provided, however, that the maximum funds so invested by the small business investment company shall not exceed five per centum of the loan funds so provided by the Bank.

(c) The aggregate amount of shares of common stock of the Bank which may be owned or controlled by any small business investment company may be limited by the Board. In no event, however, shall any small business investment company be permitted to own, directly or indirectly, more than 2 percent of the authorized common stock of the Bank.

The material, presented by Mr. SPARKMAN, is as follows:

SMALL BUSINESS INVESTMENT COMPANIES ON THEIR 10TH BIRTHDAY

What's Their Record? In the ten years since the passage of the Small Business Investment Act, SBICs have made over $1.3-billion available to small businesses in some 30,000 separate financings. At the present time, there are 400 active SBICs with resources of about $650-million; these licensees have disbursed an average $150-million a year over the past two years.

The risks inherent in making equity capital and long-term credit available to small businesses—and the pioneering nature of such an institutional undertaking—led to net losses for the SBIC industry during the first six or seven years of its existence. For the past three years, the industry has shown est SBA data (for the fiscal year ending black ink on its P&L statements and the lat-March 31, 1968) indicated an annual rate of return of 6% on private capital in the industry—far better than for any other year to date.

The Small Business Administration has recently evaluated the effectiveness of SBIC financing in promoting sound business growth. Its official report shows that small businesses which have been helped by SBICs have outperformed all the country's businesses by four or five times. In assets, employment, net worth, and profits, these businesses have shown an average annual increase of about 25%. An independent financial analyst, S. M. Rubel, called the performances of SBIC portfolio companies "incredibly impressive."

In addition, SBICs have been able to create new jobs at an unprecedented low dollar cost. SBA data show that a new job is created for each $5,000 of SBIC investment; that's far below the record for other Federal programs. And it must be added that the bulk of SBIC dollars are private; only $250-million of the total $1.3-billion disbursed by SBICs have been Federal funds; the rest (80%) have been private.

We conclude, then: SBICs, as a new financing medium, have made a real impact on the economy; they are beginning to generate some profits for themselves; and they have helped many of their 30,000 portfolio small business firms to hit the profit and growth jackpots.

But, all is not bright on the SBIC scene, despite the remarkably favorable omens cited above.

First and foremost, the industry is not growing—even though there is a tremendous unfilled demand for our assistance and our dollars. Private capital committed to the SBICs hit a high of about $465-million in early 1964. Ever since then, more dollars have left the industry each year than have come into it and the rate of loss has been rising each year. By March 1968, our private capital was down to $342 million, a loss of over 25%. An even greater decrease in the number of active SBICs accompanied the fall in private capital—down from 650 in early 1964 to about 400 today.

Why? A number of reasons. Despite the recent increase in profitability, many SBIC managements have decided they could make a better return on their capital in other, and less risky, pursuits. In addition, the inevitable difficulties of investing in small con-

cerns have been compounded for SBICs which have to operate under laws and regulations which too often are unduly restrictive.

Therefore, we have a situation where the SBIC program hasn't been able to retain the capital it already has, let alone attract the additional several billions of dollars it must have to meet the equity and credit needs of hundreds of thousands of eligible and worthy small business concerns.

What can be done? The industry's trade association, NASBIC, has adopted a four-point legislative program which will remove the obstacles and augment the incentives to profitable and effective SBIC operations. Together, they will guarantee that the SBIC will survive and that all young and growing independent businesses will have access to the capital and long-term dollars they need so badly.

One final question—*Will These Proposals Break Uncle Sam?* Most of the items in the legislative program will not cost the Federal Treasury one cent, since they are designed to clear away present impediments to sound long-range SBIC operations, or will allow SBIC to serve more businesses. Several will involve deferral of tax liabilities for a certain period of time. One would permit SBA to offer incentives for smaller SBICs to join with other lending institutions in participating with SBA in making funds available for public policy purposes. None of these features would result in any substantial cost to the Government.

The keystone of the NASBIC legislative program, moreover, would eventually remove the Federal Treasury completely from the SBIC program by establishing a Small Business Capital Bank to take over SBA's current role of making loans to SBICs. This is crucial to the industry in light of recurrent budgetary crises which have too often cut off the flow of SBA loans just when SBICs need them most.

Not so incidentally—the Government has been making a direct profit on the SBICs throughout the past ten years, even without giving any weight to the increased corporate and personal income taxes paid by the newly-profitable firms and their newly-hired workers. That's the conclusion of an independent analyst who has studied all the direct and indirect costs of the SBIC program. We are certain that the enactment of the NASBIC legislative proposals will greatly increase the Federal Government's profits from the operations of our industry.

Therefore, the answer to this last question is clearly: *No.*

(Background paper: Prepared by NASBIC, December 10, 1968.)

S. —

A bill to create a Small Business Capital Bank, and for other purposes

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

TITLE I—SHORT TITLE, STATEMENT OF PURPOSE, AND DEFINITIONS

Short title

SEC. 11. This Act, divided into titles and sections according to the following table of contents, may be cited as the "Small Business Capital Bank Act".

Table of Contents

Statement of purpose

SEC. 12. (a) The Congress hereby finds that there is an increasing need among small business investment companies for funds to increase their operations to the end of providing additional funds to the small business concerns of this Nation in order to promote and facilitate their growth, expansion, and modernization; that this need must be met in the interest of a sound national economy; and that the funds which are presently available to small business investment companies from the Federal Government and from other public and private sources are insufficient to meet this need.

(b) It is therefore declared to be the policy of the Congress and the purpose of this Act to improve and stimulate the national economy in general and the small business segment thereof in particular by establishing a Small Business Capital Bank to serve as a secondary source of funds for small business investment companies in order to enable such companies to provide to the small business concerns of this Nation the equity capital and long-term loan funds which they need for the sound financing of their business operations and for their growth, expansion, and modernization.

Definitions

SEC. 13. As used in this Act—

(1) the term "Bank" means the Small Business Capital Bank established under section 21 or any branch thereof;

(2) the term "Board" means the Board of Governors of the Small Business Capital Bank;

(3) the term "small business investment company" means a company licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958, as amended;

(4) the term "small business concern" shall have the same meaning as in the Small Business Investment Act of 1958, as amended, and in the regulations promulgated thereunder by the Small Business Administration.

TITLE II—ESTABLISHMENT OF SMALL BUSINESS CAPITAL BANK

Establishment of the Bank

SEC. 21. There is hereby established, as an independent agency of the Government of the United States, a Small Business Capital Bank. The principal office of the Bank shall be located in the District of Columbia, but the Bank may establish such district and branch offices throughout the United States as it deems necessary and appropriate.

Board of Governors

SEC. 22. (a) The management of the Bank shall be vested in a Board of Governors consisting of nine members. The Secretary of the Treasury, the Administrator of the Small Business Administration, and the Associate Administrator for Investment of the Small Business Administration shall serve as members of the Board. The remaining six members of the Board shall be appointed by the President by and with the advice and consent of the Senate. In making such appointments, the President shall have due regard to a fair representation of the public interest as well as of the particular interests and needs of small business investment companies and the special contributions which can be made by such companies to the sound development of the national economy.

(b) Each member of the Board appointed by the President shall be appointed for a term of 6 years; except that (1) of the six members first appointed by the President, two shall be for terms of 2 years, two for terms of 4 years, and two for terms of 6 years, as designated by the President at the time of appointment, and (2) any member appointed to fill a vacancy shall be appointed only for the unexpired portion of his predecessor's term.

(c) Each member of the Board shall be a citizen of the United States and shall receive the sum of $100 for each day or part thereof spent in the performance of his official duties; provided, however, that such per diem compensation shall not be paid to the Secretary of the Treasury, the Administrator of the Small Business Association, nor to the Associate Administrator for Investment of the Small Business Association. In addition to receiving such per diem compensation, each member of the Board, including the Secretary of the Treasury, the Administrator of the Small Business Administration, and the Associate Administrator for Investment of the Small Business Administration, shall be reimbursed for necessary travel, subsistence, and other expenses actually incurred in the discharge of his duties as such member, without regard to any other laws relating to allowances for such expenses.

(d) As soon as practicable after the first members of the Board have been appointed as provided in subsection (a), the members shall meet, subscribe to the oath of office, and organize by electing from among the membership a Chairman, a Vice-Chairman and a Secretary. The Chairman, Vice-Chairman, and Secretary shall be elected annually for terms of 1 year, and shall serve until their respective successors are elected and take office. The Chairman shall preside at all meetings and the Vice-Chairman shall preside in the absence or disability of the Chairman. The Board may, in the absence or disability of both the Chairman and Vice-Chairman, elect any of its members to act as chairman pro tempore. Five members shall constitute a quorum of the Board for the transaction of business, and the Board may function notwithstanding vacancies provided a quorum is present. The Board shall meet at such times and places as it may fix and determine, but shall hold at least six regularly scheduled meetings a year; and special meetings may be held on call of the Chairman or any three members.

(e) Notwithstanding subsection (b), any member of the Board may at any time be removed from office for cause by the President or, if cause exists but the President does not act, by the Congress through impeachment proceedings.

Executive director

SEC. 23. (a) The Board shall appoint an Executive Director, who shall serve at the pleasure of the Board and shall, subject to the general supervision and direction of the Board as to matters of a broad and general supervisory, advisory or policy nature, and, except as otherwise specifically provided in this Act, be responsible for the execution of the functions of the Board.

(b) The Board shall fix the compensation of the Executive Director, but his annual rate of basic compensation shall not exceed $. In addition to receiving such compensation, the Executive Director shall be reimbursed for necessary travel, subsistence and other expenses actually incurred in the discharge of his duties without regard to any other laws relating to allowances for such expenses.

(c) The Executive Director shall comply with all orders and directions which he receives from the Board; but as to all third persons his acts shall be presumed to be in

compliance with the orders and directions of the Board.

(d) The Executive Director, subject to the approval of the Board, shall employ such personnel (including attorneys, economists, accountants, experts, assistants, clerks, and laborers) as may be necessary to carry out the functions, powers and duties vested in the Board, and fix their compensation, without regard to the civil service laws or the Classification Act of 1949, as amended. All functions, powers, and duties of the Board, except those specifically reserved to the Board itself by this Act, shall be exercised and performed by the Executive Director and may be exercised and performed by him through such employees of the Board as he may designate.

Regulations

SEC. 24. The Board shall prescribe and publish such regulations, and take such other actions, as may be necessary and appropriate in carrying out this Act and in effectively exercising the functions expressly and impliedly vested in it under this Act.

TITLE III—INCORPORATION AND FUNDING OF SMALL BUSINESS CAPITAL BANK

Incorporation

SEC. 31. (a) The members of the Board of Governors shall, under their hand, forthwith execute and file with the Secretary of the Senate and with the Secretary of the House of Representatives articles of incorporation which shall specifically state the amount of the Bank's authorized capital stock and the number of shares into which such stock is to be divided, and all other matters necessary or appropriate to the organization of the Bank and the accomplishment of the purposes of this Act.

(b) The Board is authorized to direct such changes in or additions to any such articles of incorporation not inconsistent with this Act, as and when it may deem necessary or expedient.

(c) Upon the Board's duly making and filing the articles of incorporation, the Bank shall become, as of the date of the filing of such articles, a body corporate, and as such, it shall have power—

(1) to adopt and use a corporate seal;

(2) to have succession until it is dissolved by Act of Congress or under the provisions of this Act;

(3) to make contracts;

(4) to sue and be sued, complain, interplead, and defend in any court of law of equity, as fully as a natural person;

(5) to elect, by its Board of Governors, a Chairman, a Vice-Chairman and a Secretary, and to appoint an Executive Director and other officers and employees, define their duties, require bonds of them and fix the penalty thereof, and dismiss any such officers and employees at pleasure and appoint others to fill their places;

(6) to prescribe, by its Board of Governors, by-laws not inconsistent with law, regulating the manner in which its stock shall be issued, held, and disposed of, its officers elected, its staff appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed; and

(7) to exercise, by its Board of Governors or its duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry out its functions under this Act.

Capitalization

SEC. 32. (a) The Bank shall be established with an authorized capital of $150,000,000, of which $50,000,000 shall be paid-in capital subscribed for by the Secretary of the Treasury on behalf of the United States, and the remainder shall be provided through purchases of capital stock of the Bank by small business investment companies pursuant to section 44. For the purpose of funding the paid-in capital subscribed for by the Secretary of the Treasury, the Secretary is hereby authorized on request of the Bank to pay to the Bank from the general funds of the Treasury the sum of $50,000,000.

(b) The capital stock of the Bank shall consist of two classes, common and preferred, the rights and preferences of the separate classes to be as specified in the articles of incorporation of the Bank: *Provided, however,* That the authorized capital to be subscribed through the issuance of common stock shall not exceed $100,000,000 and the authorized capital to be subscribed through the issuance of preferred stock shall not exceed $50,000,000.

(c) The common stock shall be available for purchase only by small business investment companies pursuant to section 44.

(d) The preferred stock shall be issued only to the Secretary of the Treasury in exchange for the contribution to the paid-in capital of the Bank pursuant to section 32 (a), and such preferred stock shall be redeemed and retired by the Bank from earnings available therefor as soon as possible after the Bank has received a minimum of $50,000,000 in exchange for its common stock.

Borrowing power

SEC. 33. (a) In addition to its authorized capitalization, the Bank shall have authority to obtain funds through the sale to the public of its debenture bonds, which shall bear interest at such rate and contain such other terms as the Board may fix.

(b) The aggregate amount of obligations which may be outstanding at any one time pursuant to subsection (a) of this section shall not exceed $1,000,000,000. The proceeds of the issues of such obligations shall be used only for the purchase of obligations of small business investment companies as provided in section 43.

(c) The Secretary of the Treasury is authorized in his discretion to purchase any obligations issued pursuant to subsection (b) of this section, as now or hereafter in force, and for such purpose the Secretary of the Treasury is authorized to use a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the making of such purchase. The Secretary of the Treasury may, at any time, sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

(d) All obligations issued by the Bank shall, to the same extent as securities issued by the United States or its instrumentalities, be deemed to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission and of section 5136 of the Revised Statutes.

Curtailment of Government obligations

SEC. 34. For the purpose of curtailing Government obligations under the small business investment company program—

(1) Effective on the date of the enactment of this Act, funds authorized under any other law for the revolving fund of the Small Business Administration for purposes of the small business investment company program shall be reduced by $50,000,000; and

(2) Effective on the last day of the fiscal year following the year in which the proceeds from the sale of the common stock of the Bank exceed $50,000,000, sction 303(b) of the Small Business Investment Act of 1958, as amended, is hereby repealed.

TITLE IV—PROVISION OF ASSISTANCE TO SMALL BUSINESS INVESTMENT COMPANIES

Use of Bank's funds

SEC. 41. It shall be the primary function of the Bank to use any funds available to it from its capital account or from any of its other accounts to make direct loans to small business investment companies as provided in section 43.

Standards of eligibility for assistance

SEC. 42. The Board shall promulgate standards to determine the eligibility of small business investment companies for the assistance provided by this Act. In promulgating such standards, the Board shall give consideration to—

(1) the need to promote the development and growth of small business investment companies so as to enable them to make their maximum contribution to productive investment and employment and to the economic stability and growth of the Nation;

(2) the need to make loan funds more readily available to small business investment companies in adequate amounts and on reasonable terms;

(3) the need to facilitate maximum participation of private financial institutions and investors in financing small business investment companies and eligible small business concerns; and

(4) the need to supplement the existing facilities of the United States Government and of banks and other private financial institutions through the program of assistance provided under this Act.

Provision of loan funds to small business investment companies

SEC. 43. (a) The Bank is authorized to make loans, in the manner and subject to such terms and conditions as may be prescribed by the Board, to small business investment companies which meet the standards of eligibility promulgated by the Board under section 42, in order to provide such concerns with funds needed for their financing activities.

(b) Loans made under this section may be made directly, or in cooperation with banks or other lending institutions, through agreements to participate on an immediate or deferred basis.

Purchase of Bank stock by small business investment companies

SEC. 44. (a) Whenever the Bank advances funds to a small business investment company under section 43, such small business investment company shall be required to become a stockholder of the Bank by investing in the common stock of the Bank.

(b) A small business investment company receiving loan funds from the Bank pursuant to section 43 shall be required to become a stockholder of the Bank by investing in the common stock of the Bank an amount equal to one per centum per annum of the amount of the loan funds so provided by the Bank; provided, however, that the maximum funds so invested by the small business investment company shall not exceed five per centum of the loan funds so provided by the Bank.

(c) The aggregate amount of shares of common stock of the Bank which may be owned or controlled by any small business investment company may be limited by the Board. In no event, however, shall any small business investment company be permitted to own, directly or indirectly, more than 2 percent of the authorized common stock of the Bank.

ESTABLISHMENT OF A SMALL BUSINESS CAPITAL BANK—EXPLANATORY NOTES

PROPOSAL

Establish an independent Small Business Capital Bank with authority to make loans to SBICs, thus serving as a secondary source of funds.

EXPLANATION

If SBICs are to be viable and profitable financial institutions, they must be able to look to a secondary source of financing that would be stable and not subject to radical changes in lending policies and frequent changes in the administration of SBA. In addition, some SBICs might qualify for leverage in excess of that now available to them from SBA.

NASBIC believes that the establishment of such a Small Business Capital Bank is essential to the growth of the SBIC industry and to attract added private capital.

The Bank's original capital will be subscribed by the Federal Government, but this stock will be retired as soon as possible. In addition, the debentures sold by the Capital Bank will carry a default guarantee from the Treasury in order to bring down the interest rate required to sell such debentures.

MAJOR FEATURES

1. *Board of Governors:* 9 men (Secretary of Treasury, SBA Administrator, Associate Administrator for investment, and 6 others appointed by the President for six-year terms), not a full-time Board (Section 22);

2. *Executive Director:* top staff man (Section 23);

3. *Initial funding:* $50 million in preferred stock to be purchased by the Federal Government and offset against SBIC revolving fund at SBA. This preferred stock to be retired "as soon as possible" from the earnings of the Bank (Section 32);

4. *Subsequent capitalization:* up to $100-million in common stock to be purchased only by SBICs which must invest up to 5% of proceeds of loans from Capital Bank in the Bank's stock (Sections 32 and 44);

5. *Sale of debentures:* Capital Bank may sell its debentures to the public with top limit of $1 billion. Such debentures would be given a Treasury "default guarantee" similar to that given to obligations of the Bank for Cooperatives (Section 33);

6. *Repeal of SBA's authority to lend to SBICs:* would occur after Capital Bank had sold $50 million of its common stock to SBICs (Section 34); and

7. *Loans to SBICs:* to be made on terms and conditions set by the Bank's Board to SBICs which meet the Board's standards of eligibility (Section 42 and 43).

S. —

A bill to amend the Small Business Investment Act of 1958

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

SEC. 1. This Act may be cited as the "Small Business Investment Act Amendments of 1969".

SEC. 2. Title II of the Small Business Investment Act of 1958 is amended to read as follows:

"SMALL BUSINESS INVESTMENT DIVISION AND INVESTMENT DIVISION BOARD OF THE SMALL BUSINESS ADMINISTRATION

"*Establishment of Small Business Investment Division and Investment Division Board*

"SEC. 201. There is hereby established in the Small Business Administration a division to be known as the Small Business Investment Division. The Division shall be headed by an Associate Administrator who shall be appointed by the President by and with the advice and consent of the Senate. Such Associate Administrator shall be appointed for a term of five years and shall receive compensation at the rate provided by law for other Associate Administrators of the Small Business Administration.

"SEC. 202. There is also hereby established in the Small Business Administration an Investment Division Board. The membership of the Investment Division Board shall consist of the Administrator of the Small Business Administration and two other persons appointed by the President by and with the advice and consent of the Senate. Each member of the Board appointed by the President shall be appointed for a term of six years; except that of the two members first appointed by the President, one shall be appointed for a term of three years and one shall be appointed for a term of six years. Each member of the Board appointed by the President shall serve full time and shall receive compensation at the rate provided by law for Associate Administrators of the Small Business Administration.

"SEC. 203. It shall be the function of the Investment Division Board to oversee, review and approve all actions of the Associate Administrator of the Small Business Investment Division except those actions specifically delegated to said Associate Administrator by the Investment Division Board."

SEC. 3. Subsection 302(a) of the Small Business Investment Act of 1958 is amended by adding the following sentence at the end thereof:

"For the purposes of this section and sections 303(b) and 306(a) of this Act, the combined paid-in capital and paid-in surplus of each company authorized to operate under this Act shall consist of the cash consideration received for its common stock, preferred stock and debenture bonds having a maturity of not less than 10 years."

SEC. 4. Subsection 302(b) of the Small Business Investment Act of 1958 is amended by striking the phrase "shares of stock in small business investment companies" and by substituting in lieu thereof the phrase "securities of small business investment companies as described in the preceding subsection".

SEC. 5. Section 303(b) of the Small Business Investment Act of 1958 is amended by striking the second sentence thereof and by substituting in lieu thereof the following sentence:

"Debentures purchased by the Administration under this subsection shall be subordinate to any other debenture bonds, promissory notes, or other debts and obligations of such companies except debenture bonds issued by such companies pursuant to subsection 302(a)."

SEC. 6. Subparagraph (2) of subsection 303(b) of the Small Business Investment Act of 1958 is amended by striking the first sentence thereof and by substituting in lieu thereof the following sentence:

"(2) The total amount of debentures which may be purchased and outstanding at any one time from a company which has investments or legally binding commitments of 65 percent or more of its total funds available for investment in small business concerns invested or committed in venture capital, shall not exceed 300 percent of the company's paid-in capital and surplus."

SEC. 7. Subsections 304 (a) and (d) of the Small Business Investment Act of 1958 are amended by adding the words "and unincorporated" after the word "incorporated" in each of said subsections.

SEC. 8. Subsection 306(b) of the Small Business Investment Act of 1958 is amended by striking it in its entirety and by substituting in lieu thereof the following new subsection:

"(b) For the purpose of this section, the combined paid-in capital and paid-in surplus of a small business investment company shall consist of (1) the cash consideration received for securities of such small business investment company as defined in subsection 302 (a) of this Act, and (2) for any such company licensed prior to January 1, 1968, the following portions of the funds outstanding from the Administration through the issuance of subordinated debentures as of the effective date of the Small Business Investment Act Amendments of 1967, or on January 1 of each of the following calendar years, whichever is less: (A) 100 per centum during 1968; (B) 75 per centum, during 1969; (C) 50 per centum, during 1970; (D) 25 per centum. during 1971; and (E) zero, during 1972 and thereafter."

SEC. 9. Subsection 308(c) of the Small Business Investment Act of 1958 is amended by adding the following language at the end thereof:

"The provisions of such regulations to the contrary notwithstanding, a small business investment company shall be permitted to maintain up to one-third of its assets in loans to or investments in eligible small business concerns without regard to regulations of the Administration relating to (1) overline loans and investments, (2) minimum period of financing and maximum amortization, and (3) purchases of outstanding securities privately or on the open market."

SEC. 10. Subsection 308(f) of the Small Business Investment Act of 1958 is amended by adding the following sentence at the end thereof:

"In addition, the Administrator and the Administration shall have the powers and duties set forth in section 7 of the Small Business Act to the end of encouraging and assisting financing by small business investment companies of business ventures designed to combat air and water pollution, to encourage the development of urban rapid transit facilities and to attain other national policy goals."

SEC. 11. Section 308 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(h) Any action by the Associate Administrator for Investment denying an application of a small business investment company for funds under this Act or demanding repayment of such funds shall be subject to appeal to the Investment Division Board at the election of such company."

AMENDMENTS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958 (EXPLANATORY NOTES)

I

Proposal: Provide that the Associate Administrator for Investment of SBA be appointed by the President, subject to Senate confirmation, to serve a five-year term, and that the acts of such Associate Administrator be subject only to review by a three-man Board to consist of the Administrator of SBA and two other full-time Board members to be appointed by the President, subject to Senate confirmation, and to serve staggered six-year terms as members of the Investment Division Board. (Section 2.)

Explanation: Since its inception in 1958, the SBIC program has come under the jurisdiction of eight different SBA Administrators and seven different Deputy or Associate Administrators for Investment. Each of these gentlemen had different ideas on how the SBIC program should be organized, operated and administered with the result that the industry has been subject to frequent and sometimes violent and radical changes in policies and procedures. If the SBIC program is ever to become a viable fourth banking institution as envisioned by the Congress, then it must have greater continuity and stability in its direction and administration.

This bill provides for a fixed five-year term for the Associate Administrator for Investment and Congress is also asked to create a three-man Investment Division Board to consist of the SBA Administrator and two other full-time members to serve staggered six-year terms and to be appointed by the

President, subject to Senate confirmation. Thereafter, all matters relating to policies and administration of the SBIC program would vest finally in this Board, the acts of the Associate Administrator for Investment being subject only to review by the Board.

II

Proposal: Authorize SBICs to issue preferred stock and debt instruments that will qualify as capital for purposes of borrowing from SBA and for determining legal loan limits. Permit banks to purchase such instruments within the limitations of Section 302(b) of the 1958 Act. (Sections 3, 4, 5 and 8.)

Explanation: SBICs seeking to sell common stock in order to increase their private capital are frequently inhibited from doing so due to depressed markets for outstanding stock. Experience indicates that SBICs could more easily increase the funds available to them for financing activities through the issuance of either preferred stock or debt instruments (such as capital notes) which would qualify as capital for purposes of borrowing from SBA and for determining legal loan limits. The investing public would, it is predicted, be more inclined to invest in a preferred stock of an SBIC paying a dividend or in a preferred stock convertible to common stock at some later date. By the same token, such investors would, it is believed, be attracted to an SBIC debt instrument such as a capital note which would pay a guaranteed return plus return of principal at some future date.

The Congress is thus asked to authorize the issuance of such instruments and to qualify them for borrowing SBA funds and increasing legal loan limits.

Section 302(b) of the 1958 Act now permits national banks, member banks of the Federal Reserve System and non-member insured banks to purchase "shares of stock" in SBICs up to 5% of such banks' capital and surplus. It is further proposed that Congress expand Section 302(b) to permit banks to acquire the new types of instruments under the same limitations.

III

Proposal: Begin "third-dollar" financing under venture capital authority with first dollar of private investment. (Section 6.)

Explanation: The present law limits the added incentive for venture capital financing to those SBICs with private capital above $1-million.

The companies most in need of incentives to increase their private capital are the smallest companies. They should be encouraged in this direction by permitting them to qualify for third-dollar financing for each dollar of private capital invested in the SBIC. Such a provision would substantially increase the interest in organizing new SBICs and would encourage the growth of smaller licensees, thus extending the availability of SBIC financing to a much larger number of small business concerns, particularly in areas of the country which at present do not have any SBICs or not enough SBICs to meet local needs for long-term loans and equity capital.

IV

Proposal: Permit SBICs to acquire proprietary interests in unincorporated small business concerns. (Section 7.)

Explanation: Section 304 of the Small business Investment Act of 1958 permits SBICs to provide equity capital to incorporated small business concerns. Section 305 permits loans to incorporated and unincorporated concerns. This language has consistently been interpreted by SBA to prohibit SBICs from obtaining proprietary or equity interests in unincorporated small business concerns. Eighty-five percent of the business entities in this country are unincorporated and thus denied access to full utilization of SBIC financing. Authorization for SBICs to acquire proprietary interests in such concerns would greatly extend the ability of SBICs to assist small business concerns in obtaining needed funds, particularly venture capital.

V

Proposal: Authorize SBICs to establish special discretionary portfolios up to one-third of their assets for loans to or investments in eligible small business concerns without regard to SBA regulations relating to: (1) overline loans and investments, (2) minimum period of financing and maximum amortization, and (3) purchases of outstanding securities privately or on the open market. (Section 9.)

Explanation: SBICs are restricted rather severely in the types of concerns they can finance. First and foremost, such concerns must qualify as "small business". It has been found that certain other SBA regulations are particularly vexing and not absolutely essential to the proper conduct of the SBIC program. Specifically, limitations on the size of loans and investments that can be made by SBICs frequently are insufficient and detrimental to the sound financing of a small business concern. By the same token, the rather rigid requirements with respect to 5-year minimum financing and 20% per annum amortization of loans can often be unduly restrictive and even harmful to a small business concern.

Present restrictions on SBIC purchases of outstanding securities of small business concerns are likewise regarded as not entirely necessary and unduly inhibitive to the viable operations of SBICs.

SBA and SEC have recently granted approval to some of the larger SBICs to convert to two-tier operations in which the bulk of their funds are freed from all restrictions relating to SBIC financing.

In order to give all SBICs greater flexibility in their operations, to keep present Licensees from converting to two-tier operations, and to encourage the formation of more and larger SBICs, the Congress is urged to authorize a "special discretionary portfolio" for SBICs which would exempt them from present restrictions in the areas indicated.

VI

Proposal: Authorize SBA to give a 90% guarantee on loans and investments made by SBICs in certain public policy areas such as the financing of ghetto businessmen, combatting pollution and stimulating the development of urban rapid transit facilities.

Explanation: Under Section 7 of the Small Business Act, SBA is authorized to participate on an immediate or a deferred basis with banks and other financing institutions up to 90% of the funds advanced to small business concerns. Until recently, SBA as a matter of policy has declined to utilize this authority to assist SBICs in their financing activities. On November 18, 1968 the SBA Administrator announced that he was authorizing SBA 90% guarantees on loans by SBICs to small business concerns in ghetto areas. It is proposed that SBA be given statutory authority to extend similar guarantees to SBIC loans made for other desirable public policy goals such as those relating to efforts to combat air and water pollution and to encourage the development of urban rapid transit facilities and similar programs.

VII

Proposal: Provide appeal to the Investment Division Board on actions of the Investment Division rejecting an SBIC funds application or calling outstanding loans. (Section 11.)

Explanation: Complaints continue to persist that the Investment Division is sometimes arbitrarily calling outstanding SBIC loans or refusing applications for new financing for reasons which are either not stated, not clear or not supported by the facts. In order to provide an element of due process for Licensees in such circumstances, the Congress is requested to provide by statute for an appeal on such administrative actions to the Investment Division Board created under the preceding proposal.

Mr. SPARKMAN. Mr. President, the senior Senator from Utah (Mr. BENNETT), the ranking minority member of the Committee on Banking and Currency, was unable to be present today and asked that I place in the RECORD the statement which he would have delivered, expressing his support for these two bills, had he been able to be present at this time. I ask unanimous consent that his statement be printed in the RECORD at this point.

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

STATEMENT OF SENATOR BENNETT

Mr. President, I join with the Chairman of our Committee and other members in sponsoring these two proposals to improve the ability of small business investment companies to attract capital and make a greater contribution in financing small business enterprises. This program, which has been in existence for about 10 years, has been a significant force in assisting small businesses to become established and to expand their operations. As is well known, these small businesses represent a great portion of the industry throughout these United States. Despite the successes which this program has had during the past 10 years, it has had many problems. Some of the small business investment companies which have operated under the Small Business Investment Act of 1958 have been unsuccessful, and during the past few years the numbers have dwindled until those remaining of the program today are only the relatively well managed firms. On the other hand, some of the best managed and most successful SBICs have left the program because they have found the restrictions contained in the program too great for the incentives provided. They have thus moved out of the program and have used their funds to finance larger businesses rather than those which most desperately need assistance. One of the major problems which has faced the SBIC program over the years is the inability to secure sufficient capital to carry out the commitment which the authorizing legislation provided. It is recommended now by the industry that a capital bank be established which would eventually do away with the necessity for appropriations. The capital bank would begin as a Federal instrumentality but if successful would become a private institution within a relatively few years. This, I believe, is a desirable end.

Another problem which has been serious is the fact that the administration of the SBIC program has changed rather frequently. New officials have had different views as to how the program should operate, and the industry has been unable to formulate long-range plans uninterrupted by philosophical changes in the program. It has therefore been proposed that the administration of the program be altered so that there would be continuity. This, too, I believe is a desirable end.

As the Chairman has already explained, these proposals contain other amendments which would increase the leverage and make small business investment companies more able to contribute capital to small businesses. Despite my support for these two measures, they contain items which I question. The questions I have, however, can be cleared up, I am sure, when we have hearings and further Committee consideration on the legislation.

As has been evident in several newspaper articles in the past few days, the small business investment company program has been practically nonoperative for months as a result of lack of funds. It is my hope that we will be able to have hearings on these two proposals in the very near future and that we can take the steps necessary to solve the major problems now facing the industry.

S. 1211—INTRODUCTION OF BILL TO REGULATE BANK STOCK TENDER OFFERS

Mr. SPARKMAN. Mr. President, I introduce a bill providing for the regulation of tender offers and exchange offers for, and certain acquisitions of, the equity securities of certain regulated bank holding companies, one-bank holding companies, and banks.

There has long been an anomaly in the armory of Federal banking statutes and regulations. While a most careful review of the credentials of the principals and of the proposed capitalization involved in the organization of a bank is required by Federal banking law, a going bank can be taken over today without the same searching examination by Federal authorities. This void in the statutes has an added urgency today in the face of the news reports concerning anticipated tender offers for major money market banks. I would like to note that this bill has an effective date as of the date of introduction.

I would also like to point out that if enacted this bill would not affect the vast majority of our banks. It is only directed to those banks which have a major effect on our money market. Also, the bill would not affect mergers of banks.

The proposal embodied in the bill which I am introducing today is interrelated with the current legislative proposals concerning one-bank holding companies. Some bills have already been introduced to deal with one-bank holding companies and it is anticipated that the administration will soon proffer similar proposed legislation. At such time as we schedule hearings in the Senate Committee on Banking Currency on the proposed one-bank holding company legislation, I intend to join my bill in these hearings.

I ask unanimous consent that this bill be reprinted in the RECORD, together with the accompanying memorandum outlining its key features.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and the memorandum will be printed in the RECORD.

The bill (S. 1211) providing for the regulation of tender offers and exchange offers for, and certain acquisitions of, the equity securities of certain regulated bank holding companies, single-bank holding companies and banks insured by the Federal Deposit Insurance Corporation, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 1211

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

SECTION 1. (a) "Bank holding company" shall have the same meaning provided for such term in Section 2(a) of the Bank Holding Company Act of 1956.

(b) "Single-bank holding company" means any company (other than a bank holding company) that directly or indirectly owns, controls, or holds with power to vote 51 per centum or more of the voting shares of a single bank or of a company that is or becomes a single-bank holding company by virtue of this Act; and, for the purposes of this Act, any successor to any such company shall be deemed to be a single-bank holding company from the date as of which such predecessor company became a single-bank holding company. Notwithstanding the foregoing, (A) no bank and no company owning or controlling voting shares of a bank shall be a single-bank holding company by virtue of such bank's ownership or control of shares in a fiduciary capacity, except as provided in paragraphs (1) and (2) of subsection (j) of this section, (B) no company shall be a single-bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis, and (C) no company formed for the sole purpose of participating in a proxy solicitation shall be a single-bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation. The term "successor" as used herein shall include any company which acquires directly or inderectly from a single-bank holding company shares of any bank, when and if the relationship between such company and the single-bank holding company is such that the transaction effects no substantial change in the control of the bank or beneficial ownership of such shares of such bank.

(c) "Company" means any corporation, business trust, partnership or limited partnership, association, or similar organization, or any other trust, but shall not include any corporation the majority of the shares of which are owned by the United States or by any State.

(d) "Bank" means an institution that accepts deposits that the depositor has a legal right to withdraw on demand and which are insured by the Federal Deposit Insurance Corporation but shall not include any organization operating under section 25 or section 25(a) of the Federal Reserve Act, or any organization that does not do business within the United States.

(e) "State member bank" means any State bank which is a member of the Federal Reserve System.

(f) "District bank" means any State bank organized or operating under the Code of Law for the District of Columbia.

(g) "Person" means any company, or similar organization or individual. When two or more persons act as a syndicate or other group for the purposes of entering into or effecting any of the transactions described in section 2(a) hereof, such syndicate or group shall be deemed a "person" for the purposes of this Act.

(h) "Equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(i) "Net bank investment" means the shareholders' equity in a single bank and all capital notes, debentures, convertible capital notes and convertible debentures of such bank owned by a single-bank holding company or in respect of which a single-bank holding company is primarily or jointly and severally liable.

(j) For the purposes of this chapter—

(1) shares held or controlled directly or indirectly by trustees for the benefit of (A) a company, (B) the shareholders or members of a company, or (C) the employees (whether exclusively or not) of a company, shall be deemed to be controlled by such company; and

(2) shares transferred after February 28, 1969, by any single-bank holding company (or by any company which, but for such transfer, would be a single-bank holding company) directly or indirectly to any transferee that is indebted to the transferor, or has one or more officers, directors, trustees or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the responsible agency making the determination called for by Section 2 hereof, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

The application of this Act shall not be affected by the fact that a transaction takes place wholly or partly outside the United States or that a company is organized or operates outside the United States: *Provided, however,* That the prohibitions of Section 2(a) hereof shall not apply to shares of any bank holding company or single-bank holding company organized under the laws of a foreign country that does not do any business within the United States and no banking subsidiary of which is principally engaged in the banking business within the United States.

