grumble at the time it takes up and inconvenience it causes? When the national anthem is played—who *really* listens to this great song and is proud to be an American? And how many people today are indifferent to the vast potential which lies inside them, which, if developed—will contribute to America's greatness? America is nothing more than a reflection of the people within.

My purpose today, is to impress upon you, *your* responsibility to America. Until I went to Girls State last summer, I can truthfully say that I was a very poor example of a patriotic citizen. My whole outlook on life was changed in this one week. I met people with deep convictions in God and our country. I was given the opportunity to run for government positions and was honored to become a Senator. We passed bills, debated, and most-important, we learned about our American government by actually having complete participation in it . . . even though this was a mock situation. This one week taught me many important things. It also gave me an unshakable belief in the foundations of our country and the high principles for which our forefathers stood. It awoke in me a funny thing called patriotism that I never realized existed in me before. Patriotism is not necessarily the flag-waving, psalm-singing fanaticism that may come to one's mind. I choose to think it is a deep belief in and responsibility for one's country.

This responsibility to America is what will make our country greater or smaller in the years to come. Every young person in this room is a potential leader of our country. We can make a better America by being better citizens—citizens who are interested in their government and the people who run it. *We* will determine what happens to America and I have faith in the youth of this nation. Never let your idealism become disillusioned by anyone or anything. Idealists who are willing to work will make a better country. We cannot afford to lose this idealism with age . . . a better America lies waiting for us to shape and mold it. Her destiny is in our hands. It will take a lot of work and one-hundred percent participation. Are you willing to give it a try?

TAX LOOPHOLES

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1969

Mr. SCHWENGEL. Mr. Speaker, the Davenport Times-Democrat recently featured an editorial on the subject of tax loopholes and tax reforms. The editorial does an excellent job of expressing the frustration, and even anger of the taxpayers of this country who have been paying their fair share of our tax bill. They are no longer willing to tolerate an inequitable system with loopholes such as now exist. Mr. Speaker, I include this editorial in the RECORD:

PLUG THOSE TAX LOOPHOLES

The ordinary taxpayer no doubt is more than a little disturbed at the stories he reads about rich men who employ tax dodges, tax havens, and the like to avoid paying their fair share.

Twenty-one persons with incomes exceeding $1 million each in 1967 paid no taxes.

One hundred and fifty-five persons with incomes of a mere $200,000 in the same year didn't pay taxes either.

President Nixon has committed the new administration to coming up with a tax reform program. And given the serious inflationary situation existing today, Mr. Nixon probably will have to request Congress to extend the 10 per cent surtax tax into fiscal 1970. But its impact surely will bear heavily on the ordinary taxpayer who has a hard enough time making ends meet under the regular schedule.

The "middle classes" are not opposed to fair taxes but their spokesmen contend that certain provisions of the tax laws unfairly lighten the burdens of others who can afford to pay.

Exemptions have been written into tax laws for specific groups, most of them for plausible or legitimate reasons. Then the need for the exemptions declines or lapses and they become "loopholes" defended by entrenched groups. Many beneficiaries have found tax havens not originally intended.

The granddaddy of all loopholes is the 27½ per cent oil depletion allowance which has been heavily protected by congressmen for oil states. Theoretically the allowance compensates oil men because the oil in the well is being used up (depleted), just as other businessmen take deductions on depreciation of plant and machinery. (Usually they don't explain how their investment in explorations gave them sole title to a natural resource vested in all the people.)

For other business men the depreciation ultimately stops at the end of the facility's normal useful life. For the oil well people the loophole goes on and on, year after year, as long as the well produces. The Treasury Department estimates the cost of the average oil well is recovered 19 times over. Big U.S. oil companies pay much lower tax rates than ordinary corporations.

Congressmen say their mail has been running heavily in favor of eliminating the inequities in the present system. Still, many Washington observers think Congress itself has been the chief obstacle to tax reform.

It seems clear enough that the grass-roots discontent over unequal burdens and loopholes can be ignored only at the peril of the people's elected representatives.

IMMIGRANT WARNS OF MARXIST UTOPIA

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 3, 1969

Mr. BOB WILSON. Mr. Speaker, the following letter to the editor from an anonymous immigrant in San Diego, Calif., touched me very deeply. The writer reminds us of the many blessings and freedoms we in America take for granted and the fact that we must remain constantly vigilant to protect our rights from those who would undermine our Nation both from without and from within.

The letter follows:

EDITOR, THE UNION:

Dr. Herbert Marcuse is an immigrant, so am I.

While he was raised in affluence and coddled as a youth and in his adult years, I experienced biting hunger and hard miserable work as a child and almost starvation as a youth in order to get through college.

Everything that I ever dreamed of and never had before, I found here.

Now, along comes this immigrant who never experienced my miserable sufferings and preaches a poisonous philosophy by claiming I belong to an insane society because I love comfort and conveniences and freedom.

I achieved these goals through work and the American economic system. I have no intention of ever giving up that kind of life.

When I took the Oath of Allegiance I swore to defend this country. Little did I realize then that one day I had to defend it from within.

An immigrant philosopher who should teach the difference between a privilege and a right is trying to pull the rug from underneath the American people whose sons and fathers died fighting a country from where he fled.

They sheltered him and gave him, above all, freedom. He is making $25,000 a year. For that he is teaching the young and gullible how to destroy their father's achievements, their mother's love and their country's innocents, the children.

A revolution is nothing pretty. It is death and tragedy.

A Marxist Utopia is a rotten-at-the-core way of life. I know. I come from there, a Marxist promised land.

Americans, black and white, better begin to realize fast that they have something going good for them here and better hang onto it and appreciate it.

M. C. H.

SAN DIEGO.

SENATE—*Tuesday, March 4, 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:

Almighty God, guide of the years that are past, and hope of the years to come, accept the service of the hearts and minds of all Members of this body "in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." To this end wilt Thou remove every barrier which separates man from man, class from class, race from race, and fuse us into one mighty body—heart to heart, mind to mind, soul to soul, strong in the Lord and in the power of His might.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, February 28, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were commu-

nicated to the Senate by Mr. Geisler, one of his secretaries.

REPORTS OF THE SECRETARY OF DEFENSE AND THE SECRETARY OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with the provisions of 10 U.S.C. 1124, I am forwarding for the information of the Congress reports of the Secretary of Defense and the Secretary of Transportation on awards made during Calendar Year 1968 to members of the Armed Forces for suggestions, inventions, and scientific achievements.

Participation by military personnel in the cash awards program was authorized by Congress in September 1965. The program has proven successful in motivating military personnel to seek ways of reducing costs and improving efficiency. Tangible benefits from suggestions submitted by the Department of Defense and Coast Guard military personnel and adopted during 1968 totalled over $95,000,000, an increase of nearly 50% over the 1967 figures.

In the relatively short period since the program went into effect, tangible first-year benefits derived from the suggestions of military personnel have reached a total of over $214,000,000.

Of 241,090 suggestions submitted by military personnel during 1968, 37,995 were adopted. Cash awards totalled $1,601,265, of which approximately three-fourths were paid to enlisted personnel at Grade E–6 and below.

The cash awards program for military personnel could be justified solely by the net savings which have accrued to the government since the program was initiated. But the benefits of this program are greater than dollars saved. An incentive and a vehicle have been provided for suggestions which effect economies and increase efficiency. Moreover, military personnel now have the assurance that their ideas will not go unheeded in drab suggestion boxes, but will be carefully screened and considered at the highest policy levels of the government. Under the program, every man has an opportunity to forward his ideas and be rewarded for his effort. It is a good program, a sound and wise investment.

RICHARD NIXON.

THE WHITE HOUSE, *March 4, 1969.*

HEALTH AND SAFETY OF COAL MINE WORKERS—MESSAGE FROM THE PRESIDENT (H. DOC NO. 91–86)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The workers in the coal mining industry and their families have too long endured the constant threat and often sudden reality of disaster, disease and death. This great industry has strengthened our nation with the raw material of power. But it has also frequently saddened our nation with news of crippled men, grieving widows and fatherless children.

Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or it comes insidiously from pneumoconiosis or "black lung" disease. When a miner leaves his home for work, he and his family must live with the unspoken but always present fear that before the working day is over, he may be crushed or burned to death or suffocated. This acceptance of the possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels.

The time has come to replace this fatalism with hope by substituting action for words. Catastrophes in the coal mines are not inevitable. They can be prevented, and they must be prevented.

To these ends, I have ordered the following actions to advance the health and safety of the coal mine workers:

—Increase substantially the number of inspectors, and improve coal mine inspections and the effectiveness of staff performance and requirements.

—Revise the instructions to the mine inspectors so as to reflect more stringent operating standards.

—Initiate an in-depth study to reorganize the agency charged with the primary responsibility for mine safety so that it can meet the new challenges and demands.

—Expand research activities with respect to pneumoconiosis and other mine health and safety hazards.

—Extend the recent advances in human engineering and motivational techniques, and enlarge and intensify education and training functions, for the improvement of health and safety in coal mines to the greatest degree possible.

—Establish cooperative programs between management and labor at the mine level which will implement health and safety efforts at the site of the mine hazards.

—Encourage the coordination of Federal and State inspections, in order to secure more effective enforcement of the present safety requirements.

—Initiate grant programs to the States, as authorized but not previously invoked, to assist the States in planning and advancing their respective programs for increased health and safety in the coal mines.

In addition to these immediate efforts under existing law, I am submitting to the Congress legislative proposals for a comprehensive new program to provide a vigorous and multi-faceted attack on the health and safety dangers which prevail in the coal mining industry.

These proposals would:

—Modernize a wide range of mandatory health and safety standards, including new provisions for the control of dust, electrical equipment, roof support, ventilation, illumination, fire protection, and other operating practices in underground and surface coal mines engaged in commerce.

—Authorize the Secretary of the Interior to develop and promulgate any additional or revised standards which he deems necessary for the health and safety of the miners.

—Provide strict deterrents and enforcement measures and, at the same time, establish equitable appeal procedures to remedy any arbitrary and unlawful actions.

—Recruit and carefully train a highly motivated corps of coal mine inspectors to investigate the coal mines, and to enforce impartially and vigorously the broad new mandatory standards.

—Improve Federal-State inspection plans.

—Substantially increase, by direct action, grants and contracts, the necessary research, training, and education for the prevention and control of occupational diseases, the improvement of State workmen's compensation systems, and the reduction of mine accidents.

These legislative proposals, together with other steps already taken or to be taken are essential to meet our obligation to the Nation's coal miners, and to accomplish our mission of eliminating the tragedies which have occurred in the mines.

These proposals are not intended to replace the voluntary and enlightened efforts of management and labor to reduce coal mine hazards, which efforts are the touchstone to any successful health and safety program. Rather, these measures would expand and render uniform by enforceable authority the most advanced of the health and safety precautions undertaken and potentially available in the coal mining industry.

I urge the immediate adoption by Congress of this legislation.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1969.*

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 section 194 of title 14 of the United States Code, the chairman of the Merchant Marine and Fisheries Committee appointed Mr. CLARK, Mr. LENNON, and Mr. GROVER; Mr. GARMATZ, ex officio member, as members of the Board of Visitors to the U.S. Coast Guard Academy, on the part of the House.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

EXECUTIVE SESSION

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

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, beginning with the Department of the Treasury.

DEPARTMENT OF THE TREASURY

The bill clerk read the nomination of Edwin S. Cohen, of Virginia, to be an Assistant Secretary of the Treasury.

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader whether he would put in the RECORD, in connection with this nomination, the biographical data and the statement that Mr. Cohen submitted. It was extremely full, and I think we should include that information in the RECORD for an important post.

Therefore, I ask unanimous consent, with the indulgence of the majority leader, that the information that was presented to the Committee on Finance be printed at this point in the RECORD in connection with this nomination.

The VICE PRESIDENT. Without objection, the material will be printed in the RECORD.

(See exhibit 1.)

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

EXHIBIT 1

BIOGRAPHICAL SKETCH OF EDWIN S. COHEN

Residence: 104 Stuart Place, Ednam Forest, Charlottesville, Virginia 22901, Tel. XXXXXXXX

Office: University of Virginia Law School, Charlottesville, Virginia 22901, Tel. 295-5526.

Born: Richmond, Virginia, September 27, 1914.

Wife: Helen Herz.

Children: Edwin Carlin, July 27, 1942; Roger, June 7, 1947; Susan Wendy, August 26, 1952.

University of Richmond, B.A. 1933.

University of Virginia, LL.B. 1936.

At University of Richmond: Phi Beta Kappa; Omicron Delta Kappa; Pi Delta Epsilon; Editor-in-chief, college newspaper; Captain, tennis team; Intercollegiate debating team.

At University of Virginia Law School: Order of the Coif; Raven Society; Notes Editor, Virginia Law Review; Instructor; Phi Epsilon Pi, Frater Superior (1935–1936).

Admitted to bar—Virginia 1935; New York 1937.

Associated with Sullivan & Cromwell, New York, N.Y. (1936–1949). Partner, Root, Barrett, Cohen, Knapp & Smith, New York, N.Y. (1949–1965). Counsel to Barrett, Knapp, Smith & Schapiro, New York, N.Y. (February 1965 to date).

Professor of Law, University of Virginia (1965–1968).

Joseph M. Hartfield Professor of Law, University of Virginia (June 1968 to date).

PRESENT AND PAST MEMBERSHIPS AND POSITIONS HELD IN PROFESSIONAL, SCIENTIFIC, BUSINESS, OR CULTURAL SOCIETIES AND CONFERENCES

Member, Advisory Group to Commissioner of Internal Revenue (1967–1968).

Member of and counsel to Advisory Group on Subchapter C (Corporate Transactions) to Committee on Ways & Means, House of Representatives, U.S. Congress (1956–1958).

In American Bar Association, Section of Taxation: Chairman, Committee on Corporate Stockholder Relationships (1956–1958); Member of Council (1958–1961); Chairman, Special Committee on Substantive Tax Reform (1962–1963); Special Advisor (1963 to date); Member, Planning Committee (1963 to date); Nominating Committee (1967 to date).

In American Law Institute: Special Consultant on Corporations and Member of Advisory Group, Project for Revision of Federal Income Tax Statute (1950–54); Member of Advisory Group, Project for Revision of Federal Estate and Gift Tax Laws (1963 to date).

In Association of the Bar of the City of New York: Former Member, Committee on Taxation; Former Member, Admissions Committee.

Member, Advisory Committee, New York University Institute on Federal Taxation (1968 to date).

Virginia Tax Conference:—Member of Planning Committee (1965 to date).

Lecturer at various law schools (including Columbia, Cornell, Harvard, New York University, Virginia, Yale); at various tax and legal institutes (including Chicago, Missouri, Nebraska, New York University, Southern California, Texas, Tulane, Virginia, West Virginia, William and Mary, Canadian Tax Foundation and Practising Law Institute); and before various bar associations and other organizations.

Member, American Law Institute, American Judicature Society, American Bar Association, New York State Bar Association, Association of the Bar of the City of New York, New York County Lawyers Association, Virginia State Bar Association, American Association of University Professors.

Member, Grand Council, Phi Epsilon Pi (1953–1954); Grand Recorder (1954–1955); Phi Epsilon Pi National Achievement Award.

ARTICLES AND PAPERS PUBLISHED

Substantive Federal Tax Reform, 50 Va. L. Rev. 628 (1964); also printed in 16 Annual Co. Calif. Tax Inst. (1964), p. 711.

United States Taxation of Shareholders in Canadian Investment Companies, Proceedings of Sixteenth Tax Conference of Canadian Tax Foundation (1962), p. 115.

Taxing the State of Mind, The Tax Executive (April, 1960, p. 200; also published under the title:

Tax Avoidance Purpose as a Statutory Test in Tax Legislation, Ninth Annual Tulane Tax Institute (1960), p. 229.

Regulated Investment Companies—Tax Treatment, Tax Revision Compendium of Committee on Ways and Means, Vol. III (1959), p. 1653.

Redemptions of Stock under the Internal Revenue Code of 1954, 103 P. L. Rev. 739 (1955).

The Internal Revenue Code of 1954: Corporate Distributions, Organizations, and Reorganizations, 68 Harv. L. Rev. 393 (1955).*

Corporate Liquidation Code of 1954, 55 Col. L. Rev. 37 (1955), p. 37.*

The Internal Revenue Code of 1954: Carryovers and the Accumulated Earnings Tax, 10 Tax L. Rev. 277 (1955).*

A Proposed Revision of the Federal Income Tax Treatment of the Sale of a Business Enterprise—American Law Institute Draft, 54 Col. L. Rev. 15 (1954).*

A Technical Revision of the Federal Income Tax Treatment of Corporate Distributions to Shareholders, 52 Col. L. Rev. 1 (1952).*

* Co-author.

Raising Venture Capital for Small and New Business, Joint Congressional Committee on the Economic Report, Collection Entitled "Federal Tax Policy for Economic Growth and Stability", (1955), p. 673.

Exemptions and Credits of Multiple Corporations: Sections 15(c) and 129, Univ. Southern Calif. Tax Inst. (1953), p. 1.

Income Taxation of Life Insurance Settlements, 32 Va. L. Rev. 582 (1946).

Proposed Taxation of Foreign Income under H.R. 10650, Senate Finance Committee Hearings on Revenue Act of 1962, Part 7, p. 3146 et seq.*

What is Actuarial Soundness in a Pension Plan, Proceedings of Annual Meeting of American Statistical Association, December, 1952.

The Will of Mr. Marital, Eighth Annual New York Univ. Inst. on Fed. Taxation (1950), p. 283.

Estate Planning: The Case of Mr. Burch, Seventh Annual New York Univ. Inst. on Fed. Taxation (1949), p. 659.

Check List for Effective Practice in Your Cases Before the Bureau of Internal Revenue, Sixth Annual New York Univ. Inst. on Fed. Taxation (1948), p. 175.

Restrictive Agreements for Purchase of Stock: Effect on Estate and Gift Tax Valuations, Fifth Annual New York Univ. Inst. on Fed. Taxation (1947), p. 54.

State Income Tax Conformity: Knotty Problems in the Branches of the Federal Tree, Thirteenth Annual Tax Conference, Marshall-Wythe School of Law, College of William and Mary. (December 1968), p. 51.

Book Review: Surrey & Warren, Federal Income Taxation: Cases and Materials 1953, 39 Va. L. Rev. 1019 (Nov. 53).

Book Review: Alfred S. Pellard, Lawyer's Tax Manual, 36 Va. L. Rev. (May 1950), p. 579.

Book Review: Norr and Kerlan, Taxation in France, 7 Va. Journal of International Law 190 (Dec. 1966).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The bill clerk proceeded to read sundry nominations in the Department of Health, Education, and Welfare.

Mr. MANSFIELD. 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.

Mr. DIRKSEN. Mr. President, here, again, good statements were submitted. I believe it is in the interest of public information to have those statements in the RECORD, because that is the only way the public can discover what the background of the various nominees is. I ask unanimous consent to have that information printed in the RECORD.

Mr. MANSFIELD. Mr. President, I join the distinguished minority leader. I make the same request for all nominations up to and through the Department of Defense.

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

(See exhibit 2.)

EXHIBIT 2

JOHN G. VENEMAN

PERSONAL HISTORY

Age: 43 years old, born October 31, 1925.

Family: Wife, former Nita Baumberger of Modesto, California. Three children, Ann, John, Jane. Resides at Modesto, California.

Education: Attended local schools. Grad-

uated Modesto High School, 1943. Higher education in Business Administration at Arizona State College and University of Texas.

Military Service: U.S. Navy Officers Training Program, (1944–45).

Occupation: Member, California State Legislature.

GOVERNMENT SERVICE

Member California State Assembly: Committee on Revenue & Taxation, Chairman; Joint Committee on Medi-Cal Administration (Medicaid), Chairman; Committee on Social Welfare, Member; Committee on Finance & Insurance, Member; Joint Legislative Committee on Public Domain, Member; State Social Welfare Board, Member; Committee on Fish & Game, Member (1962–1963); Committee on Agriculture, Member (1963–1967).

Stanislaus County Board of Supervisors (1958–1962): Chairman, Board of Supervisors (1960); Chairman, Stanislaus County Highway Advisory Committee (1960).

Stanislaus County Committee for School Organization, Member (1957–1958).

Empire Union School District, Trustee (1957–1958).

Stanislaus County Grand Jury, Member (1956).

COMMUNITY SERVICE AND AFFILIATIONS

First Presbyterian Church of Modesto, Member.

Stanislaus County YMCA, Member Board of Directors.

American Cancer Society-Stanislaus County Branch, Member (1958–1962)

California State Chamber of Commerce and Greater Modesto Chamber of Commerce.

Commonwealth Club of San Francisco.

Empire Lions Club, President (1957).

Modesto Elks.

CIVIC AWARDS

Selected as Outstanding Assemblyman of 1968 by California Capitol Press Corps.

Young Man of the Year, Modesto Junior Chamber of Commerce (1960).

PATRICIA REILLY HITT

Born: Taft, California 1918.

Educated: Kindergarten through high school, Whittier, California; Graduated Whittier Union High School 1935; University of Southern California 1935 to 1939; Graduated with BS Degree in Education; During USC undergraduate years organized and supervised Summer palyground program for one of the Whittier schools, geared to children from pre-school through high school ages.

1940: Founded Delta Gamma Junior Alumae organization for Los Angeles County. Served as first President; Member, USC Town and Gown Junior Auxiliary.

1941: First son born.

1946: Second son born.

1946–1947: Conducted private nursery school in Laguna Beach—Owner-Operator. Presented varied education and recreational programs for pre-school children.

1948–1952: Member, Board of Directors, Corona Del Mar P.T.A. Cub Scout Den Mother and Coordinator and Program Planner for three Cub Packs encompassing 18 Dens sponsored by various organizations.

1950: Founder and Charter Member, Newport Harbor Women's Civic Club; organized for the purpose of studying and assisting city government, to promote recreation facilities for youth and adults, and to further community interests and betterment.

1948–1952: Active participation in Community Chest and March of Dimes projects.

1952–1958: Officer, President of Villa Park School Parent Teacher Organization. Member, Board of Directors of the Orange P.T.A.

1952 to Present: Member, Board of Directors, and Officer of the Assistance League of Orange; Member, Board of Directors, National Assistance League (A philanthropic organization for women to assist on their own community level); Member of Board of Directors, Villa Park Property Owners Association (Self-government unit in an Orange County residential area); Member of the Orange Chamber of Commerce. Special committee organized for a four-year period to study rural-urban relationships; development, planning, annexation, master planning, and make recommendations to the Orange County Board of Supervisors and the Orange City Council; Member, Orange Citizens Committee For Better Schools—organized to conduct studies and make recommendations to the Orange Unified School District Board; Active participation in Community Chest, Heart Association, Red Cross, March of Dimes, YMCA, Boy Scouts.

Chapman College: Member of Board of Governors, Member of the President's Development Committee, Co-Chairman Centennial Year Programming, Founder, first President of Chapman College Town and Gown.

Member, Orange County Trojan League (USC promotion and assistance).

BUSINESS INTERESTS AND INVOLVEMENT

1952 to the Present: Partner of Miller-Hitt Company.

1959 to the Present: Participates as an owner in Reilly Holdings, an investment company of the John B. Reilly family, having investments in an oil tool manufacturing company, the agricultural-chemical field, a memorial park, industrial and commercial property developments, and oil and gas exploration.

CREED C. BLACK

Born in Harlan, Kentucky, July 15, 1925.

Educated in public schools of Paducah, Kentucky. Received B.S. in journalism from Medill School of Journalism, Northwestern University, with highest distinction and with honors in political science, 1949; received Chicago Headline Club's annual award to outstanding Medill graduate. Received M.A. in political science from University of Chicago, 1952.

Served three years in Army during World War II; Bronze Star and Combat Infantryman's Badge for service with 100th Infantry Division in European Theater.

Began newspaper career in 1942 with Paducah Sun-Democrat as reporter while still in high school. Copy editor on Stars & Stripes (Germany edition) after war. Edited college daily during sophomore year at Northwestern. Copy editor for Chicago Sun-Times and Chicago Herald-American in 1949–50. Became editorial writer for Nashville Tennessean in August, 1950, executive editor of Savannah Morning News and Savannah Evening Press, July 1, 1959. Vice President and executive editor of Wilmington Morning News and Evening Journal, June, 1960 to June 1, 1964. Managing Editor of Chicago Daily News, September 1, 1964; Executive Editor February 12, 1968 to present.

Married to former Catherine Davis of Paducah, also Northwestern graduate. Three sons. Residence: 141 Kenilworth Avenue, Kenilworth, Illinois.

Former president of National Conference of Editorial Writers. Secretary and member of Board of Directors of the American Society of Newspaper Editors. Vice President, Northwestern Alumni Association. Member of Sigma Delta Chi, Kappa Tau Alpha, American Committee of International Press Institute, Economic Club, Chicago Press Club, Mid-American Club, Kenilworth Club, Indian Hill Club. Member of Kenilworth Union Church.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The bill clerk read the nomination of Lawrence M. Cox, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Under the order previously entered, the following material is printed herewith:

BIOGRAPHICAL DATA, LAWRENCE M. COX

Lawrence Morgan Cox, Executive Director, Norfolk Redevelopment and Housing Authority, Norfolk, Virginia.

EDUCATION

Norfolk public schools and George Washington University.

FAMILY

Born in Norfolk, Virginia, on March 12, 1912. Married to former Ethel Mae Breeden. Two children: Lawrence M. Cox, Jr., Norfolk, and Mrs. B. S. Merritt of Hilton Head, South Carolina.

CAREER

In the construction field from 1931 to 1934. From 1934 until 1937, statistician in the Housing Division of the Public Works Adm. From 1937 until 1940 served as special assistant to the Assistant Administrator of the U.S. Housing Authority.

First employee, as Assistant Director, of the Norfolk Redevelopment and Housing Authority from its beginning in 1940 until named Executive Director in April 1941.

AWARDS

Knight Commander, Order of Merit of Peru, June 3, 1958.

FRATERNITY

Sigmu Nu (college social).

CLUBS

Norfolk Assembly; Princess Anne Country Club, Virginia Beach, Farmington Country Club, Charlottesville, Golden Horseshoe Club, Williamsburg; Cedar Point Club, Nansemond County, Va.; The Harbor Club, Norfolk.

CHURCH

St. Paul's Episcopal Church, Norfolk.