SEC. 2. (a) It shall be unlawful for any person to make a tender offer for, or a request or invitation for tenders of, enter into any agreement or make any offer to exchange securities for, or seek to acquire or acquire, in the open market, by contract or otherwise, any equity security of

(A) a bank holding company with seven hundred and fifty or more shareholders.

(B) a single-bank holding company with seven hundred and fifty or more shareholders, if the net bank investment of such single-bank holding company constitutes 25 per centum or more of its assets, or

(C) any bank with seven hundred and fifty or more shareholders, which, if consummated, would result in such person owning beneficially, directly or indirectly, more than 10 per centum of such equity security, or which, in the case of a person already owning beneficially, directly or indirectly, 10 per centum or more of such equity security, if consummated, would result in such person increasing his beneficial ownership of such equity security by more than 3 per centum of such equity security in any two-year period, without the prior approval of the responsible agency which shall be

(X) the Board of Governors of the Federal Reserve System, if such equity security is the equity security of (i) a bank holding company, (ii) a single-bank holding company which owns or controls a State member bank of the Federal Reserve System, or (iii) a State member bank of the Federal Reserve System;

(Y) the Comptroller of the Currency if such equity security is the equity security of (i) a single-bank holding company which owns or controls a national bank or a District bank, (ii) a national bank or (iii) a District bank;

(Z) the Federal Deposit Insurance Corporation if such equity security is the equity security of (i) a single-bank holding company which owns or controls a bank which is insured by the Federal Deposit Insurance Corporation but is not a member of the Federal Reserve System (except a District bank) or (ii) a bank which is insured by the Federal Deposit Insurance Corporation but is not a member of the Federal Reserve System (except a District bank).

(b) Upon receiving from a person any application for approval under this section, the responsible agency shall give such person, within 150 days of the receipt of such application, written notice of the approval or disapproval of such application. In the event that any such person is given notice of the disapproval of any application filed hereunder, the responsible agency may, at its discretion, give the applicant notice of the date for commencement of a hearing by it on such application. Any such hearing shall be commenced not less than ten nor more than 30 days after the responsible agency has given written notice to the applicant of such dis-

approval. The length of any such hearing shall be determined by the responsible agency but it shall afford all interested parties a reasonable opportunity to testify at such hearing. At the conclusion thereof, the responsible agency shall by order grant or deny the application on the basis of the record made at such hearing.

(c) In every case the responsible agency, in determining whether or not to approve any application made hereunder, shall take into consideration the following factors:

(1) the character and financial and business history of the person proposing to make such tender offer, exchange offer or acquisition, including prior competence and experience, if any, of such person in commercial banking and further including the past history of such person in making tender offers, exchange offers and acquisitions or the likelihood of future tender offers, exchange offers and acquisitions of equity securities of others by such person and the effect or potential effect, if any, thereof on any bank or any bank or banks owned or controlled by a bank holding company or single-back holding company and the future business prospects of any such bank or banks;

(2) whether, after giving effect to such tender offer, exchange offer or acquisition, there would be any requirement for a substantial change in the dividend policy of, or any reasonable possibility of any adverse effect on the financial condition of, the bank holding company, single-bank holding company or bank whose equity security is the subject of such tender offer, exchange offer or acquisition, as would in the judgment of the responsible agency result in such bank holding company, single-bank holding company or bank, or any bank or banks which are owned or controlled by such bank holding company or single-bank holding company not possessing capital stock, surplus and undivided profits which are adequate in relation to the character and condition of its assets or prospective assets and other corporate responsibilities and, in the case of a bank, to its existing and prospective deposit liabilities; and

(3) whether approval of such transaction would be detrimental to the depositors or customers of, or the community served by, the bank holding company, single-bank holding company or bank whose equity security is the subject of such tender offer, exchange offer or acquisition or any bank or banks which are owned or controlled by such holding company or single-bank holding company.

(d) The prohibitions in this section shall not apply to:

(1) the acquisition of any equity security of a bank by any person which is a company as defined in Section 2(b) of the Bank Holding Company Act of 1956 and which has registered with the Board of Governors of the Federal Reserve System pursuant to Section 5 of such Act or has received the approval of the Board of Governors of the Federal Reserve System pursuant to Section 3 of such Act;

(2) the acquisition of any equity security of a bank by any person which is a company as defined in Section 2(b) of the Bank Holding Company Act of 1956 and which has submitted an application to the Board of Governors of the Federal Reserve System pursuant to Section 3 of such Act to become a bank holding company if such application is approved;

(3) any tender offer or exchange offer for, or acquisition of any, equity security of a bank, bank holding company or a single-bank holding company made by any person who on February 28, 1969, directly or indirectly owns, controls or holds with power to vote 50 per centum or more of the voting stock of any such bank, bank holding company or single-bank holding company or has on such date the power to control in any manner the election of a majority of the directors of such bank, bank holding company or single-bank holding company or by any person who after February 28, 1969, with the requisite approval or approvals obtained pursuant to this section owns, controls or holds with power to vote 50 per centum or more of such voting stock or has acquired the power to control in any manner the election of a majority of such directors;

(4) the acquisition by any person of any equity security of a holding company, single-bank holding company or bank pursuant to the exercise by such person of subscription rights by their terms issued on a pro rata basis to all holders of any class of securities of such holding company, single-bank holding company, or bank, which subscription rights were acquired by such person in his capacity as such a holder;

(5) the merger of a bank into, or the sale by a bank of all or substantially all its assets to another bank in consideration of which merger or sale the shareholders of such first bank shall receive equity securities of a company which, immediately after the consummation of such merger or sale, shall be a single-bank holding company;

(6) the exchange by the shareholders of a bank of their voting stock in such bank for equity securities of a company which, immediately following such exchange, will constitute a single-bank holding company and of which the shareholders of such bank will hold at least 95 per centum or more of the voting stock issued and outstanding immediately after such exchange;

(7) the acquisition of any equity security by a bank (i) in good faith in a fiduciary capacity, except where such shares are held under a trust that constitutes a company as defined in section 1(c) hereof and except as provided in paragraphs (1) and (2) of section 1(j) hereof, or (ii) in the regular course of securing or collecting a debt previously contracted in good faith;

(8) The merger or consolidation of any bank into or with any other bank or the acquisition by any bank of all or substantially all the assets of any bank; or

(9) The merger or consolidation of any bank holding company into or with any other bank holding company or the acquisition of all or substantially all the assets of any bank holding company by another bank holding company.

SEC. 3. The enactment by the Congress of this Act shall not be construed as preventing any State from exercising such powers and jurisdiction which it now has or may hereafter have with respect to bank holding companies, single-bank holding companies, and banks.

SEC. 4. Any company which willfully violates any provision of this Act or any person who willfully participates in a violation of any provision of this Act shall upon conviction be fined not more than $10,000 or imprisoned not more than one year or both.

SEC. 5. Any party aggrieved by an order of a responsible agency under this Act may obtain a review of such order in the United States Court of Appeals within any circuit wherein such party has its principal place of business, or in the Court of Appeals in the District of Columbia, by filing in the court, within thirty days after the entry of the responsible agency's order, a petition praying that the order of the responsible agency be set aside. A copy of such petition shall be forthwith transmitted to such responsible agency by the clerk of the court, and thereupon the responsible agency shall file in the court the record made before the responsible agency, as provided in section 2112 of title 28. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, or modify the order of the responsible agency and to require the responsible agency to take such action with regard to the matter under review as the court deems proper. The findings of the responsible agency as to the facts, if supported by substantial evidence, shall be conclusive.

SEC. 6. Nothing herein contained shall be interpreted or construed as approving any act, action, or conduct which is or has been or may be in violation of existing law, nor shall anything herein contained constitute a defense to any action, suit, or proceeding pending or hereafter instituted on account of any prohibited antitrust or monopolistic act, action, or conduct.

SEC. 7. Section 3 of the Bank Holding Company Act of 1956 shall be amended by redesignating subsection (d) thereof subsection (e) thereof and by inserting a new subsection (d) thereof which shall read as follows:

"(d) In considering any application for approval pursuant to this section of any tender offer for, request or invitation for tenders of, agreement or offer to exchange securities for, or acquisition in the open market or otherwise of the voting shares of a bank holding company the consummation of which would result in a company owning, holding, or controlling 25 per centum or more of the voting shares of a bank holding company, the Board shall take into consideration the factors set forth in paragraphs (1) and (2) of Section 3(c) of the Bank Holding Company Act of 1956, but in lieu of taking into consideration any other factors set forth in such Section 3(c), shall take into consideration the factors set forth in [Section 2(c) of this Act]."

SEC. 8. The effective date of this Act is February 28, 1969.

The memorandum, presented by Mr. SPARKMAN, is as follows:

MEMORANDUM

The bill provides for the regulation of tender offers and exchange offers for, and certain acquisitions of, equity securities of certain regulated bank holding companies, one bank holding company and banks the demand deposits of which are insured by the Federal Deposit Insurance Corporation. The bill would apply only to those bank holding companies, one bank holding company and banks which have more than 750 stockholders. In addition, the bill's purview would extend to a one bank holding company only where more than 25% of the assets of such one bank holding company consisted of its equity investment in a bank.

Under the bill, it would be unlawful for any individual, partnership, corporation or trust, acting alone or in concert, to make a tender offer for, or a request or invitation for tenders of, enter into any agreement or make any offer to exchange securities for, or seek to acquire or acquire, in the open market, by contract or otherwise, 10% or more of the equity securities of any bank holding company, one bank holding company or bank within the purview of the bill, unless approved by the appropriate bank regulatory authority within 150 days after the submission of an application. Any such determination is subject to judicial review.

The Board of Governors of the Federal Reserve System would have jurisdiction in the case of a bank holding company or a one bank holding company owning a State member bank or in the case of a State member bank. The Comptroller of the Currency would have jurisdiction in the case of a one bank holding company owning a national bank or in the case of a national bank or a District of Columbia bank. In all other cases jurisdiction would repose in the Federal Deposit Insurance Corporation.

The bill sets forth certain criteria for approval or disapproval, including the character and financial and business history and prior banking experience, if any, of the person proposing to make a tender offer, the effect of the tender offer on the financial condition and prospects of the banking entity which is the subject of the tender offer and the effect of the transaction on the depositors

and customers of such entity or any banking subsidiary thereof.

Among other exclusions, there will be excluded from the purview of the bill any acquisition of an equity security of a bank by any bank holding company which is now or may hereafter be subject to the Bank Holding Company Act of 1956. In addition the bill will not affect the formation by a bank of a one bank holding company.

S. 1214, S. 1215, S. 1216, S. 1217—INTRODUCTION OF BILLS TO IMPROVE THE ADMINISTRATION OF BOTH CIVIL AND CRIMINAL JUSTICE IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, four bills designed to improve the administration of both civil and criminal justice in the District of Columbia. They are designed to help relieve the backlogs in the District of Columbia which now deny and delay justice.

The package consists of four proposals, to increase the jurisdiction of the court of general sessions of the District of Columbia, to provide additional judges, to establish better procedures for the selection of judges, and to create a commission to deal with charges of mental or physical disability or judicial unfitness of the judges themselves.

Under my first proposal, the criminal jurisdiction of the court of general sessions would be in three stages. Upon enactment of the bill, the court of general sessions would have jurisdiction to try crimes punishable by less than 15 years imprisonment, thus assuming at once approximately one-third of the criminal caseload of the U.S. District Court for the District of Columbia.

In 1972, the criminal jurisdiction would be increased to offenses punishable by up to 30 years, and in 1974, all local crimes. The thought here is to upgrade the status of the court of general sessions over a period of years with respect to local jurisdiction to the same point, for example, as the supreme bench of Baltimore City and all great cities across the Nation.

There also would be an increase in the court's jurisdiction over civil cases; immediate concurrency with the U.S. district court over local cases involving more than $10,000 and jurisdiction over law and equity actions brought against the government or agents of the District of Columbia.

Over the next 5 years, 15 judges would be added to the court of general sessions, seven immediately, five in 1972, three in 1974, three to the District of Columbia court of appeals—one at each of the stages.

Mr. President, I might caution that even a sharp increase in output will not solve the problem here. The backlogs are too heavy, the flow of new cases too rapid, and the delays too intolerable to expect just better techniques to pull the courts of the District out of their morass.

If the courts are to be models for the Nation, more judgepower along with better administration is needed.

My second proposal would create three judgeships for the U.S. district court to meet needs there while the general sessions court's jurisdiction is being increased. Since that increase would make it unnecessary to permanently increase the number of judges at the U.S. district court, the first three vacancies created by the subsequent death or retirement at the U.S. district court would not be filled.

In other words, the three new judgeships for the U.S. District Court for the District of Columbia, would be so-called temporary district judgeships.

Under my third proposal a Judicial Nominating Commission composed of laymen and lawyers selected by the President and chief judges would screen and recommend persons for appointment as judges.

The President would be free to select from outside the recommended list, but I believe this nominating procedure would speed the selection of judges in the District.

The bill also would create a Commission on Judicial Disabilities and Tenure to investigate and rule on allegations of judicial misconduct and disability. The Commission would be composed of seven members, five appointed by the President and two by the chief judge of the U.S. district court.

My fourth proposal would allow the chief judge of the court of general sessions to request temporary judicial assistance in the form of judges from the U.S. District Court for the District of Columbia.

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

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. TYDINGS. Mr. President, in the aftermath of any future civil disorder, caseload demands might well overwhelm an isolated general sessions court.

My goals in advocating court reform here are numerous. I want felony cases tried within 9 weeks after arraignment, as suggested by the model timetable of the President's Commission on Law Enforcement and the Administration of Justice. I want criminal appeals disposed of in less than the 5 months suggsted by the President's Crime Commission. Civil cases here should certainly be adjudicated within 12 months after filing; that is, expeditiously as the median time interval for civil disposition in all the Federal district courts. The bills I introduce today are aimed at achieving these goals through adding judges, improving judicial administration and reallocating the local jurisdiction.

Mr. President, I introduce the bills and ask that they be appropriately referred.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills (S. 1214) to amend title II of the District of Columbia Code to provide for the selection and tenure of judges in the District of Columbia court of appeals, the District of Columbia court of general sessions and the juvenile court of the District of Columbia, and for other purposes; and (S. 1215) a bill to expand the jurisdiction of the District of Columbia court of general sessions, to increase the number of judges of such court and the District of Columbia court of appeals, and for other purposes; introduced by Mr. TYDINGS, were received, read twice by their titles, and referred to the Committee on the District of Columbia.

The bills (S. 1216) to provide for three temporary district judgeships for the U.S. District Court for the District of Columbia; and (S. 1217) a bill to improve judicial machinery by amending section 292 of title 28, United States Code, to permit the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit to assign district judges of the circuit to the District of Columbia court of general sessions; introduce by Mr. TYDINGS, were received, read twice by their titles, and referred to the Committee on the Judiciary.

Mr. TYDINGS. Mr. President, these bills have been drafted after consultation with judges, law professors, lawyers, representatives of the Committee on the Administration of Justice of the District of Columbia Judicial Council, and other interested parties in the District of Columbia. This dialog with interested parties has intensified since I became chairman of the Committee on the District of Columbia, but this intensification has been merely a new stage of the consultations and discussions which I have had over the past 3½ years.

My first public discussion of the serious difficulties plaguing the courts of the District of Columbia was in a speech before the Judicial Conference of the District of Columbia on May 25, 1966. The late Senator Robert F. Kennedy was kind enough to place that speech in the RECORD of that date, and in preparing my remarks today I have reread those comments, now 2½ years old. At that time I noted, among other things, that the U.S. attorney needed additional staff; that the backlogs facing the U.S. District Court for the District of Columbia were staggering and largely unattended; that the court of general sessions was plagued by inadequate facilities, inferior status, and a lack of sound judicial administration; and that a professionl management study of the courts was essential to the better administration of justice.

Many of my comments of May 25, 1966, are as true today as they were then. I must note, however, that a most valuable management study has been undertaken. That study, funded by private sources through my efforts and operating under the general direction of the Committee on the Administration of Justice of the District of Columbia Judicial Council, has already pointed the direction for change in the administration of the criminal caseload of the District of Columbia courts. Using suggestions by the study team, as well as their own initiative, both the U.S. district court and especially the general sessions court have taken steps to improve their operations. Further administrative improvement can bring further improvements in judicial operations, but there is a fundamental legislative restructuring that must be accomplished. It is to this end that the legislation I introduce today is directed.

Let me explain the critical caseload

congestion facing the courts in the District.

The District of Columbia court of general sessions, a court of limited jurisdiction, handles the bulk of the judicial business in the District. Its jurisdiction includes the great volume of work of both a landlord and tenant and a traffic court. Those two areas of jurisdiction account for approximately two-thirds of the court's business. In addition to this volume of cases, the general sessions court handles offenses against the District's municipal ordinances, misdemeanors committed in the District, and civil cases involving $10,000 or less, exclusive of those involving equitable remedies.

The criminal workload of the court of general sessions has steadily increased. In 1964 that court disposed of 6,444 criminal cases; last year, 10,944 were terminated. This increase in workload was not accomplished without an increase in delay and backlog. In 1967 the average criminal jury case was heard 4 weeks after demand for jury trial; at the end of the last calendar year, the court was disposing of its criminal jury cases in an average of 7 weeks. On December 31, 1967, 1,583 criminal jury cases were pending in the court; a year later, 2,372 criminal jury cases were awaiting trial.

Although faced with increasing demands of a growing criminal calendar, the court of general sessions has managed to cut into its civil backlog. The number of civil jury case filings has remained relatively constant during the past 4 years, but a severe backlog had developed between 1964 and 1966. In 1968 the court disposed of 2,372 civil jury cases, substantially more than in any of the preceding 5 years. In fact, the 1,127 civil jury cases disposed of in the last 6 months of 1968 was almost double the number terminated in the same 6-month period in 1967. The court, at the end of 1968, had 3,543 civil jury cases on its ready calendar. The average civil jury case waits 2 years for trial after filing, and that time lag is 3 months longer than what was experienced in 1966.

As part of its overall review of court activity here, the court study team of the Committee on the Administration of Justice of the District of Columbia Judicial Council found that defects in the criminal case assignment system caused the court of general sessions to terminate far fewer criminal cases than could be expected on the basis of the number of judges available and the nature of the cases. The court study team suggested new techniques for assignment of criminal cases. The new procedures have reduced the administrative chaos of the criminal division of the court of general sessions and helped the court enhance its judicial atmosphere. The court study team is now reviewing the operation of the court's civil division. With the implementation of the new criminal assignment procedures and the expectation of new techniques for civil assignments, there is reason to believe that the court of general sessions will be doing in the future a far better job than it has in the past.

During the past fiscal year the U.S. District Court for the District of Columbia has striven mightily to overcome the enormous backlog in both civil and criminal cases that had accumulated over the past several years. The court in the last fiscal year was extremely active in trying cases. In fact, according to the Director of the Federal Judicial Center, Mr. Justice Tom Clark, the active judges have put in more trial days per judge than any other district court in the United States. The hardest working judge here spent 192 days on the bench while the least active, aside from the chief judge who had administrative responsibilities, spent 112 days on the bench. The national average is but 87 days. This real effort by the active judges of the U.S. district court was augmented last year by the assistance of seven senior judges and a large number of visiting judges. The combined efforts of these judges during fiscal 1968 allowed the court to conduct a total of 1,438 trials, 977 of which were criminal trials. The court disposed of 4,628 civil cases, terminating for the first time since fiscal 1965 more civil cases than were commenced during the fiscal year.

In fiscal 1968 the total number of trials held in the district court exceeded by almost 600 the number held during fiscal 1967, when the court tried but 894 cases. In fact, one has to return to the figures for fiscal 1956 to find another year when more than 1,000 trials were conducted in the U.S. District Court for the District of Columbia. Yet, one must note that in each fiscal year from 1950 through 1956, the U.S. District Court for the District of Columbia conducted more than 1,000 trials.

Sincere and conscientious efforts of the district court in the past fiscal year did not, however, relieve the substantial burden of a heavy backlog. The median time for a civil jury trial in the U.S. District Court for the District of Columbia was 29 months, nearly double the 15-month-median time for all district courts. While the court's efforts reduced the median time from the 31-month lag of fiscal 1967, the present median time for a civil jury trial is substantially greater than the 20.7 months which faced civil litigants in the district court in fiscal 1961.

On the criminal docket, at the end of the fiscal year the district court had 528 cases which had been pending for 6 months or more and 15 percent of all the criminal cases had been pending for more than a year. During fiscal 1968, the court was only able to make a small dent in the criminal backlog, terminating 1,791 cases while having 1,756 commenced, leaving 1,374 criminal cases pending on July 1, 1968.

This small advance was made only because the U.S. District Court for the District of Columbia made special efforts at cutting the criminal case backlog. The court had, since October 1967, substantially all of its active judges assigned to the criminal calendar. And, as of April 1, 1968, according to testimony presented last May by Chief Judge Curran before the Subcommittee on Improvements in Judicial Machinery of which I am chairman, the total number of criminal cases on the calendar decreased from 1,448 where it stood on January 1, 1968, to 1,226 and triable cases had decreased to 703 as compared with 969 on January 1. But approximately 400 riot-connected cases flooded the court's docket to balloon the criminal backlog to 1,374 at the end of the fiscal year.

The condition of the criminal docket has drastically deteriorated since the end of fiscal 1968. Between July 1, 1968, and December 31, 1968, 1,152 new criminal cases were instituted, but only 764 criminal cases were terminated, leaving 1,762 criminal cases on the docket of the U.S. District Court for the District of Columbia at the end of the calendar year. The new backlog completely nullifies the small advances made during fiscal 1968, and creates a criminal calendar that assures delayed justice.

Once a court falls far behind in its business, even herculean efforts are insufficient to unclog the dockets. That is the predicament of the U.S. District Court for the District of Columbia. Serious criminal backlog conditions did not emerge there until fiscal year 1965 when the court terminated but 66 percent of the criminal cases filed, leaving 610 cases pending on July 1, 1965. Perhaps a well-planned and implemented crash program at that time, aimed at disposing of criminal cases, would have avoided the subsequent crisis. But such action was not taken and fiscal year 1966 saw the filing of approximately 250 more criminal cases than in the previous year, the termination of 34 fewer cases than in the year previous, and the emergence of a 913 criminal-case backlog at the end of fiscal 1966. It was at this point that I spoke out against the terrible backlog conditions of the district court and that the Committee on the Administration of Justice of the District of Columbia Judicial Council was formed.

In fiscal 1967, however, the slide to crisis continued, with the court terminating only 969 cases while having 1,465 thrust onto its docket. At the end of fiscal 1967, 1,409 criminal cases awaited trial in the U.S. District Court for the District of Columbia, and forced the court to take emergency steps to fight the backlog. The emergency effort included a call for temporary judge help from other Federal circuits which was prompted by Senator ROBERT BYRD'S insistence at hearings on District of Columbia Appropriations. But even the strenuous efforts of the court in fiscal 1968 could not have been expected to make the court's criminal calendar current. The prior built-up burdens were just too heavy.

If substantial progress is relieving the backlog of the District's courts is to be made, there must either be a drastic reduction in workload or a vast increase in output. A drastic reduction in cases cannot be expected. The number of criminal cases in both trial courts grows every year. The number of filings in the civil division of the general sessions court have not varied greatly from year to year. Only the civil business of the U.S. District Court for the District of Columbia

has shown a steady decline since fiscal 1962; and that decline is attributable in large part to the increase in general sessions civil jurisdiction to $10,000 in January 1963.

If we cannot expect a reduction in cases, can we expect an increased output? The strenuous efforts of the trial courts of this jurisdiction during the past year indicate that diligent efforts produce more case terminations and a better brand of justice. Further improvements can be anticipated as the court study team makes further suggestions and completes its analysis of the courts' operations. Better court administration through modern management techniques will increase judicial output. I firmly believe this and refer Senators to the words of Mr. Justice Clark, speaking to the District of Columbia Bar Association:

> From what I have learned in the last six months as Director of the Federal Judicial Center, I believe that rather than having more judges, we should first try to re-arrange our schedules, tighten up our procedures, strengthen our calendar controls and adapt data processing to our dockets. In so doing, I believe that we can increase our output and decrease our backlog.

Substantial improvements in judicial operations can come through the creation of a circuit administrator's office here, and, in truth, in every Federal circuit. Last session I proposed such a court manager in S. 3062, 90th Congress, second session to relieve the chief judges of many administrative burdens. This concept of a circuit executive officer was endorsed at hearings before the Subcommittee on Improvements in Judicial Machinery by both the Director of the Administrative Office of the U.S. Courts, Ernest Friesen, and the former court executive of the well-administered Superior Court of Los Angeles, Ed. Gallas. I intend to propose this legislation again shortly as part of my proposed Judicial Reform Act for all the Federal courts. Competent professional court managers are needed throughout the Federal judicial system, but they are especially needed in the courts here. The courts here now benefit from a management study team's advice. Further and permanent help could be expected from a managing officer for the circuit.

Better management of judicial business will increase judicial output. But even a sharp increase in output will not solve the problems here. The backlogs are too heavy, the flow of new cases too rapid, the delays too intolerable to expect just better techniques to pull the courts of the district out of their morass.

The President's Commission on Law Enforcement and the Administration of Justice set out a model timetable for the trial of felony cases which is now well beyond the reach of the courts here as presently constituted. That timetable allowed a total of 9 weeks between arraignment and trial. The felony court here, U.S. District Court for the District of Columbia, had more than half of its criminal cases over 3 months old on June 30, 1968. Even the misdemeanor court, the court of general sessions, had stretched its time lag in trying criminal jury cases to 7 weeks at the end of the calendar year.

If the courts of the District of Columbia are to be the models for the Nation, if they are to render swift justice, more judgepower along with better administration is needed. But merely adding more judges without taking a thorough look at the judicial structure here, would be a haphazard approach.

The U.S. District Court for the District of Columbia has jurisdiction unlike any other Federal district court. No other district court has probate jurisdiction. No other district court handles civil cases not founded in diversity or Federal question jurisdiction. No other district court tries offenses other than those against the United States Code. The peculiarly local jurisdiction of the district court here derives from its location in the Nation's Capital. In fact, the U.S. District Court for the District of Columbia did not acquire its present name until 1936; formerly the court of general jurisdiction here was called the Supreme Court for the District of Columbia.

There grew up along side this peculiar Federal district court, local courts which have had a varying history. The Organic Act of 1801 creating the District provided for the appointment of justices of the peace, who were, in truth, carryovers from the system of minor English judicial officers whose sole function was to handle petty claims and offenses. The civil jurisdiction of these justices gradually increased over the years from $20 in 1801 to $50 in 1823 to $100 in 1867 to $300 in 1895. These justices were constituted a court by the act of March 3, 1901 and in 1909 the court was named the Municipal Court of the District of Columbia with civil jurisdiction up to $500. The act of March 3, 1921, enlarged the civil jurisdiction to claims of $1,000, made the court a court of record, and instituted jury trials.

Also, growing up in the District of Columbia was the police court, which in 1870 took the criminal jurisdiction of the justices of peace. The function of this court was solely to deal with petty offenses. Judicial decisions recognized this court as an nonarticle III court, and the court maintained a separate existence to handle minor criminal cases until 1942.

In 1942, the police court and the municipal court were merged, creating a court with exclusive civil jurisdiction over cases involving $3,000 or less and misdemeanor jurisdiction. The expanded civil jurisdiction was designed to channel into the new court more litigation of a purely local nature which had previously been tried in the U.S. District Court for the District of Columbia.

In 1962, the civil jurisdiction was increased to the present level of $10,000 and the court's name was changed to the District of Columbia court of general sessions. The Congress in enacting this jurisdictional change emphasized the desirability of making the relationship, with respect to civil jurisdictional amounts, between the local and Federal courts in the District the same as that relationship between the local and Federal courts throughout the States. See House Report 2137—87th Congress, second session, 1962.

All of the legislative enactments to establish a local-Federal relationship among the courts here have been directed at the civil jurisdiction. The structure of criminal jurisdiction has not been substantially altered since the creation of the police court in 1870 with exclusive jurisdiction over all offenses against the United States not punishable by imprisonment in the penitentiary and all offenses against the laws and ordinances of the District.

Last May at hearings held by the Subcommittee on Improvements in Judicial Machinery, the chief judge of the U.S. District Court for the District of Columbia offered a suggestion for reallocating the criminal jurisdiction. He testified that offenses against title 22 of the District of Columbia Code made up 90 percent of his court's criminal business and he suggested that a new criminal court for the District be created to handle these felonies. Relieving the U.S. District Court for the District of Columbia of title 22 felonies would eliminate that court's calendar problems and make it more nearly like every other Federal district court.

The creation of a third criminal court to stand alongside the district court with jurisdiction of offenses punishable under the United States Code and the general sessions court with its present jurisdiction would exacerbate present scheduling problems. There are but a limited number of attorneys who practice in the criminal courts. Case schedules now break down because lawyers are occupied in the district court when their cases are called in general sessions. The same is true of police officers. If a third criminal court were established, scheduling difficulties would multiply and calendar breakdowns would intensify.

Furthermore, a felony court would not be as likely to attract competent attorneys as judges, because a man going on the bench could look forward only to a steady diet of criminal cases. A new felony court, moreover, would forever condemn the general sessions court to an inferior status. Such status would not be a just reward for a court that has labored diligently to raise the level of justice it dispenses.

I believe the court of general sessions has matured to the point where it can take an increased responsibility for the criminal caseload of the District of Columbia. There has been a steady improvement in both the operations of that court and the caliber of men appointed to its bench. As an advocate of home rule, I further believe that there should be an increasing dichotomy in court jurisdiction here, so that in the not too distant future the local courts will resemble, in fact, the courts of the several States.

Any transfer of jurisdiction would have to be gradual. An immediate shift of all local jurisdiction to the court of general sessions would overwhelm that court and not serve the interests of justice. The court presently has restricted physical

facilities and far too few judges to absorb all of the jurisdiction immediately.

We have then in the court of general sessions a tribunal yet unable to take all local jurisdiction but one which is steadily maturing and improving. In that context, I am introducing legislation to transfer jurisdiction from the U.S. District Court for the District of Columbia in stages that will not overwhelm the court but enhance its maturation process and the administration of both civil and criminal justice in the District of Columbia.

The first bill I introduce today provides for a transfer of local criminal jurisdiction in three stages. Effective upon enactment, the court of general sessions would have exclusive jurisdiction over local crimes punishable by fine only or by imprisonment for less than 15 years, or both.

This grant of jurisdiction would give the court of general sessions jurisdiction to try most offenses enumerated in the District of Columbia Code. The court of general sessions, like a State court, would try such offenses as arson, attempted robbery, forgery, grand larceny, unauthorized use of a motor vehicle, and numerous other local offenses. The U.S. district court would retain jurisdiction to try offenses punishable by imprisonment for 15 years or more and would continue to try the most serious offenses, such as homicide, robbery, burglary, rape, and assault with intent to rob, which during the last fiscal year accounted for more than half of the district court's criminal business. By retaining this local criminal jurisdiction and its Federal jurisdiction, the district court would have approximately 60 percent of the criminal caseload it now has.

Effective on July 1, 1972, my bill would expand the criminal jurisdiction of the court of general sessions to local offenses punishable by fine only or by imprisonment for 30 years or both. This grant of jurisdiction would shift robbery, burglary and sex offenses to the general sessions court. During the last fiscal year there were 363 robbery cases and 351 burglary cases commenced in the U.S. District Court for the District of Columbia. The shift of jurisdiction in 1972, consequently, will almost completely relieve the district court of local criminal cases. Thereafter, it would retain jurisdiction only over homicide, kidnaping, and the offense of committing a crime of violence when armed.

Effective July 1, 1974, all local crimes would be brought before the court of general sessions. This gradual transfer of jurisdiction will allow the court to continue to develop and gain recognition, while relieving the U.S. District Court for the District of Columbia of an increasing burden of local criminal jurisdiction. I believe a system of gradual transfer comports well with the comments of Chief Judge Harold Greene of the general sessions court who in a recent speech said:

> A court is not a commodity that can be produced, full-blown, like an electric appliance. A judicial tribunal, to be an effective instrument of justice, must grow in an orderly progression, by measured, natural stages.

Merely transferring the criminal business of the District to the general sessions court would threaten to create a felony court under the cover of enhancing the stature of general sessions. To maintain a balance, that court should receive increased civil as well as criminal jurisdiction. I, therefore, propose to give the court, immediately, concurrent jurisdiction with the U.S. District Court for the District of Columbia over local civil cases involving more than $10,000 and to give the court of general sessions complete equity jurisdiction except against the Government or agents of the United States. This enhanced civil jurisdiction will enable the court of general sessions to avoid the problem of becoming solely a criminal tribunal.

Providing increased responsibilities for the court of general sessions will require the creation of additional judgeships if we are to avoid placing an intolerable burden on the administration of justice by that court. Therefore, I propose the addition of 15 judges, seven immediately, five in 1972 and three in 1974. Further, because increased work at the general sessions level will mean increased work in the District of Columbia Court of Appeals, I propose to add three judges to that bench, one at each of the respective stages. Whether this proposed increase in judgepower is sufficient can only be determined through hearings on this legislation and this issue will, of course, be given full consideration.

In the gradual expansion of the general sessions court, the present plight of the U.S. District Court for the District of Columbia cannot be ignored. Last October the Judicial Conference of the United States sent to Congress a request for additional judgeships which included six additional judgeships for the district court here. That request for help in the district court here carried the following proviso:

> These judgeships are recommended as needed unless the local criminal jurisdiction under Title 22 of the D.C. Code is transferred to another court.

My proposal, of course, provides for such a transfer, but since the transfer would be gradual, not immediate, the request for additional judgeships for the U.S. District Court for the District of Columbia cannot be ignored completely. I propose, therefore, to create three temporary judgeships for the district court. These judgeships could be filed immediately, giving the district court 18 authorized judgeships but, upon the retirement or death of any present active member of the court, his seat would not be filled.

To assure that along with increased responsibilities the court of general sessions will have increased stature, I further propose, as I did last session at the request of the Committee on the Administration of Justice of the District of Columbia Judicial Council, that judges appointed in the future have good behavior tenure with mandatory retirement at age 70, that they be screened and recommended for nomination by a judicial nominating commission composed of laymen and lawyers selected by the President and the chief judges of the affected courts, and that the judges of the article I courts here be subject to removal for misconduct or to involuntary retirement for disability by the processes of a Commission on Judicial Disabilities and Tenure.

The value of good behavior tenure in encouraging highly qualified lawyers to leave lucrative private practice for the bench has been proven. Good behavior tenure has been one of the prime reasons for the general excellence of the Federal judiciary. Such tenure adds to the dignity and independence of the judiciary, and should be provided for the judges of this city's article I courts.

Because the judges of the court of general sessions will take an added judicial burden as a result of the court reorganization, I believe they are entitled to increased compensation. I further believe that as judges their salaries should be tied in some measure to the salaries of Federal judges. I, therefore, propose that the annual salary of an associate judge of the District of Columbia court of general sessions be set at 85 percent of that paid to a U.S. district judge. Under my proposal, the chief judge of the court of general sessions would receive a salary of $500 more than that of an associate judge; an associate judge of the District of Columbia Court of Appeals would receive $1,000 more than an associate judge of the general sessions court; and the chief judge of the District of Columbia Court of Appeals would receive $500 more than associate judge of the court. This pay scale will properly compensate the local judges for their added responsibilities.

In addition to granting good behavior status and a better pay scale to the local judges I propose to further upgrade the local judiciary by establishing a Judicial Nominating Commission and a Commission on Judicial Disabilities and Tenure.

The Judicial Nominating Commission has long been advocated by the American Bar Association and the American Judicature Society as a means of improving the quality of State judges around the country. Where they presently exist, nominating commissions have worked effectively to assure nonpartisan merit selection. The Nominating Commission proposed for the local courts would be composed of seven members: four lawyers and three laymen. The President would appoint the chairman, a lawyer, and all of the laymen. Each chief judge of an affected court would appoint one lawyer. The Commission would recommend five candidates to fill each local court vacancy. Because constitutional requirements dictate it, the President under my proposal would be free to select from outside the recommended list sent forward by the Nominating Commission. But I believe this nominating procedure would speed and improve the selection of judges in the District. Delay in filling vacancies here has been a constant problem. A Nominating Commission could alleviate that problem. My bill specifically provides that the Nominating Commission shall make its recommendations within 40 days after a vacancy occurs.

Mr. President, let me point out that the distinguished senior Senator from Pennsylvania (Mr. SCOTT) has championed a judicial nominating commission for the entire Federal system. The District of Columbia commission could well be a model judicial nominating commission to test the efficacy of so-called merit selection in the Federal, but limited, context of the District of Columbia.

A Commission on Judicial Disabilities and Tenure would create a mechanism for eliminating the unfit or disabled judge from the local courts. At present, local judges are removable only as Federal judges would be. To believe that the House and Senate at this time in our history have the time to police, through the impeachment process, the local judiciary is just not realistic. Under present conditions, there is no effective means of ridding the local bench of those judges who cannot perform judicial duties because of physical or mental disabilities or who violate the tenor of judicial ethics.

A commission similar to the one I advocate has a sterling record in the State of California and can assure a high level of judicial activity here. The Commission of Judicial Disabilities and Tenure would be composed of seven members, five appointed by the President and two assigned by the chief judge of the U.S. District Court for the District of Columbia. The two selected by the chief judge would be judges of the district court. Among the five Presidential appointees would be two laymen and three lawyers. The Commission would be empowered to investigate allegations of judicial misconduct and disability, hold hearings upon a finding of probable cause, and make determinations of the allegations. Its proceedings would be confidential unless an order of removal or involuntary retirement was issued, or unless a questioned judge released the information after he had been cleared.

The Senate Subcommittee on Improvements in Judicial Machinery has studied for 3 years the need for a removal commission at the Federal level. I introduced S. 3055 last session to create such a Federal commission and the subcommittee held 6 days of hearings on this proposal. I believe a removal commission provides the mechanism for keeping the judicial house in order, and I would not endorse good behavior tenure for the article I judges here unless a removal commission is established.

The last bill I introduce today assures flexibility in handling the temporary caseload demands of the District. It would allow the chief judge of the court of general sessions to request temporary judicial assistance and allow the chief judge of the U.S. Court of Appeals of the District of Columbia Circuit to respond by temporarily assigning district judges to sit in the general sessions court. In the aftermath of any further civil disorder, caseload demands might well overwhelm an isolated general sessions court. Over the past 18 months, the district court here received the real benefit of temporary assignment to Washington of Federal judges from throughout the country. My proposal will assure that the value of the past experiment will not be lost in the reorganization of the District's courts. It will assure that the general sessions court can look to the local Federal courts for help in time of need.

Because my proposals reduce the load of the district court, there will be those who will suggest that my proposals will leave a U.S. District Court for the District of Columbia in 1974 vastly overstaffed. I do not foresee that problem. Mr. President, many informed lawyers have told me that civil cases which could be filed in the district court here are now filed in other Federal districts or in the State courts which surround Washington. A district court here without an intolerable backlog could be expected to draw these cases that are now filed elsewhere. The extent of this business is unclear so that, if after 1974, there appears to be an overstaffed district court here, appointments need not be made to fill vacancies or the number of judgeships could be then reduced.

Even if 1974 finds an overstaffed district court, that would not be an evil. An overstaffed court here could provide the Federal judiciary with a reservoir of talent for use in other clogged districts. Let me remind Senators that the eminent judicial reformer, Chief Justice William Howard Taft, proposed almost a half century ago that a corps of judges be formed to meet critical caseload demands among the districts. Under Taft's plan, a number of district judges-at-large would have been appointed to serve no one court, but to be available for assignment in any district court. Unlike Taft's proposal, it would not be necessary to create new judgeships to form this reservoir of talent; the judicial manpower would exist in the district court here in 1974. And I believe the judges here would be under moral obligation to assist the Federal courts around the country which have responded to their pleas for assistance during this time of critical caseload demands in the District.

Mr. President, it must be stressed that temporary judicial assignments are an inexpensive way of increasing judicial ouput, and making optimum use of judicial manpower. The cost of bringing the 15 visiting judges and their assistants to the district court here during the past 18 months was $44,127. That figure is only about one-half the amount required to fund the annual cost of each Federal judgeship.

Mr. President, the four bills I introduce, along with S. 1067, recently introduced by my good friend the Senator from Nevada (Mr. BIBLE), are essential to court reform in the District of Columbia. Such reform will not alone eliminate the crime problem here, but without reform the courts will remain unable to provide swift justice. Better administration of justice in the courts here is a central ingredient in any answer to the crime problem.

Mr. President, I plan to hold hearings on these proposals and on other aspects of the crime problem in the District of Columbia. I assure Senators that I shall continue to vigorously investigate the local court and crime situation and be amenable to additional sound suggestions from interested parties.

Mr. President, I ask unanimous consent that my speech of May 25, 1966, as placed in the RECORD by the late Senator Kennedy, and a speech by the chief judge of the court of general sessions, Hon. Harold Greene, outlining alternatives to the present court crisis, be printed in the RECORD.

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

CRIMINAL JUSTICE IN THE NATION'S CAPITAL

Mr. KENNEDY of New York. Mr. President, today the junior Senator from Maryland [Mr. TYDINGS] delivered a speech before the Judicial Conference of the District of Columbia which is of great importance to all of us who are concerned with problems of criminal justice here in the District.

Throughout his tenure as U.S. attorney in Maryland and as chairman of the Senate Subcommittee on Judicial Improvement, Senator TYDINGS has had a longstanding interest in problems of criminal justice.

His address today is a comprehensive statement regarding the entire administration of criminal justice here in the District. He details for us the overcrowded conditions in the District of Columbia jail and the lack of many necessary services, and makes seven specific proposals to alleviate these conditions at the jail. He describes the judicial backlog of the district court and the court of general sessions. And he describes the problems faced by the U.S. attorney's office. Finally, he discusses the responsibilities of the bar in the improvement of the administration of criminal justice.

Senator TYDINGS' carefully documented speech and thoughtful proposals deserve the attention of Members of the Senate. I ask unanimous consent, therefore, that Senator TYDINGS' address delivered today be printed in the RECORD.

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

"CRIMINAL JUSTICE IN THE NATION'S CAPITAL

"(Speech of U.S. Senator JOSEPH D. TYDINGS, before the Judicial Conference of the District of Columbia, Wednesday, May 25, 1966)

"It is both a pleasure and an honor for me to be here today with the distinguished bench and bar of the District of Columbia.

"I would like to discuss with you the administration of criminal justice here in the District. While the situation, as I shall point out, is subject to many deficiencies, the administration of criminal justice in the District in some respects is more effective than it is in many jurisdictions handling a similarly heavy volume of criminal work. But while recognizing this, I must emphasize that there are serious administrative problems plaguing our criminal process in the Nation's Capital. Let me outline briefly what they are:

"The District of Columbia Jail, though not as bad in some aspects as pictured by the press, and though managed by competent and able personnel, is an outmoded, overcrowded institution lacking many necessary services.

"The District Court has an intolerable criminal trial backlog.

"There is a pressing need for an enlarged staff for the United States Attorney's Office.

"The Court of General Sessions needs better organization and suffers from both a lack

of decent facilities and a lack of judicial coordination.

"There is a need for authority and appropriations for the compensation of appointed counsel in the Court of General Sessions.

"The Bar Association of the District of Columbia has failed to meet its responsibility to oversee the conduct of counsel in General Sessions, and to scrutinize the operations of that Court.

"Let me consider first the problems of the District jail. The accounts in the Washington Post of conditions in the jail were disturbing to everyone concerned about the administration of justice in the Nation's Capital. Therefore my distinguished colleague from Maryland, Senator DANIEL BREWSTER, joined with me in seeking a careful study of conditions at the jail. Senator BREWSTER and I made two visits to the jail, and members of our staffs have followed up by added inspection of the facility and further discussions with jail officials.

"In our study of the jail we were extremely fortunate in having the valuable cooperation and assistance of a special committee of the Junior Bar Section of the District of Columbia Bar Association. Mr. Kevin Charles, chairman of that committee, worked diligently to assure the success of this project. The Junior Bar sent a task force of young lawyers to the jail on April 5, to talk with prisoners and learn first-hand what their complaints were. We have also studied statistics relating to the population of the jail, in order to determine how long and for what purposes people are detained there. My remarks concerning the jail today are an informal report on the results of the study that the Junior Bar, Senator BREWSTER and I began several weeks ago.

"At the outset, let us bear in mind that most of the inmates at the jail have not been convicted of a crime, but are merely being detained pending trial or grand jury action. After conviction, they are transferred to other facilities, unless they are sentenced for 5 days or less.

"The fundamental problem at the jail is overcrowding. Originally constructed in 1875, the jail is designed to house 695 men. But on January 28 of this year, for example, there were 1,202 inmates, or almost 75% more than intended capacity. The crowding in dormitories causes exceptionally cramped conditions, and small cells designed for one inmate are now routinely used for two.

"The recent publicity has encouraged the Department of Corrections to take some steps to reduce the population at the jail. Changes in administration policy have allowed inmates to be moved to the less-crowded facilities at Lorton or Occoquan. As a result the number of individuals housed at the jail has been reduced to less than eleven hundred—still far too many. But this small, though welcome, improvement represents all that can be done by the jail authorities themselves.

"Next, the facilities for recreation and exercise at the jail are totally inadequate. Each cellblock has one small area set aside for these purposes—an area too small to allow any exercise other than aimless shuffling about. The situation is somewhat better during warmer months when the only outside recreation yard can be utilized. Understandably, lack of adequate recreational facilities was one of the most frequent complaints we heard. The psychological problems produced by this crowding without release for energy and tension are extremely serious. As to all these matters, the newspaper accounts painted an unhappy but accurate picture. The Department of Corrections plans to add an additional outside exercise yard, but there is nothing that it can do to expand the indoor facilities.

"Another critical problem concerns medical services. The infirmary of 45 beds is supported by a first-aid clinic and a sufficient operating room for minor surgery. But there are no facilities or personnel for the treatment of emotionally disturbed inmates. The District of Columbia Public Health Department from time to time does send a psychiatrist to the jail to conduct court-ordered tests or to deal with critical emergency cases, but there is no provision for continued treatment or medically-supervised detention. On one of the days that Senator BREWSTER and I were there, we saw two disturbed inmates who had become violent. Jail officials had no recourse but to put them in solitary confinement in hand and leg restraints—a procedure not unlike the 18th century treatment for the insane. Without psychiatric personnel skilled in the proper administration of appropriate tranquilizers or other drugs, corrections officers were helpless to take more enlightened or effective action.

"Other sources of unnecessary tension and frustration are the unreasonably restricted visiting and mail privileges. Inmates' complaints about this seem justified. Only half an hour per week of visiting time is allowed each prisoner, and the visiting list is restricted to family only, and may not include friends. Moreover, the current schedule for visits is restricted to regular daytime business hours, and relatives who work in the day cannot see a prisoner without suffering economic penalty. The effect of this schedule often is to deprive an inmate of any visitors whatsoever.

"With respect to mail privileges, only three letters per week are allowed, and each may be just three pages in length. Frequently the penning of a letter to a friend or relative may be an inmate's only diversion. Prisoners are allowed unlimited "special purpose" communications, which in addition to correspondence to lawyers, include pleas to judges and government officials. This means that public officials often take the place of family and friends as the recipients of tension-releasing communications.

"Since the overwhelming majority of the jail's inhabitants are not convicted criminals but persons awaiting trial—and consequently presumed to be innocent—all the foregoing deficiencies are even more objectionable.

"These then are the major problems of the District of Columbia Jail: overcrowding; inadequate recreational and exercise facilities; inadequate medical and psychiatric facilities; unnecessarily restricted mail and visiting privileges. What corrective steps can be taken?

"It should be clear to everyone that a new jail facility is needed which can incorporate and reflect principles of modern penology. The current structure, almost a century old, is so obsolete that even major remodeling can not make it adequate for present needs. The President's Commission on Crime in the District of Columbia has hired the American Correctional Association to make a complete study of the jail, and that report will be presented shortly by the Commission. It would be premature for us to recommend specific details for the construction of a new jail until the thorough study by these experts is presented for evaluation. However, we can point out certain features that should be incorporated in the new structure.

"The new jail must have sufficient recreational facilities to allow inmates a reasonable amount of genuine exercise, as opposed to the mere opportunity to walk around. It must contain a well-staffed psychiatric clinic for the treatment of mentally disturbed inmates. There must be facilities for rehabilitation and education, so that inmates may learn useful skills and crafts and so that serious educational defects such as illiteracy may be remedied. A work-release program for men serving sentences should be an integral part of the new facility. To make this possible, the jail must have separate quarters to house those inmates who have gainful employment in the community. Not only will such a plan make more productive the time spent by prisoners, but it will also aid their return to a useful place in society.

"Such a jail will be an important element in the fight against crime in the District of Columbia. It will ensure that time spent in jail serves to alleviate rather than aggravate anti-social tendencies that an inmate may have. Senator BREWSTER and I believe that a modern jail is one of the District's pressing needs, and once the Crime Commission has made its report and we have had an opportunity to study its recommendations, we are prepared to press with all our energy for the prompt construction of a new facility.

"But while a new jail is the keystone in any long-term improvement of the existing situation, there are some steps that can be undertaken immediately to provide relief from the problems that plague the present jail. To this end, we have a number of specific proposals:

"1. The District of Columbia Public Health Department must increase its psychiatric personnel in order to provide the psychiatric care now lacking at the jail. With a psychiatrist, a social worker and a clerk headquartered at the jail, supervision of emotionally disturbed inmates will be possible. I have prepared legislation, which Senator BREWSTER co-sponsors, to effect this change, and our bill will be introduced in the Senate later this afternoon.

"2. An additional doctor is necessary to aid the presently overworked medical staff at the jail, and, likewise, we have prepared a bill, also to be introduced this afternoon, to accomplish this.

"3. There should be a unit in the jail for the treatment of special cases. These include inmates not sick enough for confinement in the infirmary, but who require continuous medication or observation. Also included would be emotionally disturbed patients who need close supervision. Jail authorities are willing to convert one of the present cell-blocks into a Special Treatment Unit if they are given the medical technicians to staff such a unit on an around-the-clock basis. We have prepared a bill to authorize the needed personnel.

"4. The medical staff is badly in need of more help to assist in doing case histories and physical examinations for inmates referred to the infirmary. Fourth-year medical students are sufficiently qualified to do this under the supervision of the staff physician, and would themselves gain valuable experience. We have been in communication with both the medical schools in the District and the Department of Public Health, which, with the Department of Corrections, are now considering arrangements to supply this added help to the infirmary. It appears that this can be accomplished without additional legislation.

"5. Visiting and mail privileges should be expanded. At least half an hour a day seems a reasonable minimum, and friends and associates, in addition to relatives, should be allowed to visit inmates. The schedule for visits should include the evening hours in order to maximize the benefits of the privilege. We also recommend that each inmate be allowed to send at least one letter a day. If more personnel are necessary to facilitate these changes, we shall make every effort to obtain the requisite additional appropriations.

"6. Existing habeas corpus procedures for the District of Columbia must be modified. Under present law, the forum for the petition is the district court for the judicial dis-

trict in which the prisoner is held. When an inmate at the jail files a petition for habeas corpus he must be kept at the jail until the matter is concluded. Usually about 60 prisoners at the jail have petitions on file, often only to prevent transfer to Lorton or Occoquan. We have prepared legislation, also to be introduced this afternoon, to allow the Director of Corrections to keep such petitioners in whatever institution he believes most appropriate, with the proviso that the petitioner will be readily available for appearance in court or consultation with his attorney.

"7. An intelligent program of pre-trial release can keep to the necessary minimum the number of people held in the jail pending trial. Such a program has been in effect in the District under the auspices of the D.C. Bail Project, which will soon come to a complete end. Unless Congress acts quickly to perpetuate the program under Federal auspices, we can expect the overcrowded conditions at the jail to be seriously aggravated. Senator BREWSTER has already made an appeal to the Senate, and I join in urging my colleagues to give the D.C. Bail Project legislation immediate and expeditious attention.

"These seven specific proposals can alleviate some of the immediate problems at the jail. In making these proposals, however, I want to emphasize that the Department of Corrections has done an extremely creditable job in the face of adverse circumstances. It is a compliment to the administration of the jail that our interviewers encountered relatively few serious complaints from inmates. In fact 40% of the 332 prisoners interviewed registered no complaint at all about the jail, even when urged by interviewers to discuss even the most trivial grievances.[1] Many of the men complained about the food; though it may be far inferior to mother's cooking, certainly it is wholesome and nutritious, and sufficient in quantity. We found no evidence to justify the allegation that prisoners are subjected to frequent physical or sexual assaults by other prisoners. The interviewers did not turn up any complaint from an inmate that he had been sexually attacked, and only 6 prisoners thought that homosexuality constituted a problem at the jail. We appreciate that in a jail environment there may be consensual acts of homosexuality, but the editorial charge that the jail is a "brothel" cannot be substantiated.

"On our tours of the jail we found it to be clean, with maximum use being made of the available space and resources. But with severe overcrowding and the other deficiencies we have noted, the present environment of the jail is unduly oppressive and degenerative. It is no great wonder that men subjected to these conditions develop animosity towards society and leave the jail a greater threat to society than when they entered. In particular, I fear this situation is conducive to racial tension, making the jail a fertile ground for recruiting by Black Muslims and other groups which emphasize hatred in race relations. Though the clandestine activities of such organizations are difficult to detect until the festering problems erupt violently into view, we must be alert to conditions that breed unnecessary discontent and encourage these possibilities.

"The deficiencies in the administration of justice in the District of Columbia do not all relate to the jail, however.

"Chief among the District of Columbia's problems is judicial backlog. The most serious backlog is in the United States District Court, as was illustrated by our study of the jail.

"Only prisoners who had been at the jail for over a month were interviewed. The inmates interviewed were all waiting either for grand jury action or for trial before the District Court. One hundred and twenty-eight, or about 39% of those intreviewed, were awaiting action by the grand jury. Of this number, 72, or about 56%, had been waiting from 30 to 60 days, and 40, or about 31%, had been waiting between 60 and 90 days. Sadly enough, we found 16, or about 12%, who had been waiting over 120 days!

"Since March the United States Attorney has had two grand juries working on the indictment backlog. Though there has been improvement, the problem is far from solved. Of the men held in jail for grand jury action on May 16, about 44% had been waiting for more than 30 days.

"The situation with regard to inmates awaiting trial on a felony charge was equally bad. Of the 204 persons interviewed in this category—and let me caution you again that we interviewed only those who had been there for at least four weeks—only 40, or about 20%, had been in jail for less than three months; 86, or about 42%, had been incarcerated between three and five months; and 78, or about 38%, had been awaiting trial for more than five months.

"The District Court's annual spring ritual of assigning 8 or 9 judges to the criminal jury docket is again in progress, but little has been accomplished to reduce the backlog. The jail census as of May 16 shows that 30% of the inmates awaiting trial in District Court have been waiting more than 5 months, with summer recesses fast approaching, there is little prospect that the current jam will be much reduced during the next three months, and a large number of prisoners can look forward to sweltering in jail through the long hot summer without a determination of their guilt while justice takes its annual vacation. Crime, unfortunately, does not take a vacation, and we can look forward to an even more staggering backlog in the fall.

"These statistics indicate that criminal justice is lagging, but the statistics do not indicate solutions. How much of the responsibility for this delay rests with the District Court, and how much comes from other sources?

"One problem is that the current staff of the U.S. Attorney is not sufficient to handle the caseload, and many of his men are burdened with upwards of 70 cases—an impossible load. We applaud and support the efforts of the U.S. Attorney's Office to secure more staff. We hope that the Department of Justice will take immediate steps to provide the manpower necessary for the U.S. Attorney to do his job.

"Second, we know that dilatory tactics on the part of defense counsel can burden the calendar. There is a need for members of the bar to discharge both their duty to clients and their duty as officers of the court, and to recognize the problems that unnecessary delaying tactics pose for the system.

"Third, undoubtedly part of the responsibility rests with the operation and administration of the District Court itself. A professional management study of court business is necessary in order to identify those court practices that are in need of improvement. Such an evaluation of present court-management techniques is essential to any long-term solution of the caseload problem. The Chief Justice of the United States, in his recent speech to the American Law Institute, called for a complete systems analysis of our judicial machinery. I cannot stress too strongly the importance of this kind of approach. While there is a limited study now being conducted in the courts under the auspices of the D.C. Crime Commission, this project is too narrowly confined to meet the whole need. We are confident that the judges of the District of Columbia will follow the lead of the Chief Justice and cooperate enthusiastically in the implementation of a thorough management study.

"Both Senator BREWSTER and I stand ready to support and aid the Judicial Conference of the District of Columbia in a program to identify and eliminate problems in the management of caseload. I realize that the problems of our District Court are not unique. Many courts, both Federal and state, are afflicted with an ever-rising caseload. Indeed, in comparison with other Federal district courts, the record of the district court here is not a bad one. But we must demand more from a court in our Nation's Capital, which should serve as a model for judicial systems throughout the United States.

"Next, let us turn to the D.C. Court of General Sessions. Over the past several months the quality of justice afforded in that court has been vigorously attacked. The court has been charged with being incapable of handling its staggering caseload, and with operating in an atmosphere that cultivates disrespect for law. Disquieting allegations have been made about the quality of defense counsel and the adequacy of the probation office.

"The criminal trial docket of the District of Columbia Court of General Sessions has become reasonably current in the past few months, primarily because additional judges have been assigned to try criminal cases. A jail census on May 16 indicated that only 18 inmates have been incarcerated for more than a month pending disposition of their cases by the General Sessions Court. There is prospect for even more effective dispatch of the Court's caseload as, hopefully, Congress shortly will authorize five additional judgeships for General Sessions.

"Though this additional judicial manpower is needed, the increased number of judges will place a great strain on the already overburdened facilities of the Court. The new judgeships will make all the more pressing the need for a new facility for the Court of General Sessions. Indeed, I know that some judges of the Court believe that a new courthouse would alleviate many of the problems resulting from the lack of a proper atmosphere for the conduct of legal business—problems that now distort the image of the Court as an instrument of justice.

"The present facility hampers the effectiveness of the prosecutorial screening of citizens' complaints. The office used by the Assistant United States Attorneys to screen these complaints resembles a bargain basement counter, not a legal workshop. Yet consultation at the "counter" is a means of eliminating from the judicial process those interpersonal squabbles not worthy of judicial consideration. If present plans for remodeling the quarters for the assistant U.S. Attorneys serving at General Sessions

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[1] "To identify the most significant instances of delay and to hear from men who had been in the jail for a period sufficient for them to become acquainted with conditions there, a task force of the Junior Bar Section decided to interview men who had been incarcerated at least four weeks. A total of 332 interviews were conducted, covering about 85% of the inmates in this category. Each inmate was asked to state his three major complaints, though in the rare instance when an inmate had more than three complaints he was allowed to give them all. It is interesting to note that of the men who were interviewed, 80 had no complaint whatsoever, and an additional 55 made no complaint relevant to the jail itself. Of the complaints registered about the jail, ranked in order of frequency, food, recreation, medical facilities, mail and visiting were the most common. Complaints directed to court delay and attorneys were nearly as numerous as those about food and recreation. A complete report and analysis of the interviews will be submitted to the Judicial Conference by Mr. Kevin Charles and his special committee of the Junior Bar Section on June 1.

provide for facilities in which to handle this process in privacy and with decorum, the value of the "counter" and the effectiveness of the administration of justice will be enhanced.

"But more judges, and remodeled or new facilities for the Court of General Sessions, will not be enough to reshape the image of the Court and make it the model it should be for courts of limited jurisdiction throughout the nation. There is a need for a thorough study and reform of the organization and operation of the Court, which faces a staggering civil and criminal caseload not unlike that facing municipal courts in every major urban center in this nation. Thirteen year ago, a New York City magistrate accurately defined the plight of the judge who serves in a court of limited jurisdiction when he said:

" 'It is obvious that the burdens on a conscientious inferior criminal court judge are many and varied. These burdens are increased immeasurably by the fact that decisions must be made quickly, under constant pressure. . . . Mistakes are inevitable, but a judge cannot worry overmuch about them—there is always the next case to be considered.

" 'It has been said that the inferior criminal courts are the most important tribunals of the land, because they influence for better or worse far more lives than any other court. But this recognition accorded to inferior criminal courts occurs in bar association speeches. It does not result in the adoption of better methods of selecting judicial personnel . . . and the more adequate organization of the inferior criminal courts. Nor does it secure the psychiatric, social work, probation and institutional facilities without which even the best of judges is seriously handicapped. Until a community recognizes the importance of the inferior criminal courts in these terms, it will continue to have an inferior level of performance from its inferior criminal courts.'

"The Department of Justice, the Congress, the Bar Association of the District of Columbia, this Judicial Conference, and the Court of General Sessions itself, must recognize the problems of the Court and seek to foster an enlightened organization for the Court. Probation and social work activities must be reshaped to provide an enlightened basis upon which the conscientious General Sessions judge can act. Beyond this, the judges of the Court must begin to eliminate the notorious lack of uniformity that has been characteristic of the Court's judicial actions. Too often in General Sessions the disposition of a case depends upon which judge mounts the bench. Of course, judges must operate with a great deal of independence and individual discretion, but at least administrative policies, such as the proper judicial treatment of alcoholics under the *Easter* decision, should be worked out by the judges as a court. Unless the judges voluntarily work together to achieve a more consistent administration of justice, criticism will continue and the demand for remedial Congressional action will grow.

"There are other things to be done. Justice demands effective representation by defense counsel. Some attorneys who have appeared in General Sessions do not provide such representation. I am told that subsequent to the enactment of the Criminal Justice Act approximately a dozen competent lawyers who formerly practiced regularly in the Court of General Sessions moved to practice exclusively in the District Court. These men now shun practice in General Sessions because the question has not been settled whether the Criminal Justice Act allows payments to attorneys appearing at General Sessions. At present, an attorney appearing at General Sessions goes unpaid unless he can extract a fee from his client or his client's family. Perhaps, with the inducement of fees under the Criminal Justice Act, more qualified attorneys would appear in General Sessions, and the public, to take one recent example among many, would not be treated to the spectacle of an attorney who appeared for trial in an intoxicated condition. Unless in the near future the Criminal Justice Act is deemed to apply to General Sessions, I will propose appropriate legislation to establish a separate program for that court.

"Assuring that attorneys representing indigents in General Sessions are compensated for their services is not a complete solution to the long-standing deficiencies of counsel in that court. The Bar Association of the District of Columbia must take an active interest in overseeing the practices of its lawyers in General Sessions. Stories of incompetent or inebriated counsel should not have to reach the press in order to reach the attention of the Bar Association. The Bar must be willing to police its own ranks; it cannot restrict its attention to those areas of law that support handsome fees but touch the lives of only a few of this city's residents.

"Furthermore, an increase in the size of the Legal Aid Agency staff is necessary. Currently, its twelve lawyers cover both General Sessions and the District Court. Lately, most of the staff has been working in the District Court, leaving General Sessions short-handed. This is unfortunate, especially since the Criminal Justice Act attracts attorneys to the District Court and away from General Sessions. We understand that a proposal for a minimum of ten more Legal Aid Lawyers whose efforts will be in General Sessions is being prepared for submission to the Office of Economic Opportunity. If a grant is made for that purpose a great step forward will have been taken. In the meantime, however, we urge that the Legal Aid Agency concentrate its efforts in the Court of General Sessions.

"This Judicial Conference is a great legal institution. I know that your primary concern, like mine, is to elevate the standards of the administration of justice in the District of Columbia. I know that you will understand that my comments today are offered in a spirit of constructive criticism.

"There may be some here who would rather not have heard what I had to say. They might have preferred a more humorous, light-hearted speech that ignored our serious problems. But that would have been a waste of your time and mine. The problems I have discussed are, as you well know, real and important, and though the proposals I have outlined today will not be a complete solution, they are at least a beginning. Having begun, we must not rest until the job is finished.

"The forthcoming report of the D.C. Crime Commission, buttressed by the District of Columbia court study that we propose, will be a fertile source of information upon which we can act intelligently to solve our problems. In addition, the committee of distinguished lawyers appointed by this Conference and headed by Mr. Gerhard A. Gesell is studying the courts of the Districts with a view toward improving their operation. The work of this committee, too, will be an important source of new ideas.

"But what is crucial is the active concern and support of you, the Bench and Bar of the District of Columbia. This is your judicial system. With this support of this distinguished assembly, progress and improvement are assured; without it, failure is inevitable. Senator Brewster and I promise to work with you to do the job ahead. Though we have criticized, we shall also cooperate to the end that all of us togethter—Bench, Bar, Community and Congress—will build in our Nation's Capital a system of judicial administration that will be second to none.

"Thank you."

REMARKS OF CHIEF JUDGE HAROLD H. GREENE, GEORGE WASHINGTON UNIVERSITY LAW ALUMNI LUNCHEON, JANUARY 23, 1969

During the past year or two, proposals have been made from time to time for changes in court structure and court jurisdiction in the District of Columbia. I would like to discuss today the policy implications of some of the proposed changes and to suggest a few solutions of my own to the problems that confront our judicial system.

Court reorganization is a topic of significance not only to the courts themselves, but also and especially to the practicing Bar and the community at large. After all, it is the citizens and their attorneys who suffer when the courts are not adequately staffed or organized to operate at optimum efficiency. If an effective organizational structure or the necessary human and material resources are lacking, there are likely to be long delays before cases are reached on the calendar, trials will have to be continued again and again, it will sometimes become necessary to reach unfair settlements because recollections have become stale or witnesses have disappeared altogether, as month after month goes by without a court hearing, let alone a decision.

The community itself suffers most grievously when criminal cases accumulate on the docket, and potential offenders remain at large while the day of the trial approaches ever so slowly. Justice, to be of real service to the public, must be prompt and fast-moving. This is especially true of criminal litigation. The criminal law is most effective as a deterrent when trial and punishment follow swiftly after the commission of the offense. But a great deal of the criticism of the courts today is also due to the fact that the public justifiably objects to interminable delays in the processing of civil lawsuits.

Many of the recommendations for court reorganization stem, at least in part, from the desire to speed the wheels of justice to a more productive pace. Needless to say, I agree wholeheartedly with that goal. And I might add, in passing, that our court has done much in recent months and years to streamline and speed its own processes and procedures so as to gain greater effectiveness. But, as the backlog statistics show, the administration of jutice in the District of Columbia is still in need of improvement. More, much more, needs to be done.

One important recommendation for court reorganization made within the recent past has been that jurisdiction over the so-called local felonies be transferred from the United States District Court either to the Court of General Sessions or to an entirely new tribunal of superior criminal jurisdiction. Another proposal, made by the very distinguished Committee on the Administration of Justice of the Judicial Council under the chairmanship of Mr. Newell Ellison, is that the Juvenile Court be absorbed by the Court of General Sessions. But this is a wholly separate and somewhat specialized topic of such dimensions that time does not permit me to discuss it today.

There appear to be two basic reasons for the movement toward a jurisdictional realignment of the courts in the District.

First, some people believe that what might be called the District of Columbia functions of the federal courts should be transferred to purely local tribunals as part of a general movement toward increased localization of District affairs.

I do not intend to dwell upon the question whether or not such increased localization is desirable. This is essentially a policy or political issue beyond the competence of a judge. I will do no more than to indicate some of the problems that must be faced in any meaningful discussion of so fundamental a change. One issue that immediately comes to mind concerns the role of the United States

Attorney, the United States Marshal, the United States Court of Appeals, as well as that of other federal officials and agencies, in a local court set-up divorced from the federal judiciary. Are they to retain their functions? If not, who and what is to take their place?

Then there is the broader question of the general federal interest in Washington, and whether that interest—which is responsible for extensive federal executive and legislative involvement in District affairs—should be less represented in the judicial realm. At bottom, I suppose, what must be determined is the weight that should be given to the federal concern with criminal and civil law enforcement in Washington as against the principle of greater localization of District affairs.

I pose these issues but, for the reason I suggested earlier, I do not propose to resolve them. But I do venture to say that unless and until those in policy-making authority have made basic decisions on these matters, it is too early to plan for a sweeping and wholesale transfer of judicial authority from the federal to the local courts. The policy question must be decided first. Only if that question is resolved in favor of an overriding local interest can there be a serious discussion of the method by which federal court responsibility for all local law enforcement would be ended.

The other principal impetus for judicial reorganization stems from the desire to find a solution to the all too real problems besetting our courts that I mentioned earlier, particularly the increasing criminal and civil backlogs and the resulting trial delays. Personally, I doubt that court reorganization would, by itself, sufficiently improve the efficiency of the judicial system as a whole so as to bring about a significant reduction in case congestion. As a matter of fact, as I shall explain in a moment, some of the proposals for change, if adopted, might well impede rather than increase effectiveness in law enforcement.

No doubt, the division of jurisdiction between the District Court and the Court of General Sessions causes some loss in efficiency. This is true particularly where the functions of the two courts meet or overlap.

But the overriding and disagreeable fact that must be faced is that the backlog problem cannot be cured by a reshuffle of functions. Someone will still have to hear and decide the steadily increasing number of cases. A shift of functions from one court to another would not increase the total judicial resources but would simply result in a redistribution of burdens without a significant gain in total effectiveness. The only real solution is an increase in the number of judicial, prosecutorial, and other personnel involved in the system as a whole.

That is why I have advocated for some time an increase in the number of judges on our court. Such an increase is more than ever necessary.

The control of crime costs money, and part of that money must be allocated to the courts and the prosecutors' offices which play such a vital role in that control. Speedy criminal and civil justice will be attained only when enough judges, enough prosecutors, enough private trial attorneys, and enough court personnel are available to cope with the caseload. It will not be achieved by a transfer of functions from one overburdened tribunal to another.

Yet there are organizational steps that can be taken, and, indeed, that should be taken. I fully agree with Chief Judge Curran that the District Court is now so overburdened with local criminal litigation that this litigation overshadows and interferes with the remainder of that court's tremendously important activities. District Court judges should not have to spend their time trying local criminal cases to the exclusion of practically everything else. Yet that, unfortunately, has been the situation during the last year or two. Some relief is clearly appropriate. The question is what form that relief should take.

Four possibilities exist in theory and have been suggested at various times.

First, a new criminal court of superior jurisdiction might be established to assume all of the District Court's so-called Title 22, that is local, felony caseload. Second, the District Court's local jurisdiction, criminal, civil, or both, might be transferred in bulk to an enlarged Court of General Sessions. Third, a sufficient number of judges might be added to the District Court to enable that tribunal to cope with its local criminal and civil functions as well as with its purely federal responsibilities. And fourth, some, but not all of the District Court's local jurisdiction might be transferred to the Court of General Sessions initially, leaving for a subsequent time the determination whether more or all of that jurisdiction should likewise be transferred. For reasons which I shall attempt to explain, I favor the third and fourth alternatives, or a combination of both.

Let me consider first the creation of a new, local felony court. I firmly believe that the establishment of such a tribunal would be a mistake; that it would weaken rather than strengthen the District's judicial and law enforcement system.

A totally new tribunal, with totally new personnel, without either physical facilities or experience, would not be likely to provide the District with the kind of criminal law enforcement the city needs and deserves. How long would it take such a court to acquire an adequate court building, a trained probation staff, a well-functioning Clerk's Office, and all the other agencies and personnel that make up a court complex? The courthouse problem alone might require years to solve adequately, when the need is for action, and action now. Moreover, a court devoted exclusively to criminal work of a rather limited and specialized nature would be unlikely to attract top quality judicial personnel.

Furthermore—and this, I think, is most significant—the creation of a new and separate criminal court would serve to exacerbate and to multiply the very problems which right now are the most serious impediments to the efficient operation of our courts. The calendar in General Sessions breaks down most frequently because lawyers, prisoners, police officers, and others, are occupied in District Court when they are needed for cases being called at the same time in our own court. This has been, and still is, the most stubborn of our difficulties and the one that has been least amenable to solution. Literally nothing compares in seriousness with this problem of dispersal of the people who are so often needed in two places at once. If yet a third criminal trial tribunal were to be created, these difficulties would obviously be multiplied rather than diminished.

Then there is the question of prosecutorial screening and the related question of venue. Where and by whom would an individual be charged who might have been involved in a federal offense, such as unlawful assembly on federal property; a local felony, such as assault with a dangerous weapon; and a local misdemeanor, such as carrying a deadly weapon? Which prosecutorial office would make the decision? Where would the trial be held? How much time and effort would be wasted while disagreements among two or three different prosecuting authorities were resolved? Right now, with only two sections of a single prosecutor's office involved, sometime weeks go by before it is finally determined in which court charges are to be lodged.

The trend in sound judicial administration is toward unification and consolidation of courts, not toward proliferation and dispersal. In my opinion, it would be a mistake to establish a new criminal court at the very time when our law enforcement resources should be marshaled and unified rather than dissipated by fragmentation.

Although this is undoubtedly a lesser consideration, there is also the effect on the Court of General Sessions to be considered. That court is a tribunal with existing personnel and expertise which, over the years, has shown its capacity for growth and maturity. Whenever the District Court has been relieved of functions and responsibilities these have always gone to the Court of General Sessions, and the implicit assumption has been that this pattern would continue in the future. The creation now of a new local court of superior jurisdiction would condemn the Court of General Sessions forever to the status of a subordinate tribunal with limited powers. This could not fail but to be felt as a devastating blow to the morale of its personnel, and it would no doubt have the effect of stifling the impetus for reform and improvement which has already produced such excellent results.

It might also be noted, in passing, that if the District Court were to be divested of all its local criminal jurisdiction, there is no reason why it should at the same time retain its other local responsibilities—civil, equity, and probate. If it makes sense for the District Court to abandon completely one phase of local litigation, it is equally appropriate and logical that the court abandon the remainder of its local jurisdiction as well. Yet obviously the transfer to a new court of all local functions now exercised by the District Court would be a tremendous undertaking. Furthermore, such a move, when completed, would be likely to leave the District Court with more personnel than the remaining workload would justify.

In short, for many reasons the creation of a new, separate criminal court is not the answer.

Similar considerations apply to the proposal that the District Court's local jurisdiction be transferred, as such, to the Court of General Sessions. The fact is that the Court of General Sessions with its present restricted physical facilities and limited number of personnel is not in a position to absorb all of that jurisdiction at this time.