CURRENTLY SERVING

As immediate Past President, Member, Board of Directors, American Society of Planning Officials, 1963—present.

Commissioner, Norfolk Area Medical Center Authority, 1964–present.

Board Member, Norfolk General Hospital; United Communities Fund, Norfolk; Urban Coalition, Norfolk.

The Correspondent for the United States, International Federation for Housing and Planning (Standing Committee on Urban Renewal).

Chairman, International Committee, National Association of Housing and Redevelopment Officials.

Member, Renewal Div., Exec., Committee, National Association of Housing and Redevelopment Officials.

Member, Working Subcommittee of U.S. Conference of Mayors' Committee on Community Development, 1960–present.

Member, National Housing Conference.

Member, Virginia Association of Assessing Officers.

Member, Ex. Committee, Central City Council, Urban Land Institute.

Member, National Trust for Historic Preservation.

Member, Norfolk Chamber of Commerce.

Member, Sons of the American Revolution.

Member, Advisory Council for Virginia Wesleyan College.

Member, Society for the Preservation of Virginia Antiquities.

Member, International Federation and Housing Planning.

PREVIOUSLY SERVED

President, Virginia Association of Redevelopment and Housing Authorities, 1942–1943.

President, National Association of Housing and Redevelopment Officials, 1948–1949.

Chairman, Renewal Div., National Association of Housing and Redevelopment Officials, 1955–1960.

Vice-Chairman, Renewal Div., National Association of Housing and Redevelopment Officials, 1954–1956.

Member, Board of Governors, National Association of Housing and Redevelopment Officials, 1944–1954.

President, American Society of Planning Officials, 1967–1968.

Member, Mayor's Advisory Committee on Establishment of a Medical School in Norfolk, 1963–1967.

Consultant to the United States High Commissioner for Germany, 1949.

Member, four-man mission to Peru under auspices of International Cooperation Adm., 1956.

Consultant to Peru's Presidential Commission on Housing and Land Reform, 1957.

Consultant to Prime Minister of Peru, 1960.

Participant as U.S. Representative, International Seminar on Urban Renewal (32 participants from 22 nations), The Hague, Netherlands, 1958.

Participant, International Congress on Housing and Town Planning, Liege, Belgium, 1958, Philadelphia, Pa., 1968.

Member, American Delegation to the Economic Commission for European International Conference on Building Documentation, Geneva, Switzerland, 1949.

Participant, Princeton University, Urban Land Institute Conference on Central City Renewal, 1967.

Contributor, Study of International Housing Program conducted by Subcommittee on Housing, Committee on Banking & Currency, United States Senate.

Lecturer

Central Business District Seminar Series, conducted and sponsored by the Institute of Government, University of North Carolina, Chapel Hill;

Graduate School of Public and International Affairs, University of Pittsburgh;

Southwestern Legal Foundation, Institute on Planning and Zoning, Southern Methodist Univ., Dallas, Texas;

Virginia Polytechnic Institute, Blacksburg;

Graduate School of Ekistics, Athens Technological Institute, Athens, Greece;

International School of Social Studies, The Hague, Netherlands;

Practicing Law Institute Seminar—Opening Lecturer, New York City;

Downtown Seminar, Univ. of Illinois Graduate School Seminar on Downtown Area Problems;

Graduate Seminar on Housing, Univ. of Virginia School of Architecture, Charlottesville;

Marshall-Wythe Symposium, College of William and Mary, Williamsburg, Virginia;

Graduate School of Planning, Univ. of Virginia;

Graduate School of Planning, Univ. of Cincinnati.

THE SMALL BUSINESS ADMINISTRATION

The bill clerk read the nomination of Hilary J. Sandoval, Jr., of Texas, to be Administrator of the Small Business Administration.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Under the order previously entered, the following material is printed herewith:

RÉSUMÉ

Name: Hilary Joseph Sandoval, Jr.

Business: President of Sandoval News Service, Inc. (established in 1919 by H. J. Sandoval, Sr.); wholesale distributors of magazines, newspapers, and books. Director of KINT radio (El Paso); vice-president KPAR radio, Albuquerque, New Mexico.

Home Address: 9917 Fenway, El Paso, Texas.

Date and place of birth: January 29, 1930, El Paso, Texas.

Parents: Hilary Joseph and Dora Sandoval.

Education: Austin High School of El Paso; B. A. degree, University of Arizona; attended Universidad de Mexico, and Texas Tech College.

Marriage date and wife's maiden name: August 11, 1951; Dolores B. Morales.

Children and birth dates: (1) Mary Dolores, February 7, 1953; (2) Irene Roberta, May 3, 1954; (3) Hilary Joseph III, August 13, 1957; (4) George Edward, July 15, 1959; (5) Anthony F., April 1, 1963.

MEMBERSHIPS—CLUBS, PROFESSIONAL AND OTHER ORGANIZATIONS

(1) Rotary Club of El Paso (past director);

(2) El Paso Chamber of Commerce;

(3) Sales and marketing executives international, past president;

(4) Mid-American periodicals distributors assocation, past president;

(5) Past co-chairman, Bureau of Independent Publishers and Distributors (U.S.A. & Canada), approximately 800 local distributors and all major publishers;

(6) League of United Latin American Citizens Council No. 8, president-emeritus.

OTHER ACTIVITIES

(1) Ex-fencing coach: University of Arizona.

(2) Reserve officer; U.S. Army.

(3) Ex-U.S. intelligence agent; counter intelligence corp; served in Carribean area 1952–1953.

(4) Elected chairman of the El Paso County Republican Party Executive Committee; January 29, 1962; re-elected on May 5, 1962;

(5) Area coordinator—International Executive Service Corps. Gives technical assistance to private enterprise overseas. (Financed by private foundations and U.S. Government).

(6) Private pilot.

(7) Small Business Advisory Council, Lubbock, Texas (S.B.A.).

AWARDS

(1) "Sales Executive of the Year", 1963. Presented by SME–International—El Paso Club.

(2) Texas State "Man of the Year" 1968, Air Force Association.

(3) Most valuable member of Lulac District No. 4, 1966–67.

DEPARTMENT OF DEFENSE

The bill clerk proceeded to read sundry nominations in the Department of Defense.

Mr. BYRD of Virginia. Mr. President, I desire to address myself to the nominations in the Department of Defense.

I hope that as the new team in the Defense Department takes over its responsibilities, it will develop a sense of urgency in bringing the Vietnam war to a close. I have not noted a sense of urgency in the past in this regard; but with a new team coming into the Defense Department, I believe that this should have top priority and that a sense of urgency should be developed.

Contrary to what I believe most American people feel, and contrary to the belief that the war is over, the facts show that during the past 7 weeks the United States has suffered 11,000 casualties in Vietnam. The facts also show that since the Paris peace talks began last May, the United States has suffered 70,000 casualties in Vietnam.

I am pleased to note that Secretary Laird and Assistant Secretary Nutter, who will be confirmed today, will leave tomorrow for a week's visit to Vietnam.

I am convinced, Mr. President, that with all the other problems we have in this country, still the No. 1 problem is to bring the Vietnam war to a close. I am concerned about the casualties, and I wish to point out again that in the last 7 weeks the United States has suffered 11,000 casualties in Vietnam.

I endorse the nominations which are before the Senate today, but I express the hope that they will lead to a sense of urgency in the Defense Department in regard to Vietnam.

Mr. MANSFIELD. 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.

Under the order previously entered, the following material is printed herewith:

DR. G. WARREN NUTTER

Dr. G. Warren Nutter was born in Topeka, Kansas on March 10, 1923. He was educated at the University of Chicago, receiving an A.B. degree in 1944, an A.M. in 1948, and a Ph. D. in 1949.

He served in the European Theater during World War II as an enlisted man and was later commissioned as a First Lieutenant in the Army Reserve. His decorations include the Bronze Star, the Combat Infantryman's Badge, and three battle stars.

Dr. Nutter is currently Paul Goodloe McIntire Professor of Economics, Chairman of the Department of Economics, and Director of the Thomas Jefferson Center at the University of Virginia. Before coming to the University in 1957, he was on the faculties of Lawrence College and Yale University. During the Korean War, Dr. Nutter served with the Central Intelligence Agency.

Dr. Nutter married the former Jane Calvert Couch in 1946. They now reside in Charlottesville, Virginia with their four children: Coleman, Terry, Anne, and William.

JOHN LUTHER MCLUCAS

John Luther McLucas was born in Fayetteville, North Carolina, on August 22, 1920. He received a Bachelor of Science degree from Davidson College in 1941, a Master of Science degree from Tulane University in 1943, and a Ph. D. in Physics from Penn State University in 1950.

During World War II (from 1943 to 1946), Dr. McLucas served with the U.S. Navy as an Operations Officer in the radar field.

Upon completion of his doctorate work at Penn State, Dr. McLucas assumed the office of Vice President, Technical Director of Haller, Raymond and Brown, Inc. in State College, Pennsylvania. He became President of HRB-Singer, Inc. in 1957, a post which he held until 1962, when he came into government as the Deputy Director of Defense Research and Engineering for Tactical Warfare Programs in the Department of Defense.

In 1964, Dr. McLucas was named the Assistant Secretary General of NATO for Scientific Affairs. Upon completion of this assignment in 1966, he became President and Chief Executive of the Mitre Corporation in Bedford, Massachusetts, a post which he still holds.

Dr. McLucas has received the DOD Distinguished Service Award, is a fellow of the Institute of Electrical and Electronics Engineers and is a member of the Operations Re-

search Society, the American Institute of Aeronautics and Astronautics, the American Physics Society, the Defense Science Board, the USAF Scientific Advisory Board, and the DIA Scientific Advisory Committee.

Dr. McLucas married the former Patricia Knapp on July 27, 1946, and they have four children: Pamela, Susan, John C., and Roderick K.

BIOGRAPHY OF GRANT L. HANSEN

Grant L. Hansen was born on November 5, 1921, at Bancroft, Idaho. He attended public schools in California and following five years (1940–1945) in the U.S. Navy as an electronics technician and engineer during World War II, he attended Illinois Institute of Technology, and was graduated with a Bachelor of Science degree in electrical engineering. He has also completed advanced studies in engineering and management at UCLA and the California Institute of Technology.

From 1948 until he joined the Convair division of General Dynamics in 1960, Mr. Hansen held engineering and management positions with the Douglas Aircraft Company. During his last two years there, he was assistant chief design engineer for all missile and space systems.

Beginning in early 1948, he was test conductor for the Nike program at the White Sands Proving Grounds and launched several of the earliest Nike research and development vehicles. He was also responsible for design of Nike launch control and test equipment.

He later assumed responsibility for all electrical and electronic engineering for the Nike Ajax, Nike Hercules, Honest John, Sparrow, MB–1, Thor, Thor-Delta, Nike-Zeus, and Skybolt missile and space systems. He also was technical manager of Sparrow flight testing at the Naval Air Missile Test Center, Pt. Mugu, California.

He joined the Convair Division of General Dynamics in 1960 as Chief Engineer for Design and was appointed Vice President and Program Director for CENTAUR in February 1962. On December 1, 1965, he became Vice President of the Convair Division. In this capacity, he is responsible for the launch vehicle programs. These include the CENTAUR upper-stage vehicle program, the Atlas space booster program, and the program for research use of Atlas ballistic weapon system vehicles and advanced launch vehicle programs.

During his career, Mr. Hansen has participated extensively in research and development flight test programs at Holloman Air Force Base, Vandenberg Air Force Base, and Cape Kennedy.

In 1966, he was awarded the National Aeronautics and Space Administration Public Service Award for leadership and exceptional contributions to the management of the Convair effort in developing and operating the CENTAUR vehicle systems.

In 1967, he was honored with a special "recognition award" from the Illinois Institute of Technology Alumni Association for "leadership and exceptional scientific and technological accomplishment" in connection with NASA's Surveyor I mission.

He is an associate fellow of the American Institute of Aeronautics and Astronautics, a member of the Tau Beta Pi and Eta Kappa Nu honorary engineering societies, the National Society of Aerospace Professionals, the American Astronautical Society, and a senior member of the Institute of Electrical and Electronics Engineers.

Mr. Hansen was married on April 21, 1945, to Iris Rose Heyden. They have five children: Allan Lee, Brian Craig, Carol Margaret, David James, and Ellen Diane. The family presently resides in El Cajon, California.

STANLEY R. RESOR, SECRETARY OF THE ARMY

Stanley R. Resor was born in New York City on December 5, 1917. He is a graduate of Groton School, Yale University, and the Yale Law School. He majored in government at Yale, where he received a B.A. degree in 1939 along with a commission as a Second Lieutenant in the Field Artillery Reserve.

During World War II, Mr. Resor interrupted his studies at the Yale Law School to serve with the Army from February 1942 to January 1946. Entering on duty as a Second Lieutenant, he attended the Battery Officers Course and the Officers Advanced Course at the Field Artillery School, Fort Sill, Oklahoma, before going overseas with the 10th Armored Division in 1944. He served in the European Theater of Operations, participating in the defense of Bastogne during the Battle of the Bulge. He was awarded the Silver Star, Bronze Star, and Purple Heart; and his unit received the Distinguished Unit Citation.

Returning to the United States in October 1945, Mr. Resor reverted to inactive status on January 16, 1946. He returned to the Yale Law School and received his Bachelor of Law Degree in June 1946.

Since 1946, Mr. Resor has practiced law in New York City with the firm of Debevoise, Plimpton, Lyons & Gates, becoming a partner in the firm in 1955. Mr. Resor has specialized in corporate law. He is a member of the American Bar Association; the Association of the Bar of New York City; and the New York State Bar Association; the Council of Foreign Relations, Inc.; and the Metropolitan, Chevy Chase, Yale, Links, New Canaan Country and New Canaan Winter Clubs.

On April 5, 1965, Mr. Resor assumed the office of the Under Secretary of the Army. He was sworn into office as Secretary of the Army on July 7, 1965.

Mr. Resor is married to the former Jane Lawler Pillsbury of Wayzata, Minnesota. They have seven sons.

Current as of January 1969.

THADDEUS R. BEAL, UNDER SECRETARY OF THE ARMY (APPOINTEE)

Mr. Thaddeus R. Beal has been nominated to succeed Mr. David E. McGiffert as Under Secretary of the Army.

Mr. Beal, President and Chief Executive Officer, Harvard Trust Company, Cambridge, Massachusetts was born in New York City, March 22, 1917. He received his B.A. degree from Yale College in 1939 (Phi Beta Kappa) and LL.B. from Harvard Law School in 1947 (Cum Laude). He served in World War II as a member of the U.S. Navy, from 1941 to 45, attaining the rank of Lieutenant Commander.

Mr. Beal was admitted to the Massachusetts Bar in 1947. He was an associate and later partner in the law firm of Herrick, Smith, Donald, Farley and Ketchum, Boston, Massachusetts from 1947 until 1956. He joined the Harvard Trust Company in 1957.

Mr. Beal is a trustee of the Cambridge Savings Bank; trustee of Boston Personal Property Trust and director of the Middlesex Mutual Insurance Company. He is a member of the Executive Council, American Bankers Association.

Mr. Beal is married to the former Katharine Putnam. They have four children—Katharine, Thaddeus, Alice and George.

William K. Brehm was sworn in as Assistant Secretary of the Army for Manpower and Reserve Affairs on April 11, 1968. Major General Kenneth G. Wickham, The Adjutant General of the Army, administered the oath of office in ceremonies in the Office of the Secretary of the Army, the Honorable Stanley R. Resor.

Mr. Brehm previously was the Deputy Assistant Secretary of Defense for Land Forces Programs in the Office of the Assistant Secretary of Defense for System Analysis. He was nominated by President Johnson to be Assistant Secretary on March 25 and the nomination was confirmed by the Senate on April 8.

The position of Assistant Secretary for Manpower and Reserve Affairs in each military department was created by the Reserve Forces Bill of Rights and Vitalization Act of 1967, which was designed to strengthen the management structure of the reserve forces in order to make them more effective.

Mr. Brehm was graduated from Fordson High School, Dearborn, Michigan in 1947, and received his bachelor's and master's degree in mathematics from the University of Michigan.

Prior to joining the Department of Defense, Mr. Brehm was corporate Director–Development Planning, at North American Aviation, Incorporated, El Segundo, California. He has previously held positions as Executive Staff Assistant to the Vice President, Planning, at the Convair Division of General Dynamics Corporation, as Design Specialist and later Chief of Operations Analysis at Convair and as Research Associate at the Engineering Research Institute, University of Michigan.

Mr. Brehm resides in Fairfax, Virginia. He is married to the former Dolores Soderquist and has two children.

EUGENE M. BECKER

Mr. Becker was sworn in as Assistant Secretary of the Army for Financial Management on 13 June 1967. In this capacity he is responsible for supervision of Army financial management activities including the Army's program and planning systems.

Mr. Becker was born in St. Paul, Minnesota on 1 September 1930. He graduated from Colgate University (Phi Beta Kappa) in 1952. Subsequently, he received a Ph. D. in Cultural History and Archaeology from Princeton University in 1959. This included study as a Fulbright scholar at the University of Paris.

Mr. Becker had two years of military service with the U.S. Army in Europe from 1954–1956. During this time he was a press analyst for the U.S. European Command Headquarters near Paris.

From 1960–1961, Mr. Becker was the Director of Information on Municipal Securities for the Investment Bankers Association of America. Following this, he served as Assistant Vice President, First National City Bank, New York City, where he specialized in the underwriting and distribution of municipal and government agencies securities.

In 1966 he became Director of the Budget of the City of New York. In this position he was responsible for the design of the City's Executive Capital and Expense Budgets.

Mr. Becker is a Vice President and member of the Board of Trusteees of The Carnegie Hall Corporation, New York City.

U.S. AIR FORCE

The bill clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. 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.

U.S. ARMY

The bill clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. 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.

U.S. NAVY

The bill clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. 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—THE AIR FORCE AND THE ARMY

The bill clerk proceeded to read sundry nominations in the Air Force and the Army which had been placed on the Secretary's desk.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

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

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

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES, AND FOR REFERRAL OF MESSAGES TO APPROPRIATE COMMITTEES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States during adjournment or recess of the Senate until Tuesday, March 11, 1969, and that it be in order for such messages to be referred to the appropriate committees.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 83 and the succeeding measures in sequence.

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

NATURE AND CONTROL OF AIRCRAFT ENGINE EXHAUST EMISSIONS

The Senate proceeded to consider the resolution (S. Res. 86) 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, which had been reported from the Committee on Rules and Administration, with an amendment in line 5, after the word "with", strike out "section 306" and insert "section 211(b)", so as to make the resolution read:

S. RES. 86

Resolved, That there be printed with illustrations as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "Nature and Control of Aircraft Engine Exhaust Emissions", submitted to the Congress in accordance with section 211(b), Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

The amendment was agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–85), explaining the purposes of the resolution.

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

Senate Resolution 86 would provide that there be printed with illustrations as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled "Nature and Control of Aircraft Engine Exhaust Emissions," submitted to the Congress in accordance with section 211(b), Public Law 90–148, the Air Quality Act of 1967; and that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

At the request of that committee, the Committee on Rules and Administration has amended Senate Resolution 86 to rectify a minor clerical error.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,113.44
2,500 additional copies, at $59.24 per thousand	148.10
Total estimated cost, Senate Resolution 86	1,261.54

AIR POLLUTION ABATEMENT BY FEDERAL FACILITIES

The resolution (S. Res. 88) to print a report by the Secretary of Health, Education, and Welfare on "Air Pollution Abatement Facilities," as a Senate document, was considered and agreed to, as follows:

S. RES. 88

Resolved, That there be printed with illustrations as a Senate document the report of the Secretary of Health, Education, and Welfare, entitled, "Air Pollution Abatement by Federal Facilities", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–86), explaining the purposes of the resolution.

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

Senate Resolution 88 would provide that there be printed with illustrations as a Senate document the report of the secretary of Health, Education, and Welfare, entitled "Air Pollution Abatement by Federal Facilities," submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967; and that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,047.32
2,500 additional copies, at $74.46 per thousand	186.15
Total estimated cost, Senate Resolution 88	1,233.47

PROGRESS IN THE PREVENTION AND CONTROL OF AIR POLLUTION

The resolution (S. Res. 87) 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, was considered and agreed to, as follows:

S. RES. 87

Resolved, That there be printed with illustrations as a Senate document the second report of the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution", submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967, and that there be printed two thousand five hundred additional copies of each document for the use of the Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–87), explaining the purposes of the resolution.

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

Senate Resolution 87 would provide that there be printed with illustrations as a Senate document, the second report of the Secretary of Health, Education, and Welfare, entitled "Progress in the Prevention and Control of Air Pollution," submitted to the Congress in accordance with section 306, Public Law 90–148, the Air Quality Act of 1967; and that there be printed 2,500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$1,412.25
2,500 additional copies, at $103.93 per thousand	259.82
Total estimated cost, Senate Resolution 87	1,672.07

ADDITIONAL COPIES OF HEARINGS ON THE NOMINATION OF WALTER J. HICKEL

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 5) to print additional copies of hearings on the nomination of Walter J. Hickel to be Secretary of the Interior, which had

been reported from the Committee on Rules and Administration, with amendments, at the beginning of line 4, strike out "additional" and insert "a compilation of parts 1 and 2 of"; and, in line 6, after "January 15–18," insert "and 18, 20,"; so as to make the concurrent resolution read:

S. CON. RES. 5

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Interior and Insular Affairs five thousand copies of a compilation of parts 1 and 2 of the hearings entitled "The Nomination of Governor Walter J. Hickel, of Alaska, to be Secretary of the Interior" held January 15–18, and 18, 20, 1969.

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–88), explaining the purposes of the concurrent resolution.

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

Senate Concurrent Resolution 5 would provide that there be printed for the use of the Senate Committee on Interior and Insular Affairs 5,000 additional copies of its hearings entitled "The Nomination of Gov. Walter J. Hickel, of Alaska, to be Secretary of the Interior," held January 15–18, 1969.

At the request of the Senate Committee on Interior and Insular Affairs, the Senate Committee on Rules and Administration has amended the concurrent resolution to provide for the inclusion in the same volume of the executive testimony of January 18 and 20, 1969, subsequently released to the public and printed as part 2 of the hearings.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000	$2,242.12
4,000 additional copies, at $333.06 per thousand	1,332.24
Total estimated cost, Senate Congressional Resolution 5	3,574.36

APPOINTMENT AND CONFIRMATION OF ADMINISTRATOR OF SOCIAL AND REHABILITATION SERVICE AND CERTAIN SUBORDINATES

The Senate proceeded to consider the bill (S. 1022) 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, which had been reported from the Committee on Finance, with amendments on page 1, line 4, after the word "the" where it appears the first time strike out "office" and insert "offices"; and in line 5, after the word "Service," insert "Commissioner of the Rehabilitation Services Administration, Commissioner of the Medical Services Administration, and Commissioner of the Assistance Payments Administration, all"; so as to make the bill read:

S. 1022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appointments made on or after February 17, 1969, to the offices of Administrator of the Social and Rehabilitation Service, Commissioner of the Rehabilitation Services Administration, Commissioner of the Medical Services Administration, and Commissioner of the Assistance Payments Administration, all within the Department of Health, Education, and Welfare, shall be made by the President, by and with the advice and consent of the Senate.

Mr. DIRKSEN. Mr. President, this measure is occasioned by the fact that when we passed on nominations in the Committee on Finance, three of the nominations, of course, were to be confirmed by the Senate. But here was a spot which, in my judgment, was of equal prestige and which should be confirmed by the Senate also, but it took this additional authority to do it.

Mr. LONG. Mr. President, on February 17, I introduced a bill to require that future appointments to the Office of Administrator of the Social and Rehabilitation Service within the Department of Health, Education, and Welfare be made by the President by and with the advice and consent of the Senate. The Committee on Finance considered the bill last week and ordered it reported with an amendment requiring that three positions subordinate to the Administrator also be appointed by the President by and with the advice and consent of the Senate. These positions are the Commissioner of the Rehabilitation Services Administration, the Commissioner of the Medical Services Administration, and the Commissioner of the Assistance Payments Administration.

None of these positions were created by the Congress; they were established by a reorganization within the Department of Health, Education, and Welfare in 1967, when the Social and Rehabilitation Service was created. The responsibilities of this agency include major programs under the jurisdiction of the Finance Committee in the Senate and the Ways and Means Committee in the House, including the welfare programs, medicaid, and the maternal and child health programs. The sums involved are huge; the programs of the Social and Rehabilitation Service account for more than five and one-half cents of every general fund dollar estimated to be spent in fiscal year 1970—a total of $8.6 billion. The bulk of the funds are spent on the public assistance programs. The 1970 budget includes about $4½ billion in Federal expenditures for the cash assistance programs, and more than $3 billion for medicaid. If the State and local expenditures are included, more than one-quarter billion dollars will be spent on public assistance every week of fiscal year 1970.

These dollar amounts are not the only indication of the responsibilities of the Administrator of the Social and Rehabilitation Service and the Commissioners of the bureaus under him. For the Administrator is the agency's top official in formulating policy for such important programs as medicaid and the new work incentive program. The administration of these programs has received and will continue to receive the close scrutiny of the Finance Committee and, in the House, the Ways and Means Committee. Our committees will want to have a good hard look at the new regulations issued by the Social and Rehabilitation Service in January, which affect such areas as the work incentive program, day care standards, family planning, eligibility determinations under public assistance, reimbursement under medicaid, provision of legal services to welfare recipients, and the definition of unemployment for welfare purposes. Some of these regulations run counter to congressional intent clearly expressed in the legislative history. By requiring senatorial confirmation of these key policy officials, this bill will give the Finance Committee and the Senate an opportunity to insure that the persons responsible for implementing the law will understand that law and will administer it as the Congress intended.