Even if those facilities and that personnel could, somehow, be quickly conjured up, I doubt the wisdom of so drastic a step to be taken at one time. A court is not a commodity that can be produced, full-blown, like an electric appliance. A judicial tribunal, to be an effective instrument of justice, must grow in an orderly progression, by measured, natural stages. Furthermore, as I indicated earlier, there is the policy question to be considered whether it is desirable to remove the federal courts entirely from the local litigation scene. Until that policy question is resolved by those having the responsibility to make the decision, a discussion of the means by which a wholesale transfer of the District Court's local functions could be achieved is wholly premature.

That brings us, then, to the two more limited steps which, I believe, provide the route that should be followed. One of these involves the addition of a sufficient number of judges in the District Court to permit that court comfortably to handle both its local criminal and civil jurisdiction and its important federal responsibilities. In a way, this is the simplest and most direct method of achieving the desired result and it has much to commend it for that reason. It

may well be, however, that the Judicial Conference of the United States, as well as others, might not favor an increase in federal judicial personnel of the magnitude required, particularly since such an increase would also foreclose, for the foreseeable future, subsequent transfers of local litigation to the local courts. Nevertheless, an adequate increase in the number of District Court judges should, I think, be seriously considered.

If for some reason this method of providing the necessary relief is not considered practical, then the most effective remaining avenue for assisting the District Court would be to move some of that court's jurisdiction to the Court of General Sessions. What I have in mind is a transfer to General Sessions, in the near future, of the lesser felonies, such as unauthorized use of a vehicle, burglary in the second degree, assault with a dangerous weapon, and the like. Such a transfer might well relieve the District Court of some thirty to forty per cent of its local felony caseload, while still keeping the most serious criminal cases in that tribunal. If a transfer of this scope would still not be adequate to permit the District Court comfortably to handle its remaining jurisdiction, two or three judges might be added to the active membership of that court contemporaneously with the transfer of the lesser felonies.

At the same time, in order to avoid a serious imbalance in the jurisdiction of the Court of General Sessions, the transfer of the lesser felony cases should be accompanied by a transfer of at least some civil jurisdiction. This might take the form of raising the civil jurisdiction of the Court of General Sessions from its present $10,000 limit. Personally, I would prefer retaining that limit at the present time but granting to our Court instead some equity power of its own. This equity power could be as broad as the authority to hear all equity cases not involving the United States or its agencies and officials, or it could be as narrow as equity jurisdiction involving suits to which the District of Columbia government or its agencies and officials are parties.

If a transfer of this kind were to take place, it would, of course, require the addition of more judges to the Court of General Sessions. I previously estimated that, at a minimum, five judges would be needed to permit our court to cope with its present caseload. Two of these five judges have thus far been authorized by the Congress, and I am hopeful that the Congress will see fit to grant the remaining three judgeships during the present Session. If substantial felony and some equity jurisdiction were to be transferred from the District Court to General Sessions, at least four to five more judges, in addition to the three presently required, would probably be needed. The precise judicial needs will, of course, depend upon the magnitude of the jurisdictional change.

A transfer of jurisdiction so limited would solve the immediate problems confronting the District Court while leaving open for future consideration, after full deliberation and in the light of experience, the question of whether all local litigation should be vested in the local courts.

Many believe that the problems of our courts are insoluble. They feel that the tide of crime and of civil litigation is mounting so rapidly that it will end up engulfing our historic institutions and procedures. I do not share this pessimistic attitude. Courts by their very nature are more tradition-bound than other institutions of our public life. They have been slow to make use of modern management and administrative methods. Yet it will take only a relatively small expenditure of imagination, energy, and funds to equip our Judiciary to enable it to cope effectively with the litigation that is pressing upon it. I firmly believe that here, in the Nation's Capital, we have the necessary intellectual and financial resources to set an example of the kind of firm, fair, and effective justice to which our people are entitled.

I submit that we can achieve these ends by thoughtful planning, by prudent yet progressive court administration, and by the organization of a judicial system that makes maximum use of available and potential manpower. We, of the Bench and the Bar, must provide the leadership, and if we do, I am certain that the citizens, through their representatives in public office, will provide us with the support and the resources we require.

SENATE JOINT RESOLUTION 62—INTRODUCTION OF JOINT RESOLUTION RELATING TO CREATION OF JOINT SELECT COMMITTEE ON POPULATION AND FAMILY PLANNING

Mr. TYDINGS. Mr. President, today, February 28, 1969, the population on this old planet of ours is going to grow by more than 200,000 people. Across the globe 2 billion people will go to bed tonight without having had enough to eat. Hundreds of millions of people throughout Asia, Africa, and Latin America will move closer to famine and mass starvation. Mr. President, while you listen to this speech, at least one person, probably a child, will die of starvation.

We are accelerating along what former Senator Ernest Gruening has called "the greatest collision course for survival man has faced in his history." The arithmetic of this collision is brutally simple. During the next 30 years, the world population is expected to double from its current level of more than 3 billion to nearly 7 billion people. Instead of a population growing at 2 percent every thousand years, as it has throughout most of man's history, we are suddenly confronted with a growth rate of 2 percent every year. The time it takes to increase the human race by a billion people has plummeted from 1 million years to several decades.

Food production in the developing nations, where most of the projected population increase is expected to occur, cannot keep pace. The per capita production of food throughout the world is declining.

As the Senator from West Virginia (Mr. BYRD) can testify, because both he and I have been to South America to study this problem, per capita food production in Latin America dropped 7 percent between 1961 and 1965. There is 7 percent less food there per person. In Asia the fall was nearly 5 percent over the same period. The Malthusian prediction of massive food shortages resulting from a geometrically expanding population drawing sustenance from an arithmetically increasing food supply is finally being realized on an international scale.

The juxtaposition of stagnating agricultures and exploding populations has trapped the developing countries in a hopeless cycle. They must accumulate capital to buy or produce the fertilizer and farm machinery to provide the increased agricultural output their burgeoning populations require. But because there are so many more mouths to feed each year, capital accumulation in sufficient amounts becomes virtually impossible. As the director of the U.N. Food and Agricultural Organization explained:

> Population stabilization and accelerating the rate of increase of food production in the developing coutries are like two blades of a pair of scissors. Neither can be effective without the other.

To date, this country has concentrated its efforts on providing the starving of the world with food. Principally through the food-for-peace program, the United States exported three-fifths of its entire wheat crop last year to the developing nations to feed hungry and starving people.

However, within the next 5 years, and perhaps before this decade is over, Mr. President, we will have reached the point when our surpluses will be totally inadequate to fill the growing gap between the number of people and the food needed to sustain them.

I strongly believe the time has now come to match our food and agricultural assistance projects with a comprehensive program to help the nations of the third world bring their enormous population growth under control. For, as former Secretary of Agriculture, Orville Freeman, put it:

> The question is not, will growth be slowed, but how? Will it result from declining birth rates or rising death rates, brought about by acute food shortages which must eventually occur if population growth continues unabated?

Will it be slowed by the three horsemen of the Apocalypse, famine, starvation, and pestilence? Any person who has traveled in either Asia or Latin America, outside of the teacup sipping circuit, and had people from the Peace Corps or others take him away from the capital cities, will see children with their swollen bellies, covered with sores, and will realize that this problem is frightful.

I might add that better family planning programs are also a critical need in this country. Too many parents still lack the necessary information to exercise freedom of choice in a matter as important and intimate as family size. And most of these parents are poor, the very people who can least afford unwanted chlidren.

Surveys have shown that low-income parents actually desire fewer children on the average than higher income parents, because they realize the limitations and responsibilities of parenthood. But, unfortunately, they tend to have larger families for the simple reason that they do not have access either to competent information or to the contraceptive devices necessary to enable them to make judgments.

Again we encounter another vicious cycle. The poor lack the information to plan their families. A large number of children requires money for food, clothing, and education that otherwise might have been used to pull that family out of impoverishment. And on it goes, around and around.

It is estimated there are 5 million

women in the United States today who would like to be able responsibly to plan their families if they had access to contraceptive devices and family planning information. Less than 15 percent of them are now being served. That is indicative of the size of the job which remains to be done here at home.

Certainly, our problem is not unlike the problem confronting the rest of the world. Over the next several weeks, I intended to introduce a series of bills designed to reorganize and expand our population and family programs, both domestic and foreign.

If the rest of the Nation is expected to take cognizance of the urgent nature of this problem, the Senate can hardly do less. Therefore, today I should like to introduce a resolution calling for the creation of a Joint Select Committee on Population and Family Planning.

The committee would review and oversee progress in the population programs and implement necessary studies to increase society's capabilities in population planning and control.

I have worked jointly on this proposal for some time with Representative GEORGE BUSH, of Texas. He introduced a similar proposal in the House of Representatives earlier this week.

To date, our efforts have fallen far short of what is needed. Indeed, the failure of the American Government adequately to deal with this problem is the principal reason for a joint select committee.

It is my hope that this committee will provide a focal point for congressional decisionmaking in this vital area and serve as a catalyst for the complete and comprehensive action the population problem demands.

This is clearly an issue which cannot be abandoned to endless deliberation and debate. The evidence of a problem is too strong. The consequences of inaction are too great. Time is too pressing.

We must act now before history moves the means of solution beyond our reach. For the survival of millions in other nations and the quality of life in our own country are at stake.

Mr. President, if we are going to take the lead with other countries in the world, we must adopt a realistic population program here at home. We must meet our own problems on that subject.

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

Mr. TYDINGS. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. TYDINGS. Mr. President, we are not going to be able adequately to deal with the problems of our cities, the intercity poor—indeed, the problem of our rural poor—until we recognize the relationship of the need for responsible family planning.

The poor mother is just as entitled to the opportunity to responsibly plan her family as any rich mother. If we are going to try to bring some sanity into the population program in the rest of the world, we must take the initiative ourselves, here at home.

Mr. President, in South America, family planning programs are opposed by the Communists. They are opposed by the conservative members of the Catholic Church. They are opposed by nationalists—all, perhaps, for different reasons.

The nationalist position is that we in the United States wish to perpetrate genocide and are trying to limit the growth of their power.

The Communist reason for opposing family planning is that they realize mass starvation could lead inevitably to a toppling of any democratic kind of society, and then they will be able to take over.

The point I want to make, however, is that we are not going to be able to provide leadership, either in Latin America or in Asia, unless we put our own house in order, unless we have a responsible population program at home, and unless we can provide opportunity for responsible family planning for all the citizens of this country without regard to their degree of affluence.

Let me add that, depending on which biologist, agronomist, or writer we read, there will be a massive famine throughout the world, and frightful starvation, disease, and pestilence throughout the underdeveloped areas of the world, beginning in the early 1970's or by the latest in 1980.

My feeling is that the problem of population is greater than that of nuclear energy or any other international problem we face today.

Former President Johnson courageously and forthrightly spoke out on this subject in his Presidential state of the Union addresses, beginning in 1965, but we have not had the administrative leadership to follow up in this area either from the Department of State or from the Department of Health, Education, and Welfare.

As I, former Senator Gruening of Alaska, Representative BUSH, Representative SCHEUER, and others have stated in hearings held over the past 2 years, the neglect, and failure of administrative leadership in the Department of Health, Education, and Welfare, and in some areas of the Department of State is tragic.

I would hope that Congress will consider these problems and will consider creating a joint committee. It is also my hope that the new administration, whose Secretary of the Health, Education, and Welfare, Finch, I know personally and is sympathetic to the problem, because I have talked to him about it, will take cognizance of this matter and start to do something about it. For time is literally running out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 62), to establish a joint congressional committee to study and investigate matters pertaining to population and family planning, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning 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. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HOUSING FOR ELDERLY NEEDS TRAINED MANAGERS

Mr. MOSS. Mr. President, a recent issue of the Journal of Housing—a publication issued by the National Association of Housing and Redevelopment Officials—performed an important public service when it carried several articles related to urban environment of older Americans.

As chairman of the Subcommittee on Housing for the Elderly in the Senate Special Committee on Aging, I was impressed by the sensitive and informative reporting on many matters of direct concern to the subcommittee. I was also pleased to observe that the magazine reported on hearings I conducted for the full Committee on Aging on the subject of "Usefulness of the Model Cities Program to the Elderly." That article was recently reprinted in the CONGRESSIONAL RECORD at the request of the committee chairman, Senator HARRISON A. WILLIAMS, of New Jersey.

Another important subject was discussed in an article by Fred Vogelsang, director of special projects for NAHRO. He wrote about a study conducted by NAHRO for the Administration on Aging from September 1967 through June 1968 to evaluate the immediate and foreseeable need for trained personnel to carry out a housing program for the elderly.

Mr. Vogelsang's findings are well worth the attention of the Congress and of local municipal officials and nonprofit sponsors of housing for the elderly. He describes grave shortcomings that must be dealt with if we are to derive the greatest possible benefits from our federally supported housing programs for the elderly and for other age groups. I ask unanimous consent that his article be reprinted in the CONGRESSIONAL RECORD.

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

FOR THE AGED: STUDY OF HOUSING MANAGEMENT FOR ELDERLY POINTS UP NEED FOR MORE, BETTER TRAINED MANAGEMENT PERSONNEL FOR ALL LOW-INCOME HOUSING

(By Fred Vogelsang, NAHRO's Director of Special Projects, who reports on a study NAHRO conducted for the Administration on Aging from September 1967 through June 1968 evaluating the immediate and

foreseeable need for trained personnel to carry out a housing program for the elderly.)

(NOTE.—"On target!" was the substance of the announcement in October that the goal of doubling the previous year's production of low-income housing units had been reached . . . and passed. It was an occasion for celebration and for recommitment to record-breaking goals for next year, as the No. 9 Journal reported (pages 453–454). To housing authority directors and to housing administrators, however, the next question is a crucial one: are there enough trained, skilled management personnel to operate a doubled output of housing? Are there twice as many training opportunities available to upgrade the skills of currently-employed management personnel? Are there twice as many trained young people stepping into the employment arena each year, equipped to begin a career in housing management?

(NAHRO had the opportunity, this year, to investigate a specialized area of housing management—that of housing for the elderly—to find out what the training needs and the need for trained personnel are now and what they will be by 1980. This study, which is summarized below, indicates recognition that training opportunities and the number of available trained personnel already fall far short of the present need and that, unless major steps are taken at once, the situation will rapidly grow worse. Since the study encompassed housing for the elderly under all public assistance programs and since it was not restricted to that public housing specifically designated for the elderly but included all public housing, it also uncovered the fact that, in terms of staff, public housing is operating under far more stringent limitations than elderly housing under other programs.)

Federal assistance in the provision of housing specifically for elderly persons and families is a relatively new program. It was in 1956 that housing legislation made provision for this kind of housing and for the admission of single elderly persons into public housing. The 1959 year marked the inauguration, via the 1959 housing act, of additional forms of public assistance for elderly housing: the direct loan program under section 202 and the mortgage insurance program under the Federal Housing Administration's section 231.

Although the ensuing years saw an accelerating development of elderly housing under these three programs, there was not, from their inception up until 1965, any coordinated national recognition of the fact that managing housing for the elderly might demand special training or special skills. Ad hoc training activities were carried out along the way—for example, NAHRO's 1962–65 elderly management training institutes under Ford Foundation sponsorship (see No. 2 1965 JOURNAL, page 90)—and in some universities, degree courses in gerontology have included academic training in elderly housing management. On the whole, however, the concepts of special training for elderly housing management and of a specialized career definition for the position of manager of housing for the elderly had not been systematically translated into programs for training.

When the Administration on Aging was created in the Department of Health, Education, and Welfare following passage of the Older Americans Act of 1965, a centralized concern with the need for trained personnel in all programs dealing with the nation's elderly population was officially manifested. One of AoA's early publications—*Guide Specifications for Positions in Aging*, dated 1965—includes, in its list of 14 careers in aging, specifications for a "Housing Manager, Housing for Senior Citizens" and "Housing Services Coordinator, Housing for Senior Citizens." Introductory material in the book describes the need for professional personnel in aging and states that the book "represents the first systematic effort to define a group or set of such positions and to indicate how they relate to one another and to the emerging field of programs and services for the aging."

Under Title III of the Older Americans Act, AoA was authorized to appropriate funds, through state commissions on aging, for, among other purposes, "training of special personnel to carry out . . . programs and activities [for the aging]."

The impetus to come up with a thorough national assessment of training needs came with the passage, in mid-1967, of amendments to the Older Americans Act that, among other sections, authorized the Secretary of HEW to "undertake, directly or by grant or contract, a study and evaluation of the immediate and foreseeable need for trained personnel" to carry out programs for the elderly. To measure this need in the area of management of housing, AoA contracted with NAHRO to carry out a nine-month survey of all rental housing for the independently-living elderly that was built with some kind of public assistance; besides the public housing, 202 direct loan, and 231 insurance programs mentioned, the survey included the senior citizens rural rental housing program administered by the Farmers Home Administration, Department of Agriculture, and whatever housing for the elderly might have been built under Federal Housing Administration Sections 213 (cooperative housing insurance), 221(d)(3) (market and below-market-interest rate), and various state and local housing for the elderly loan and insurance programs.

NAHRO SURVEY METHOD

NAHRO's final report to AoA, submitted in mid-summer 1968, presented analyses and statistics that could be incorporated into AoA's overall survey of personnel training needs covering the whole range of programs and activities designed to serve the nation's elderly population, now and in the next decade, ranging from housing management to geriatric nursing. Upon this survey material, the Secretary of HEW was instructed by the OAA amendments to base a report to the President and to the Congress "of his findings and recommendations . . . including whatever specific proposals, including legislative proposals, he deems will assist in insuring that the need for such trained specialists will be met."

To provide the findings, in the area of housing management for the elderly, upon which such a report could be based and from which recommendations on training needs might be drawn, NAHRO conducted a questionnaire survey during the fall and winter months of 1967–68 of local housing authorities and of sponsors and managers of housing for the elderly built under programs other than public housing.

During this phase of the study, one of the early—and basic—assumptions upon which we had hoped to be able to proceed was demonstrated infeasible and had to be withdrawn. We had assumed that public housing for the elderly could be accurately and thoroughly separated from public housing for other age groups, in order to restrict our findings to the area of AoA's specific interest. It rapidly became clear that if we were seeking to determine how many management persons deal with elderly tenants on a regular basis, we would have to survey the entire public housing program, since elderly tenants often occupy some—or many—units in any project. (This change in approach was proven correct when the final tabulations of the study were in; some 60,000 units were reported occupied by the elderly in projects that are not specifically designated, in whole or in part, to house elderly persons.)

This revised approach, however, allowed us to gain a much broader perspective of training needs in all public housing and these broader findings were reflected in the report submitted to AoA.

One other procedural necessity became apparent at this early stage and was pursued throughout the project, up to and including the handling of the final report. This involved the separate classification of public housing and public housing management methods and staffing from those of housing for the elderly constructed under all the other programs. We wound up, thus, with two simultaneous and corresponding sets of data, reflecting quite different sets of problems and techniques, even though the ultimate objective of housing elderly persons of low and moderate incomes is the same in both cases. These two sets of data were correlated in the final report.

The findings presented below are based upon completed questionnaires describing projects and staffing from all responding local housing authorities that have projects under management and on similar responses from elderly housing projects under the other public programs that satisfy the following four criteria: (1) the project is publicly assisted; (2) the project is designed for independent living (i.e. is not a nursing home or partial care facility); (3) the project houses elderly persons; and (4) the project is either under management or has its management and personnel policies established. From the overall responses (1589 local housing authorities that, among them, manage 88 percent of all public housing units in the country and 1214 projects built under other programs, of which 364 satisfied all four of the criteria applied for this project), national statistics were drawn and patterns of staffing, provision of services, and project type were developed; then, from this total response, a representative sample of just over 200 projects was selected from which to request specific and detailed information about currently-employed personnel. Half the projects in the representative sample are public housing projects managed by local housing authorities, half are projects built under other public assistance programs. A 62 percent response to this final questionnaire had been received by the deadline date and from tabulations, evaluation, and analyses of the information on these questionnaires, a determination of the characteristics of currently-employed personnel (emphasizing training for the job and any further training needed or desired) was made. In addition, selected projects of all kinds were visited, personnel at all levels were interviewed, and personal observations as to management methods and policies were made.

STAFF PATTERNS

The *project manager* position in public housing for the elderly can be defined only very broadly, since some projects are managed by a full-time manager at the project; some by managers who serve as managers of other projects as well; and some by housing authority executive directors who manage all or more than one of the projects in an authority's program. Functional responsibilities vary within these three management set-ups and the variety is compounded by differences in function according to staff size, project size, and program size of the authority. In none of the responses received in the course of our survey was there any indication that the project manager of a housing development designed exclusively for the elderly is in any sense a special or separately defined position. Some authorities do specify certain educational or personal background in dealing with elderly

persons if the project manager is to be assigned to a project for the elderly, but this is as close as any lha has indicated it comes toward defining elderly housing management as a specialized profession of its own.

In contrast to public housing projects, most developments built under sections 202 and 231 report that (1) the staff of the project is headed up by a project manager whose total responsibility involves operation of the project; (2) with the exception of very small projects, the manager is employed on a full-time basis; (3) he is supplied with considerably more secondary management personnel than his public housing counterpart. These plus factors, however, are mitigated by certain additional responsibilities or drawbacks: (1) in addition to housing management, he is frequently also the administrator of a centralized dining facility and/or project-located medical services; (2) he does not have the direct recourse to a local housing authority staff or board of commissioners, in whom may rest a body of experience in housing management. (It was reported, during our survey, that groups sponsoring 202 and 231 projects, though well-intentioned and maintaining an intense and serious concern with the day-to-day operation of the project, are generally not experienced enough in housing management to be able to provide much in the way of direct practical guidance to the project manager.)

The provision of *secondary management personnel* to assist the project manager of a public housing project varies both in number and in functional roles, but there are consistently fewer of them than at elderly projects built under the other programs. The fact that the lha frequently maintains a central office staff to handle many of the administrative and maintenance functions, cutting costs by having one person perform the same management function for several projects rather than a separate person performing the same function at each project, accounts to some extent for this difference. One possible exception to this pattern is the maintenance supervisor, a position that is usually filled at each project.

In both public housing and loan and insurance programs projects, heavy emphasis is placed upon the importance of the maintenance supervisor, not only as a technician but as the staff person in whom are centered some of the key tenant relations, management cost, and personnel supervision functions in any given project. It was pointed out regularly that the maintenance supervisor and his staff are in more direct day-to-day contact with tenants—especially elderly tenants—than most other staff persons; that an important element in economic operation of the project relates directly to the maintenance supervisor's ability to correct malfunctioning equipment as opposed to calling in repairmen; and that the maintenance supervisor usually oversees a larger staff group than any other secondary management level staff person. These points of emphasis give rise to some rather definite feelings on the need for training for personnel filling these jobs, as described in the later section of our report on currently-employed personnel.

Because of the broader range of services and facilities that is frequently provided at projects under sections 202 and 231 and because these projects are almost always self-contained entities, rather than components of an overall housing program, a greater number of secondary management personnel to assist the project manager is often found. Food supervisors, medical directors or directors of nursing, social or recreation directors are found at the management level in such projects. In these projects, an assistant manager, usually assigned to assist in administration and business matters, leaving the project manager to handle direct relations with tenants, may play a key role. (This seems to be the reverse of the public housing situation, where, if a project is of the size to warrant an assistant manager, his function is more often related to tenant matters in areas of organization, social and welfare services, and community relations, leaving the manager free for supervising the business of running the project. In some degree, this difference in assistant manager functions seems to be related to the fact that there is a public relations job to be done at the project level in non-public housing projects for which there is no parallel in public housing. Maintenance of low vacancies and relatively low turnover is a key responsibility of project managers at 202's and 231's. In order to carry out what, in some projects, is a full-scale public relations program, involving contact with tenants and guests and families and outside "lead" sources toward potential project residents, the manager must frequently free himself as much as possible from more routine business matters. This is hardly a problem in public housing—and even if it is, it is not performed at the project level but by the executive director of the authority.)

Maintenance and Clerical Staffs are also larger in 202 and 231 projects than in public housing. With no counterpart to the local housing authority that can provide a centralized staff for clerical and maintenance activities, all rent, leasing, bookkeeping, accounting, and project correspondence is carried on by the project clerical staff. With the exception of those very large projects where the maintenance staff is, of necessity, numerous and given direct special assignments, maintenance personnel fall more into the category of handymen who are expected to perform all mechanical, minor repair, and custodial tasks that need to be done.

MANAGEMENT TECHNIQUES

Although the staffing patterns sketched out above already show the great variance that exists in elderly housing management—especially in public housing—depending on community size, project size, housing program size—still other variations of management techniques are being followed as well. One public housing management device in use in San Francisco is described by the housing authority as follows:

"When our Senior Citizen developments were originally designed, a 2-BR apartment was included for the purpose of engaging the services of a Resident Manager so that the elderly would receive on-the-spot service. The Authority subsequently decided that we would engage the services of married couples as Resident Assistants, acting as independent contractors rather than employees to reside in these projects."

Sponsoring groups of elderly housing under programs other than public housing, not having the practical housing management experience or the management traditions that have evolved in public housing, report in some instances that they have contracted with elderly housing management consultant firms that handle routine management functions for groups of projects, much as a local housing authority manages all public housing projects in a single program.

Still another variation in management concepts in use is that where a housing project for the elderly is just one element in a group of facilities developed by the same sponsor. Such complexes may include facilities all designed for the elderly (hospitals, nursing homes, senior citizens centers, etc.) or may include housing for the elderly as an element of a variety of housing developments, commercial facilities, and the like. In such cases, across-the-board management of maintenance, food service, medical service, housekeeping, and accounting and bookkeeping may be handled by the parent organization on a cost-allocation basis.

Within this group of staff and management patterns, some of them quite new in practice, and within the tight budget limitations of the public housing program and the 202 program, which requires sponsorship on a nonprofit basis, can be seen the kind of efforts that are being made to evolve an effective management device, while keeping the number of staff positions to a minimum, maintenance standards high, and the range of special services broad and closely attuned to the needs and desires of the tenants.

CURRENTLY EMPLOYED PERSONNEL

NAHRO's final report to AoA gave the following description of the "typical" manager currently employed at elderly housing projects. It is drawn from tabulated findings included in the report to form a profile based on the most frequent responses as to individual characteristics. The "typical manager" is: ". . . a man between the ages of 55 and 64, with some college training, probably in an area of business administration. His professional experience is most likely in a commercial field or, if he manages public housing, in housing management. If a public housing manager, he has most likely worked toward this position; if the manager of a project under another program, he has most likely retired from his previous career before before accepting this position." His salary, if he manages public housing, is between $7500 and $8999; if he manages a 202 or 231 project, his salary is over $10,000.

Responses to questions regarding additional training or workshop experience specifically related to the elderly and to understanding the problems of the aged and of aging elicited a positive response from just over one-third of the managers in the representative sample. Some indicated that their additional training included attendance at special courses and workshops at the graduate level at the Universities of Michigan, Iowa, Minnesota, and California at Los Angeles. Others reported attendance at short courses or seminars under diverse sponsorship, including universities; nursing and hospital associations; state and local agencies; and private groups. Other special training reported included field study; national conferences; and training in specialized fields related to aging. It was noted that managers of 202's and 231's achieved special training in areas geared specifically toward the elderly while managers of public housing usually attended general conferences that concerned themselves with housing management problems but not, specifically, with housing for the elderly.

It was reported to AoA that the responses to the NAHRO survey seem to indicate a good deal of confusion as to what exactly constitutes training. Very often, when asked for specifics regarding training directly related to qualifying the person for a position dealing with the elderly, the responder (usually a project manager) included personal experiences, often long-term care of an elderly parent or relative. Former ministers who now manage housing projects for the elderly asserted that continuing contact with elderly parishioners constitutes a form of specific training. Persons with sales, retailing, or similar commercial backgrounds mentioned frequent contacts with elderly persons during these careers. In our comments, we indicated that we felt that all these experiences clearly have the potential of contributing additional capabilities and understanding but that they would seem to be more applicable to the development of a personality and an attitude that might make a person successful in dealing with elderly persons than to the development of the skilled

professional competence that is usually understood in the context of "training."

Nonetheless, in analyzing the characteristics reported on our questionnaire responses, it seems that, in lieu of a standardized career preparation for this field and of available trained personnel, many elderly housing sponsors do accept this kind of background as meaningful preparation. Taking into account the salary levels, the fact that the majority of project managers are in the upper middle age bracket and the fact that many of them are retired from long professional careers (ministry, military, as well as commercial), it seems possible that sponsors of elderly housing projects built under 202 and 231 have independently come to the conclusion that the best person available to them at the salary they can pay for a project manager is a man who has had contact with sizable groups of people in an administrative or quasi-administrative capacity. This would seem to indicate recognition of the fact that trained personnel are not currently available to them and, perhaps, that strict standards as to what kind of training they might ideally expect are unrealistic.

This same analysis would not seem to apply in the case of public housing managers. Although their backgrounds, too, are diversified, they seem to progress in a much steadier sequence toward a plateau represented by their current employment situation. Employment as a manager of a public housing project for the elderly is much more likely to be a point of culmination rather than a position taken after the culmination of a former career.

But recognition of the need for additional training among project managers is almost universal, according to our findings. "This is a more complex business each day that passes," wrote one manager. "We need better trained personnel in all phases. I myself would like more training if I could do it while still on the job. Most of us cannot leave our work."

That problem—the time to get training—was frequently mentioned. Other responses included cost and distance as hinderances to achieving additional training.

The survey also inquired as to what kind of training would be most helpful in attaining a better performance in elderly housing management, suggesting a choice among: (1) exchange-of-idea sessions with other managers; (2) conferences on specific practical problems of housing management, i.e. fiscal management; food service; maintenance; provision of social, recreational, and education services; and (3) study sessions on the special needs and problems of elderly persons and the aging process. Most responders checked all three.

Since *secondary management personnel* described in the representative sample response covers a broad range of jobs and functions, our report to AoA grouped all together to give a clearer picture of the subordinate managerial level as a group. Included are assistant managers; leasing and occupancy supervisors; maintenance supervisors; food supervisors; nursing supervisors; social directors. Two-thirds of this group are women and the majority of salaries fall between $6000 and $7499. The greatest number of them are between 45 and 54 years of age and report high school graduation as the highest educational level achieved. Previous experience is widely scattered, as the broad variety of jobs included might suggest. Practically none of these staff persons are currently attending any special training courses or workshops; frequently, additional training was indicated as desirable. In specific areas, such as nursing, food supervision, recreation, the training suggested relates the discipline to the elderly. In the case of assistant managers, additional training desired is much more general but most often related to better understanding of the elderly, as the following partial list of responses demonstrated:

Additional training desired—Assistant manager

Special seminars on management.
Specifics of elderly housing management.
Discussion on management and new approaches to programming for the elderly.
Utilization of new programs and services available for the elderly.
A more complete and updated knowledge of studies and remedies relating to the problems and needs of the elderly.
Special session re: housing management with elderly.
Social sciences and psychology.
Supervisory and control operations.
Community relations.
In-service workshop with other agencies working with the aged.

From reading the tabulations on characteristics of *clerical personnel*, it seemed safe to us to say that clerical employment at housing projects for the elderly is based only on competence to perform a clerical job. Yet project managers responding to the survey indicated strongly that they have much higher hopes for the contribution that their clerical personnel can make toward the successful operation of elderly housing projects. Specific replies indicated that dealing with the elderly; conferring with the elderly; giving assistance to the elderly; handling of the elderly, on the part of clerical employees, could be improved.

This same recognition of the importance of direct contact between staff and tenants was apparent in discussions of additional training desirable for *maintenance personnel*. While a great deal of additional technical training was listed as desirable, responders also would like to improve relations between maintenance personnel and elderly tenants by giving maintenance men better understanding of the elderly and their problems, insights into the psychology of the elderly, and directions in how to relate to the problems of the elderly.

SIZE OF THE TRAINING NEED

The NAHRO survey pinpointed the strongly-felt need for corrective action in elderly housing management, not only in quality, as discussed above, but—just as imperatively—in quantity. Inadequate numbers of staff persons to provide competent and sensitive management was a complaint heard from the majority of elderly projects, regardless of the assistance programs under which they were built. The severest squeeze affects the public housing program, which manages over two-thirds of the more than 320,000 elderly housing units built under the various public programs included in NAHRO's survey. The following table shows just how severe the limitation in staff numbers is, on a comparative basis:

Ratio of employees to units

	Public housing[1]	*Other housing programs*
Full-time: Management	1:106	1:35
Full-time: Maintenance	1:48	1:30
Full-time: Clerical	1:120	1:52

[1] Ratios for public housing are developed from total of all public housing units, both elderly and nonelderly, and upon survey reports of staff for 88 percent of the total program, extrapolated to 100 percent.

Translated into numbers and projected ahead to 1980, our study indicated that the following staff statistics will apply, even if this same inadequate and unbalanced staff-to-units ratio is maintained.

Grant total: Required staff, 1980

[Present staff-to-unit ratios]

Full-time management:	
Public housing[1]	5,424
Other programs	26,438
Total	31,862
Full-time maintenance:	
Public housing[1]	11,977
Other programs	30,845
Total	42,822
Full-time clerical:	
Public housing[1]	4,791
Ohter programs	17,795
Total	22,586

[1] In this table and the one following, the public housing staff-to-units ratio is applied to anticipated *elderly* units only, not to the total anticipated program.

If, as would seem only reasonable, the reins on public housing are loosened enough to enable the program to at least match the current staff-to-units ratio of elderly housing under other assistance programs, the picture would be as follows:

Grand total: Required staff, 1980

[Staff-to-units ratio of nonpublic housing programs applied]

Full-time management:	
Public housing	16,426
Other programs	26,438
Total	42,864
Full-time maintenance:	
Public housing	19,164
Other programs	30,845
Total	50,009
Full-time clerical:	
Public housing	11,056
Other programs	17,795
Total	28,851

NAHRO's report to AoA provided, by contract requirements, a description of the present situation and a statistical projection to 1980; it did not provide an evaluation of the findings or make any recommendations. These are to be made by AoA on the basis of information supplied. The picture the NAHRO survey paints, however, seems to emerge explicitly from the facts themselves: housing the elderly—and, by extension, other low-income groups—only begins with the production of low-rent dwelling units. If the housing development is to remain economically sound and socially productive over its full span of usable years, its operation and management must be placed in the hands of staff persons adequate in number and prepared by training and experience to perform the job with skill and sensitivity. The added push has been applied in the production of housing—and the results have been more than anticipated; to finish the job, an immediate jump in numbers and kinds of training opportunities and from that, a dramatic increase in the number of trained personnel are urgent—first to catch up, then to keep up with the need.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that I may proceed for approximately 15 minutes.

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

SENATE RESOLUTION 100—RESOLUTION RELATING TO AIRPLANE HIJACKING

Mr. MOSS. Mr. President, since the first of the year 16 airliners have been hijacked in midair and their crews forced to change course for Havana. There is bitter frustration in the United States because of these crimes as well as general agreement that the practice must be stopped forthwith. To date, however, none of the many proposals advanced has led very far toward this much desired end.

I firmly believe that nothing will end permanently these acts of piracy except an agreement on the part of Cuba to seize hijackers and return them promptly to the country of origin for trial. I believe that to be truly effective such an agreement must include as signatories all the nations of this hemisphere. And I believe that the appropriate agency through which such an agreement should be consumated is the Organization of American States.

Today, I submit a resolution expressing the sense of the Congress that the Organization of American States be urged to take up this most vexing question at its earliest convenience. An examination of the problem and the proposed solutions will, I think, sustain the logic of involving the OAS.

The ideal solution would be one that we could put into effect ourselves. Weapons detection devices have been discussed widely, but nothing effective has yet been put into use. Guards have been posted on aircraft but, so far, have been unable to stop hijacking probably because they have been unwilling to risk a fight which might severely damage the aircraft. We should continue to study such possibilities, but experience to date does not indicate we can stop hijacking by unilateral action.

The view that speedy and sure return of the hijackers to the United States would end the practice was supported in a January 31 Time magazine article. Time wrote:

> Nonetheless, pilots and psychiatrists concur in an important conclusion. If Castro were to return a single skyjacker to face U.S. justice, the airborne stampede to Havana would soon stop.

The distinguished majority leader had this approach in mind when he suggested February 1 that the administration send representatives to meet with the Castro regime to seek ways of stopping plane hijackings. Senator MANSFIELD believes approaches could be made to Cuba through the Swiss Embassy, Mexico, or the Bahamas. I strongly support such action.

The New York Times has proposed editorially that persons wishing to go to Havana should be permitted to do so freely. It is pointed out that we have a regular air traffic operation bringing persons from Havana to Florida and that we could easily operate a return trip to accommodate those who prefer life in Cuba to that in the United States. I support his approach also.

However, Carl T. Rowan declared in a column carried by the Salt Lake Tribune on Monday, February 10, that such suggestions have been made and that the Swiss have transmitted them. Rowan wrote:

> The United States has made several proposals designed to get Cuba to agree to extradite the hijackers. But Cuba still plays hard to get. Many months ago, through the Swiss, the United States offered a plan that it hoped would halt hijacking by disgruntled Cubans who want to go home. It suggested that they be permitted to fly back to Cuba on the airlift planes that bring refugees out.

Finally, I support the action taken by Senator DODD in the introduction of a resolution calling for strengthening the Tokyo Convention or, if that fails, the convening of a special conference.

We should, of course, continue to explore all these avenues to the solution of this problem. Experience teaches us that spectacular actions breed imitators. The practice of seizing flying aircraft has grown rapidly. Undoubtedly, we shall soon witness more tragic and vicious manifestations of air piracy unless it is halted.

It appears that we are dealing—at least in many instances—with unstable individuals. The Time article declares that hijackers are "either criminals on the lam or men who are emotionally disturbed in one way or another," and goes on to say:

> Few psychiatrists or psychologists have ever examined one but they theorize that the skyjacker is making a grand attention-getting gesture that he thinks will forever remove him from anonymity and impotence among the faceless millions of a mass society.

And on this point the Rowan column declared that even if Cubans seriously wanting to go to Cuba to live were accommodated, "there would remain the American screwballs, the crooks, the fadists, and a few people of other nationalities to keep the crazy string of hijackers going."

If psychological attitudes are an important factor in hijacking—and I firmly believe they are—then the return of these individuals to face charges will surely be the most effective means of stopping it.

It is my conviction that the logical agency to gain the acquiescence of Cuba for the return of hijackers is the Organization of American States. The OAS should begin consultations at once with the objective of drawing an agreement obligating the signatories to: First, impound hijacked aircraft landing in their countries promptly; second, extend protection for the aircraft and passengers and assistance in reaching the scheduled destination; and third, arrange for immediate return of the hijackers to the nation of origin for legal prosecution. If successful, such an agreement might then be expanded to other continents.

The United States is presently the prominent victim of this jet-age crime, but there have been several instances of the aircraft of South American nations being forced to alter course and land in Havana. International commerce in the years ahead must rely on a tremendous increase in air transportation. We can no more permit a continuation of this special form of piracy to interfere with free use of the airlanes of the Western Hemisphere than we could permit the original pirates to dominate the sealanes of the world.

In opposition to presenting this matter to the Organization of American States, it will be argued that Cuba is not a member of OAS; that most of the nations of Latin America have broken diplomatic ties with Castro; that the United States cannot sign an agreement with Havana without recognizing the Communist government there to some degree; and that Castro cannot be forced to seize air pirates. In reply, I repeat that we must seek a permanent, effective, and workable solution to air hijacking. There is no assurance that, if Castro did stop the present practice, hijackers would not demand flights to other nations. If an acceptable treaty can be drawn, if the nations of OAS signify their willingness to sign, and if Cuba then refuses, that will be the time to determine our next step. What is essential now is that we make the decision to move through international agreement to stop this nefarious activity, and that we make clear to this hemisphere that such is our resolve.

That original form of piracy—robbery on the high seas—was crushed only through the combined efforts of many nations. For centuries, the laws of nations took cognizance of the status of pirates, even protecting them in a sense by providing that they could not be killed—except in battle—without trial.

It is a remarkable fact that sea piracy in the New World flourished longest in the West Indies. Following 1815, the Encyclopedia Britannica tells us, the anarchy which plagued the Spanish colonies in their revolt against Spain, aided by "the sloth and corruption of Spanish captains-general of Cuba," were favorable to the pirates, so that "the south coast of this island became a haunt of these villains till the British and American Governments were driven to combine for their suppression."

Today, North and South America must combine to suppress air piracy. Mr. President, I believe a logical first step is the passage of a resolution urging the Organization of American States to take up this most vexing matter at its earliest convenience.

I send to the desk for appropriate reference a resolution to accomplish that end.

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

The resolution (S. Res. 100), which reads as follows, was referred to the Committee on Foreign Relations:

S. Res. 100

Resolution on control of airline hijacking

Since scarcely a day passes that an airliner is not hijacked and flown to the Republic of Cuba, and it now appears that unless resolute action is taken the alarming record of 28 hijackings in 1968 will be surpassed in the first three months of 1969; and

Since the epidemic of hijackings includes the airlines of several South American countries; and

Since hijacking has reached such proportions that no passenger or any commercial flight of any nationality headed to or coming from the Caribbean area can be assured of reaching the scheduled destination without a side trip to Cuba; and

Since this not only results in serious in-

convenience to the passengers and heavy expense for the airlines, but it could also result in a tragedy in which there was a mammoth loss of both life and property; and

Since the logical avenue of communication on all matters which affect the countries of the American continent is the Organization of American States: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Organization of American States immediately begin consultations on aircraft hijacking with these objectives: (1) to draw a treaty obligating all members to protect aircraft passengers and airplanes hijacked to their country, and furthermore agreeing to arrest all hijackers and arrange for their immediate return to the nation of their origin for legal prosecution, and (2) to arrange for the submission of the treaty to Cuba.

S. 1232—INTRODUCTION OF A BILL TO DECLARE POLICY WITH RESPECT TO CONTROL, REGULATION, AND MANAGEMENT OF FISH AND WILDLIFE BY STATES

Mr. MOSS. Mr. President, on behalf of myself and Senators BIBLE, CANNON, and CHURCH, I am today introducing a bill to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States; and to specify the exceptions applicable thereto; and to provide procedure under which Federal agencies may otherwise regulate the taking of fish and game on such lands.

A similar measure was introduced in the 90th Congress by my colleague (Mr. BIBLE), and it was my privilege to conduct Commerce Committee hearings on the bill last year in Salt Lake City, Miami, and Washington, D.C. Additional hearings will be held this year on the measure.

The purpose of this bill is to settle a continuing controversy between the fish and game commissions of the various States and the Federal agencies over who has jurisdiction over resident wildlife species on Federal lands. The proposal of the last Congress enjoyed strong support, having been endorsed in 1967 by officials of various State game departments, including Mr. John E. Phelps, director of the division of fish and game, department of natural resources of the State of Utah.

I offer this measure with the expectation that it will serve to clarify this aspect of intergovernmental relations which has plagued us for many years.

I send to the desk for appropriate reference the bill to which I have referred, and 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, in accordance with the Senator's request.

The bill (S. 1232) to declare and determine the policy of the Congress with respect to the primary authority of the several States to control, regulate, and manage fish and wildlife within their territorial boundaries; to confirm to the several States such primary authority and responsibility with respect to the management, regulation, and control of fish and wildlife on lands owned by the United States; and to specify the exceptions applicable thereto; and to provide procedure under which Federal agencies may otherwise regulate the taking of fish and game on such lands introduced by Mr. Moss (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. 1232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act, the term—

(1) "fish and wildlife" means all wild vertebrates (including mollusks and crustacea);

(2) "States" means the several States of the United States;

(3) "land owned or controlled by the United States" includes buildings, and structures, trees, crops, or any flora or plants growing thereon;

(4) "department or agency of the United States" means any department, agency, entity or bureau, commission, or any other official or body created by an Act of Congress having charge over the management or control of lands of the United States Government; and

(5) "State agency" means the department, commission, agency, officer or official which is authorized by State law or constitution to regulate, control or manage fish and wildlife in such State, including an interstate compact body authorized to regulate, control or manage any fish or wildlife.

SEC. 2. The Congress of the United States hereby recognizes—

(1) the necessity and importance of conservation programs of the several States in the management, preservation and regulation of fish and wildlife therein;

(2) that under well-established law set forth in many court decisions, including the Supreme Court of the United States, that the authority to control, regulate and manage fish and wildlife resides and rests in the several States in trust for the benefit of their people independent of jurisdiction over the ownership of land and that it is the primary duty of the States to conserve and protect these resources;

(3) that unless the several States have the unquestioned right and power to manage, control and regulate fish and wildlife within their respective boundaries, that the revenues from the sales of licenses or permits now or to be received by the States for the hunting, taking, capturing or seizing of fish and wildlife will be considerably diminished and conservation programs of the States seriously impaired thereby;

(4) that Congress has in the past vested certain departments or agencies of the United States with responsibilities to conserve and develop natural resources, including fish and wildlife on certain Federally owned lands, but that such responsibilities should be exercised in recognition of the State's authority with respect to fish and wildlife; and

(5) that it is in the best interest not only of the States but also of the Nation that the States have the sole, exclusive, and undisputed legal right to manage, regulate, and control fish and wildlife in accordance with State laws and regulations notwithstanding the ownership or control of the lands by the Government of the United States within the boundaries of the respective States.

The Congress further declares it to be in the public interest that authority to control, regulate and manage all fish and wildlife in or on any land or water within the territorial boundaries of the respective States, including lands owned or controlled by the United States, continue to be vested in the several States.

SEC. 3. The exclusive right and power of the States to conserve, control, and manage fish and wildlife in or on lands and waters within their territorial boundaries for public use and benefit in accordance with applicable State law, are subject to the provisions hereof, recognized, confirmed, established, assigned, granted, and transferred to the respective States.

SEC. 4. This Act shall not be construed as affecting the responsibilities and rights of departments or agencies of the United States to conserve and develop, subject to the provisions of this Act, the natural resources, including fish and wildlife, on lands owned or controlled by the United States within the territorial boundaries of any State or as depriving the United States of the right to protect and preserve its lands from destruction or depredation by wildlife to the same extent and in the same manner permitted to any owner of land by the laws of the State in which such land is located. There is hereby specifically reserved and excepted from the operation of this Act—

(a) All rights and powers of the Congress of the United States to control and regulate the taking of fish and wildlife under any international treaty or convention to which the United States is a party but only with respect to those species of fish or wildlife expressly named in said treaties or conventions.

(b) Any Indian Reservation and any right, privilege or immunity vested in or fect right, privilege or immunity vested in or reserved to any Indian Tribe, Band, or Community or any individual Indian or any Tribe, Band, or Community of Natives of Alaska, or any individual member thereof, with respect to hunting, trapping or fishing or the control, licensing or regulation thereof.

(c) All rights and powers of the United States in and on areas over which the States have ceded exclusive jurisdiction to the United States.

(d) All rights and powers over any species of fish and wildlife coded or granted to the United States by any State.

SEC. 5. No department or agency of the United States shall promulgate or enforce any rule or regulation with respect to the taking of fish and wildlife within the several States unless such rule or regulation is in compliance with, and under authority of, the laws and regulations of the State wherein such rule or regulation is applicable.

SEC. 6. Notwithstanding anything contained in any Act of the Congress or in any rule or regulation promulgated by any Federal department or agency it is hereby declared to be the intent of the Congress that no provision of any Act shall be construed or implemented in any manner as to displace, preempt, or deprive the several States of their primary and historically recognized authority to control, regulate, and manage fish and wildlife in or on any lands or waters within their territorial boundaries, including all lands and waters owned by the United States or in which the United States Government has an interest.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to be permitted to proceed for 15 minutes.

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

Mr. COOPER. Mr. President, will the Senator yield briefly?

Mr. BYRD of West Virginia. I am happy to yield to the Senator from Kentucky.

S. 1233 AND S. 1234—INTRODUCTION OF RELIEF BILLS

Mr. COOPER. Mr. President, I send to the desk two bills, and ask that they be appropriately referred.

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

The bills, introduced by Mr. COOPER, was received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S. 1233. A bill for the relief of Mrs. Gretel Rieger Micol; and

S. 1234. A bill for the relief of Max Ratibor.

COAL MINE HEALTH AND SAFETY

Mr. BYRD of West Virginia. Mr. President, the tragic coal mine explosion that occurred last November near Farmington, W. Va., has made it certain that this session of the Congress will consider several new proposals for coal mine health and safety legislation. The scale of the Farmington disaster, which claimed the lives of 78 miners, inevitably has raised many questions concerning the adequacy of the present Federal Coal Mine Safety Act.

I am certain that all of us here in the Senate will want to consider carefully any reasonable proposal for more effective health and safety laws. Hearings on the legislative proposals now being submitted will enable us to reach objective conclusions concerning any changes that should be made in the existing act.

My purpose today, however, is to urge all of my fellow Senators to consider every possible way in which our coal mines can be made safer and more healthful for the men who work in them. New and stronger laws, however necessary and effective they may be, provide us only with a means of coping with hazards. I contend that the time has come for us to do more than cope with menaces that can wipe out 78 lives in a single, horrible accident. We can, and must, eliminate these hazards.

The former Secretary of the Interior, Stewart Udall, a forceful advocate of stronger law in this critical area of industrial health and safety, recognized the limitations that are inherent in law. He made that clear at his December Conference on Coal Mine Safety, when he said:

> Even in a coal mine that is a model of compliance with the most rigorous safety regulations that can now be devised, the elements of danger will be present.

The adoption of additional mandatory safety standards may help to curb the threats posed by these elements of danger but will never completely eliminate them. No law can make methane and coal dust less explosive; and no law can remove them from the places where coal is minded. The most stringent laws, however rigorously they may be enforced, cannot assure stability of the rock formations that typically overlie a coal seam. And laws will never protect men fully against the hazards that exist when huge, powerful machines are operated in the confines of an underground mine.

Nevertheless, these hazards can be minimized. How? By developing a better and safer technology for mining coal—a techonology that retains the good features of equipment and methods now in use, and even improves on them. But a technology that also brings health and safety provisions into better balance with productive capability.

The Congress traditionally has sought to promote the development of improved mining technology. In fact, the congressional role in promoting such improvement antedates by three decades the passage of the first coal mine safety legislation. In establishing the Bureau of Mines in 1910, the Congress directed that agency explicity "to make diligent investigation of the methods of mining, especially in relation to the safety of miners." It is time that we renewed this mandate. We must provide the resources that are needed to develop a coal mining technology that is intrinsically safe and healthful.

What is wrong with the coal mining technology we have today? In some respects it is the world's most modern—a result of the intensive mechanization process through which the industry passed after World War II. Spectacular breakthroughs were achieved in coal cutting techniques—breakthroughs that have made the American coal miner by far the most productive mine worker in the world.

These advances, however, did not incorporate methods for dealing with mine hazards, which are intimately related to mining methods. Centuries of exposure to these hazards have obscured this relationship. As a result, coal mining technology has advanced, but in a lopsided way, and 20th-century mines sometimes use 19th-century safety procedures. American coal miners are the world's most productive, but they work in one of the Nation's most dangerous industries.

The hazards of coal mining are linked so closely to the methods used for recovering this fuel that development of proper mining techniques can make the Nation's coal mines significantly safer. But, first we must rid ourselves of the notion that safety and health are "optional extras."

Our energies have been misdirected in trying to cope with hazards that need not have arisen. It is all too apparent that we have failed to keep pace with the dangers of mining, and as a result coal miners are dying today from many of the same causes that killed their fathers, grandfathers, and great-grandfathers many years ago.

The ultimate and lasting solution to this problem lies in the development of a coal mining technology that is intrinsically safe—a technology that has provisions for the health and safety of coal miners built in, rather than added on.

There may well be some astonishment at this proposal. The idea that "coal mines are inherently dangerous" has been repeated often following and prior to the Farmington disaster. Yet, I am convinced that we mine coal in ways that are often needlessly dangerous, and that coal mine hazards can be traced in large part directly to the methods by which coal is mined.

For example, consider the continuous mining machine. This impressive device may be up to 38 feet long, and capable of tearing coal from a solid seam at rates in excess of 8 tons a minute. Its efficiency is in no small measure responsible for the remarkable productivity of the American miner, and many view it as an outstanding example of advanced technology. As it has increased productivity, however, the continuous mining machine has also aggravated some of the most serious health and safety problems known to coal mining.

Because it cuts through coal so rapidly, this machine makes possible the liberation of methane gas at a high rate, thereby increasing the danger of explosions. Because it breaks the coal into such fine particles, it creates more dust, generating an added explosion hazard as well as a threat to the miners' health. Finally, its speed of advance can outstrip the adequacy of methods presently used to support the roof it exposes and to haul the coal that it mines.

Our traditional response to such problems has been to accept them as inevitable, adding safety options to control the hazards whenever possible. Experience has shown us that this approach just does not work. In fact, it has even introduced new hazards while in the very process of minimizing old ones. For instance, the accepted way of coping with the explosive methane liberated by continuous mining machines is to dilute it and remove it from the mine with a rapidly moving current of ventilating air. But the moving air current stirs up and distributes coal dust, actually intensifying the dust-related hazards of explosion and lung disease, such as black lung.

This is no isolated example of a self-defeating cycle. Many of the techniques now used in coal mines are equally dangerous, and cannot in any realistic sense be called modern. Coal mining technology, like so many other technologies in America today, has advanced rapidly on some fronts while falling behind on others. Throughout American industry the growth of technology has, with few exceptions, been characterized by spasmodic and uncontrolled progress toward the goals to which technology is supposed to carry us.

In many cases the resulting side effects have assumed greater significance than the original purpose. Environmental pollution, for example, is an industrial side effect which is becoming almost as noxious as the products of industry are desirable. The ultimate cause of pollution is the failure of technology to provide waste-disposal methods that are as effective as production methods. Similarly, today's coal mining technology fails to guarantee the safety of miners almost as effectively as it guarantees the Nation a supply of low-cost energy.

Why this imbalance in technology? Why has progress in some areas caused unexpected problems in others? Perhaps because many persons believe that tech-

nology advances through some mysterious evolutionary process that cannot be controlled or predicted. As a result, technology is allowed to create unforeseen problems, like the dust hazard associated with continuous coal mining machines, and the more widely experienced air pollution problems of our big cities.

The advance of technology can be directed, however. It is necessary only to identify the goals of technology clearly, and to think through implications of the methods chosen to reach these goals. In engineering language this is called "the systems approach." Systems engineering methods have arisen as a response to the chaotic growth of today's technology, and they are designed, in part, to eliminate the undesirable side effects that have accompanied such growth.

Systems engineering was first applied in fields where technological complexity was extreme, such as weapons research and development and space exploration. Using the systems approach, space engineers have gone far toward guaranteeing that their complicated rockets and space capsules will function smoothly. The flight of Apollo 8 around the moon is clear testimony to the advantages of systems engineering. Is it not time that we begin applying it to the age-old process of coal mining?

The Interior Department's Bureau of Mines has, in fact, been carrying out a modest mine systems research program for several years. The basic concept underlying the Bureau's work is that mineral recovery is not a series of separate and unrelated operations, but a single integrated system, of which extracting the mineral, moving it to the surface, and controlling the mining environment are interrelated and interdependent parts. The Bureau's ultimate goal is a kind of master formula which, when applied to a given mineral deposit, would enable an operator to balance alternative combinations of subsystems against one another and come up with the safest and most healthful, and at the same time the most efficient, mining method for that deposit.

Applied to coal mining, such an approach can yield many tangible advantages over the methods used today. For example, before mining even began, the operator would determine how gassy his coal deposit was, and then choose mining equipment and techniques that would minimize the explosion hazard. He would also choose equipment and techniques best suited to the geology of the formations surrounding the coal seam. Thus, from the beginning, safety and health would be considerations equally as important as production.

In the long run, of course, the whole nature of coal mining as we know it today may well be drastically changed. But that change, in a systems-oriented industry, can be planned and carried out in a way that makes sense from both the humanitarian and the economic point of view.

The systems approach can also benefit mines in which operations already are well established. An immediate objective should be to devise techniques of roof support, haulage, ventilation, and other mining procedures that are either wholly compatible with the methods and equipment now used, or would require at most only minor modifications of such methods and equipment. The essential difference is in the approach to the problem. Coal mining must be looked at as a system of interrelated and interdependent functions, rather than a series of separate and unrelated operations. Consequently, if we have a machine that can mine coal at the rate of 8 tons or more per minute, we must consider the implications this machine holds for all the related parts of the mining cycle. We must, for example, find ways to move the broken coal, and the coal dust generated by the machine, more rapidly away from the face of the seam. And we must also develop roof-support subsystems that are more compatible with a rapidly advancing mechanized miner.

By concentrating on this kind of approach, I'm convinced that we can make coal mining, at an existing mine as well as at new mines, far safer and much more healthful, and at the same time increase even more dramatically the productivity of the American coal miner.

A great deal of research and development will be needed, however, before we will be able to mine coal with such truly modern methods. Application of the systems approach requires, among other things, a fund of basic knowledge about the geology and physics of coal and coal-bearing formations—knowledge that is lacking today. It requires the availability of alternate mining methods, more flexible than today's, so that the goal of high productivity can be met without undue reliance on a single type of equipment which, like the continuous mining machine, may have as many drawbacks as advantages in some deposits. The Bureau of Mines is convinced that such requirements can be met—but only with an expanded research effort. I strongly support the allocation of more research funds to the Bureau to pursue this important work.

Highest on the Bureau's list of priorities is research on applying the systems approach to the methane gas hazard. The Bureau contends that several alternate ways of dealing with methane must be developed, to permit maximum flexibility and to free operators from their dependence on ventilation as the sole means of coping with the danger of explosions. For example, draining the coal seams of methane in advance of mining might prove the best method for some of our highly gassy mines. Or the rate at which methane is liberated from a coal seam might be reduced by controlling the pressures exerted by surrounding rock formations—a possibility indicated by the results of recent Bureau research. Another possibility would be the development of ways for making methane chemically inert as it emerges from a coal seam, before it has a chance to explode. Any one of these approaches it should be noted, would be compatible with the methods and equipment now in use.

The Farmington disaster has told us in terms of stark tragedy that research toward goals like these can no longer be deferred. The Bureau should be given adequate funds, not only to conduct research in its own facilities, but also to award research grants and contracts to schools of mining engineering and similar institutions where pools of knowledge and professional talent lie waiting to be enlisted in this urgent enterprise. The Bureau's staff is too small, and the problem too large, to ignore the contributions that can be made by the many excellent academic and research institutions already operating in this field. I have heretofore supported increased funds for coal research, and shall continue to do so.

The coal mining industry can also make a major contribution to the effort. It can send its most creative and skillful engineers to work in Bureau laboratories on a cooperative basis, and it can make its mines available for research and testing that will have to be done in the field. In this way, development of new coal mining systems would become a joint industry-Government venture, and many of the results could be put into practice by industry almost as quickly as they emerged. The Bureau's understaffed corps of scientists and engineers would be supplemented by talented industry personnel who, returning to their companies, would be qualified and ready to adapt systems technology to individual mines without delay.

If these steps are taken, we can look forward to the emergence of modern coal mining systems that can ultimately reduce our reliance on legislation as a cure for ills that will one day cease to exist. Such systems will not, of course, come into being quickly. Several years of concentrated effort will be needed, for we have delayed too long already. But no field of technology has as much to gain from the systems approach as does coal mining with all its hazards.

The highly successful application of systems engineering to the space program has begun to encourage its use in other fields. For instance, the complicated modern problems of data processing are handled by systems, of which the electronic computer is but one of many subsystems. Authorities now are advocating the application of systems engineering to solve the Nation's staggering waste disposal and environmental problems, which are, like the hazards of coal mining, largely the products of a literally unsystematic, highly sophisticated technology.

If we can afford systems that send men to the moon, or process inconceivable volumes of data with superhuman competence, surely we can afford and develop systems that will conserve our most valuable resource—skilled manpower. The cost would be relatively low; especially when we remember that two-thirds of America's energy is supplied by coal, and that coal mining is America's most dangerous major industry. In the current uproar over coal mine safety, there can be no disagreement on the desirability of the systems approach as a solution. Only our willingness to make possible the application of this modern concept remains in question.

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 bill 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 (Mr. ALLEN in the chair). Without objection, it is so ordered.

TRIBUTE TO LATE SENATOR E. L. (BOB) BARTLETT

Mr. PELL. Mr. President, I regret very much that when the Senate paid tribute to our late friend and colleague, Bob Bartlett, on Wednesday, February 19, I was out of the country and was unable to join in that tribute.

Even before I came to the Senate, I knew about Bob Bartlett and the very high esteem in which he was held by his colleagues. When I came to the Senate, I soon found that our views and philosophies were very similar. We also shared many common interests and loves—in the oceans, in fisheries, and in the Coast Guard.

He was a man whose views and judgment I valued immeasurably.

I know the grief his death has brought to his lovely wife, his State, and his friends—of whom I count myself one. I wish his wife and all the people of Alaska to know that their grief is shared by all of us here. I know I find myself particularly sad when I realize he is no longer with us.

WOMEN PIONEERS

Mr. METCALF. Mr. President, I am pleased to add my comments to those of the distinguished Senator from Maine (Mrs. SMITH) and the distinguished Senator from Minnesota (Mr. MCCARTHY), about the activities of women over the years in Congress.

Out in the West, women have been pioneers and have shared with the men the hardships of development. The name of "Calamity Jane," of course, is best known all over the world. She was a Montanan. She participated in the hardships and the development of that area.

I was very interested in reading the other day about some of the women who were trying to be jockeys at some of the various racetracks around the country. For example, we hear much talk about Diane Crump, who rode at Hialeah, and Barbara Jo Rubin, who rode at the local racetracks. In addition, we hear much talk about the first women jockeys.

But, Mr. President, we are way ahead of them in Montana. I remember in that old play "The Tavern" when George M. Cohan, in those immortal lines, said, "What's all the shooting for?" I am wondering what all the shouting is about. Back in 1937 Doreta Gilbert rode in a race at Longacres. She came in second. Four men jockeys were ahead of her. One of those four men jockeys was Ralph Neves, one of the most famous jockeys of his day. He finished first. Miss Gilbert was a licensed jockey in Montana even before 1937.

Before Miss Gilbert there was Mother Berry. She lives in Montana now. She is 116 years old. She has been riding races since she was 13 years old. She had to ride a few times under assumed names. I recall that at one time she rode under the name of Jack Williams. She rode on to the track with her silks and smoking a cigar to deceive the regular judges so that she might ride in the race.

Mr. President, women have been so important and significant in the development of the West. The pioneer women in Montana, Wyoming, and the Dakotas lived in sod shacks, raised their children, and worked in the wilderness. They have made a great contribution to the development of the entire western area of the United States.

Today I wish to mention the name of the woman who stands above them all, Miss Jeannette Rankin. I was privileged to represent the First District of Montana, the district which Miss Rankin represented twice. Once she represented it just before we went into World War I. She was one of those persons who voted against the resolution to declare World War I. Then, she was out of Congress for many years. She came back to Montana, ran for Congress again, was elected and voted against our participation in World War II. She was a dedicated woman. She was a woman who believed in peace and pacifism.

She was really the forerunner of the kind of program Mr. Nehru put into operation in India. During Nehru's regime in India, she went out there and met with him and talked with him. She sacrificed a great deal because of her courage and integrity in voting against the admission of the United States into the two World Wars. But in addition to that, she was a woman who believed in freedom for the Indians. She was the first person who started the talk about the need for attention for Indian reservations and Indian citizens. She was a person who was interested in the development of public lands and national parks. She was concerned about Western problems and Western civilization.

I regret very much that the entire history of Jeannette Rankin revolved around this business of her being in Congress twice and voting against our entry into the two World Wars, because she was a dedicated woman in many other areas and she was one of our most outstanding legislators.

We in Montana are proud of the contribution women in all areas have made to the development of our State, ranging from "Calamity Jane," to the women jockeys I mentioned, to the woman who stands head and shoulders above all the rest, Miss Jeannette Rankin, who was one of our great leaders and one of the great leaders of all time.

SUSQUEHANNA RIVER BASIN COMPACT

Mr. TYDINGS. Mr. President, I support the proposed legislation recently introduced by the distinguished senior Senator from Pennsylvania (Mr. SCOTT) granting congressional consent to the Federal-interstate compact for the Susquehanna River Basin.

The compact creates the Susquehanna River Basin Commission, which will develop plans, policies, and projects for the maintenance of water supply and restoration of water quality within the basin.

The Commission consists of the Governors of Pennsylvania, Maryland, and New York as well as a representative of the President of the United States. Each will have an equal vote. There is no veto.

The compact has already been approved by the three States. What is needed now is congressional consent, as required by the Constitution.

More than three-fourths of the basin lies within the State of Pennsylvania. Only 250 square miles of it is within Maryland boundaries. It is, therefore, proper to inquire why Maryland has a full role in the compact and why I strongly support the proposed legislation.

Let me state the answer very clearly. Maryland is a vital part of the Susquehanna River Basin. The maintenance and quality of the Susquehanna flow is crucial to the water resources of my State.

Approximately 80 percent of the fresh water inflow to the Chesapeake Bay comes from the great Susquehanna.

The river basin compact will permit Maryland a measure of control over discharges and withdrawals upriver on the Susquehanna. These greatly affect Maryland's waters. Yet without this Commission, Maryland has no voice or control over action that to a large extent determines her water resources policy. With this commission, Maryland's voice will be heard and her interests represented.

The compact is further evidence of the movement toward the river basin approach for the protection of America's waters. This approach is vital if we are to ever clean them up. Rivers do not respect State boundaries and only by considering them basin wide can any meaningful accomplishments be had.

The Susquehanna compact is similar to the Delaware River Basin compact. It was drafted by representatives of the signatory bodies gathered together in a body called the Interstate Advisory Commission on the Susquehanna River Basin.

My own State of Maryland was well represented on this drafting commission. State Senator William S. James, of Harford County, along with the former director of the State Planning Department, James O'Donnell, and the director of the Department of Water Resources, Paul McKee, contributed their impressive skills to this effort.

Another Marylander was a member of the Commission. He did his work quietly yet with great skill. His name is Marvin Mandel, and he is now the Governor of Maryland.

Mr. President, we who are concerned with the Susquehanna realize that it is essentially an underdeveloped basin. While there are, most definitely, pockets of pollution and areas of industrialization, it is, by and large, in pretty good condition. The heavy hand of man has

not yet abused it in his customary manner.

The proposed compact offers us a unique opportunity to prevent the degradation of a river basin. Instead of expending our time, effort, and money on restoring the quality of the waters, we can direct our efforts to preventing abuses. We have the chance to preserve and protect water quality within the Susquehanna Basin. We must not let it pass by.

The compact offers us the vehicle to do this. With the Commission, the water of the Susquehanna and thus the water inflow to the Chesapeake Bay can be clean and healthy.

I urge the approval of the proposed legislation.

TV STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON BILL TO INCREASE STANDARD TAX DEDUCTION, FEBRUARY 25, 1969

Mr. BYRD of West Virginia. Mr. President, on February 25, 1969, I made a statement for television on my bill to increase the standard income tax deduction.

I ask unanimous consent that a transcript of that statement be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows.

BYRD WOULD UP TAX DEDUCTION

Of all the taxpayers in this country who need a break, those in the lower and middle income brackets need it most. Many citizens elect to take the standard deduction so they can avoid the trouble of itemizing such expenses as doctor bills. But the standard deduction needs to be increased to give meaningful tax relief. The present general standard deduction—established in 1948—allows 10 percent, or a maximum of $1,000. This is not high enough in light of today's cost of living. So, I am introducing a bill to increase this deduction to 14 percent, with a maximum of $1,800. This would also spare additional taxpayers of having to itemize their expenses to get the same tax relief. With all the talk about tax reform this year, I believe that what is equally needed is to give some measure of tax relief to the average taxpayer.

ORGANIZED CRIME AND DRUGS IN WASHINGTON, D.C.

Mr. MATHIAS. Mr. President, the problem of crime in the District of Columbia has become the primary issue of local concern. Most people have assumed that the problem here was simply one of so-called "street crime" and that organized crime had not yet stretched its tentacles into the Nation's Capital. However, two articles published in the Washington Evening Star of February 26 cast serious doubt on this assumption, and I wish to bring them to the Senate's attention.

The first, by John Fialka, quotes Ralph Salerno, one of America's leading experts on organized crime, to the effect that Washington has a serious problem with organized crime. Salerno points specifically to the connections between narcotics and gambling in Washington and the operations of the national crime syndicates. While some of Mr. Salerno's remarks are bound to spark controversy, I think everyone should read them.

The second article in the Wednesday Star, written by Charles Conconi and Winston Groom, is entitled "Heroin: Behind the Statistics on Crime." It is a graphic description of the "hard drugs" problem in the District of Columbia and its relation to the general crime problem. The article describes the complicated international machinery by which the Mafia markets heroin. This network stretches from the hills of Turkey to the streets of the ghetto, and its operations demonstrate that organized crime is "big business" in every sense of the word.

Mr. President, I was critical of the last administration for what I considered insufficient attention to the problem of organized crime. I am gratified that President Nixon and Attorney General Mitchell recognize the seriousness of the problem and have pledged to devote the necessary resources to doing something about it. As the articles in the Evening Star make plain, a vigorous attack on organized crime goes hand in hand with an attack on the problem of street crime.

Mr. President, I ask unanimous consent that the two articles be printed in the RECORD.

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

[From the Washington (D.C.) Star, Feb. 26, 1969]

ORGANIZED CRIME A PROBLEM IN DISTRICT, EXPERT SAYS

(By John Fialka)

A specialist in the field of crime syndicates said today that Washington and Baltimore have serious problems with organized crime, especially in the areas of gambling and narcotics.

"You have a problem in Washington. I don't know if the public is aware of it, but certainly the professionals are," Ralph Salerno, a former top New York City detective and now an anticrime consultant, commented after a seminar on crime before a group of businessmen in Baltimore.

Salerno is consultant to the National Counsel on Crime and Delinquency, which has held a number of seminars throughout the country to alert business of the danger of syndicated crime.

Salerno said that the existence of organized crime has a definite connection with the rise of street crimes, a relationship, he added, that has never been given detailed study.

He said that in the slums, the fact that the big numbers operator, the pimp and the dope pusher "make it" and drive Cadillacs, although most are high school dropouts, has a profound effect on youth.

Washington, he said, is becoming a "major narcotics center" and has ties in that way to organized crime. Law enforcement officials have begun to notice that some drugs, primarily cocaine, are being imported into New York from the South, passing through Washington—a reversal of the familiar flow.

The Washington area also has major traffic in illegal gambling that is also tied to crime syndicates in New York and elsewhere, Salerno added.

He said that because the Mafia has been unable to control the supplies of LSD, which can be made locally, and marijuana, which grows almost anywhere, they have gone out of that business. But if police persist in concentrating on the LSD and marijuana areas, Salerno said, they will simply drive out the "amateurs" and establish the market for the "professionals."

PROFIT FROM GHETTO

Salerno poined out that a New York study showed that while the government pumps $33 million into one ghetto precinct in welfare checks, organized crime was taking approximately the same amount back out. The numbers racket alone took out $22 million, estimated conservatively, he added.

Salerno, former supervisor of detectives for the New York City Police Intelligence Unit, said law officials must dry up the sources of narcotics by going after major distributors. He also said that government must take the profit out of gambling and numbers by legalizing and operating government lotteries.

HEROIN: BEHIND THE STATISTICS ON CRIME

(By Charles Conconi and Winston Groom)

Heroin—a powdered white drug with strongly addictive properties—is not a new street-corner commodity in Washington. But federal and local officials are becoming increasingly convinced that it is an important factor in the city's growing crime rate. In his initial message on the Nation's Capital, 10 days after taking office, President Richard M. Nixon said that the need for narcotics is "a direct cause of much of the District's crime by driving the narcotic user to commit crime to support his habit. Many armed robberies, assaults and bank holdups are directly related to narcotics use."

Four days ago the President reemphasized the point in a memorandum to Atty. Gen. John N. Mitchell directing him to see whether more money will be needed from Congress to cope with this "acute and growing problem." At the same time he told the Bureau of Narcotics and Dangerous Drugs to "concentrate its efforts and channel its available resources to deal with the problem" in the District and in the cities that supply narcotics to Washington.

On Capitol Hill, Washington area congressmen have expressd their concern. Sen. Joseph Tydings, D-Md., has asked judges presiding in Washington courts to consider the possibility of legislation requiring analysis of the urine of persons charged with certain crimes to determine if the accused was on some narcotic and to deny him bail if he was.

Rep. Gilbert Gude, R-Md., recently said "the linkage between the vast portion of shoplifting, housebreaking and holdups and the drug addict is well confirmed."

Metropolitan Police robbery detectives have said that about 30 percent of the suspects arrested in connection with recent bank robberies were narcotics users.

Dr. Murray Grant, District health director, has reported that two-thirds of the men at the Lorton Reformantory and 95 percent of the females at the Women's Detention Center are addicts.

Despite these evidences of rising concern over narcotics and crime, it is unfortunately true that detailed evidence is still lacking of the extent of the city's drug problem and of its precise relation to the crime statistics—especially to crimes of violence like armed robbery.

Deputy Mayor Thomas W. Fletcher, for one, admits that the District lacks any sound statistics on the number of narcotics users in Washington. The figure given in the Crime Commission report and cited by police for heroin users is 1,200. Dr. Grant estimates there are 5,000.

Estimates as high as 12,000 come from other sources, such as Marion Barry, director of Pride, Inc.; R. Rimsky Atkinson, director of the Health Department's narcotics treatment center, and Ernest Dixon, an assistant director of Bonabond, the United Planning Organization addict rehabilitation center.

Whatever the number, the average addict has a $50-a-day habit (Dr. Grant's estimate) and to maintain it he must steal $200 to $500 a day in merchandise and sell it to a "fence."

Using the lower figure of $200 worth of merchandise a day, and a figure of 5,000 users, that puts the cost to the city at $1 million daily.

Officials who discuss narcotics have a common difficulty in deciding whether they are talking about users, abusers, addicts or drug-dependent persons.