At present, three agency heads in the Department of Health, Education, and Welfare with stature equivalent to that of the Administrator of the Social and Rehabilitation Service—the Commissioner of Social Security, the Commissioner of Education, and the Surgeon General of the Public Health Service—all require senatorial confirmation. Yet, in fiscal year 1970, the expenditures of the Social and Rehabilitation Service will exceed those of the Office of Education and Public Health Service combined. The committee bill proposes to treat all four agency heads equally by upgrading the stature of the Administrator of the Social and Rehabilitation Service so that he is selected by the President and given the support of the Senate,

In implementing the laws and formulating policy, the Administrator of the Social and Rehabilitation Service must rely heavily on the recommendations of this principal subordinates. Today, two of them—the Chief of the Children's Bureau and the Commissioner on Aging—are nominated by the President with the advice and consent of the Senate. There is no doubt that the public assistance, medicaid, and rehabilitation programs are at least as imoprtant as the programs administered by the Children's Bureau and the Administration on Aging. It was for this reason that the Finance Committee amended the original bill to provide that the heads of the Rehabilitation Services Administration, the Medical Services Administration, and the Assistance Payments Administration also be selected by the President with senatorial support. This amendment will accord equal stature to these coordinate bureau heads.

I am confident that if the Senate approves this bill, the House Committee on Ways and Means will report it to the House. The chairman of that committee has indicated the same sort of concern about the programs dealt with by these offices that I have described to the

Senate. I am sure that he would want to see the greater congressional control over these programs that the bill will make possible.

The committee amendments were agreed to.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–90), explaining the purposes of the bill.

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

Original bill.—S. 1022 as introduced required that future appointments to the office of Administrator of the Social and Rehabilitation Service within the Department of Health, Education, and Welfare be made by the President by and with the advice and consent of the Senate.

Committee amendment.—The committee amendment requires that three positions subordinate to the Administrator also be appointed by the President by and with the advice and consent of the Senate. These three positions are: Commissioner, Rehabilitation Services Administration; Commissioner, Medical Services Administration; and Commissioner, Assistance Payments Administration.

GENERAL STATEMENT ON THE BILL

The Social and Rehabilitation Service was established in 1967 by a reorganization within the Department of Health, Education, and Welfare. Its responsibilities are broad, encompassing the Federal welfare programs, medicaid, and programs in the areas of vocational rehabilitation, maternal and child health, aging, and juvenile delinquency. The sums involved are huge; these programs accounted for expenditures totaling $6 billion in 1968. Expenditures of this agency are expected to grow to $8.6 billion in 1970—a 44-percent increase in only 2 years. The bulk of the funds are spent on the public assistance programs. In fiscal year 1970, the budget includes an estimated $4½ billion in expenditures for the cash assistance programs and $3 billion for medicaid. Over one-half billion dollars will be spent on grants for rehabilitation services and facilities, while one-quarter billion dollars will be spent on maternal and child welfare programs under the Social Security Act.

The following table shows 1970 expenditure estimates for the programs of the Social and Rehabilitation Service:

Social and Rehabilitation Service, fiscal year 1970 expenditure estimates

	Millions
Social Security Act:	
Medicaid	$2,971
Work incentive program	163
Other public assistance	4,452
Maternal and child welfare	261
Subtotal	7,847
Vocational rehabilitation	570
Cuban refugee program	83
Aging	28
Mental retardation	22
Juvenile delinquency	10
All other	33
Total	8,593

These dollar amounts are not the only indication of the responsibilities of the Administrator of the Social and Rehabilitation Service and the commissioners of the bureaus under him. For the Administrator is the agency's top official in formulating policy for such important programs as medicaid and the new work incentive program aimed at helping assistance recipients to become economically independent. It is this official whose signature appears below the new regulations issued in January affecting such areas as the work incentive program, day care standards, family planning, eligibility determinations under public assistance, reimbursement under medicaid, provision of legal services to welfare recipients, and the definition of unemployment for welfare purposes.

At present, three agency heads in the Department of Health, Education, and Welfare with stature equivalent to that of the Administrator of the Social and Rehabilitation Service—the Commissioner of Social Security, the Commissioner of Education, and the Surgeon General of the Public Health Service—all are nominated by the President with the Senate's advice and consent. In fiscal year 1970, the expenditures of the Social and Rehabilitation Service will exceed those of the Office of Education and Public Health Service combined. (Office of Education expenditures are estimated at $3.9 billion in 1970; Public Health Service expenditures will be $2.9 billion; estimates for the Social and Rehabilitation Service total $8.6 billion.) The committee bill would end the present anomaly by treating all four agency heads equally. The bill would upgrade the stature of the Administrator of the Social and Rehabilitation Service by having the President select him and by giving him the support of the Senate that his colleagues now enjoy.

Naturally, the Administrator of the Social and Rehabilitation Service must rely heavily on the recommendations of his principal subordinates. There are five such subordinates. Today, two of them—the Chief of the Children's Bureau and the Commissioner on Aging—presently are nominated by the President with the advice and consent of the Senate. The committee feels that the importance of the rehabilitation, medicaid, and cash assistance programs is as great as that of the programs administered by the Children's Bureau and the Administration on Aging. The committee has therefore amended the original bill to provide that the heads of the Rehabilitation Services Administration, the Medical Services Administration, and the Assistance Payments Administration also be selected by the President with senatorial support. Thus equal stature will be accorded these coordinate bureau heads.

The title was amended, so as to read: "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, and to certain subordinate offices, be made by the President by and with the advice and consent of the Senate."

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON PROPOSED MILITARY CONSTRUCTION, AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air National Guard (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE FEDERAL MARITIME COMMISSION

A letter from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the seventh annual report of the Commission, for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Commerce.

REPORT ON THE FINANCIAL CONDITION AND RESULTS OF THE OPERATIONS OF THE HIGHWAY TRUST FUND

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the financial condition and results of the operations of the highway trust fund, dated June 30, 1968 (with an accompanying report); to the Committee on Finance.

REPORT OF THE SOCIAL PROGRESS TRUST FUND

A letter from the President, Inter-American Development Bank, transmitting, pursuant to law, the eighth annual report of the social progress trust fund, dated 1968 (with an accompanying report); to the Committee on Foreign Relations.

ANNUAL REPORT ON LEAD AND ZINC MINING STABILIZATION PROGRAM

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, the seventh annual report on the lead and zinc mining stabilization program for the year ended December 31, 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reason for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to improve the health and safety conditions of persons working in the coal mining industry of the United States (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORTS OF THE ATOMIC ENERGY COMMISSION

A letter from the Chairman, Atomic Energy Commission, transmitting, pursuant to law, its annual report to Congress for 1968 and its supplement entitled "Fundamental Nuclear Energy Research, 1968" (with accompanying reports); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

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

"HOUSE RESOLUTION 5

"Resolution of the House of Representatives of the State of Montana urging elimination of the freeze of funds relating to aid to families with dependent children under the Social Security Act

"Whereas, the Social Security Amendments of 1967 inserted a provision in the Social Security Act known as the Aid to Families with Dependent Children Freeze which limits the federal matching funds for AFDC children, and

"Whereas, this provision of the Social Security Act will work a hardship on Montana and on other states, and

"Whereas, for the fiscal biennium 1969–1971, the state of Montana has found it necessary to budget $600,000 of state funds and $300,000 of county funds to offset the estimated loss of federal funds: Now, therefore, be it

"Resolved by the House of Representatives of the State of Montana, That the Ninety-first Congress of the United States is urged to carefully consider the hardship to the states caused by the 'AFDC Freeze' and eliminate this provision from the law; Be it further

"Resolved, That the Chief Clerk of the House is directed to send a copy of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Director of the Social Security Administration, to the Secretary of Health, Education and Welfare, to the Chairman of the Ways and Means Committee of the United States House of Representatives, and to each member of the Montana Congressional Delegation.

"JAMES R. FELT,
"Speaker of the House.
"THOMAS E. MOONEY,
"Chief Clerk."

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

"SENATE JOINT MEMORIAL 1

"Joint memorial urging the President and the Congress of the United States to recognize the grazing rights of Henry Gray, Jack Gray and Robert Louis Gray, doing business as Gray Partners, on the Organ Pipe Cactus National Monument by either ratifying and confirming their right to a lifetime grazing permit on the monument or compensating them for the cancellation of their grazing permit

"To the President and the Congress of the United States of America:

"Your memorialist respectfully represents:

"Whereas, during the year 1917 Bob Gray and his family moved from Texas into what is now known as the Organ Pipe Cactus National Monument, and there purchased range rights, water rights and improvements from persons then living and grazing cattle in the area, all in accordance with the recognized customs, practices and Laws of the United States and the State of Arizona at that time, and all of which grazing land at that time was open range and remained so until the passage of the Taylor Grazing Act in 1934 which Act specifically recognized such grazing rights; and

Whereas, the Organ Pipe Cactus National Monument was established by Executive Order of April 13, 1937 (50 Stat. 1827); and

"Whereas, under the provisions of such Executive Order the lands withdrawn were subject to vested rights which, insofar as surviving members of the Gray family, by then doing business as the Gray Partners, were concerned, consisted of water rights, homestead rights and their range rights and improvements as recognized by the Taylor Grazing Act; and

"Whereas, after considerable negotiations and discussions between Senator Carl Hayden of Arizona and Secretary of the Interior Harold L. Ickes, a firm commitment was made by Secretary Ickes to Senator Hayden that in lieu of condemning their grazing rights or compensating the Gray Partners for their vested rights in the Monument that their grazing and water rights would continue to be recognized by the issuance of grazing permits through the lifetime of the last surviving Gray Partner, which agreement has been recognized and honored throughout the years and grazing permits have been issued by the National Park Service of the Department of the Interior down to and including December 31, 1968; and

"Whereas, in 1966, the Department of the Interior, acting through its Under Secretary John A. Carver, made a firm commitment to the Gray Partners to purchase all of their rights within the Organ Pipe Cactus National Monument, consisting of approximately one hundred sixty acres of fee land, two sections of State of Arizona leased grazing land together with all their improvements, water rights and grazing permit on such public lands for a total consideration of three hundred sixty thousand dollars, which offer was accepted by the Gray Partners by the execution of an Option and Contract dated August 30, 1966. Attempts were made by the Department of the Interior from the date of such option to July, 1968, to obtain the approval of the Senate and House Subcommittees on Appropriations and National Parks, which approval was granted by the Senate Subcommittee but withheld by the House Subcommittee. The aforesaid option has been extended from time to time by the Gray Partners and they have at all times acted in good faith in their dealings with the National Park Service and the Department of the Interior and relied upon the firm commitment to purchase their rights made by Under Secretary Carver; and

"Whereas, notwithstanding these facts, the Assistant Secretary of the Interior under date of July 12, 1968 advised the Gray Partners that their grazing permit on the Organ Pipe Cactus National Monument would expire on December 31, 1968 and would not be continued and that their cattle grazing upon the Monument would have to be removed from the Monument lands by January 1, 1969; and

"Whereas, as a result of this arbitrary action by the Department of the Interior, Senator Carl Hayden introduced in the Senate of the United States S. 3837 authorizing and directing the Treasurer of the United States to pay the Gray Partners the sum of two hundred ninety-two thousand dollars as damages or compensation for the cancellation of their grazing permit; and

"Whereas, it is the considered opinion of the Legislature of the State of Arizona that the Gray Partners have been unjustly, arbitrarily and cruelly treated by the Department of the Interior and the arbitrary cancellation of their grazing permit on the Organ Pipe Cactus National Monument violates firm commitments made by the Secretary of the Interior to Senator Carl Hayden and more recently to other members of the Arizona Congressional Delegation; and

"Whereas, the Legislature of the State of Arizona believes that this unjust and arbitrary action should be rectified and corrected by the President and the Congress of the United States by legislation which would either ratify and confirm the lifetime grazing permit of the Gray Partners or compensate them for the loss of their grazing privileges and property rights on the Monument.

"Wherefore your memorialist, the Legislature of the State of Arizona prays:

"1. That the Congress of the United States enact and the President sign into Law legislation which will either ratify and confirm the lifetime grazing permits of Henry Gray, Jack Gray and Robert Louis Gray, doing business as the Gray Partners, on the public lands within the Organ Pipe Cactus National Monument, or fully compensate them for the loss of their grazing privileges and rights.

"2. That the Secretary of State of the State of Arizona be directed to transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional delegation."

A resolution adopted by the Presbytery of San Jose, of the Synod of the Golden Gate, of the United Presbyterian Church in the USA, praying for the enactment of legislation to protect the rights of farm workers, and so forth; to the Committee on Labor and Public Welfare.

RESOLUTIONS OF THE COMMONWEALTH OF MASSACHUSETTS

Mr. BROOKE presented a resolution of the Commonwealth of Massachusetts, which was referred to the Committee on Finance, as follows:

RESOLUTIONS MEMORIALIZING CONGRESS TO PASS LEGISLATION AMENDING THE INTERNAL REVENUE CODE TO PERMIT HOMEOWNERS TO DEDUCT UP TO $500 A YEAR FOR THE MAINTENANCE, PRESERVATION, AND REHABILITATION OF THEIR HOMES

Whereas, The existing stock of residential property in the cities and towns of America provides the core of the residential resources of our Country; and

Whereas, The creation of new housing can never provide more than a small percentage of the units available in the existing housing stock; and

Whereas, The preservation of this priceless natural and economic resource must be the keystone of national housing policy; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to amend the Internal Revenue Code to permit homeowners to deduct up to five hundred dollars a year for the maintenance, preservation and rehabilitation of their homes; and be it further

Resolved, That copies of these resolutions be transmitted by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

House of Representatives, adopted, February 13, 1969.

WALLACE C. MILLS,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

Mr. BROOKE presented a resolution of the Commonwealth of Massachusetts, which was referred to the Committee on Labor and Public Welfare, as follows:

RESOLUTIONS MEMORIALIZING CONGRESS TO AMEND THE HEALTH PROFESSIONAL EDUCATIONAL ASSISTANCE ACT

Whereas There is a lack of well trained medical professionals in this country; and

Whereas, This problem is particularly critical in central city areas; and

Whereas, There is definite need for action to meet the problem of the lack of well trained medical professionals in central city areas; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Con-

gress of the United States to amend the Health Professional Educational Assistance Act to provide one hundred per cent reduction of loans for graduates who practice in poor, urban areas; and be it further.

Resolved, That copies of these resolutions be transmitted by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

House of Representatives, adopted, February 13, 1969.

WALLACE C. MILLS,
Clerk.

Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

A resolution adopted by the congregation of the First Wesleyan Church, of Alexandria, Va., expressing approval of the spiritual recognition by our astronauts; ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Col. George D. Fink, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission; and

Robert A. Podesta, of Illinois, to be an Assistant Secretary of Commerce.

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Geoffrey H. Moore, of New Jersey, to be Commissioner of Labor Statistics, U.S. Department of Labor.

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. DIRKSEN (for himself, Mr. MANSFIELD, Mr. SCOTT, Mr. BYRD of West Virginia, Mr. BAKER, Mr. HRUSKA, Mr. BOGGS, Mr. SPONG, Mr. COTTON, Mr. GOODELL, Mr. RANDOLPH, and Mr. MATHIAS):

S. 1247. A bill to establish the Capitol Guide Service, and for other purposes; to the Committee on Rules and Administration.

By Mr. DIRKSEN (by request):

S. 1248. A bill for the relief of Erman-Howell Division, Luria Steel & Trading Corp.; to the Committee on the Judiciary.

By Mr. FANNIN:

S. 1249. A bill for the relief of Bert N. Adams and Emma Adams; to the Committee on the Judiciary.

By Mr. COTTON (for himself and Mr. MAGNUSON):

S. 1250. A bill to amend the Federal Aviation Act of 1958; to the Committee on Commerce.

By Mr. PERCY:

S. 1251. A bill to amend title XIX of the Social Security Act to provide that, under any State plan approved thereunder, there shall not be taken into account the financial responsibility of any individual in determining eligibility for assistance under such plan of such individual's blind or permanently and totally disabled child who has attained age 21; to the Committee on Finance.

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

By Mr. SCOTT:

S. 1252. A bill for the relief of Melvin E. Beers; and

S. 1253. A bill for the relief of Crown Coat Front Co., Inc.; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 1254. A bill to amend section 4063(a) of the Internal Revenue Code of 1954 (relating to exemption of specified articles from the tax on motor vehicles); to the Committee on Finance.

By Mr. THURMOND:

S. 1255. A bill to equalize the treatment of Reserves and Regulars in the payment of per diem; and

S. 1256. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

S. 1257. A bill to permit a taxpayer carrying on a trade or business in the conduct of which ten or less persons are engaged to elect to take a standard deduction, in lieu of itemized deductions, for expenses attributable to such trade or business; and

S. 1258. A bill to amend the Internal Revenue Code of 1954 to provide a 20-percent credit against the individual income tax for certain educational expenses incurred at an institution of higher education; to the Committee on Finance.

S. 1259. A bill to amend title 28, United States Code, to withdraw from courts of the United States jurisdiction with respect to State legislative apportionment proceedings; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 1260. A bill to determine eligibility of ex-servicemen for unemployment compensation; to the Committee on Finance.

S. 1261. A bill for the relief of Miss Lydia C. Gamboa;

S. 1262. A bill for the relief of Dr. Miriam Ehrenkranz; and

S. 1263. A bill for the relief of Dr. Lauro S. Geronimo; to the Committee on the Judiciary.

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

By Mr. JAVITS (for himself, Mr. PROUTY, and Mr. YARBOROUGH):

S. 1264. A bill to amend the provisions of the Public Health Service Act which relate to student loans so as to provide for the making of direct loans to U.S. citizens studying in foreign schools; to the Committee on Labor and Public Welfare.

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

By Mr. JAVITS (for himself, Mr. GOODELL, and Mr. BROOKE):

S. 1265. A bill to provide for essential development and the relief of congestion at public airports; to the Committee on Commerce.

By Mr. ERVIN:

S. 1266. A bill to further insure due process in the administrative discharge procedure followed by the Armed Forces; to the Committee on Armed Services.

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

By Mr. MONDALE:

S. 1267. A bill for the relief of George Buentipo; to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. MCCARTHY):

S. 1268. A bill authorizing construction of certain improvements on the Wild Rice River in Minnesota, in the interest of flood control and allied purposes; to the Committee on Public Works.

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

By Mr. INOUYE:

S. 1269. A bill to amend the Military Selective Service Act of 1967 in order to provide that persons between the ages of nineteen and twenty shall be the first to be inducted to meet the military manpower requirements of the Nation, and to provide for the selection of such persons for induction through a random selection system; to the Committee on Armed Services.

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

By Mr. McGOVERN:

S. 1270. A bill for the relief of Ma Kei Lok;

S. 1271. A bill for the relief of Kwok Ki Tsang;

S. 1272. A bill for the relief of Chi Keung Wong;

S. 1273. A bill for the relief of Chuen Sang Cheung;

S. 1274. A bill for the relief of Shu Wah Ip; and

S. 1275. A bill for the relief of San Piu Lau; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 1276. A bill to amend title 5, United States Code, to provide for lump-sum payments for accumulated and accrued sick leave where employees die in service and for such payments or, at the option of the employees, credit for retirement purposes upon separation or retirement; to the Committee on Post Office and Civil Service.

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

By Mr. BAYH:

S. 1277. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on Government Operations.

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

By Mr. TYDINGS:

S. 1278. A bill for the relief of Claro R. Francisco; to the Committee on the Judiciary.

By Mr. MONTOYA (for himself, Mr. BOGGS, Mr. DODD, Mr. DOLE, Mr. HART, Mr. JAVITS, Mr. MCCARTHY, Mr. MCGEE, Mr. STEVENS, Mr. YARBOROUGH, and Mr. YOUNG of North Dakota):

S. 1279. A bill to provide that any disability of a veteran who is a former prisoner of war is presumed to be service-connected for purposes of hospitalization and outpatient care; to the Committee on Labor and Public Welfare.

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

By Mr. MAGNUSON (by request):

S. 1280. A bill to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes;

S. 1281. A bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases;

S. 1282. A bill to amend section 510(a)(1) of the Merchant Marine Act, 1936;

S. 1283. A bill to authorize appropriations for certain maritime programs of the Department of Commerce; and

S. 1284. A bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when

he introduced the above bills, which appear under separate headings.)

By Mr. McGOVERN (for himself, Mr. HATFIELD, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. COOK, Mr. COOPER, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MATHIAS, Mr. MCINTYRE, Mr. METCALF, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio);

S. 1285. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Government Operations.

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

By Mr. MAGNUSON (by request):

S. 1286. A bill to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes; to the Committee on Commerce.

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

By Mr. MAGNUSON (for himself and Mr. PELL) (by request):

S. 1287. A bill to authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out the metric system study; to the Committee on Commerce.

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

By Mr. MAGNUSON (for himself, Mr. JAVITS, and Mr. STEVENS) (by request):

S. 1288. A bill to amend section 212(B) of the Merchant Marine Act, 1936, as amended; and

S. 1289. A bill to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; to the Committee on Commerce.

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

By Mr. MCCLELLAN (for himself, Mr. DIRKSEN, Mr. BAYH, Mr. BURDICK, Mr. EASTLAND, Mr. FULBRIGHT, Mr. HATFIELD, Mr. KENNEDY, Mr. MANSFIELD, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, Mr. TYDINGS, and Mr. WILLIAMS of New Jersey):

S. 1290. A bill to incorporate college benefit system of America; 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. MONDALE:

S. 1291. A bill to provide for an expanded legal services program within the Office of Economic Opportunity; to the Committee on Labor and Public Welfare.

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

By Mr. HART:

S. 1292. A bill for the relief of Vladimir Petrovich;

S. 1293. A bill for the relief of Dr. Asuncion Casolino Berroya;

S. 1294. A bill for the relief of Savitaben C. Bhatt; and

S. 1295. A bill for the relief of Thi Anh Le; to the Committee on the Judiciary.

S. 1296. A bill to amend the Military Service Act of 1967 in order to provide a more equitable system of selecting persons for induction into the Armed Forces under such act, to improve the administration of such act, to authorize a study of the alternatives to the method of providing personnel for the Armed Forces, and for other purposes; to the Committee on Armed Services.

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

By Mr. MAGNUSON (for himself, Mr. ANDERSON, Mr. BAYH, Mr. BURDICK, Mr. DODD, Mr. EASTLAND, Mr. FULBRIGHT, Mr. FONG, Mr. INOUYE, Mr. MCCARTHY, Mr. METCALF, Mr. MOSS, Mr. PELL, Mr. STEVENS, Mr. TYDINGS, and Mr. YARBOROUGH):

S. 1297. A bill to amend the Civil Service Retirement Act so as to permit retirement of employees with 30 years of service on full annuities without regard to age; to the Committee on Post Office and Civil Service.

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

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 1298. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Finance.

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

By Mr. HARTKE (for himself and Mr. BAYH):

S. 1299. A bill to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products; to the Committee on Commerce.

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

By Mr. JAVITS (for himself, Mr. COOPER, Mr. SCOTT, Mr. SCHWEIKER, and Mr. STEVENS):

S. 1300. A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States; to the Committee on Labor and Public Welfare.

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

By Mr. ALLOTT:

S. 1301. A bill relating to membership in Indian tribal organizations; and

S. 1302. A bill to amend the Mineral Leasing Act of 1920 in order to provide for public records of oil and gas leases issued under such Act and other instruments affecting title to such leases, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. MURPHY:

S. 1303. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1304. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1305. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1306. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1307. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1308. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1309. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California.;

S. 1310. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1311. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1312. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1313. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1314. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1315. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1316. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1317. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1318. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1319. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1320. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1321. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1322. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1323. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim

to certain lands situated in the county of San Bernardino, State of California;

S. 1324. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1325. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1326. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1327. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1328. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1329. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1330. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1331. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1332. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1333. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1334. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1335. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1336. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1337. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1338. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1339. A bill to authorize the payment of private claims to R. A. Beaver and J. F. Beaver of Blythe, Calif.;

S. 1340. A bill to relinquish and disclaim any title to certain lands situated in Imperial County, Calif.;

S. 1341. A bill to relinquish and disclaim any title to certain lands situated in Imperial County, Calif.;

S. 1342. A bill to relinquish and quitclaim any title to certain lands situated in Riverside County, Calif.;

S. 1343. A bill to relinquish and disclaim any title to certain lands situated in Yuma County, Ariz.;

S. 1344. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1345. A bill to relinquish and disclaim any title to certain lands situated in Yuma County, Ariz.;

S. 1346. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1347. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1348. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1349. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1350. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1351. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1352. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California;

S. 1353. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1354. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1355. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1356. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1357. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1358. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California;

S. 1359. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 1360. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; to the Committee on Interior and Insular Affairs.

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

By Mr. MILLER:

S. 1361. A bill to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from the insurance benefits payable thereunder; to the Committee on Finance.

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

By Mr. BOGGS (for himself, Mr. SCOTT, Mr. SCHWEIKER, and Mr. KENNEDY):

S. 1362. A bill to provide federal financial assistance to Opportunities Industrialization Centers; to the Committee on Labor and Public Welfare.

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

By Mr. NELSON (for himself, Mr. KENNEDY, Mr. MONDALE, Mr. JAVITS, Mr. PROUTY, Mr. Moss, and Mr. YARBOROUGH):

S. 1363. A bill to provide for support by the Teacher Corps of programs in which volunteers serve as part-time tutors or full-time instructional assistants; to the Committee on Labor and Public Welfare.

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

By Mr. MURPHY:

S. 1364. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California; to the Committee on Interior and Insular Affairs.

By Mr. GOODELL:

S. 1365. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strikes at the sites of construction projects; to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 1366. A bill to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.; to the Committee on Government Operations.

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

By Mr. DODD:

S. 1367. A bill for the relief of Fu Pak Yiu; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. BAYH, Mr. CASE, Mr. DODD, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. MCGEE, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. PELL, and Mr. YARBOROUGH):

S. 1368. A bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects; to the Committee on Labor and Public Welfare.

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

By Mr. WILLIAMS of New Jersey (for himself, Mr. BIBLE, Mr. CASE, Mr. DODD, Mr. JACKSON, Mr. JAVITS, Mr. MCGEE, Mr. MCINTYRE, Mr. METCALF, Mr. MONTOYA, Mr. PELL, Mr. PROUTY, and Mr. YARBOROUGH):

S. 1369. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint-industry promotion of products in certain instances; to the Committee on Labor and Public Welfare.

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

By Mr. WILLIAMS of New Jersey (for himself, Mr. BIBLE, Mr. CASE, Mr. DODD, Mr. INOUYE, Mr. JAVITS, Mr. MCINTYRE, Mr. METCALF, Mr. MONTOYA, and Mr. PELL):

S. 1370. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for a joint committee or joint board empowered to interpret provisions of collective-bargaining agreements; to the Committee on Labor and Public Welfare.