The National Institute of Mental Health defines a user as one who takes drugs occasionally ("chipping," as they say on the streets); an addict is one who goes into a severe withdrawal reaction when he is unable to get drugs. It is this desperate state, it is argued, that drives the "hard-liner" to do anything to get heroin.

Because the word addict carries the connotation of an individual who is completely locked into the drug habit, most health and even police officials feel that the word "drug dependent" is probably more useful.

TYPE OF DRUG COUNTS

A major factor in the misunderstanding and unreliability of statistics for the city's drug problem is that even when figures have been compiled there was no attempt to determine whether an individual was using an addictive drug like heroin or was a glue sniffer or a smoker of marijuana, a non-addictive substance.

There is an extensive traffic in mind-affecting chemicals and other substances in the city's "drug" subculture that extends into the most prosperous as well as the poorest neighborhoods.

The varieties are in two general categories—those of medical value that are legal and those of no such value that are illegal.

The legitimate drugs with medical uses, which have been grabbed up by dependent persons and youths experimenting for "kicks," include the amphetamines (pep pills), barbiturates, cocaine, codeine, methaphetamine and morphine. Some of these are addictive, but not all.

In the category of drugs that are illegal and of no medical value are the rarely found opium; the chemical hallucinogens like LSD; marijuana and heroin.

Washington's illegal traffic in drugs is mainly in marijuana, cocaine and heroin. And of these, heroin is the principal target of official concern.

Heroin use creates an expensive dependency that usually can be supported only by crime. More and more, lately, the heroin-dependent criminal seems to be turning from simple larcenies to support his habit and is committing crimes with a gun in his hand.

He is generally younger and, as some former addicts and those who work with addicts maintain, he is nervous, doesn't know how to handle himself or the threat of being without heroin and is consequently dangerous.

It means nothing to the drug-dependent person that most heroin available in Washington is so diluted that his dependency is more mental than physical. He thinks he's an addict, they argue, so he is one.

HEROIN A NEWCOMER

Heroin, for all its publicity, is a relative newcomer to the world narcotics family. Like a number of other narcotic drugs, it is derived from the opium poppy, which is grown principally in Asia Minor.

The addictive properties of the poppy have been known for centuries. Opium use was spread in China in the 9th Century by traveling Arabs. By the 17th Century it had become a serious problem in China and, in 1729, the Chinese government issued an edict against the drug.

In the Western world opium did not become a major problem until the invention of the hypodermic syringe in 1848. That invention, coupled with the discovery of morphine, an opium derivative, in 1816, produced an important pain-relieving combination that was put to great use during the wars of that period of history.

Morphine was the most-used anesthetic during the American Civil War and continued in wide use. It was discovered about the turn of the century that many ex-soldiers and formerly ill persons had become hopelessly addicted to the drug.

In the early 1900s German scientists extracted heroin from morphine, and it was introduced into the United States as a cure for morphine addiction. It didn't take long for the white, off-white or brown crystalline powder to show addictive properties that far exceeded those of morphine. So by the early 1920s the drug was banned by federal statute.

By that time, however, enough people had learned how to use it so that racketeers could establish a lucrative illegal traffic in the drug.

The typical heroin-dependent person today, police and health officials agree, doesn't start by shooting the liquified heroin into his veins. Generally he starts by smoking marijuana. He likes the feeling of great perceptiveness and pleasure that smoking marijuana gives.

A GREATER "KICK"

Somewhere along the line he hears about or is offered a more powerful "kick." Then drugs like cocaine and heroin come into the picture.

Most officials are quick to point out that they don't believe smoking marijuana causes heroin dependency. But, they add, the majority of the heroin-dependent persons admit to having started out with marijuana.

The typical experimenter takes either heroin or cocaine and begins "snorting" or snuffing it up his nose. This gives a fast reaction but eventually it becomes too painful because the powder irritates and burns the nasal membranes.

Then, struggling both for a greater euphoria and for escape, the dependent person goes to liquefied heroin, shooting it into his veins.

The initial reaction to using heroin is unpleasant; the experimenter generally feels sick. A calming period follows, with feelings of ease and comfort and an absence of worries. A feeling of exhilaration is rare and most addicts say they take heroin to stay "normal."

Aside from the multiple health dangers caused by using unclean needles, the heroin-dependent person shooting more and more of the drug into his veins faces the real risk of a drug overdose causing coma and death from respiratory failure.

After a number of years of shooting the drug into any possible vein on the body the dependent person, if he survives all the other deadly dangers of drug dependency, is likely to reach a point where he "burns out" and no longer uses or drives himself to get the drug. Among other things, he has run out of veins on his body to puncture with a needle.

Ernest Dixon of Bonabond says, "Addicts sort of burn out after about 20 years or so on the junk. It's more of a psychological thing; they just get tired. But most of them don't live that long. The mortality rate is about 65 percent. And most of them don't die from narcotics themselves, but from related ills—pneumonia, heptatitis, tetanus. Drugs debilitate you pretty badly."

Almost all of the heroin used in the United States comes from Turkey. According to the Federal Bureau of Narcotics and Dangerous Drugs, most heroin is smuggled out of Turkey by French mobsters from Corsica.

MAFIA LINKS SKETCHED

The Corsicans have connections with the Mafia in New York City, who bring the drugs into the country under any smuggling ruse that can be thought up. Eventually, no matter where it enters the country, most of the heroin ends up in New York City where the Mafia "cuts" it and parcels it out around the nation.

The mobsters generally cut the pure raw heroin twice, using milk sugar. Then it is known as "two-cut" heroin. This dilution is the first of many cuts made before it reaches the user.

Narcotics agents say the drug is cut by nearly every hand it passes through in the intricate underworld distribution process. It has been diluted seven or eight times before it reaches the streets of Washington. The heroin sold here is referred to as "garbage" because profit-greedy distributors and pushers often have cut it with anything available, even cleansers and talcum powder.

It is said that if the typical Washington heroin-user ever got a packet containing more than a small percentage of the pure drug, he would die from an overdose.

As an example of the profits involved, narcotics officials say that a Turkish farmer receives $350 for 10 kilograms (about 25 pounds) of raw opium. That amount produces one kilogram of roughly pure heroin, which then sells for upwards of $20,000. By the time this amount of the cut and re-cut drug reaches its final destination—the user—it sells for more than $225,000.

There are conflicting views of the narcotics organization in Washington itself. One Department of Justice official says that Washington heroin traffic is hardly organized at all. "It is largely a free-lance operation with everybody and his brother in for a small piece of it. There is no place to focus. Even if you arrested every pusher there is no place to focus.

PUSHERS AND DISTRIBUTORS

Federal Bureau of Narcotics agents agree that it is mainly the pushers, often addicts themselves, who handle much of the traffic here. They estimate that there are about 12 major distributors, all non-users, who are involved in some larger money.

But Ernest Dixon says:

"Traffic in narcotics is no small-time operation here. We're dealing with a very sophisticated high-class criminal. It's hard to become a big-time pusher—first you need cash, maybe $10,000 or so—and even then it's hard to get in with the big boys in New York. If you or I tried, or even asked about it, chances are we'd be found floating around in Sheepshead Bay."

At the beginning the heroin user may take about three capsules of the powder, at $1.50 each, three times a day. In his search for the elusive euphoria he increases this to as many as 15 caps three times a day, or about five cubic centimeters a dose.

The relaxing feeling from the drug lasts about four hours and it takes about another two to "come down." Within 18 hours after the shot the dependent person begins experiencing the acute distress of withdrawal and begins looking for another "fix" or shot.

Police say that heroin-dependent persons in the District range from the one who is only "snorting" a few times a week or on irregular occasions, to the "stompdown strung out" ones with daily habits costing more than $100.

The typical pattern is changing. One agent at the Federal Bureau of Narcotics and Dangerous Drugs says "20 years ago we used to have to give an addict a shot so he could stand up in court to be arraigned. Now all most of these guys get is a running nose and a headache."

As the President's Crime Commission reported "the drug available on the street today is generally so far diluted that the typical addict does not develop profound physical dependence and therefore does not suffer serious withdrawal symptoms."

A Metropolitan Police narcotics detective said that in recent years the department has seen few addicts suffering the kind of withdrawal pains "that forced us to delay arraignment while he was taken to St. Elizabeths for treatment . . . we haven't seen any real hard core addicts."

Another change is in the kind of crime engaged in by the user to get money for his habit. While crimes like petty and grand larceny, pocketbook snatching, pickpocketing and burglary have been the traditional crimes

of the drug-user, recently he has been increasingly involved in armed robberies.

It is the rapid succession of gunmen rushing into the Seven-Eleven, the High's Store or branch bank, nervously waving a gun and demanding a quick handful of money before bolting through the door, that has most police and city officials concerned.

Most enforcement officials say that for a true picture, the heroin-user's record should be examined to see if he was engaged in criminal behavior before he went on drugs. They point out that the 1967 Crime Commission Report showed that 72 percent of all known heroin-users had an arrest for some other criminal act prior to their first narcotics arrest.

While these statistics do not specify what crimes the addicts committed prior to their first narcotics offense, many law enforcement officials today question how far a reduction of the drug addiction problem will reduce crime since most addicts seem to be the criminally oriented anyway.

CAUTION OFFERED

The Crime Commission offered a similar caution when it concluded that "the simple truth is that the addict or drug-user's responsibility for all non-drug offenses is unknown. Obviously it is great . . . but there is no reliable data to assess properly the common assertion that drug-users or addicts are responsible for 50 percent of all crime."

The main goal of the anti-drug drive, after detection, is rehabilitation. Concerned that most drug rehabilitation programs have been unsatisfactory because the majority of drug-dependent persons return to heroin after completing treatment, local officials are looking with interest at an experiment that has been run in New York City with a cheap substitute drug called methadone.

District officials have decided to try a similar pilot clinic here where the heroin dependent person will come for a daily dose of the synthetic drug. His dependency will be transferred from heroin to methadone.

The patient becomes a methadone addict. He receives small doses at first and, at most, experiences a small "high." He is gradually taken to a plateau with greater doses.

Once there, say proponents of methadone like the city health director, Dr. Grant, he has been given a relatively cheap habit—estimated as costing 10 cents a day—and becomes a useful member of the community who can hold a job and maintain a family. More importantly, if he tries to shoot heroin, the old drug has no effect.

Many narcotics agents and police officials are suspicious of methadone because it results in a lifetime addiction. They point out that morphine once was considered the treatment for opium addiction and heroin was used as a cure for morphine.

Rimsky Atkinson, who operates the Health Department's rehabilitation clinic on 13th Street NW, said he has told Dr. Grant that he believes methadone should be used only as an absolute last step in treatment.

He says there is expensive medical supportive care in administering the drug and warns that because of the very low potency of Washington heroin, most patients will have to be carefully brought to a maintenance level because, as with heroin, an overdose of methadone can kill.

Even though the District has taken a first step in the direction ' methadone, there is considerable agreemen, among city officials that the extent of the problem must be further defined and more accurate systems of gathering information and computing statistics must be devised.

There is general agreement that urinalysis for an arrested person is an important step in identifying the heroin-users, if constitutional problems involved in forcing the test or making the results available to the court are avoided.

But these are only the first steps, officials agree.

With the direction given by the White House and the Justice Department, the Bureau of Narcotics and Dangerous Drugs will be adding personnel to mount a sterner offensive in the District and in those cities that supply the drug to Washington.

Training programs will be set up to improve the detection, apprehension and treatment of narcotic dependent persons. Technical and scientific assistance also will be given to the District.

The rising crime rate has stimulated these measures. Hopefully they will result in a reduction both in crimes and in the human misery behind the crimes.

REMOVAL OF KENNETH S. COOK OF NEW MEXICO FROM HIS POSITION AS CIVILIAN MISSILE SCIENTIST

Mr. ANDERSON. Mr. President, Mr. Kenneth S. Cook, for several years a resident of Alamogordo, N. Mex., and employed by the Air Force at Holloman Air Force Base as a civilian missile scientist, has been removed from his job and retired on the grounds of mental disability. Mr. Cook protested his dismissal and sought a hearing on his case before the appropriate officials of the Air Force and the Civil Service Commission. He argued that the Air Force was the accuser, judge, and jury and that he was convicted without a hearing, without knowing what evidence was presented against him, and without an opportunity to cross-examine witnesses. The Civil Service Commission denied Mr. Cook a hearing on the basis that the regulations did not provide for a hearing on medical disability retirement. However, the Commission was at that time preparing to publish regulations that would provide an opportunity for a hearing on such cases.

My office and others have worked for over a year trying to persuade the Government agencies involved that Mr. Cook was unjustly retired and that the case should be reopened and a hearing held. A review of the civil service files and the information furnished my office by Mr. Cook and others who know him leaves a strong indication that there was a personal conflict of long standing between Mr. Cook and one of his superiors, and that there had been a period of harassment of Mr. Cook leading up to his dismissal.

Several members of the press have become interested in the case and have written articles pointing out that a competent and fine scientist has had his good record and reputation destroyed simply because he incurred the wrath of his military superiors by refusing to sign a report that he honestly felt to be inaccurate and because he criticized what he believed to be wasteful spending.

If this can happen to a person with the background and reputation of Mr. Cook, it could happen to others in Government service.

Mr. President, I ask unanimous consent to have printed in the RECORD a biographical sketch of Mr. Cook and an article entitled "Defense Department Dumps Scientist Who Criticized Extravagance," written by a well-known reporter, Mr. Leslie H. Whitten, of Hearst newspapers, and published in the Boston Sunday Advertiser of February 9, 1969. I recommend this for reading by Senators.

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

BIOGRAPHY OF MR. KENNETH S. COOK

Mr. Cook was Hoosier-born and raised on a farm, being born 12 August 1913 near Lebanon, Indiana, in Boone County near Indianapolis. He attended a country elementary school and began a unique record of attending school without missing a class for sixteen academic years. After attending Lebanon High School he attended Earlham College in 1932 at Richmond, Indiana, for one semester. Although he was attending college on a scholarship he was financially unable to continue the year.

After working two and a half years in a machine shop he returned to Earlham College on his scholarship in 1935 and while majoring in Physics and Mathematics was a physics laboratory undergraduate assistant in charge of the College Observatory for three years until graduating in 1938. In 1938 to 1940 Mr. Cook attended the Indiana University Graduate School and while taking a full course majoring in Experimental Physics he was a teaching assistant for the two years. In 1939 he received the Masters Degree with the thesis being, "Examination of the Design of a Cyclotron Electromagnet". At this time the Indiana cyclotron under construction was the second largest in the world and Mr. Cook's assignment was to predict the deuteron output energy and the effect of the fringing field. In 1940 he entered defense work and was a test engineer at Allison Engineering and a sound engineer at RCA, both located in Indianapolis.

In November 1941, Mr. Cook joined the Army Signal Corps Reserve on a direct appointment and was immediately on active duty with an assignment to go to England as an official observer. After World War II began Lt. Cook went to England early in 1942 and after attending the Radar School of the Bury Military College of Science was assigned in the British Army as a regimental radar maintenance officer in the Canterbury District. After this assignment was concluded late in 1942 Lt. Cook returned stateside and at Harrisburg, Pa., activated the 4th echelon maintenance shop, servicing the ground radars on the middle Atlantic Coast.

In 1943 Lt. Cook was attached to the Air Corps and after having activated the first Air Corps Electronic Countermeasures School at Robbins Field, Georgia, he was sent to India as an ECM maintenance officer with the 58th Bomb Wing of B29's. He served as the senior Signal Corps ECM maintenance officer with the 58th Bomb Wing throughout its India and Marianna campaigns. Although not on flying status, Lt. Cook was on one B29 mission serving as squadron ECM operator. After the end of hostilities he returned stateside and because the academic year had already started Lt. Cook elected to stay in service another year. He was assigned at the Signal Corps Engineering Labs as the assistant project officer for the Signal Corps participation at White Sands in extended range tracking of the V–2 firings.

In 1946 Mr. Cook left active duty to teach Physics at North Dakota State College. After one semester he transferred to the University of Connecticut. Here he taught several levels of Physics including "Mathematical Physics" which was the first formal graduate course in Physics taught at the University. He also served on the Faculty Committee on Academic Standards. During the summer of 1949 he worked as a consultant at the Signal Corps Engineering Labs and then accepted an appointment at the Air Force Institute of Technology on the Physics staff. Here he served also as a consultant to the Armament Lab on fire control problems.

In 1950 Mr. Cook transferred to the Ballistic Research Labs where he was primarily involved with the study on the optimum family of field artillery weapons. He made contributions on fragmentation theory, wound ballistic criteria and overall weapon system analysis techniques. Only because of lack of advancement potential he transferred to the Signal Corps Engineering Labs in 1951. Mr. Cook still believes that the original personnel of BRL represented the best group of applied scientists ever assembled. With the Signal Corps he did basic and applied research on the design of ultra low frequency noise cancellation equipment Acoustical arrays up to 4000 feet long were developed for identifying atomic detonations at long range.

In 1952 Mr. Cook returned to ordnance work as Chief of the Data Reduction and Analysis Section at the Armament Laboratory, Naval Air Test Center. After two years he joined the senior staff at the Air Force Armament Center as an analyst on fire control and overall evaluation. Among several projects such as the rocket collision in interception he reviewed the development of the F100 armament system from its early pessimistic period to its development as one of the best all-around delivery systems. As a member of the USAF Committee for project "Gun-Val", he was involved in analyzing the upgrading of fighter aircraft armament. According to Mr. Cook it is now eight years later, but many of the better present concepts on COIN or Navy LVA systems seem to be reminiscent of proposals considered for Gen Mechling, then CG of AFAC.

In 1956 he left civil service to become vice president of DBM Research Corporation at Cocoa Beach on guided missile R. & D. instrumentation. Then in 1957, Mr. Cook joined North American Aviation as a research specialist on weapon system analysis working principally as the senior technical evaluator on the A3J aircraft. This NAA project on the Navy's first supersonic attack plane introduced many new technical problems, particularly on weapon system delivery. Most of the problems were solved technically. In 1964 Mr. Cook joined the Office of Research Analyses and has been participating in studies on ballistic missile defense.

He is single and his hobbies include several sports, the prime one being shooting in conjunction with hunting. He is rated as a Pistol Life Master, and besides a large general purpose technical library has an extensive ballistic and military science selection. He has a reading knowledge of Latin and German. Since 1954 he has been listed in the American Men of Science.

Mr. Cook is a life member of the American Ordnance Association, the Air Force Association, the Association of the U.S. Army and the National Rifle Association. He is also a member of the Operations Research Society, the Acoustical Society and the American Institute of Aeronautics and Astronautics.

Beside's the above mentioned project reports he has written over fifteen unpublished classified papers on instrumentation, fire control and ballistics.

DEFENSE DEPARTMENT SCIENTIST WHO CRITICIZED EXTRAVAGANCE

(By Leslie H. Whitten)

WASHINGTON.—The Air Force has drummed out a civilian missile scientist on a mental disability retirement even though the top Air Force psychiatrist said they had no "sound medical basis" in the records to do so.

Still, the case of Kenneth S. Cook, 55, might have been buried in conflicting medical views if he had not charged that his retirement only gathered steam because he refused to change study data critical of a projected multi-billion dollar, pet Air Force weapons system.

The truth of this charge cannot be determined because both the Air Force and the Civil Service Commission have denied the stocky, balding weapons analyst a formal hearing.

They have also refused Cook a hearing on other peculiar gaps in the case which, even in the kindest light, evokes a picture of interagency backscratching plus outright misrepresentation.

For the University of Indiana master of science it has meant loss of his $16,152 a year job, the damaging label "paranoid personality" and the $9000—his life savings and then some—he has spent fighting back.

Worst of all for him, his $297 a month pension cannot possibly cover a court fight—his final appellate battleground. And he is too broke to get medical checkups for a mild diabetic problem.

The Civil Service won't even let him see much of his file, contending that its medical statements—most of which he has gotten through doctors and friends on Capitol Hill—would upset him.

"I'm too dumb to quit," said the World War II Signals Corps officer. Psychiatrists he enlisted to help him fight the bureacuracy agree he should get a job back, but even they call him rigid and obstinate. That's what has kept him going.

The national import of the Cook case lies in mounting charges that the Defense Department is railroading out dissident employees—those who blow the whistle on such things as oil theft in Thailand, phoney deparment figures on aircraft cost, awesome contract frauds.

The Cook case's combination of denial of due process and possible defense cover-up has prompted letters to the Civil Service and to others from Sens. Clinton Anderson (D-N.M.), Sam Ervin (D-N.C.), and John McClellan (D-Ark.). Constitutional Rights Subcommittee Chairman Ervin wrote then Civil Service Chairman John Macy:

"It would appear from the record that officials at Holloman Air Force Base (N.M.), displeased with Mr. Cook's policy criticisms of their operations, may have taken advantage of the many loopholes in the laws and regulations affecting the rights of individuals in retirement actions."

Among the many questions raised by the case are:

Why did the Air Force and Civil Service override Lt. Col. Paul Grissom, top Air Force psychiatrist? He wrote that Cook's Air Force psychiatric evaluation reports "do not support the conclusion on any sound medical basis that Mr. Cook was incapacitated for performance of his duties set forth in his job description."

Why did the Air Force, Civil Service and Defense Department insist in letters to Capitol Hill, and in one case to Vice President Hubert Humphrey, that they had thoroughly investigated the case? Calls by Hearst Newspapers to Cook's civilian boss, Dr. Gerhard Eber; the phychological evaluator, retired Lt. Col. Herbert Reynolds; and the medical doctor who initiated the case, Lt. Col. Dwight Newton, brought statements that not one of the agencies' investigators had contacted any of them.

Why did the Civil Service retire Cook without checking out his contention that a clique at Holloman was prejudiced against him? Hearst Newspapers found from a base directory that the military superior with whom Cook clashed lived one door away from Dr. Newton, who as base hospital head put the medical case in motion. Dr. Newton acknowledged that he and the superior, a lieutenant colonel, were friends and that he had once gotten a local district attorney to drop a delinquency charge against the superior's son. Dr. Newton said he had acted in accord with medical ethics in the Cook case.

Why did Civil Service officials assure a House Civil Service investigator that then Civil Service Chairman Macy had interviewed Cook? The two men never met. The nonexistent interview was used as a reason for a committee staffer to recommend no committee action on the case.

Why in a 1968 letter to Vice President Humphrey, did the office of the Air Force secretary assure him Cook's "security clearance was not withdrawn," thus making Cook appear to be a liar for saying it had in his own letter to Humphrey? A "for official use only" Air Force document in 1967 says plainly "on Nov. 22, 1966 . . . Mr. Cook's security was withdrawn."

These are glaring holes among others discovered by congressional probers and by Hearst Newspapers. All are documented in official files or were confirmed by direct interviews.

As to Cook himself, his ordeal began in 1965 when he was working at Holloman on secret projects relating to anti-ballistic missile defense systems, particularly against submarine-launched missiles.

Listed in "American Men of Science" since 1955, he had come there with a record of more than 15 years as a physics professor and weapons analyst with the military and with North American Aviation.

In March, 1965, his data was ready for printing, but his civilian boss, Dr. Eber abruptly rejected it and indicated that Cook should rewrite it to change it by what Cook said was "180 degrees," according to Cook.

Dr. Eber calls the altering charge "complete nonsense." Reached at Holloman where he still works for the Air Force, he said the Cook data was not in an acceptable form.

In July 1966, Cook's draft of another report on destruction of long-range missiles by using non-nuclear warheads was turned down both by Eber and by Cook's military superior. They refused to forward it to the Pentagon, said Cook. Dr. Eber said the report was not consonant with other Air Force data and thus was not included in the final report.

Whatever the facts of these cases, the conflicts grew between Cook and his military superior. For example, Cook said the officer told him and other subordinates to vote against the judge who handled his son's delinquency case. Cook contended that the superior caused him problems about getting leave when Cook's father was critically ill.

An effort by Hearst Newspapers to reach the superior in Thailand, his present post, failed. The telephone operator said there was no commercial service to the base, some 350 miles from Bangkok.

Cook also said that the superior ordered him to resign or transfer, a charge that Civil Service general counsel Anthony Mondello said was mentioned in the Cook file. Mondello conceded that the superior had not been questioned on this—and several other Cook allegations—as an effort to get to the truth of the clash between the two men.

In October, 1966, Cook wrote a letter over his superiors' heads to Brig. Gen. Ernest A. Pinson at the Air Force's aerospace research office in Arlington, Va. He bitterly complained that his military superior at Holloman was a "farce." The letter was later described at Cook's medical board hearing as "rather bizarre."

In November, 1966, Cook's bosses at Holloman lifted his security clearance and they initiated denial of his in-grade pay increase in December, 1966, according to Holloman records.

Cook's military superior went to Dr. Newton, the base hospital head and the superior's neighbor and friend and made his complaints against Cook, Dr. Newton said. Newton said he sent Cook to Lt. Col. Herbert H. Reynolds, now retired, a psychologist, friend of Newton and social acquaintance of the military superior of Cook. Reynolds evaluated Cook.

Both Newton and Reynolds—who was reached at his job in Ft. Worth, Tex.—said their mutual military and social ties with Cook's military boss did not affect their dealings with the civilian scientist.

Based on the results of the Reynolds examination and an examination of Cook by Capt. Martin Reite, a psychiatrist, an Air Force medical board was convened on Jan. 25, 1967, for Cook.

The board, made up of Reynolds, two psychiatrists and two other doctors, all Air Force officers, said:

"Mr. Cook is suffering from a . . . paranoid personality pattern, chronic, severe . . . should be retired for medical reasons."

Cook, who contends there are 120 separate errors in the medical board summary—which Reynolds said was agreed to by the board unanimously—then began his two-year fight. He consulted civilian psychiatrists.

Dr. George M. Schlenker, of El Paso, said Cook "may be paranoid tinged" but was neither potentially dangerous nor a security risk. He urged the Air Force to find a use for his "talents" and "experience."

Another psychiatrist, Dr. W. Thomas Holman, of Las Cruces, N. M., said he disagreed sharply with the Air Force, saying Cook had the sort of "obsessive-compulsive personality" that drives many "outstanding individuals (to) great feats on behalf of mankind" and is actually a "valuable" trait. He found "no abnormal content of thought" in Cook and urged he be sent back to work, with a pay raise.

The sheaf of medical reports finally was sent by the Air Force to its top psychiatrist, Dr. Grissom, who did not diagnose Cook but said the records "disclose no evidence of a psychotic or severe chronic neurotic condition." The board's diagnosis of "paranoid personality" describes a personality pattern but not a disease, he said.

Cook's superiors split with several of his colleagues in their views.

Dr. Eber, as one example, said the Air Force had been just to Cook. Retired Lt. Col Bob Whitfield, who worked with Cook, said the Air Force "machine-gunned" him. Whitfield said the Air Force had taken advantage of the ease in carrying through a mental disability retirement as compared with a retirement for cause."

"He is a victim of the big machine that rolls over little people," said Whitfield. The Civil Service agreed that it was easier to get people out with a mental disability retirement, but counsel Mondello—who came to the commission after Cook was retired—said the case was handled properly.

Defense Department contentions that they checked out the case carefully leave something to be desired. Assistant General Counsel for Manpower and Reserve Affairs Frank Bartimo said he had "relied" on Deputy Assistant Secretary James P. Goode, of the Air Force who told him the case had been thoroughly investigated.

Bartimo acknowledged that he did not know and could not recollect asking Goode whether witnesses for Cook were queried. And Goode declined to go explicitly into what he had done in the way of investigating.

But Whitfield said neither Goode nor Bartimo's office—nor any defense agency investigator ever asked for his views of the case.

There was a final irony.

Under pressure from Capitol Hill, the Civil Service put through a reform last May that now would give Cook a hearing. But they did not hold up retirement on Cook the four months it would have taken to make him eligible for his hearing, even though the reforms were in the works.

Now the defense agency and the Civil Service who have left Cook with $297 a month—minus hospitalization insurance which Cook says is deducted against his will—advise him to get a lawyer and take it to court. His mother is 75 and he can no longer send her money. His insurance has lapsed.

His case is the sort of precedent-making one that could go all the way to the Supreme Court—at a cost of hundreds of hours in time and thousands of dollars in cash. For these reasons, the advice of the two giant federal agencies appears to be both empty and cruel.

SO MUCH GOVERNMENT ACCOMPLISHING SO LITTLE

Mr. HRUSKA. Mr. President, any of us who are in public life are reminded daily of widespread public dissatisfaction with the increasing role of Government in the lives of ordinary citizens.

This discontent was one of the major factors in former President Johnson's decision not to seek reelection. It was an important reason the voters of America turned to the Republican Party for new leadership in the balloting last November.

The people of the country have responded to that leadership, as evidenced by a recent Gallup poll which showed that 59 percent of the public approves of the way President Nixon is doing his job, while only 5 percent disapproved. It would be my guess, Mr. President, that if the poll were taken today, in the light of Mr. Nixon's successful European trip, the approval figure would be even higher.

Early in February, the National Broadcasting Co. commentator, David Brinkley, broadcast a little essay dealing with the feeling of impatience and restiveness toward Government and politicians. Because it accords so closely with President Nixon's own assessment of the public's attitudes in this area and forms the background against which the President's proposals and courses of actions must be taken, I ask unanimous consent that it be printed in the RECORD.

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

GOVERNMENT SPENDING AND THE PUBLIC'S MONEY DISCUSSED BY NBC NEWS' DAVID BRINKLEY

David Brinkley, NBC News Correspoondent, had this to say Monday, Feb. 3, on the NBC Radio Network, about the Government spending the public's money:

"A new book discusses the fact Americans are growing sick and tired of having so much Government accomplishing so little.

"There has been a lot of discussion of the clear fact that the American people are restive and impatient with politicians . . . and with Government in general and the Federal Government in particular. A generalized feeling that Government does nothing but spend money, the public's money . . . while seeming never to accomplish anything . . . that about all it does accomplish is to grow bigger, spend more, interfere in people's lives more, while giving them nothing. And all the while, life in this country steadily deteriorates. It is hard to think of any aspect of public life in America that is not worse today than it was thirty years ago. If the American people are restive and irritable about that, it is hard to blame them.

"As one who has been talking about this for years—after watching the Federal government at close range for half a lifetime—it is interesting to see a new book on the subject. It's by Peter F. Drucker, a professor in the graduate school at New York University. It's called 'The Age of Discontinuity' and it's published this week. Harper and Row.

"He covers a lot more ground than I can even mention in a few minutes here, but he touches a lot of sore spots people probably are aware they have—aware they are sore—but not quite sure why. Here's one point: the most hard-fisted, dictatorial government in the 19th century would not have dared pry into the private affairs of its citizens the way the U.S. Government now pries into ours. In what we like to think is the world's freest society, the income tax collectors routinely demand—and get—full access to every citizen's file cabinet and desk drawer, demanding to know what he's done with every nickel. No 19th century dictator would have dared force the public to fill out all the forms and answer all the questions routinely demanded of Americans, who put up with it like a flock of sheep. A social worker spends 80 per cent of his time filling out forms for the government and 20 per cent of his time doing socal work. The same problem exists for everyone in business and in almost every other occupation. There is simply too much government, and it's always bothering us.

"Drucker makes the point, also, that the Government's performance in dealing with this country's public problems these last 30 years has been absolutely dismal. He wonders if, instead of all the Federal programs, if instead we had done nothing at all, if we'd be any worse off than we are.

"Bureaucracies generally achieve nothing but to spend money and maintain themselves, constantly growing. If most of them disappeared tomorrow, I wonder if anyone would miss them? The American people may slowly be realizing all this. And about time."

MANNY COHEN, A DEDICATED PUBLIC SERVANT

Mr. WILLIAMS of New Jersey. Mr. President, as chairman of the Securities Subcommittee, I have had more than a passing acquaintance with Manny Cohen. During Manny Cohen's 4½ years as Chairman of the Securities and Exchange Commission—the longest term in Commission history—he has been most of all a dedicated public servant.

Prior to his being named Chairman, Mr. Cohen was an SEC Commissioner, Director of its Division of Corporation Finance, and Chief Counsel of that Division, and he has held other important staff positions since 1942. Twenty-six years is a long time. During all of those years Manny Cohen has served the investing public and his country in an outstanding manner. He has served under six President, and I think it is fair to say that Manny Cohen exemplifies the best in the civil service, and indeed the best in Government. He has not hesitated to do what he thought was right and to fight for it whenever necessary. He has taken action in stock exchange matters, mutual fund regulation and other areas—even though it may not have been the popular thing to do. But to view him merely as a fighter is to do him an injustice—because above all he was a skillful negotiator and a realist. During the past few years of incredible market activity, unforeseen growth and burgeoning problems, it has been essential to have a skilled negotiator representing the public interest. Manny Cohen represented his client—the public—with extraordinary skill and vigor.

The financial headlines of our times bears testimony to Manny Cohen's era as Chairman of the Commission—"Texas Gulf Sulphur" and "insider trading," "commission rate structure" and "volume discounts," "give-ups" and "reciprocal business."

Manny Cohen's energy seemed as boundless as his concern for the public. He loved the Commission and he carefully insulated it from politics—and that was not always easy. He would not allow the Commission to be used for partisan purposes. He viewed it as too important for insuring continued investor confidence to be trifled with for political considerations. Even in his resignation he has avoided political comment though he must have been sorely tempted.

Public servants such as Manny Cohen are not the general rule. It is a shame that he leaves the Commission at this crucial time in the history of the securities markets and in the development of SEC regulation. But even in private life I am sure that Manny Cohen will continue to work in the public interest.

I wish Manny Cohen well and commend him for his long, dedicated, and courageous work at the SEC. I am certain that the momentum he has provided will not be diminished during the current administration. We shall do our best to see that it is not. It is the least we can do for Manny Cohen.

THE POLICE AND THE REST OF US

Mr. PERCY. Mr. President, a recent article in Fortune reports that a patrolman's pay in major American cities now averages about $7,500 a year—33 percent less than is needed to sustain a family of four in moderate circumstances in a large city, according to the U.S. Bureau of Labor Statistics.

Moreover, the relative socioeconomic status of the policeman has worsened since the depression. In a special supplement entitled "The Police and the Rest of Us," published in the current Atlantic, Richard Wade, an urban historian at the University of Chicago, points out that the situation has changed considerably from that of 50 years ago when "policemen had an income higher than other trades and there were more applicants than there were jobs."

Now a critical problem has arisen in police forces throughout our country. Not only has recruiting become difficult, but resignations are also growing. Why should a policeman continue to serve his community when the people he serves do not look up to him or his job? Police chiefs everywhere face this problem with their men. There are more than 50,000 vacancies for policemen in the United States.

Furthermore, as the Atlantic article points out, many police have consciously come to look upon themselves as an oppressed minority, subject to the same kind of prejudice as other minorities. Thus the late Chief William H. Parker of Los Angeles explained some of the bitterness of the police as stemming from the "shell of minorityism" within which they live. This view was given eloquent voice in 1965 by the then New York City Police Commissioner, Michael J. Murphy:

> The police officer, too, belongs to a minority group—a highly visible minority group, and is also subject to stereotyping and mass attack. Yet he, like every member of every minority, is entitled to be judged as an individual and on the basis of his individual acts, not as a group.

Clearly, the police appear to be a deprived group, one which feels deep resentment about the public's lack of appreciation for the risks it takes for the community's safety. These risks are not negligible in the United States. In 1967, for example, one out of every eight policemen was assaulted. This rate is considerably higher than in any other developed democratic country.

The belief that police are rejected by the public results, as James Q. Wilson of Harvard argues, in a "sense of alienation from society" which presses the police to develop their own "subculture" with norms which can provide them with "a basis for self-respect independent to some degree of civilian attitudes." Given the assumption of the police that they are unappreciated even by the honest middle-class citizenry, they are prone to accept a cynical view of society and its institutions, and social isolation and alienation can lead to political alienation.

I am proud to bring to the attention of the Senate a private volunteer program aimed at solving an important social problem—the problem of police "image" in the eyes of the public.

Two Illinois-based organizations, the Motorola Communications Division, of Motorola, Inc., and its advertising agency, Griswold-Eshleman Co., have recently launched a public relations campaign solely in the public interest and which does not identify either Motorola or its agency. Its purpose is to portray an accurate image of the policeman. They have produced full-page and half-page newspaper advertisements that show the role of the policeman and the kinds of service they provide to their community. The advertisements are being furnished free to publications throughout the United States.

In addition, Motorola Communications Division is making available their distribution facilities to bring this campaign to the attention of every police chief in the country. The police chiefs will be taking the program to their local newspaper publishers, who I hope, will run these ads as a public service.

This program has been reviewed by the executive committee and board of directors of the International Association of Chiefs of Police. I had the honor of attending their board meeting in Washington recently, and I learned, following the meeting, that the IACP is officially endorsing this program and has commended it highly.

I earnestly hope that publishers throughout the United States will run these ads. I am proud to have had the opportunity to counsel in the development of the program.

LEVI ESHKOL

Mr. NELSON. Mr. President, I wish to express my great sense of sorrow over the sudden and tragic death of Levi Eshkol, Premier of Israel. His loss as an influential voice of moderation and good judgment will be missed by all members of the world community. Certainly, few men have worked as hard as Premier Eshkol to bring about a permanent peace to this troubled area of the world.