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

By Mr. WILLIAMS of New Jersey (for himself, Mr. CASE, Mr. HART, Mr. JAVITS, Mr. MCCARTHY, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, and Mr. PROXMIRE):

S. 1371. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Labor and Public Welfare.

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

By Mr. THURMOND:

S.J. Res. 63. A joint resolution expressing declaration of will of the American people and purpose of their Government to achieve complete victory over the forces of the world Communist movement; to the Committee on Foreign Relations.

S.J. Res. 64. A joint resolution proposing an amendment to the Constitution of the United States providing for the establishment of a Court of the Union;

S.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; and

S.J. Res. 66. A joint resolution proposing an amendment to the Constitution of the United States relating to the process of amending the Constitution; to the Committee on the Judiciary.

By Mr. TYDINGS (for himself, Mr. MATHIAS, Mr. SPONG, Mr. BYRD of Virginia, Mr. SCOTT, Mr. SCHWEIKER, and Mr. RANDOLPH):

S.J. Res. 67. A joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin; to the Committee on the Judiciary.

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

By Mr. MAGNUSON (for himself, Mr. JAVITS, and Mr. STEVENS):

S.J. Res. 68. A joint resolution authorizing the President to extend indefinitely a period to "See the United States" and for other purposes; to the Committee on the Judiciary.

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

By Mr. MOSS:

S.J. Res. 69. A joint resolution proposing an amendment to the Constitution of the United States providing for the nomination of candidates of political parties for President and Vice President; to the Committee on the Judiciary.

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

S. 1251—INTRODUCTION OF BILL COVERING SOCIAL SECURITY PROVISIONS AFFECTING THE BLIND

Mr. PERCY. Mr. President, I am introducing a bill today to remove discriminatory provisions of the Social Security Act applying to blind and permanently and totally disabled persons.

At present the Social Security Act, in determining eligibility for the extent of medical assistance to be available to individuals, states that the financial responsibility of any individual for any applicant or recipient of assistance under the act should not be considered unless such applicant or recipient is such individual's spouse or such individual's child who is under age 21; or is blind or permanently disabled.

This means that a blind or permanently and totally disabled person over 21 of no matter what age—whether 30, 40, or even older—is still declared to be a ward of and dependent upon his parents. Only if he can then prove that his parents cannot provide the financial resources to meet his medical assistance needs will he be eligible for Government assistance.

The bill I am introducing today would strike the language declaring that a blind or permanently disabled person is still primarily the financial responsibility of his parents after the age of 21.

Without firsthand experience, it is virtually impossible to appreciate the destructive effects that the relative-responsibility provision of the present social security law has upon the blind and disabled citizens of the United States. The term "citizens" must be used reluctantly and is placed in quotes because the effect of the restriction is to reduce them to the status of second-class members of society. The law, in its present form, groups 82,000 blind citizens together with approximately 600,000 who are totally disabled and subjects all of them to a disparaging discrimination which finds no justification in law, in equity, or in fact. While other full-fledged but needy members of our society who happen to continue residing with their parents after reaching the age of majority are permitted to apply for aid in their own right, the blind and disabled are subjected to the added degradation of having first to demonstrate that their parents are either unwilling or unable to provide for their needs. One could find no clearer case of a law that denies equal rights under the law.

One attribute of a dynamic society is the presence of a sub-culture of persons who are not as well equipped to participate as are the majority. One property which characterizes an enlightened society is the maintenance of facilities intended to enable such handicapped persons to achieve full participation. Blindness is a severe and unique handicap which couples an extreme physical limitation together with the psychologically corrosive impact of an ancient public image of despair and uselessness. The consequences of this false image are not merely inward and emotional; they are real and devastating. Unbelievable social and vocational discrimination still exists; for example, employers frequently deny opportunities to fully qualified and proficient blind workers.

Two indispensible requirements must be met before the handicap of blindness, or any other disability, can be overcome: first, superb vocational training so that job performance can be undeniably above average; and, second, development of a sense of personal confidence and self-respect so that the offensive and degrading burden of public misunderstanding can be surmounted. It is our task—that of every legislator and every responsible citizen—to provide the rehabilitation and support needed to elevate the level of performance and self-confidence of this group so that these requirements might be met.

The ability to perform successfully and to be a contributing member of society is a necessary foundation for the self-respect of a young blind or disabled adult. As he becomes no longer a burden to his family, the improved attitudes and the more wholesome relationship between him and his parents can be expected to result in increased support and encouragement from them. We thus will have provided the conditions under which a seriously handicapped person can aspire to freedom and achievement and can move forward into real independence.

This bill has the full support of the Illinois Federation of the Blind and the American Council for the Blind.

I urge support for this bill and its prompt enactment to correct this glaring inequity and discrimination against blind and disabled citizens within our society.

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

The bill (S. 1251) to amend title XIX of the Social Security Act to provide that, under any State plan approved thereunder, there shall not be taken into account the financial responsibility of any individual in determining eligibility for assistance under such plan of such individual's blind or permanently and totally disabled child who has attained age 21, introduced by Mr. PERCY, was received, read twice by its title, and referred to the Committee on Finance.

S. 1268—INTRODUCTION OF BILL AUTHORIZING WILD RICE RIVER FLOOD CONTROL PROJECT

Mr. MONDALE. Mr. President, on September 20, 1968, I introduced S. 4061 of the 90th Congress. That proposal authorized the construction of a dam and reservoir on the Wild Rice River above Twin Valley, Minn., for flood control, general recreation, and allied purposes. Regrettably, S. 4061 was not enacted last year.

One of the heaviest snow coverings in many years now threatens, with the advent of spring, a serious flood disaster in the vincinity of Twin Valley. I am, therefore, reintroducing this proposal today with the cosponsorship of Senator MCCARTHY. I am very hopeful that it will be

considered by the Senate Public Works Committee at the earliest possible date.

As I stressed when S. 4061 was first introduced, authorizations for such projects are ordinarily recommended to the Senate by the Public Works Committee in an omnibus rivers and harbors bill. The project authorized by this proposal was reviewed by the distinguished members of both the House and Senate Public Works Committees and would almost certainly have been included in the 1968 bill, Public Law 90–483. I am, in fact, offering this proposal today only because executive branch delays in submitting essential reports to Congress resulted in the exclusion of the Wild Rice project from the 1968 omnibus bill.

Mr. President, I think it is very important to stress that the essential executive reports were submitted to the Congress late last July. More importantly, those reports viewed this project in a most favorable light. Unfortunately, their receipt in Congress narrowly missed the cutoff point for congressional action on the omnibus bill.

I am very hopeful that the Senate Public Works Committee under the able leadership of my friend, Senator RANDOLPH, will proceed to consider this bill and that construction of the Wild Rice River project, substantially in accordance with the provisions of House Document No. 366, 90th Congress, will be authorized in this session. I do realize that the committee is reluctant to consider individual projects and such reluctance is understandable. Nonetheless, I think the very special circumstances and the very serious problem confronting Minnesotans in this instance warrants exceptional treatment and I hope the Committee on Public Works will view with favor my request for early approval of this bill.

Mr. President, I ask unanimous consent that the text of the bill and brief excerpts from House Document No. 366 be reprinted in their entirety at this point in the RECORD.

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

The bill (S. 1268) authorizing construction of certain improvements of the Wild Rice River in Minnesota, in the interest of flood control and allied purposes, introduced by Mr. MONDALE (for himself and Mr. MCCARTHY), was received, read twice by its title, and referred to the Committee on Public Works, as follows:

S. 1268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for improvement of the Wild Rice River in Minnesota is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 366, Ninetieth Congress, at an estimated cost of $8,359,000.

SEC. 2. There are hereby authorized to be appropriated such sums as may be required to carry out the provisions of this Act.

The excerpts, presented by Mr. MONDALE, follow:

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D.C., March 26, 1968.

Subject: Wild Rice River, Minnesota.

CHIEF OF ENGINEERS,
Department of the Army,
Washington, D.C.:

1. *Authority.*—This report is in partial response to the following resolutions adopted 15 June 1950, 27 June 1950, and 19 July 1950, respectively.

Resolved by the Committee on Public Works of the United States Senate, That the Board of Engineers for Rivers and Harbors, created under Section 3 of the River and Harbor Act, approved June 13, 1902, be, and is hereby, requested to review the reports on the Red River of the North, Minnesota and North Dakota, submitted in House Document Numbered 185, Eighty-first Congress, and prior reports, with a view to determining if the recommendations contained therein should be modified at this time in view of the disastrous floods of April and May, 1950, and in view of the international aspects of the flood problem on which much information may be obtained from Dominion, provincial, municipal and other interests in Canada through the investigations already under way in accordance with Article IX of the Boundary Waters Treaty of January 1909.

Resolved by the Committee on Public Works of the House of Representatives, United States, That the Board of Engineers for Rivers and Harbors be, and is hereby, requested to review the reports on the Red River of the North Drainage Basin, Minnesota, South Dakota, and North Dakota, submitted in House Document No. 185, 81st Congress, 1st Session, and prior reports, with a view to determining whether the recommendations contained therein should be modified in any way at this time.

Resolved by the Committee on Public Works of the House of Representatives, United States, That the Board of Engineers for Rivers and Harbors be, and is hereby, requested to review the reports on the Red River of the North Drainage Basin, Minnesota, South Dakota, and North Dakota, submitted in House Document No. 185, 81st Congress, 1st Session, and prior reports, with a view to determining if the recommendations contained therein should be modified at this time in view of the disastrous floods of April and May, 1950, and in view of the international aspects of the flood problem on which much information may be obtained from Dominion, provincial, municipal, and other interests in Canada through the investigations already under way in accordance with Article IX of the Boundary Waters Treaty of January 1909.

It covers the urgent flood and related water problems of the Wild Rice and Marsh River basins, recognizing their relationship to problems in the Red River of the North basin. Other reports in response to the resolutions will be submitted later.

2. *Basin description.*—The Wild Rice River is an eastern tributary of the Red River of the North in northwestern Minnesota. The river heads at Lower Rice Lake in Clearwater County and flows westerly for about 160 miles, joining the Red River of the North about 30 miles north of Moorhead, Minnesota. In the latter part of the 19th century, local interests constructed a 10-mile-long ditch to divert a part of Wild Rice River floodflows into the adjacent Marsh River. These two streams drain an area of about 1,950 square miles, of which 300 square miles are in the Marsh River watershed. Above the point of diversion, the Wild Rice River drains 1,090 square miles. The lower portion of the basin is a nearly flat lacustrine plain which was the bed of glacial Lake Agassiz. Lacustrine deposits extend to great depths over this plain. Stream slopes average about 4 feet per mile in the upper reaches and about 1 foot per mile in the lower 27-mile reach. Channel capacity immediately upstream from the point of diversion is 3,100 cubic feet per second (c.f.s.). Below the diversion, the Wild Rice River channel capacity ranges from about 2,200 c.f.s. to 2,600 c.f.s. Marsh River channel capacities vary from 940 to about 1,360 c.f.s.

3. *Economic development.*—The population of Norman and Mahnomen Counties, which comprise most of the Wild Rice and Marsh River basins, totaled 17,594 in 1960. The largest communities in the basin are Ada, Mahnomen, and Twin Valley with populations of 2,064, 1,462, and 841, respectively, in 1960. Agriculture, primarily cash crop farming, is the major occupation. Industries are those associated with the processing or marketing of food and kindred products.

4. *Existing improvements.*—In 1954, the Corps of Engineers completed about 39 miles of channel improvement, of which about 15 miles were on the Wild Rice River above mile 27.3 and 24 miles on the Marsh River above mile 20.8. The improved channels are designed to carry flood-flows corresponding to a discharge above the point of diversion of about 3,100 c.f.s. Federal costs have amounted to about $405,000. In 1964, snagging and clearing of a 12-mile reach of the Wild Rice River between miles 15.2 and 27.2 for flood control was completed by the Corps of Engineers at a Federal cost of about $86,600. In 1895, local interests constructed a diversion ditch together with a low concrete weir to divert part of the Wild Rice River floodflows into the Marsh River. In 1906, the State dredged a series of cutoffs on the Wild Rice River between miles 35 and 40 in the interest of flood control. Municipal and private interests have built several small dams for water supply and power, two of which still remain at miles 3.6 and 57.4.

5. *Floods and damages.*—Flooding along the Wild Rice and Marsh Rivers occurs frequently and high flows on these streams aggravate downstream flooding along the Red River of the North. The maximum flood of record in July 1909 inundated the entire community of Ada as well as nearly 100,000 acres of cropland in the Wild Rice and Marsh River basins. Average annual flood damages based on June 1966 prices are estimated at $497,800 of which $292,500 is agricultural, $20,600 is rural road and bridges and $174,700 is urban. In addition, average annual crop damages along the Red River of the North from the mouth of the Wild Rice River to the international boundary are estimated at $1,481,600 and urban damages to the city of Grand Forks, North Dakota, at $710,200.

6. *Improvements desired.*—At a public hearing held by the District Engineer in January 1963, local interests strongly favored multiple-purpose reservoir storage. They particularly desired provision of an assured water supply in anticipation of industrial expansion in the Wild Rice River basin which subsequently failed to materialize. Following the damaging floods of 1965 and 1966, they have urged early construction of a reservoir principally for flood control. They now strongly support the reservoir plan proposed by the District Engineer.