Premier Eshkol brought outstanding qualities of leadership to the Israel Government as its head over the past 6 years, and has truly served his nation during his whole lifetime.

Mr. Eshkol came to Palestine in 1913 and quickly directed his energies toward serving the public welfare. When Israel's sovereignty was realized in 1948, Mr. Eshkol was appointed Director General of the Ministry of Defense. He later became Minister of Agriculture and Development and then brought a virtually bankrupt nation to fiscal soundness and economic growth while serving as Minister of Finance for 11 years.

As an architect of the Israel democracy, Levi Eshkol was a man of great vision; as an executive in that Government he provided inspiration and leadership. The Israel people and nation will miss Levi Eshkol, as will his other friends throughout the world.

SBIC LEGISLATION

Mr. PERCY. Mr. President, I have today agreed to cosponsor with the distinguished Senator from Alabama (Mr. SPARKMAN) two bills relating to the SBIC industry. I take the floor at this time to give an explanation of my position on these bills.

Two years ago I sat on the Small Business Subcommittee when the SBIC industry asked Congress to make some major changes in their program. At that time, the industry was not a healthy one, and, it was argued, certain changes were needed to revitalize the industry. I agreed to the proposed changes at that time in the belief that the SBIC program should have an opportunity to prove itself.

Unfortunately, this interim period has not been a true test for several reasons. The past administration did not make adequate funds available to finance the program, and the tax bill which the industry hoped to get through the Congress was not successful. Therefore, I have agreed to cosponsor the two bills today as a way to bring the issue of SBICs before the committee again. I believe that this program has a role to play in our Nation's economy, and I am anxious to learn how we can strengthen the program to do the job that must be done.

During the hearings, I shall keep my mind open to new solutions and suggestions that may be proposed either by the new administration or by other interested citizens. It is my hope that we can together find the way to increase the benefits which SBICs have the potential to offer to small businessmen and prospective small businessmen across our country.

PRAYER FOR LITHUANIAN LIBERATION

Mr. DODD. Mr. President, recently it was my privilege to participate in a luncheon of the Lithuanian American Society of Washington, convened in observance of the 51st anniversary of the establishment of an independent Lithu-

anian state. The invocation on this occasion was delivered by Msgr. Peter P. Silvinskas, a distinguished Lithuanian cleric who serves as secretary of the apostolic delegation to the United States.

Because I was greatly impressed by the eloquence of his invocation, I asked him to send me a copy of it. I ask unanimous consent that it be printed in the RECORD.

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

LET US PRAY

The shadows lengthen.
The days grow short.
And the winter of oppression lingers on.

They are not free, Lord.
They are my brothers, but they are not free.
And I wonder—dare I be free?

The better days and the happy times—where have they gone?
Spring came and we thought it would last forever.
But it turned to Winter—
Long, cold, endless Winter.
We never knew Summer and Autumn.

Yet, we must hope.
You have given us reason to hope.
Spring will come again.
Oh, it's so easy to say "no".
Help us to say "yes".

Amen.

UNREST ON COLLEGE CAMPUSES

Mr. YOUNG of North Dakota. Mr. President, people all over the Nation are deeply concerned about the rioting and unrest on the campuses of our colleges. While it is caused by only a small minority of the students, in most cases they have not only been successful in disrupting the educational progress of our great institutions, but they have been successful in giving a black eye to our whole Nation.

Recently a friend of mine, Dr. Clarence A. Bush, of Beach, N. Dak., wrote an excellent letter to the Billings, Mont., Gazette on this and related problems. Dr. Bush is not only an eminent physician but an accomplished person in many other fields of endeavor. Among other things, he is one of the most public-spirited men I have ever known.

His letter is one that deserves nationwide attention. I ask unanimous consent that it be printed in the RECORD.

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

BEACH, N. DAK.,
February 21, 1969.

The BILLINGS GAZETTE,
Billings, Mont.

SIR: Mr. Drew Pearson, in his column, called attention, most forcefully, to the foolish tendency of University educational disruption by uninformed incapable colored minority, and to the kowtowing of officials to these minority groups. He further pointed out the results which will eventually, or rather sooner, result. They clamor for administration, then start in to destroy the institutions which have welcomed them.

Education is the basis of civilization; courage is the basis of educational progress. The daring to face and teach truth wherever and however it may be found, or at least what in our groping for the ultimate truth we, at the moment, believe to be true.

Pilate's question of Christ, "What is Truth?" is the philosophers' guide through the ages.

Newspapers, and to a lesser extent, radio and television are among, if not the greatest educational influence on Earth today, not in the Sciences, molders of opinion.

As disseminators of news, their responsibility is absolute. As editors of the news, the responsibility is even greater. For by the editing is the import and impact of the news very largely controlled. I say largely because the ordinary citizen is becoming so aware of the tendency of government and news media to force feed him that both are in danger of losing his respect.

You were guilty of a gross and unfair attempt to slant public opinion in your headline over Mr. William's article on the current trial for the killing of a Montana Marine. Shooting follows Racial Insult. By implication, you made the slain man the aggressor, when facts separated and twisted out of sequence in the article were that he was insolently struck and threatened with violence, declined to fight—though he was no coward—and shot after, not a racial but personal insult was offered by one of his companions.

It is an open question whether Lt. Kramers' remarks were an insult or a mere calling card. How would you describe a man who was dressed outlandishly and carrying a gun, offering to beat up a man wearing the uniform of his country, a man seeking an excuse to commit violence, or lacking excuse, willing to create the opportunity, all of which has been testified. Please use your own language and describe the man as you would, were you the one he accosted and threatened.

It is high time American editors quit crawling—stand for right to all men—regardless of race, religion, national origin, economic or educational status.

If you will dig back in the files of The Saturday Evening Post to around 1935, you will find an article by Rabbi Stephen S. Wise on racial discrimination that was never, to my knowledge, been excelled since the expression of the Golden Rule, "Whatsoever ye will that men should do unto you, do also unto them," and don't whitewash anyone, or downgrade them either.

Many fine editorials appear in your and countless other American newspapers, but there is an increasing tendency to refuse to stand up and be counted, that while not new in journalism is still to be deplored.

Sincerely,

CLARENCE A. BUSH, M.D.

SUSAN B. ANTHONY

Mr. DODD. Mr. President, today we honor Susan B. Anthony, one of the truly great figures in the history of the United States.

When one regards the life of a woman in this country today, it is difficult to imagine the adversity which a woman would have faced in public life only several decades ago. But the years have changed the condition of American womanhood drastically.

When Susan B. Anthony took up the banner of equal rights for women in the 19th century, the American woman was not expected to voice her opinion, particularly not from a public platform.

Propriety of the day dictated the total submission of the girl to her father, of the woman to her husband.

In view of the customary thought of her times, the accomplishments of Susan B. Anthony take on incredible dimensions.

It is primarily to Miss Anthony that we are indebted for the advent of women's suffrage, although this goal was not achieved until 14 years after her death.

The many significant contributions which women have made to this Nation are the indirect result of her valiant efforts.

In a day when a woman's thoughts were not solicited, Miss Anthony was heard in Congress.

In a day when a woman's place was in the home, she carried on her campaign through the United States and many parts of Europe.

In a day when acquiescence earned respect, her dauntlessness attracted the admiration of presidents and queens.

She was a woman whose very name evokes thoughts of courage, justice, and fierce love of freedom in the people of our country.

Her contribution to the advancement of human rights was singular.

Her memory is one of the proudest pages of our history.

PHILIP N. BROWNSTEIN

Mr. PERCY. Mr. President, I am extremely sorry to see a dedicated public servant, Mr. Philip N. Brownstein, leave the Department of Housing and Urban Development. After a distinguished career in Government, Mr. Brownstein has resigned as Assistant Secretary for Mortgage Credit and Commissioner of the Federal Housing Administration to enter the practice of law.

Mr. Brownstein's record of achievements in the critically vital area of providing urban housing for low-income people is particularly outstanding. I am indeed proud to have been associated with him in preparing and executing legislative efforts to meet the goal of offering decent housing to all of our citizens.

Mr. Brownstein has played a key role in developing the concept of a firm partnership between Government and private industry in meeting our housing needs. With expert help from the FHA Commissioner, we passed the landmark Housing Act of 1968, with its major innovations for home ownership and rehabilitation.

Until his recent retirement, Mr. Brownstein was a Federal career official whose service in Washington began 34 years ago. After 9 years with the Federal Housing Administration, Mr. Brownstein left for 2 years' service in the Armed Forces during World War II. He then joined the Veterans' Administration in its newly established home loan program where he served with distinction for 17 years reaching the post of chief benefits officer. In 1963 he was selected by President Kennedy to become FHA Commissioner and had served in that capacity for the past 6 years.

We in Congress who take a special interest in housing matters and who support this newly flourishing partnership are deeply grateful to Phil Brownstein for the vital role he played in the success of our efforts. We wish him well in his new career.

UNJUST CRITICISM OF PROSPECTIVE HICKEL AIDE

Mr. FANNIN. Mr. President, in recent weeks events have occurred that are very disturbing to me and to a great many people in the Nation.

I refer to the unjust character of criticism leveled at an outstanding young man of my acquaintance, Mr. James G. Watt.

To summarize briefly, Mr. President, Jim Watt came to Washington as a legislative aide to my good friend and former colleague, Milward Simpson, of Wyoming. He made an excellent contribution to that office, and upon Senator Simpson's retirement went to work with the Chamber of Commerce of the United States as the top staff employee in the field of natural resources. Here, too, his work was of superior quality, earning him and the chamber the respect of legislators, businessmen, and Government officials.

In the tremendous talent search launched by the incoming Nixon administration it was only natural that Mr. Watt's name should come to the fore as an excellent prospect for an administrative post in the fields with which he had been concerned. He was asked to assist the Secretary-designate because of his experience on Capitol Hill and his familiarity with the subjects to be covered. This he did, Mr. President, and for his pains has been rewarded with unjust accusations and what practically amounts to personal vilification.

The only offense that has been charged to Mr. Watt by his critics is that he effectively represented the views of the organization which employed him. So far as I can determine nobody has denied that. He himself has appeared as a witness—and a very competent one—before legislative committees. The chairmen of these committees—in all cases members of the opposite political party—have commended him for his effective presentations, his expertise and his gentlemanly demeanor.

The problem seems to be that somebody's amendments were effectively opposed by the National Chamber and these folks have undertaken to take out their resentment on the handiest target around, Mr. Watt.

Mr. President, in all the storm of criticism that has been leveled at Secretary Hickel and the possibility of his appointing Mr. Watt to assist him in the administration of the Department of the Interior, there has not one word been leveled against him in terms of his qualification or experience. Not one word.

Additionally the legislative position of the U.S. Chamber in the area of water pollution has been twisted and distorted so as to make it look as if their position is in favor of dirty water.

Mr. President, it is not my concern to defend the chamber of commerce—I am sure they are capable of stating their own case—but I do wish to point out these inaccuracies and errors to set the record straight.

I might say that I am chagrined that more businessmen have not made vocal and effective protests to their representatives, because it appears to me that the only crime Mr. Watt is guilty of is being a representative of the business community—and being a good one.

There is certainly a double standard at work here today, Mr. President. We have had several cases of men like Mr. Watt who have been smear targets because the people or organizations with which they have formerly been associated are deemed to be bad. I, for one, am tired of it. I do not agree with every appointment made so far—I do not expect to—but I will not condemn a prospective appointee without regard to his qualifications simply by his former associations.

We have had people appointed whose former associations, at least in my estimation, would not qualify them for public office. However, I think it most important that the Senate take its responsibility in this area most seriously. I said this last year in our extended debate upon the nomination of a new Chief Justice, and I say it now, that we have many new faces appearing in Government ranks. We cannot categorize nor award carte blanche. Ours is a solemn responsibility, and it must be carefully exercised.

Mr. President, I hope the damage done to the career of a fine young man, exceptionally qualified, is not permanent. I trust those who have opposed him out of peevishness will rethink the insecurity of their logic and be bigger men for it.

In order to put some correct perspective on the record of Mr. Watt and that of the National Chamber, Mr. President, I ask unanimous consent that a letter to the New York Times by Mr. Richard Breault—Mr. Watt's immediate supervisor at the National Chamber—and a recent statement relative to the National Chamber's record of support for legislation to control water and air pollution by Executive Vice President Arch Booth, be printed in the RECORD.

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

CHAMBER OF COMMERCE
OF THE UNITED STATES,
February 17, 1969.

TO THE EDITOR,
The New York Times,
New York, N.Y.

DEAR SIR: Your editorial, "Double Threat", appearing on February 13, 1969, is unfortunate in several respects.

It is grossly unfair to James G. Watt, now serving as a consultant to Interior Secretary Walter Hickel, by characterizing Mr. Watt as a former oil "lobbyist" and implying that he cannot be trusted to serve the national interest.

Your editorial fails to point out that Mr. Watt, while an employee of the Chamber of Commerce of the U.S., strongly supported effective and reasonable anti-pollution laws. Important measures which the Chamber supported, and in connection with which Mr. Watt had a staff responsibility were: the Air Quality Control Act of 1967 and a Water Pollution Control bill that was passed by the House of Representatives in 1968.

The latter bill, which had the endorsement of the State governors, unfortunately became bogged down in the Senate late in the year because of amendments sponsored by a few Senators.

These facts readily available as a matter of public record—were ignored by your editorial.

Besides being unfair, your editorial contributes to an anti-business bias and helps those who are propagandizing that businessmen in general are suspect and should not be entrusted to public office.

The editorial's anti-business innuendo is a disservice to the nation. It can only deter businessmen from serving their government at a time when the nation desperately needs everybody—labor, the churches, minority groups, conservationists, business—everybody to pull together in and out of government if we are to meet successfully the terrific problems we face as a nation.

The time has come to stop stereotyping men solely because their background and experience reflects one aspect or another of American life and to judge each other on his own merits. The nation has suffered far too long from biases that divide groups from one another.

Sincerely,

RICHARD L. BREAULT,
Manager.

STATEMENT BY ARCH N. BOOTH, EXECUTIVE VICE PRESIDENT, CHAMBER OF COMMERCE OF THE UNITED STATES, FEBRUARY 11, 1969

The National Chamber's position on water pollution control legislation has been seriously distorted by recent events as reported by the news media. The fact is that the House of Representatives passed an effective water pollution bill last year—the last time such legislation reached the floor of either the House or the Senate—and the National Chamber strongly supported it. The House-passed bill also had the support of most of the nation's governors.

The House bill would have provided for the financing of municipal treatment facilities, extended federal jurisdiction over oil and hazardous spills, and established laws controlling the discharge of sewage from vessels.

Democrats and Republicans in the House unanimously opposed a Senate amendment that would have given to the Secretary of Interior authority to intervene where a federal department or agency issues a license or permit to a water user. He would have been given authority to control many of the activities in connection with agriculture, irrigation, and industrial and municipal development. This was a deviation from the intent of Congress, as expressed in the Water Quality Act of 1965, and was unwarranted. The National Chamber also opposed the Senate amendments.

Referring to the Senate amendments, a prominent House Democrat, on October 14, 1968, said: "The implications of a basic change in government policy of this magnitude are too great for hasty and ill-considered action at this time. Therefore, this group of Senate amendments should be rejected." A few minutes later, the House, for the second time in eight days, passed, without dissent, an effective and significant water pollution control bill.

Presumably, the critics of the National Chamber's position would also be critical of the combined judgment of the House of Representatives. If this is not the case, then it suggests that some people are playing politics with pollution.

We of the business community are concerned about another implication in the statements reported by the press. It is the implication that the business viewpoint on issues such as pollution abatement is contrary to the interests of the nation. This is a serious implication. It argues that businessmen or others who have represented business interests should not serve in high government posts.

This kind of attitude seems most inappropriate, particularly at a time when political leaders of both major parties are calling upon businessmen to involve themselves more in the complex problems facing the nation and

to contribute their resources and knowhow to help solve these problems.

The National Chamber urges President Nixon and his Cabinet to resist in every way pressures that would tend to mute or eliminate the viewpoint of business in the affairs of the Federal Government.

PRIME MINISTER LEVI ESHKOL

Mr. DODD. Mr. President, the entire free world mourns the passing of Prime Minister Levi Eshkol, of Israel.

He was a patriot whose selfless service to his country and his people commanded the admiration even of his foes.

He was a visionary, in the long-line of Hebrew visionaries, who believed in the universal spiritual significance both of the Israel of biblical times and of the reborn Israel of modern times.

He was a statesman who was concerned not merely with the security of Israel, but with the establishment of the conditions for a durable peace between Israel and her Arab neighbors.

Although he showed himself to be a man of iron in dealing with the threatened Arab aggression against Israel, he was also a man of moderation who sought to curb some of the less moderate elements around him.

He was, in short, a great man, a man of many qualities and many accomplishments, a man who truly belongs to the ages.

In the immemorial Hebrew lament for the dead, The Khadish, which Jewish people throughout the world will say for Prime Minister Levi Eshkol, they will be joined by countless people of other religions.

MODERN COMMUNICATIONS FOR ALASKA

Mr. STEVENS. Mr. President, tomorrow is March 1. It will be an important day for Alaska. Tomorrow the bids submitted on the purchase of the Alaska Communications System will be opened and the evaluation process will begin.

The future of Alaska's development, in a very real sense, is dependent on the outcome of this evaluation. Business and economic growth requires reliable communications. In the lower 48 States the public and business take for granted instantaneous, dependable communication.

Alaskans do not, for they cannot.

The Alaska Communications System, operated by the Air Force, provides my State's longline telephone and telegraph service. It is a system that is outdated and overloaded. According to the Senate Armed Services Committee, for over 10 years the Air Force has been unable to make "even minor improvements and expansions to the communications system." Alaska, experiencing what may be the greatest oil strike of the century, Alaska, one of the fastest growing States in the Union, is hogtied by inadequate communications.

Alaska's communications must be modernized at once. We cannot afford to wait 2 years or 3 years or 4 years for some unspecified pie in the sky. Alaska must have modern communications equipment now: direct digit dialing, adequate telex service and adequate, instantaneous, always-available service. We need service between our cities and the lower 48 States—we need service between our cities and the rest of the world.

My predecessor, the late Senator Bartlett, stated when he testified in favor of his bill to authorize the Air Force to sell the Alaska Communications System:

> The ready availability of modern communications at reasonable cost has grown to be a necessity in our private and business lives.

The sale of the Alaska Communications System to a responsible and technically competent company would open the way to the development of the communications facilities we need so badly.

Senator Bartlett's bill to authorize the sale was passed into law without opposition. As the committee report stated:

> All parties of interest are in favor of Alaska Communications System disposal action.

The philosophy behind the law and the proposed sale is clear. Alaska is now a State, no longer a territory. There is no longer any reason why the telephone, telegraph, and other communications systems between our cities and outside should be owned by the Federal Government. It has long been a Government-wide policy—Bureau of the Budget Circular No. A–76—that it should not engage in commercial-industrial activities which private enterprise can furnish in a reasonable manner. With the growth of the Alaska economy in recent years, it is reasonable to believe that a privately owned company could operate the system and do so, over the longer run, with every prospect of having a profitable operation. This belief is strengthened if, as surely should be the case, Government business itself is carried by the system. In the other States of the Union, Government calls are carried on commercial lines. This should be the case in Alaska. It will be to the benefit of the Federal Government, as a customer, to have improved service and lower rates. And assured Government business, as part of the rate base, would go far toward making these lower rates possible.

Both the House and Senate committees in their reports emphasized most strongly the importance of insuring improved service to the people of Alaska. As the Senate committee stated:

> National policy is to assist in the development of Alaska and this bill is consonant with and helpful to that goal.

In line with this national policy, the committee insisted that—

> Transfer of the Alaska Communications System must be carried out in such a way as to serve the interests of the Alaskan citizenry by obtaining firm commitments to improved service and lower rate schedules, and by obtaining a timetable for the implementation of both, as an integral part of any bid proposal action.

The committees also required that in evaluating the bids received, the Air Force must consult with State and local representatives designated by the Governor of Alaska, and the Federal Field Committee for Development Planning in Alaska, and the Federal Communications Commission. Furthermore, the committee said the purchaser must provide continued employment opportunities for Alaska Communications System employees wishing to stay on the job and the Government must provide other job opportunities for career employees wishing to remain in Federal service.

The Alaska congressional delegation met with Secretary of Defense Melvin Laird this week to discuss the sale. The purpose of our meeting was to insist and insure that the bids received would be evaluated with the needs of the people of Alaska uppermost. We emphasized the overall importance of improved service, lower rates, and the guarantee of job security for Alaska Communications System employees.

The Secretary listened to our presentation with interest and knowledge. As a member of the House Defense Appropriations Subcommittee, he has, through the years, followed with concern Alaska's communications problems. The sale of the Alaska Communications System is no new proposition to him. At our meeting Secretary Laird was thoroughly briefed on the present status of the sale. He took close to an hour from his vast responsibilities to discuss with us this matter so important to Alaska. His courtesy, interest and determination to review personally the evaluation of the bids is deeply appreciated. Secretary Laird could not have been more helpful.

Mr. President, I ask unanimous consent that a letter which Representative POLLOCK and I sent to Secretary Laird after our meeting be printed in the RECORD at the conclusion of my remarks. I also ask that the 11 committee findings as detailed in its report on the bill also be printed in the RECORD at the conclusion of my remarks.

Tomorrow, when the bids are opened, we will take the first step toward upgrading Alaska communications. This is true whether or not the bids are acceptable. There is nothing in the act, in the reports or in the legislative history of the measure which requires the Air Force to accept a bid and sell the system to a company which does not fulfill the public service requirements of Alaska.

Under this act, the Air Force has but one commitment and that commitment is to the people of Alaska. The direction the Congress gave the Air Force was to insure modern, efficient, economical communications to Alaskans.

Not only are the people of Alaska dependent on efficient communications in the State, the Defense Department itself must have such service. So, too, must the other Federal agencies which now utilize the Alaska Communications System services. The Federal Government is ACS's largest customer. Its interest and Alaska's interest march hand in hand: both must have modern, upgraded communication facilities, facilities compatible with satellite communications, in Alaska now. We cannot wait.

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

U.S. SENATE,
Washington, D.C., February 25, 1969.

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

DEAR MR. SECRETARY: We want to express our gratitude to you for taking the time to

meet with us on the subject of the sale of the Alaska Communications System and the Comsat satellite earth station proposed for Talkeetna, Alaska. We want to re-emphasize that we have no objection to proceeding with the sale of ACS as outlined by the Air Force subject to the consideration of the following points:

(1) The Department of Defense should review the bid package offered by the Air Force. We have heard reports that the Air Force is not really getting out of the communications business in Alaska, that the package as offered will require needless expensive duplicate installations, added cost to Alaska commercial users and potential violations of the Bureau of the Budget circular A–76, which, as you know, bars "government engagement in Commercial activities which private enterprises can furnish."

(2) The State of Alaska and the Federal Field Committee should be allowed to participate fully in evaluating the bids, as contemplated by Congressional committees in reporting the bill which authorized the sale.

(3) If the bids fail to guarantee upgraded service and ultimately lower costs to the Alaska public, the Department of Defense should acknowledge that it is not obligated or committed to sell ACS. Such sale is not obligatory. The government may, as legislative history makes clear, reject all bids.

(4) The terms of Bureau of the Budget circular A–76 should be followed after the sale. This means that commercial lines will carry government business in Alaska as elsewhere. This also assures that ACS will not be sold to a company inexperienced or undercapitalized. As spokesmen for the people of Alaska we ask you to insist that the purchaser be capable of providing telephone service in our state which is as reliable as that in any of the other 49 states.

(5) We feel you should request the Air Force to extract immediately from each of the proposals the specific commitments and guarantees offered with regard to employees of the ACS and that these extracts be made available immediately to the employees. We have been informed by the prospective bidders that the job benefits will be such as to be acceptable by the employees, but we feel that unless the employees know this immediately many of the very capable and qualified employees with years of experience in Alaska may elect to leave our state.

(6) The State of Alaska and the members of the Alaska delegation should receive a summary and analysis of all bids submitted. Since the legislation authorizing the sale of the ACS provided that the State of Alaska would have the right to participate in the review of all bids and the award to be made to a successful purchaser, it should be pointed out that our concern is that any successful bidder be a substantial company which is satellite oriented. It is difficult to perceive how a total communications system in Alaska could operate without utilization of satellite technology, and we want to insure that this will be part of an ultimate Alaska communications system.

(7) The Defense Department should withdraw its objections to the Communications Satellite application now before the FCC to construct a ground station in Alaska. It is our understanding that your department does not oppose this application and will clarify its position.

Proceeding with the construction of this much needed installation should and would, in our opinion, in no way interfere with the sale of the Alaska Communications System. These two matters are separate and distinct; they need not and should not be confused or intertwined. The confusion of the position of the Department of Defense is amply demonstrated by the attached letters dated January 15, 1969, and January 29, 1969. In the first the Judge Advocate General, as the authorized counsel for the Secretary of Defense, requests the FCC to grant the application to establish and operate a satellite earth station in the State of Alaska. In the second the Assistant Secretary of Defense expresses grave doubts over the ability of the purchasers of ACS to operate if the ground station application is granted.

To summarize our comments to you at the meeting this morning, the specific concerns we have with the invitation to bid furnished by the Air Force to prospective bidders are the following:

(1) The total hardware package is overpriced.

(2) Additional hardware should have been included in the package to make it a viable commercial communication system. That is, the microwave lengths (the TD–2 line of site stations) should have been included.

(3) The Air Force reserved for the government the right to exclude all government traffic from the system, a provision which exists in no other state. All government traffic other than military security information should be included as traffic on the commercial system.

(4) Any bidder should have the right to exclude any portion of the property or equipment in the system and have the appraised value of that portion deducted from the bid.

As indicated in our discussion with you, it is our understanding that Senator Mike Gravel will present his views to you in separate letter.

Cordially,

TED STEVENS,
U.S. Senator.
HOWARD W. POLLOCK,
Member of Congress.

COMMITTEE FINDINGS

The committee favors enactment of S. 223. Its findings are set out below to reflect clearly the conditions and criteria under which the committee understands that any transfer will be accomplished—

1. The present obsolescent telecommunications system in Alaska with its attendant high rates to the general public is a true deterrent to its economic development. National policy is to assist in the development of Alaska and this bill is consonant with and helpful to that goal.

2. Circumstances now make transfer of the ACS from public to private operation both possible and timely. All parties of interest—government and industry—are in favor of disposal of the ACS to a qualified commercial firm. There is a consensus in support of the bill in essentially its present form.

3. The national defense posture will not be impaired by the transfer of the ACS and in fact could be enhanced by subsequent improvements in service by the purchaser acting under normal public utility procedures as in other States. Circuits leased to the private operator can be recalled by DOD immediately in any period of emergency.

4. The Government should receive no more (and, of course, no less) than the fair and reasonable value of facilities sold (usually, acquisition cost plus improvements minus appropriate depreciation). There is a real danger of a rapid erosion of existing value to the Government ACS investment if authority to transfer is delayed very long, especially if a private carrier were to be allowed to build and operate a duplicative commercial system.

5. Transfer of the ACS system to a private carrier would not cause any significant change in costs to the Federal Government after the initial recovery of the fair and reasonable value of facilities sold. It will relieve DOD of a commercial activity which the military organization neither desires nor is particularly suited to perform. It will eliminate the need for appropriations to make necessary capital improvements.

6. Transfer of the ACS to a private operator will permit reassignment of military personnel and DOD civilian employees to tasks that are related directly to national defense. Displacement of ACS civilian employees will be minimized through efforts to provide continued employment with the purchaser; in addition, all career and career-conditional employees will be offered another job opportunity with the Government.

7. Transfer of the ACS must be carried out in such a way as to serve the interests of the Alaskan citizenry by obtaining firm commitments to improved service and lower rate schedules, and by obtaining a timetable for the implementation of both as an integral part of any bid proposal action.

8. As to facilities retained by the Government, the Air Force proposes to lease circuits and introduce message-rate charges. This will enable the private carrier to provide service to remote and thinly settled areas at reasonable rates.

9. The 1-year period during which the purchaser may not change rates unilaterally will allow the Federal Communications Commission and the State Public Service Commission to establish procedures for (or specify the applicability of existing procedures to) subsequent proposed rate and service changes as the ACS becomes a regulated enterprise. Any purchaser must obtain all necessary certificates of public convenience and necessity and must comply with the rules and procedures attendant to normal public utility regulations.

10. The Secretary of Defense is required by S. 223 to obtain the advice and assistance of other parties before any transfer is made. Such participation should continue during the entire disposal period and should include, in addition to the Government agencies operating long-lines facilities in Alaska, the Federal Field Committee for Development Planning in Alaska, the Federal Communications Commission, and appropriate State and local representatives designated by the Governor of Alaska to assure consideration of all public interest factors associated with the transfer of the ACS.

11. The committee endorses the Air Force preparation and intention to operate ACS under the industrial fund method if the communications industry does not respond with acceptable proposals after enactment of the legislation.

CHANGE IN GRAZING FEE FORMULA

Mr. JORDAN of Idaho. Mr. President, the people of Idaho are very concerned with the change in a grazing fee formula put into effect by the outgoing administration just 6 days before President Nixon took office.

With 20 million acres in national forests and more than 12 million acres under the control of the Bureau of Land Management in Idaho the concern of our citizens is understandable. Hearings on these fee changes have been held before the Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee. The Interior Committee of the House will hold hearings next week. The concern of the people of Idaho is best indicated by the fact that the Legislature of the State of Idaho—now in session—passed a joint memorial in opposition to the fee increases without a dissenting vote.

Mr. President, I ask unanimous consent to have a copy of the Idaho House of Representatives, House Joint Memorial 3 be inserted in the RECORD at this point.

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

HOUSE JOINT MEMORIAL 3

A JOINT MEMORIAL TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED

We, your Memorialists, the Senate and House of Representatives of the State of Idaho assembled in the Fortieth Session thereof, do respectfully represent that:

Whereas, the range livestock industry is a major industry of the State of Idaho; and

Whereas, the public lands comprise at least two-thirds of the land area of the State of Idaho; and

Whereas, the range livestock industry is dependent upon such public lands for grazing; and

Whereas, the proposed increased grazing fees upon such public lands shall cause great economic hardship and business failures within such range livestock industry.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring, that we most respectfully request that the Congress of the United States direct and require the Department of Agriculture and the Department of Interior to hold in abeyance all increases in the rates to be charged as grazing fees upon the public lands until such time as Congress has had sufficient time to study and review the final report of the Public Land Law Review Commission.

Be it further resolved, that the Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to the leadership of the Senate and House of Representatives of the United States, and to the members of the Idaho Congressional Delegation.

CONSERVATION PAYS OFF FOR SOUTH DAKOTA STOCKMAN

Mr. MUNDT. Mr. President, the January issue of Soil Conservation, the publication of the Soil Conservation Service of the United States Department of Agriculture, contains a most interesting and informative article about the profitable conservation practices of my constituent, Mr. Cliff Reyelts, of Britton, South Dakota. Because of its application throughout the agricultural area of our country, 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.

GO-TO-GRASS FARMING PUTS WEIGHT ON CATTLE AND MONEY IN POCKET FOR DAKOTA STOCKMAN

(By Walter N. Parmeter)

Stockman Cliff Reyelts, of Britton, S. Dak., foresees nothing to equal his conservation grassland program for putting weight on his cattle economically.

During the fall and winter when the range turns hard and crisp, he buys 500 head of 400–500-pound calves. He feels assured that after munching all the silage they can eat, plus a pound of protein supplement a day until the grass comes up, they will reach finishing weight during the summer on pasture alone with little trouble.

TECHNICAL HELP

In putting a large portion of his 1,800 acres to grass, Reyelts used SCS technical help available through the Marshall County Soil and Water Conservation District.

The Reyelts farm and ranch ranges from a sandy to a medium textured soil, mostly on gentle slopes. The home section of land produces silage and winter feed for calves, while the outlying parcels have been planted to grass. Contoured rows, terraces, grassed water-ways, and tree windbreaks complete his conservation program.

After being wintered on silage and supplement, the calves are able to reach weights of 800 to 950 pounds in the next 5 months of grazing.

In early spring the calves are put on 40 acres of crested wheatgrass pasture when it is 6 to 10 inches tall and are kept there until it is grazed down to an average of 3 inches. Then, they are placed on a mixture of smooth brome and alfalfa and rotated from one pasture to another as the condition of the grass permits.

Grazing of brome and alfalfa begins between the time the brome is about 8 inches high until it is in the boot stage. All livestock are taken off when the grass is grazed down to 4 inches. A few days before this the pastures are clipped so the cattle will eat the cut foliage. The clipping prevents the bromegrass from going to seed and evens up the plants for the next grazing period. All brome pastures are rested from 3 to 4 weeks following grazing.

Some pastures are cut for hay. The forage is cut shortly after the heads come out of the boot but before seeds are formed in order to get maximum forage yield of highest protein content.

From middle July to about September 1, Reyelts places the cattle on his 33 acres of warm-season grasses of big bluestem, indiangrass, and switchgrass on Piper sudangrass. Through September and October the livestock are carried on 67 acres of Russian wildrye pasture and native range.

LEGUMES FOR PROTEIN

There are 250 acres of pasture that contain an alfalfa mixture. In the legumes Reyelts keeps bloat losses down by feeding a load of silage in the pastured area each morning. Reyelts believes the additional gain from higher protein legumes more than offsets any losses.

The cattle are watered by wells and three dugouts. Underground plastic pipe and an electric fence permit one well to provide water for seven pastures. Salt blocks are placed in the pastures to encourage more uniform grazing.

Reyelts says, "Fertilizing and killing weeds is my one-two punch to good pasture." Fertilizing the many pastures has become routine. He takes soil samples for chemical analysis and on this basis used 100 pounds per acre of 22–22–0 fertilizer on all of the pastures in 1968.

Weeds can be a problem but Reyelts sprays with 2–4–D where legumes are not planted. Annual weeds in the legume mixture are controlled by clipping.

A CONSERVATION PLAN

Reyelts feels that well-managed pastures are one of the best ways to build and conserve soil. Conservation has been a way of life for him for 30 years. Back in 1937 Cliff's father planted the first windbreak on the home quarter. Since then one-row field windbreaks have been established in an east-west direction every 40 rods across the home section of land. These trees reduce wind erosion, tend to hold the snow on the field for additional moisture, and make attractive wildlife areas for birds, deer, and small mammals.

Terraces are a part of Reyelts' overall conservation plan on the sloping land, and grassed waterways protect the terrace outlets. The terraces also serve as guidelines for planting crops on the contour.

The Clifford Reyelts family, his wife Gladys and their five daughters, approve of the "go-to-grass" program as it not only conserves soil, water, and wildlife but also provides more free time for the family to spend together.

AMERICAN BUSINESS AND THE DISADVANTAGED

Mr. PERCY. Mr. President, before Secretary David M. Kennedy resigned as chairman of the board of directors of the Continental Illinois National Bank & Trust Co. of Chicago and became President Nixon's Secretary of the Treasury, he authored an informative and thought-provoking article appearing in "The Role of Banks in the Urban Challenge."

In the article, entitled "Business Takes a New Look at the Disadvantaged," Secretary Kennedy takes a penetrating look at the urban crisis and cites significant multifaceted efforts that the American banking industry has made to ameliorate the commercial problems of the urban poor.

Due to the widespread interest in increasing both the quantity and quality of private involvement in the pressing social problems of our time, I ask unanimous consent that Secretary Kennedy's article be printed in the RECORD.

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

BUSINESS TAKES A NEW LOOK AT THE DISADVANTAGED

(By David M. Kennedy*)

Within our lifetime America has achieved a standard of living for the nation as a whole far beyond the imagination of any reasonable man a generation ago. We are envied and imitated not only throughout the free world but in communist countries as well. We are considered to be the richest nation on earth—a reputation which unfortunately bodes evil as well as good.

We have devised vast and broadly based welfare systems of social security, assistance to the aged, to the handicapped, to dependent children and their mothers, and for health, housing, and education. On top of all this, many new programs within the Federal government have been developed to attack individual segments of poverty. As a result, the Federal government alone is today spending almost $28 billion—15% of its budget—on assistance to the poor. Despite this outpouring of public money—plus billions more at state and local levels—and despite the fact that the number of poor has declined from more than 35 million five years ago to 29 million today, the problem is becoming more rather than less critical. One out of every nine Americans is black, but one out of every three poor persons is black. There are more than 8 million black poor today in the midst of our unprecedented prosperity.

The nation's over-all rate of unemployment is historically low—3.6% of the labor force. Yet 7.4% of our non-white workers are unemployed, well over double the 3.2% average for whites. Meanwhile our non-white population continues to grow more rapidly than our white population, with a birth rate estimated to be about 45% higher for non-whites while the death rate is only 2% higher.

WHAT HAS HAPPENED TO OUR CITIES

The relentless trend mechanization of agriculture has pushed the poor man off the farm and into the city, where he is lured by the anticipation of an exciting life, the

*Chairman of the Board of Directors, Continental Illinois National Bank and Trust Company of Chicago. Address delivered at the Annual Civil Rights Conference, University of Utah—Salt Lake City, Utah, November 22, 1968.

chance to earn more money, or at worst, the promise of a bigger relief check than he had been getting. But mechanization has hit the cities too. The demand for unskilled labor has fallen sufficiently to snuff out his ambitions time after time. He is left with only the bigger relief check to keep him in the city, and with it a life of frustration and aimlessness. The resulting boredom and dissatisfaction with his lot has erupted too many times in recent years in militant protest and in the violence in our cities.

Just before World War I, 2½ million blacks lived in American cities of 2,500 or more persons. About 27% of all blacks in the nation lived in such cities, as compared with 48% of all whites. Now 15 million blacks live in the cities—69% of all blacks in the nation as against 64% for whites. Furthermore, seven million blacks, or two-thirds of the blacks outside the South, now live in our twelve largest cities—excluding the suburbs. In eight of these cities, the proportion of blacks has at least doubled in the past 20 years. Close to 30% of the population of the city of Chicago is black, and the percentage is even higher in Philadelphia, Detroit, Baltimore, Cleveland, and St. Louis. Washington, D.C., is more than two-thirds black. And within the cities the concentration of blacks in specific areas is even more striking. In the 75 neighborhoods that make up Chicago, it is estimated that while 39 are less than 5% black, 11 are more than 95% black.

America's big cities are in trouble—the cities our private enterprise system so proudly built. These same cities now are in danger of being deserted, as industry and home owners alike seek refuge in the relative calm of suburban life where the problems aren't quite so overwhelming. Thus, the tax base as well as the spirit of our urban centers are constantly eroding at a time when demands upon the cities are pyramiding—demands for better education, improved housing, air and water pollution control, safer streets, and a revitalized transportation system which, ironically, while helping the cities, may also make it even easier to flee to the suburbs.

The men who run American industry today can no longer shrug their shoulders and say that the poor are always with us and there is little we can do about it.

Even at this time of tremendous prosperity and minimum unemployment, the poor are sufficient in number and vocal enough to make their discontent known in ways that we find disturbing and upsetting. This display of discontent has been accentuated by the Vietnam war and has sparked a like spirit in our students as they face suddenly in their early adulthood—as we all have in our time—the age-old problem of what to do about inequality and injustice in our world.

Many of our citizens have come to the rather disheartening conclusion that America has failed. I find this attitude inaccurate and uninspiring. It reflects an air of defeatism that is characteristically un-American. Yet, no one can deny that we should have done more as a nation to anticipate and to avoid at least some of the unsolved problems that plague our cities today.

America has become strong in the past because of our willingness to pull together—individuals, businessmen, local government, and the Federal government. We must now find a way to unite again in our efforts to meet the urban problem squarely. Looking forward, we can then make urban America stronger than it has ever been before. We need not drown in despondency.

THE CHALLENGE WE FACE

One of the lessons I hope we have learned, and learned well, is that a simple outpouring of Federal funds is no cure for poverty-stricken areas—even if we ignore the taxpayer's pain. The outgoing administration, which designed these programs, now admits that while we may have learned something, many programs have been wasteful and have, in many cases, aggravated rather than solved the problem. I am quite sure that the new administration will be very critical about the present proliferation of poverty programs scattered throughout so many different government agencies.

Federal programs can help in a constructive way. But I am convinced that they will be most constructive when they are built on the principle of an effective partnership with private enterprise—including more guarantees and less Federal spending. Much of our ability to unravel the urban crisis today falls squarely on the American businessman, who has much at stake in a successful attack on the urban crisis. He is not shirking this responsibility. More often than not, when reminded of the role the free enterprise system has to play in its own self-perpetuation, he is not only willing but eager to do his part.

But urban decay presents a whole set of new problems to the American businessman. More often than not he knows he should do something, but he doesn't know what to do. Each of our large cities presents a pattern of confusion as so many public agencies, church and social welfare groups, educational institutions, corporations, and individuals plunge ahead in often disorganized fashion even with the best of intentions.

It is only within the past twelve months that it may be fairly said that American industry has embraced the urban crisis as the most important challenge it has faced in a generation. I see this in all of the business groups to which I belong and in the meetings of the boards of directors of the industrial companies on which I serve. I see it in forums and conferences sponsored by our great national groups like the Chamber of Commerce, the National Industrial Conference Board, and the Committee on Economic Development. I see it in the specific goals and achievements of the National Alliance of Businessmen's JOBS program and the $1 billion long-term financing commitment by the insurance industry. But I see it also through the eyes of a banker and through the enthusiastic participation of bankers in specific aspects of the urban crisis—I prefer to call it the urban challenge—both nationally and in their local communities.

BANKING BECOMES INVOLVED

On the national scene, the banking leaders of the country came to the conclusion last winter that a new committee should be formed under the joint auspices of the Reserve City Bankers (representing the nation's largest banks) and the American Bankers Association (representing virtually all of the nation's banks). The Chairman of this committee is Donald M. Graham, who is also Vice Chairman of Continental Bank in Chicago. This is a committee consisting of more than forty top bank executives from almost as many of our large urban centers. The purpose to be served by this impressive group is not to set national goals or to seek publicity to show that bankers are good fellows, but rather, as Don Graham has put it himself, a quiet involvement of influential bankers at the local level both through community leadership and through appropriate dedication of banking resources.

We bankers are proud that we helped build the cities of America. We now have a responsibility to contribute positively to the revitalization of those same cities. The Bankers Committee on Urban Affairs has goals in three areas—in employment and education, in housing finance, and in encouraging the development of small business in the ghetto areas. The purpose of the Committee's national organization is essentially to provide an effective clearing house for ideas. In this way, bankers in all major cities can learn what others are doing and pick and choose what is promising in their local situations. No two cities face the same dimensions of urban challenge although they obviously share many common problems. The committee also provides a focal point in bringing its influence to bear on Federal government programs and in keeping abreast of what other national organizations are doing in a way that is more efficient than having individual banks in each city trying to keep on top of a swiftly moving scene.

PROGRESS IN CHICAGO

The surge of energy and enthusiasm growing out of the Bankers Committee on Urban Affairs has already made itself felt in community action throughout many of our cities. Chicago is a case in point. In each of the three areas of banker concentration—employment, housing, and small business—we are making progress, not only in Continental Bank but throughout the city.

JOBS AND JOB TRAINING

Our employment and training goals are closely correlated with those of the National Alliance of Businessmen, headed nationally by Henry Ford II, and locally by James W. Cook, President of Illinois Bell Telephone Company and a member of our bank's Board of Directors. As part of a nationwide goal of 100,000, Chicago employers had a goal of providing 11,000 jobs for disadvantaged persons by next June—a goal which, by the way, has been exceeded on the basis of commitments to date. The Continental Bank has agreed to take eighty of these people on our own payroll. Forty-nine of them are already with us, and our experience to date has been unusually good. Perhaps this is not an accident, because in 1962 we became one of the pioneer companies to work with the Chicago Board of Education in its important program for dropout students. Under the name Double E, which stands for Education and Employment, we counseled with dropout students, employed some under the condition they would continue their schooling, and trained and encouraged them to become contributing members of society. Our experience in this program has been rewarding and beneficial not only to the school officials and the individuals and our bank, but to minority groups in the city as a whole.

The disadvantaged men and women we are now adding to our rolls are people who ordinarily might not meet our minimum standards for employment either because of lack of education, personality traits, bad habits, or even a minor brush or two with the law. We are not aiming, of course, just at putting these people to work. We are trying to make them enthusiastic and productive employees, not only in their initial assignment but in meeting the challenge of better job opportunities along the line as they prove themselves. We have had to recognize that effective recruiting involves developing a rapport with neighborhood organizations and with leaders of the inner city who can let the disadvantaged know what we are trying to do and encourage them individually. We have assisted our supervisors in the development of proper attitudes toward the somewhat different challenge they face in working with these people. Our bank has employed minority people successfully for many years. Yet it is a new step in the supervisor's own responsibilities to be confronted with the disadvantaged man or woman who comes to him under the new program. One of the challenges we are trying to meet in doing a satisfactory job is that of providing adequate training. Again the influence of the Bankers Committee on Urban Affairs has helped in the projects it has undertaken in cooperation with the American Institute of Banking. As you may know, this is the banker's right arm in the conduct of training programs of people who are already in banking.

We at Continental are convinced that the most important part of the urban crisis is a "people crisis." In this instance, the word

"crisis" is defined as lack of opportunity, or, more specifically, lack of economic opportunity. In short, the disadvantaged need jobs in order to have the income and security to participate confidently in our society. Aid or gifts are not the answer. Earning a livelihood is vital to their self-respect and the respect of their fellow man. Working for their income is essential. There are some Federal programs in manpower training that are available to help pay the cost of training programs for the disadvantaged. Although Continental Bank has not relied on any of these, nor have Chicago banks generally, such programs (or comparable tax incentives) can be very helpful in many instances.

MORTGAGE LENDING

Federal programs play a much bigger part in what we have done in the housing field than in the personnel field. Helpful Federal Housing Administration guarantees of loans which we make involve both new housing and rehabilitation and provide us with a suitable vehicle to put a great deal more money to work in the inner-city mortgage picture than would otherwise be possible. Here again, we are making some headway.

While Continental Bank has always practiced non-discrimination on mortgage loans, we have felt that this, in itself, was not enough in the present circumstances. We have, therefore, aggressively "more than opened the door" to see what we could do in the way of expanded financing in the black community and in other disadvantaged areas.

Our bank alone is currently committed to more than $55 million in interim construction loans for housing in Urban Renewal Areas, plus more than $5½ million of permanent financing for our own bank's investments. Included in this is $50 million in FHA low-income housing, representing well over four thousand living units. Other Chicago banks are also active in similar programs. We are also involved in $5 million of loans for rehabilitation of existing housing units to help stabilize older neighborhoods and another $5 million for revolving credit loans supporting a thousand new single family housing units in older neighborhoods which are part of urban renewal areas.

To assist local communities in self-help, we have extended lines of credit to the two black-owned mortgage companies in Chicago for warehousing of mortgage loans on single family residential properties. At the same time, we are now involved in a breakthrough on prefabricated housing in Chicago with the blessings and sponsorship of the labor unions. This in itself could be a tremendous factor in a rapid uplifting of blighted areas, possibly resulting in as many as three thousand units per year.

Along with our efforts in housing, we are also financing churches on long-term loans in urban renewal areas. The church is a basic unit of communal living and a prime factor in the stabilization of any community.

Another interesting aspect of public programs at the state government level encourages banks to put more money to work in the inner city. I refer to a program instituted by the State Treasurer of Illinois which, in effect, places something like $100 million in time deposits—which really represent investment money—in banks that show a willingness to put this money to work in the inner city. We are a participant in that program.

AID TO SMALL BUSINESS

One of the toughest urban challenges facing the banks is the assurance of adequate financing to small business enterprises within the inner city. At the national level the Bankers Committee on Urban Affairs has worked very closely with the Federal Government's Small Business Administration and has encouraged the establishment of "Project Own." This is the "brainchild" of Howard Samuels, now head of SBA and formerly influential in the formation of the National Alliance of Businessmen when he was in the Commerce Department. The program just started during the summer of 1968. Again, our bank supplied major impetus to encourage the SBA to take nationwide action to simplify its forms and streamline its approval of loans for customers under its Blanket Loan Guaranty program.

This is a program where the Small Business Administration relies very heavily on the reputation and proven experience of individual banks in granting prompt SBA approval of loans that carry up to 90% Federal government guarantee, rather than duplicating all the work which the bank must do anyway before granting the loan. The purpose of the expanded Small Business Administration program is to encourage a broad expansion of black capitalism and to concentrate on doing it as much as possible through guaranteed commercial bank loans rather than through direct Federal loans.

Only 3% of the more than 5 million full-time business concerns in the United States today are owned by members of minority groups, and the SBA has announced its nationwide goal of increasing the present rate of 4,000 new minority businesses created each year to 20,000 per year by mid-1970 in order to help narrow the entrepreneurial gap between whites and blacks.

There is more to the problem of making loans to inner-city entrepreneurs, however, than just streamlining the SBA loan guarantee program. Three points come to mind.

In the first place, the banks must act cooperatively if any lending program which involves abnormal risk is to be successful. There are alternative approaches as to how the banks get together. One is to set up a pool arrangement, with each bank subscribing its pro rata share. The administration of that pool would be through an autonomous staff which would have full authority to accept or reject loans. Another alternative—the one we have preferred in Chicago—is a more informal arrangement in which the banks pledge their full cooperation and set up an interbank committee to exchange ideas and to keep track informally of the degree of cooperation from each institution.

The interbank committee set up in Chicago to perform this function is headed, incidentally, by the officer at Continental who is responsible for our small business lending. The committee consists of loan officers from eight of the large banks of the Chicago Loop, and from smaller banks qualified to operate under the Small Business Administration blanket loan guarantee program—in all representing banks accounting for more than three-quarters of all Chicago banking resources. Our interbank group includes senior officers of the two black-owned banks in Chicago as well as two of the smaller banks which, in all candor we must admit, had made more than their share of this type of loan prior to this summer. Within our bank we have blacks and whites working side by side on this program.

The interbank committee is concerned not only about loans as such but also about the fact that most small businessmen who would like to apply for a loan in order to get into business do not have enough equity to meet minimal requirements even after the banks reduce their credit standards in a generous but, nevertheless, prudent manner. This is my second point.

Again, the Chicago interbank committee has taken the initiative to bring together various interested groups working on the problem of equity capital. It is studying the alternatives as to whether a small business investment corporation or a community development corporation should be set up, whether an Illinois business development credit corporation should be established, or whether the better route would be through a tax-exempt foundation, following the pattern which is being used with some promise of success in other cities. Regardless of the course of action chosen, there must be substantial black participation in the planning process as well as in the going organization if it is to have any real chance of success.

All of these alternatives point toward the need for public participation, whether through stock purchase or through what amounts to a straight contribution by industrial firms—not just financial institutions—throughout the community. Such an approach to the problem of equity capital also involves the raising of funds within the black community by blacks. The dollars so raised may be small in proportion to the total, but the number of contributors and the feeling of participation that goes with it can be an important key to greater understanding of the free enterprise system within the black community. All of us know that one of the reasons America became great was thrift and the whole savings-investment process. A man with no equity in his home or in his business is risking nothing. His incentive to succeed is much greater if he himself bears a higher responsibility for poor performance—and is rewarded in turn for good performance.

Besides bank loans and equity capital, the third ingredient in an effective small-business-assistance program relates to technical aid to the inner-city entrepreneur. There is an obvious need in many cases, if the owner is to get ahead and if the supplier of equity capital loans and bank loans is to get his interest and principal repaid, for available talent that the new entrepreneur or the expanding entrepreneur can call on when he needs help. I am talking about what is often referred to as a "skills bank" of resource people, where professionals in both black and white communities are available on a consulting basis to help the promising entrepreneurs—an accountant to help him set up proper books and to make a projection of how he expects to come out ahead of the game, a lawyer to help him with problems he probably has never even thought about, an industry specialist in his particular line of work, or a banker who can help him get ready for his loan application.

On a modest basis, some of these services have been available in Chicago—for example, through our Chicago Economic Development Corporation, now operating largely with Federal poverty funds, and the Cosmopolitan Chamber of Commerce, where black and white businessmen have found a common ground over the years. But more than this is needed, so we have been also cooperating in the establishment of a new group of enthusiastic young men—called T.A.P., for Talent Assistance Program—who are willing to spend time helping to advise the prospective entrepreneur. Again, an effort is being made to bring the greatest possible number of black professionals and technicians into the program so there is no feeling that we are "patronizing" in our willingness to help.

Another way big city banks can help strengthen the financial structure of the inner city is their encouragement of the activities of black-owned banks—particularly in states like Illinois where branch banking is prohibited. Some of this can be done through participation with black banks in specific loans. The black-owned bank can profit also through an exchange of personnel with institutions like ours. Also, arrangements can be made to have prospective black officers in those banks train in some of our large institutions.

The twenty black-owned banks of our nation have their own association, the National Bankers Association. This expression of common identity of interest is important to them even though most of them also are members of the broadly-based American Bankers Association. One of the highlights of the recent ABA Convention in Chicago

was full attendance at the meeting of the ABA Urban Affairs Committee by the men attending the National Bankers Association Convention. This expression of a willingness to work together toward common goals is already paving the way to cooperative action in the communities involved.

I must mention one more aspect of our efforts to do everything we can to encourage black entrepreneurship. That is the role of municipal government. It almost goes without saying that any dedicated mayor has a keen interest in reversing the decay of his particular city. Certainly Mayor Daley of Chicago is no exception. Mayor Daley has his own program for the disadvantaged entrepreneur in Chicago, called Economic Opportunity in Business, and his people are working hand-in-glove with ours. This ties in very closely with my own responsibilities to the Mayor as chairman of his Committee on Economic and Cultural Development in Chicago. With the Mayor's determination and enthusiasm added to all of our other efforts, we have an excellent example of a great city working together to tackle a problem which requires every ounce of ingenuity and imagination we can muster.

The American businessman has much to gain from a substantial expansion in the standards of living of millions of disadvantaged persons—regardless of what color they may be. This is far more than a question of public service or social conscience. It is a matter of national progress—economic as well as social. Quite apart from the critically needed uplift of human self-respect and self-confidence, the economic growth potential of newly created production and purchasing power in our inner cities is tremendous.

There is no doubt that American industry, including the banks, has spent far too little of its energies and its financial resources to relieve the strains of the inner city. That tide is now turning. We have a great deal to learn—including how best to communicate with people who need our encouragement. But it will be done.

The process is not automatic. Anything worth having is worth working for. I believe blacks and whites can work together, and I know America will be the better for it.

AMERICAN-FLAG SHIPS AND FOREIGN AID CARGOES

Mr. TYDINGS. Mr. President, the well-being of the American merchant marine is of vital concern to all of us.

American shipping contributes to our economic prosperity and is a mainstay of national defense.

It is reported that over 90 percent of equipment in use in Vietnam was transported there by ship, rather than aircraft.

Yet we all know that our merchant marine is in a period of crisis. Changes in ship design, foreign competition, rising costs of construction, all contribute to this situation.

One aspect that is receiving considerable discussion is the effectiveness of Government programs dealing with U.S.-flag carriage of surplus agricultural commodities and foreign aid shipments. The Transportation Institute recently issued a research report concerning this.

In order to encourage careful study of these programs, and without representing myself as an expert on methods of computation involved, I ask unanimous consent that the text of the article be printed in the RECORD.

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

[A research report, from the Transportation Institute, Washington, D.C., December 1968]

U.S.-FLAG SHARE OF GOVERNMENT SHIPMENTS

While the matter of the government's waterborne shipment of Food-for-Peace and foreign aid cargoes is one of primary concern to the maritime industry, it is of equal concern to all American taxpayers, since, of necessity, public funds underwrite the cost of these shipments.

The basis for allocating cargo to American-flag ships versus foreign-flag ships under these programs is embodied in Section 901 (b) of the Merchant Marine Act of 1936 and legal interpretations of P.L. 480—which make clear:

(a) That American-flag shipping should receive a *minimum* of 50 percent of the cargo generated by the government, and

(b) That the minimum 50 percent requirement be computed *separately* for each segment of the industry, i.e., liners, tankers and tramps.

In recent weeks, this issue has been the subject of increasing public discussion generated by the contention by some segments of the maritime industry that the laws have been administered unevenly in terms of cargo allocation. In the course of these discussions, some confusion has arisen based on the fact that different federal agencies involved in various aspects of the program use different methods for measuring their activities. This has led to the erroneous conclusion, in at least some quarters, that the program has been completely effective in assuring each segment of the maritime industry its "fair share" of the available government-generated cargoes.

The research staff of the Transportation Institute has analyzed the data supplied by all federal agencies involved in order to clarify the status of the program and to make possible objective conclusions as to the effective implementation of the law.

The Maritime Administration, the Department of Agriculture and the Agency for International Development all publish statistics on the U.S.-flag percentage of government agency shipments. MarAd's data are on a calendar-year basis and cover all agencies except the Department of Defense. AID and Agriculture, on the other hand, use a fiscal-year base and only concern themselves with their own liftings.

The information supplied by MarAd for calendar 1967 breaks down as follows:

MARITIME ADMINISTRATION SUMMARY OF GOVERNMENT EXPORTS[1]

AGRICULTURE DEPARTMENT

	Total long tons	U.S.-flag tonnage	U.S.-flag percentage
Tramps	6,174,000	1,497,000	24.2
Tankers	3,366,000	1,718,000	51.0
Liners	1,082,000	707,000	65.3
Total	10,622,000	3,922,000	36.9

AID

Tramps	2,036,000	366,000	18.0
Tankers	287,000	86,000	30.0
Liners	2,786,000	1,867,000	67.0
Total	5,109,000	2,319,000	45.4

[1] "All Agencies (except Department of Defense) Summary of Public Law 664 Exports and Imports, Calendar Year 1967," Maritime Administration, Division of Cargo Promotion.

The Interamerican Development Bank also exported 12,000 tons; all carried on U.S.-flag liners. Excluding this, the totals for AID and Agriculture combined are:

	Total tonnage	U.S.-flag tonnage	U.S.-flag percentage
Tramps	8,210,000	1,863,000	22.7
Tankers	3,653,000	1,804,000	49.4
Liners	3,868,000	2,574,000	66.5
Grand total	15,731,000	6,241,000	39.7

The law states that the 50–50 cargo preference provision shall be "computed separately for dry-bulk carriers, dry cargo liners, and tankers." As can be seen, the liner segment was the only one which exceeded the minimum legal requirement for total AID and Agriculture shipments.

If the tonnage carried by liners—approximately 75 per cent of which are subsidized—is excluded, the figure drops to *31 percent* as the U.S.-flag share carried by the largely unsubsidized portion of the fleet—3,667,000 tons out of a total of 11,863,000.

AID's export figures for fiscal 1967 were somewhat more complicated than those of MarAd:

AID EXPORTS (FISCAL 1967)[1]

	Total tons	Tonnage subject to 901(b)	U.S.-flag tonnage	U.S.-flag percentage
Tramps	1,983,377	879,928	468,154	53.0
Tankers	366,014	279,250	141,098	51.0
Liners	2,923,039	2,923,039	1,934,603	66.0
Total	5,242,430	4,082,217	2,543,855	62.3

[1] "Cargo Preference Report, Fiscal Year 1967," AID Office of Procurement, Resources Transportation Division.

Normally, the only discrepancy between this and the AID tonnage figures compiled by MarAd would result from comparing the "apples and oranges" of calendar and fiscal years. In most years the difference would be minor. However, there is substantial percentage difference: 45.4 percent reported by MarAd as opposed to 62.3 percent reported by AID.

The reason for the difference lies in the means whereby the two agencies arrived at their results. The reasoning used by AID was as follows:

The column headed "Tonnage Subject to 901(b)" represents that U.S. tonnage which was *available* at time of cargo movement. The percentage of U.S.-flag tonnage actually carried is figured as a share of this subtotal, rather than of the true total.

AID's position is that Section 901(b) of the Merchant Marine Act—the 50-50 cargo preference requirement—applies only where American ships are available. The agency thus "writes off" the remaining portion of its liftings to foreign-flag vessels before computing the U.S.-flag percentage. As can be seen in the above table on AID exports, even where U.S. tonnage *was* available, AID saw fit to use it for only 62.3 percent of its total shipments.

To be valid, the U.S.-flag tonnage carried should be considered as a percentage of the grand total, not of the subtotal. When this is done, the following results are obtained:

	Total tonnage	U.S.-flag tonnage	U.S.-flag percentage
Tramps	1,983,377	468,154	23.6
Tankers	336,014	141,098	42.0
Liners	2,923,039	1,934,603	66.0
Total	5,242,430	2,543,855	48.5

The 48.5 percent figure is a more reasonable one and, furthermore, is one which is comparable to the 45.4 percent total given by MarAd for calendar 1967.

Again, the U.S.-flag percentage drops considerably if the liner segment is not in-

cluded. Subtracting those receiving a "double subsidy" leaves a total tonnage of 2,319,391, out of which U.S.-flag tramps and tankers carried 609,252 tons. The percentage then becomes *26.3*, rather than 48.5.

Department of Agriculture liftings are covered by P.L. 480, which governs the disposal of surplus agricultural commodities. The law is divided into two Titles. Title I concerns long-term credit sales and Title II, the "Voluntary Agency Program" portion of the law, concerns free donations of agricultural surpluses to friendly nations on a government-to-government basis. Although an Agriculture Department program, Title II is administered by AID.

The U.S. Attorney and Comptroller-Generals have ruled that the 50–50 cargo preference provision is applicable to Title I of P.L. 480. AID and Agriculture have agreed, in their words, to "maximize" the use of U.S.-flag vessels in carrying out Title II, but there is no formal cargo preference requirement.

For fiscal 1967, the following shipments were made:

UNDER TITLE I

	Total long tons	U.S.-flag tonnage	U.S.-flag percentage
Tramps	5,167,000	1,606,000	31.1
Tankers	4,958,000	2,711,000	54.7
Liners	1,052,000	674,000	64.1
Total	11,177,000	4,991,000	44.7

UNDER TITLE II

Tramps	450,000	156,000	34.7
Tankers			
Liners	636,000	421,000	62.0
Total	1,086,000	577,000	53.2

Title II Agriculture Department shipments constitute the only area where there is no explicit cargo preference and yet this is the only area where more than 50 percent of the total tonnage was lifted in U.S.-flag ships. It also represents the smallest total—only a little over a million tons for fiscal 1967, or about one-fifteenth of the 15,743,000 tons exported by all agencies for calendar 1967.

The Agriculture Department statistics follow the same pattern as do those of MarAd and AID—U.S.-flag tramps and tankers carried 42.6 percent of Title I tonnage and tramps (no tankers were involved) carried 34.7 percent of Title II tonnage. It was the 62.0 percent carried by liners which pushed the Title II percentage over the 50–50 mark.

Most liners receive a daily operating subsidy to enable them to compete with *foreign ships* for *commercial cargo*. The subsidy *is not* intended to enable liners to compete with other U.S. ships for U.S. government cargo. In light of this it is strange that the only segment of the industry which consistently receives more than 50 percent of government generated cargo is the liner segment.

It is equally strange that in spite of the clear language and the intent of the legislation, the other industry segments have not received a *minimum* of 50 percent of government cargo. While tankers have not fared as well as liners, it is the tramps which have really suffered from unfair distribution of government cargo. Regardless of whose figures are used and regardless of whether annual or fiscal periods are used, U.S. tramps do not come close to being allocated at least 50 percent of total tramp cargo. No manipulation or "availability" claims can hide the fact that of this cargo only about 25 percent was carried on U.S.-flag vessels.

The Transportation Institute has furnished later figures on one segment of government cargo, Agriculture Department exports.

AGRICULTURE DEPARTMENT EXPORTS, TITLE I, PUBLIC LAW 480, FISCAL 1967 AND 1968

[In long tons]

	Total tonnage		U.S.-flag tonnage		U.S.-flag share (percent)	
	Fiscal year 1967	Fiscal year 1968	Fiscal year 1967	Fiscal year 1968	Fiscal year 1967	Fiscal year 1968
Tramps	5,167,000	7,765,000	1,606,000	2,081,000	31.1	26.8
Tankers	4,958,000	2,832,000	2,711,000	1,431,000	54.7	50.6
Liners	1,052,000	1,228,000	674,000	733,000	64.1	62.9
Total	11,177,000	11,823,000	4,991,000	4,285,000	44.7	36.2

Note: Fiscal year 1968 figures compiled on basis of quarterly reports published by U.S. Department of Agriculture.

LITHUANIAN AND ESTONIAN INDEPENDENCE

Mr. CASE. Mr. President, we are again reminded of the poignant fate of the once-free peoples of the Baltic States, by the observance this month of the 51st anniversary of the independence of the Republic of Lithuania and the Republic of Estonia. All Americans will understand the deep feelings of those among us whose ties to these subjugated lands remain close and strong. Their thoughts are well expressed in statements I have received from groups in my own State of New Jersey.

I ask unanimous consent that the resolutions of the Lithuanian Americans of Linden, the Lithuanian Council of New Jersey, and the Lakewood Estonian Association be printed in the RECORD.

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

RESOLUTIONS UNANIMOUSLY ADOPTED ON FEBRUARY 9, 1969, BY THE LITHUANIAN AMERICANS OF LINDEN, N.J.

Whereas February 16, 1969 marks the 51st anniversary of the declaration of Lithuania as a free and independent republic; and

Whereas Lithuania, the country of our ancestors, once an independent and flourishing republic, recognized and respected by the world's major powers, was invaded and occupied by the Soviet Union in 1940, to this day its people enslaved and subjugated; and

Whereas commemorating the 51st anniversary the feeling of many Lithuanian Americans may well be guided by the words of our President, Richard M. Nixon, expressed in his inaugural speech, that "No man can be fully free while his neighbor is not—to go forward at all is to go forward together"—therefore, be it

Resolved, That we hereby reaffirm our determination to continue to carry on the effort whereby Lithuania once again shall regain her freedom and rightful independence; and

Resolved, That it is our hope that the representatives of our Government will firmly continue to maintain the policy of non-recognition of the incorporation by force of Lithuania in the Soviet Union; and

Resolved, That the Government of the United States be requested to take appropriate steps through the United Nations and other channels to reverse the policy of colonialism by Soviet Russia in the Baltic States and bring about re-examination of the Baltic situation with the view of re-establishing freedom and independence to these three nations; and

Resolved, That copies of these resolutions be forwarded to the President of the United States, His Excellency Richard M. Nixon; to the Secretary of State, the Honorable William F. Rogers; to the United States Ambassador to the United Nations, the Honorable Charles W. Yost; to the United States Senators of New Jersey, the Honorable Clifford P. Case and the Honorable Harrison A. Williams; to the Representatives of the Twelfth and Thirteenth Congressional Districts of New Jersey, the Honorable Florence P. Dwyer and the Honorable Cornelius E. Gallagher; and to the Governor of New Jersey, the Honorable Richard J. Hughes.

VLADAS TURSA,
President.
MARGARITA SAMATAS,
Chairman of Resolutions Committee.

RESOLUTION

Unanimously adopted at a meeting of American-Lithuanians and their friends living in New Jersey, sponsored by the Lithuanian Council of New Jersey, held on Sunday, February 16, 1969 at St. George's Lithuanian Hall, Newark, New Jersey, in commemoration of the 51st anniversary of the establishment of the Republic of Lithuania on February 16, 1918.

Whereas the Soviet Union took over Lithuania by force in June of 1940; and

Whereas the Lithuanian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they rightly and deservedly enjoyed for more than seven centuries in the past; and

Whereas the Soviets have deported or killed over twenty-five per cent of the Lithuanian population since June 15, 1940; and

Whereas the House of Representatives and the United States Senate (of the 89th Congress) unanimously passed House Concurrent Resolution 416 urging the President of the United States to direct the attention of the world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples: now, therefore, be it

Resolved, That we, Americans of Lithuanian origin or decent, reaffirm our adherence to American democratic principles of government and pledge our support to our President and our Congress to achieve lasting peace, freedom and justice in the world; and be it further

Resolved, That the President of the United States carries out the expression of the U.S. Congress contained in H. Con. Res. 416 by bringing up the Baltic States question in the United Nations and demanding the Soviets to withdraw from Estonia, Latvia, and Lithuania and be it further

Resolved, That the pauperization of the Lithuanian people, conversion of once free farmers into serfs on kolkhozes and sovkhozes, as well as exploitation of workers, persecution of the faithful, restriction of religious practices, and closing of houses of worship, and be it finally

Resolved, That copies of this resolution be forwarded this day to the President of the United States, Secretary of State William Rogers, United States Ambassador to the United Nations Charles Yost, United States Senators from New Jersey, Members of U.S. Congress from New Jersey, and the press.

LITHUANIAN COUNCIL OF NEW JERSEY,
VALENTINAS MELINIS, *President.*
ALBIN S. TRECIOKAS, *Secretary.*

LAKEWOOD ESTONIAN ASSOCIATION

RESOLUTION

We, Americans of Estonian ancestry, gathered on this 22nd day of February 1969, at the Estonian House in Jackson, New Jersey to observe the 51st anniversary of the Proclamation of Independence of Estonia, and mindful of the fact that the homeland of our forefathers is still oppressed and suffering under the totalitarian rule of Soviet Russia, declare the following:

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the peoples of Estonia, and the other Baltic countries of Latvia and Lithuania, have been forcibly deprived of these rights by the Soviet Russia; and

Whereas the aggressive aims of Soviet Russia have recently again been demonstrated by the invasion and occupation of Czechoslovakia; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of the captive peoples for self-determination and national independence: Now, therefore, be it

Resolved, That we urge the President of the United States, in fulfillment of the provisions of House Concurrent Resolution 416 unanimously adopted by the Eighty-Ninth Congress, to direct the attention of world opinion at the United Nations and at other appropriate international forums to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania; also be it

Resolved, That we urge the House of Representatives of the United States Congress to establish a permanent Special Committee on the Captive Nations to conduct a study of facts concerning conditions in nations under Soviet rule; also be it.

Resolved, That we urge the United States Congress to hold a full debate on the U.S.-U.S.S.R. policies; also be it

Resolved, That we Americans of Estonian descent reaffirm our adherence to the principles for which the United States stands and pledge our support to the President and the Congress to achieve lasting peace, freedom, and justice in the world; also be it

Resolved, That copies of this resolution be forwarded to the President of the United States, the Secretary of State, the U.S. Ambassador to the United Nations, the Governor of New Jersey, the U.S. Senators of New Jersey, the Representatives of the Third and Sixth Congressional Districts of New Jersey, and the press.

Unanimously adopted on the 22nd day of February 1969.

JULIUS KANGUR,
President.
EDA T. TREUMUTH,
Secretary.
JUHAN SIMONSON,
Chairman, Resolutions Committee.

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

The PRESIDING OFFICER. (Mr. ALLEN in the chair). 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 TUESDAY, MARCH 4, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Tuesday, March 4, 1969.

The motion was agreed to; and (at 2 o'clock and 18 minutes p.m.) the Senate adjourned until Tuesday, March 4, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 28, 1969:

DEPARTMENT OF THE INTERIOR

Carl L. Klein, of Illinois, to be an Assistant Secretary of the Interior.

Mitchell Melich, of Utah, to be Solicitor of the Department of the Interior.

GENERAL SERVICES ADMINISTRATION

Robert L. Kunzig, of Pennsylvania, to be Administrator of General Services.

DEPARTMENT OF THE TREASURY

Paul W. Eggers, of Texas, to be General Counsel for the Department of the Treasury.

U.S. MINT

Betty Higby, of Colorado, to be Superintendent of the Mint of the United States at Denver.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28, 1969:

DEPARTMENT OF DEFENSE

Robert C. Moot, of Virginia, to be an Assistant Secretary of Defense.

Roger T. Kelley, of Illinois, to be an Assistant Secretary of Defense.

John S. Foster, of Virginia, to be Director of Defense Research and Engineering.

Charles A. Bowsher, of Illinois, to be an Assistant Secretary of the Navy.

Robert Alan Frosch, of Maryland, to be an Assistant Secretary of the Navy.

James D. Hittle, of Virginia, to be an Assistant Secretary of the Navy.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Robert J. McCloskey, to be a Foreign Service officer of class 1, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending Vincent P. Zavada, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Febraury 17, 1969.

IN THE ARMY

The nominations beginning Gerald F. Feeney, to be captain, and ending Phillip M. Zook, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 7, 1969.

DEPARTMENT OF AGRICULTURE

Richard E. Lyng, of California, to be an Assistant Secretary of Agriculture.

RURAL ELECTRIFICATION ADMINISTRATION

David A. Hamil, of Colorado, to be Administrator of the Rural Electrification Administration for a term of 10 years.

EXTENSIONS OF REMARKS

ADDRESS BY SENATOR MUSKIE AT ALL-UNIVERSITY CONVOCATION, OXFORD, OHIO

HON. LEE METCALF

OF MONTANA

and

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, February 28, 1969

Mr. METCALF. Mr. President, the distinguished Senator from Maine (Mr. MUSKIE) spoke at Oxford, Ohio, on February 17 at the All-University Convocation. In the direct manner that is so characteristic of him, Senator MUSKIE spoke to the students about a matter that affects them closely—the draft—and he invited his audience to take a hard look at the easy answer seemingly offered by a voluntary army that would either be a substitute for or a supplement to selective service. Senator MUSKIE raised questions which have enjoyed little currency lately but which are fundamental to an intelligent choice of alternatives.

Mr. President, certainly the war in Vietnam and the division in this country over U.S. policy there, precipitated the wide discussion of a volunteer army. Those who would change our policy in the Far East, and I am among them, should look for correction by direct change in that policy and not indirectly, through adoption of a new manpower system.

Those who believe we should amend the draft because the present law is inequitable, and I am among them, would do well to reflect on Senator MUSKIE'S observations before deciding what course the Nation should take—a professional army or a citizen army.

I ask unanimous consent that the text of Senator MUSKIE'S address be printed in the RECORD.

Mr. BURDICK. Mr. President, I have had the pleasure of reading the remarks which the esteemed Senator from Maine (Mr. MUSKIE) delivered to the All-University Convocation at Oxford, Ohio, on February 17, 1968.

The Senator's comments on the selective service and its widely discussed alternative, the "professional army," are extremely perceptive. I wish, especially,