7. *Plan of improvement.*—The District Engineer finds that a reservoir on the Wild Rice River, with the dam located about 1 mile above Twin Valley, for purposes of flood control, recreation, and fish and wildlife enhancement, would constitute the most practical and economically feasible solution to the flood and water-related problems of the Wild Rice River basin and would also provide beneficial flood stage reduction along the Red River of the North. The drain-

age area at the damsite is 888 square miles. The dam would be a rolled earthfill structure about 90 feet high with a crest length of 4,280 feet including the spillway. The spillway would consist of a concrete ogee crest and chute equipped with two tainter gates. A gated low-flow outlet conduit would be combined with the spillway gate pier. The reservoir would provide 47,000 acre-feet of storage of which 39,500 acre-feet would be for flood control and 7,500 acre-feet for sediment reserve to be used as a conservation pool for recreation and fish and wildlife enhancement. The project plan provides for development of three recreation areas for public use, two along the rim of the reservoir and one below the dam.

8. *Economic evaluation.*—The District Engineer estimates the first cost of the proposed dam and reservoir project at $8,270,000 for initial construction and $82,000 for future recreation facilities of which the Federal cost would be $8,155,000 for initial construction and $41,000 for future recreation facilities. The initial and future non-Federal share would amount to $115,000 and $41,000, respectively. Using an interest rate of 3¼ percent and a 100-year period of analysis, the District Engineer estimates the annual charges at $310,200, including $19,900 for operation, maintenance, and replacements of which $7,300 would be non-Federal. The average annual benefits are estimated at $465,300, consisting of $363,700 for flood control, $31,300 for general recreation, $4,000 for fish and wildlife enhancement, and $66,300 for redevelopment effects. The ratio of benefits to costs is 1.3 without redevelopment benefits and 1.5 with these benefits included. The District Engineer recommends that a dam and reservoir on the Wild Rice River, Minnesota, be authorized for flood control, general recreation, and fish and wildlife enhancement essentially in accordance with his plan, subject to certain specified local cooperation. He further recommends that, in accordance with the recommendation of the Director of the Bureau of Sports Fisheries and Wildlife, additional detailed studies of fish and wildlife resources be conducted as necessary, after the project is authorized, and that such reasonable modifications be made in the authorized project facilities as may be agreed upon by the Director of the Bureau of Sport Fisheries and Wildlife and the Chief of Engineers for the conservation, improvement, and development of these resources. The Division Engineer concurs.

9. The Division Engineer issued a public notice stating his recommendations and affording interested parties an opportunity to present additional information to the Board. Careful consideration has been given to the communications received.

VIEWS AND RECOMMENDATIONS OF THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS

10. *Views.*—The Board of Engineers for Rivers and Harbors concurs in general in the views and recommendations of the reporting officers. The proposed improvements are economically justified and the requirements of local cooperation are generally appropriate. The Board notes, however, with respect to the proposed relocation of County Road 36, that the portion of the relocation necessitated by the reservoir development should be constructed to the same design standards as other portions of the relocation, and the additional costs therefor (presently estimated at $7,000) should be borne by the Federal Government as a part of the project costs. Such adjustment would be minor and would have no significant effect on the benefit-cost ratio.

11. *Recommendations.*—Accordingly, the Board recommends the construction of a dam and reservoir on the Wild Rice River above Twin Valley, Minnesota, for flood control, general recreation, and fish and wildlife enhancement, generally in accordance with the plan of the District Engineer and with such modifications thereof as in the discretion of the Chief of Engineers may be advisable, at an estimated cost of $8,359,000 for construction and $19,900 annually for maintenance, operation, and replacements: Provided that, prior to construction, local interests furnish assurances satisfactory to the Secretary of the Army that they will:

a. In accordance with the Federal Water Project Recreation Act:

(1) Administer project land and water areas for recreation and fish and wildlife enhancement;

(2) Pay, contribute in kind, or repay (which may be through user fees) with interest, one-half of the separable cost allocated to recreation and fish and wildlife enhancement, presently estimated at $115,000 for initial development and $41,000 for future facilities;

(3) Bear all costs of operation, maintenance, and replacement of recreation and fish and wildlife lands and facilities, presently estimated at $7,300 annually;

b. Prevent encroachment which would reduce the flood-carrying capacities of the Wild Rice and Marsh River channels below the proposed reservoir;

c. At least annually inform affected interests that the project will not provide complete flood protection;

d. Provide guidance and leadership in preventing unwise future development of the flood plain by use of appropriate flood plain management techniques to reduce flood losses; and

e. Hold and save the United States free from damages due to water-rights claims resulting from construction and operation of the project.

12. The Board further recommends that additional detailed studies of fish and wildlife resources be conducted, as necessary, after the project is authorized, and that such reasonable modifications be made in the authorized project facilities as may be agreed upon by the Director of the Bureau of Sport Fisheries and Wildlife and the Chief of Engineers for the conservation, improvement, and development of these resources.

13. The Board further recommends that, following authorization of the project, detailed site investigation and design be made for the purpose of accurately defining the project lands required; that subsequently, advance acquisition be made of such title to such lands as may be required to preserve the site against incompatible developments; and that the Chief of Engineers be authorized to participate in the construction or reconstruction of transportation and utility facilities in advance of project construction as required to preserve such areas from encroachment and avoid increased costs for relocations.

14. The net cost to the United States for the recommended improvements is estimated at $8,203,000 for construction and $12,600 annually for operation, maintenance, and replacements.

For the Board:

R. G. MACDONNELL,
Major General, USA, Chairman.

S. 1269—INTRODUCTION OF BILL TO AMEND THE SELECTIVE SERVICE ACT OF 1967

Mr. INOUYE. Mr. President, today, I am introducing a bill which would amend the Selective Service Act of 1967. Our continuing need for substantial military forces in the immediate future demands that we devise the most equitable system possible for the induction of men into our Armed Forces.

The present practice of drafting the oldest men first is, in my opinion, most inequitable. This conclusion has also been reached by those studying draft reform proposals. By drafting the oldest men first, we invoke untold hardship on our young men. This system forces them into long periods of uncertainty relative to their draft status and prevents them from making any long-range plans.

My bill proposes that young men be eligible for induction into the Armed Forces for 1 year—the year between their 19th and 20th birthdays. While this bill retains present exemptions—that is, student deferments, hardship deferments, and so forth—it would provide that for the year following the termination of a deferment, young men would be eligible for induction into the Armed Forces. For example, if at age 19, a young man has a student deferment, he would be eligible for induction for 1 year following his college graduation, his dropping out of school, or upon reaching age 24. Following the termination of the other deferments, should the person be otherwise qualified, he would also be eligible for 1 year for induction into the Armed Forces. However, at no time would a person be eligible for induction for more than 1 year except in the case of a declared national emergency.

This bill also proposes to establish a random selection system to be carried out by each local selective service board. It in no way removes any powers of the local selective service boards. The local boards would still be responsible for determining eligibility for induction. Those classified as draft eligible would be placed in a pool from which they would be chosen to serve by a lottery system. The national Selective Service headquarters would still set the quotas for each State and the State headquarters would in turn set the quotas for each local board.

The Senate version of the Selective Service Act Amendments of 1967 suggested that a lottery system be established on a trial basis; however, the final version of the bill, as passed by the House and Senate, prohibited the President from setting up such a system unless specifically authorized by Congress. It is my firm opinion that the lottery system is the most equitable system for determining who is to be inducted into the armed services.

To make the Selective Service System more equitable than it is presently constituted I am introducing this bill and request that the text 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. 1269) to amend the Military Selective Service Act of 1967 in order to provide that persons between the ages of 19 and 20 shall be the first to be inducted to meet the military manpower requirements of the Nation, and to provide for the selection of such persons for induction through a random se-

lection system, introduced by Mr. INOUYE, 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. 1269

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 a "Military Selective Service Amendments Act of 1969".

SEC. 2. Section 5 of the Military Selective Service Act of 1967 (50 U.S.C. App. 455) is amended to read as follows:

"SEC. 5. (a)(1) The selection of persons for training and service under section 4 shall be made as provided in this subsection from persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted.

"(2) Quotas of men to be inducted for training and service under this Act shall be met by the selection of persons from the primary selection group, after the selection of delinquents and volunteers, to the extent that such primary selection group has a sufficient number of qualified registrants in it to meet such quotas. The order of induction of persons in the primary selection group shall be determined by a random selection system carried out by each local board in accordance with such rules and regulations as the President may prescribe. The President is authorized, under such rules and regulations as he may prescribe, to establish a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

"(3) As used in this Act, the term 'primary selection group' means persons who are liable for training and service under this Act, who at the time of selection are registered and classified, and—

"(A) who are between the ages of nineteen and twenty and are not deferred or exempted;

"(B) who, on the effective date of the Military Selective Service Amendments Act of 1969, are between the ages of twenty and twenty-six and who are not on such date in a deferred or exempted status; or

"(C) who, on or after the effective date of the Military Selective Service Amendments Act of 1969, are between the ages of nineteen and thirty-five and were in a deferred or exempted status but are no longer in such status.

Notwithstanding the foregoing provisions of this paragraph, in order to provide for the effective administration of this subsection, the President is authorized, in the case of persons described in subparagraphs (B) and (C) of this paragraph, to postpone, on the basis of age, the inclusion of any such persons in the primary selection group for any period not exceeding four years following the effective date of the Military Selective Service Amendments Act of 1969.

"(4) Unless selected for induction or unless otherwise deferred from induction into the Armed Forces, a person shall remain liable for induction as a registrant within the primary selection group for a period of one year. Any person who is in a deferred status upon attaining the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for induction as a registrant within the primary selection group irrespective of his actual age, unless he is otherwise deferred under authority of this Act. Any person who is removed from the primary selection group because of a deferment shall again become liable for induction as a registrant within the primary selection group, if he otherwise qualifies, whenever such deferment is terminated. In no event shall any person be liable for induction as a registrant within the primary selection group for any period or periods totalling more than one year; nor shall any person be liable for induction as a registrant within such a group after he has attained the thirty-fifth anniversary of the date of his birth.

"(5) No order for induction shall be issued under this title to any person who has not attained the age of nineteen years unless the President finds that such action is in the national interest.

"(6) There shall be no discrimination against any person on account of race, color, or creed in the selection of persons for training and service under this Act or in the interpretation and execution of any provision of this Act.

"(7) Notwithstanding any other provision of law, except section 314 of the Immigration and Nationality Act (8 U.S.C. 1425), no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction under section 4 of this Act, shall be held to be ineligible for appointment as a commissioned officer of an armed force of the United States on the sole ground that he is not a citizen of the United States or has not made a declaration of intent to become a citizen thereof, and any such person who is not a citizen of the United States and who is appointed as a commissioned officer may, in lieu of the oath prescribed by section 3331 of title 5, United States Code, take such oath of service and obedience as the Secretary of Defense may prescribe."

SEC. 3. (a) The fifth and sixth sentences of section 6(h)(1) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(h)(1)) are hereby repealed.

SEC. 4. The amendments made by this Act shall become effective on the first day of the third calendar month following the month in which this Act is enacted.

S. 1276—INTRODUCTION OF FEDERAL EMPLOYEES' ACCRUED SICK LEAVE PAYMENT BILL

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill which would amend the Civil Service Retirement Act to provide that accumulated sick leave of Federal employees can be either credited to the individual's retirement fund for the purpose of computing his annuity or paid in cash for one-half its value at the time of retirement. This bill is similar to three earlier legislative proposals which I have submitted—S. 1661 of the 88th Congress, S. 326 of the 89th Congress, and S. 759 of the 90th Congress.

The purpose of this bill, Mr. President, is to encourage Federal employees to accumulate sick leave until retirement. Under the existing law a Federal employee receives no remuneration for accrued sick leave at the time of his retirement. The majority of Federal employees, who consider earned sick leave like an earned fringe benefit, are not encouraged under the present system to accumulate sick leave, because they know that unused accrued sick leave has no financial value to them at the time of their retirement.

The bill would give the employee two options with respect to unused sick leave at the time of his retirement. The employee might elect to take a cash payment for one-half of the accumulated sick leave or he might have the entire number of accumulated days of sick leave credited to his service time for the purpose of computing his annuity.

A sense of justice, a sense of fairplay, and simple sound management practices augurs well for this measure. Federal employee surveys have turned up considerable evidence that the present policy is encouraging a number of Federal employees to use sick leave in situations where it is not absolutely necessary. Some employees, in their final year of Government service use up to three times as much sick leave as other employees. And why not? After all the straitjacket system we now employ provides precisely the wrong incentives. And that is a situation this bill is designed to correct.

The dedicated and responsible civil servant who does not use his accrued sick leave is the unsung hero and the real loser under the present system. For example, there are many individual employees who have foregone as much as $25,000 worth of accumulated sick leave at retirement time. The Post Office Department reports that employees who retired effective December 30, 1966, had approximately $8,900,000 worth of unused sick leave turned back to the Postal Service by 2,518 employees. The available figures for 11,000 employees who retired in 1965 under a retirement incentive plan lost an average of 885 hours or 110 days of accumulated sick leave. I am sure more current statistics would reflect a sizable increase in the amount of lost sick leave.

The present practice, encouraging absenteeism as it does, contributes to inefficiency and a waste of talent. An employee on sick leave falls behind in his work. The temporary employee who attempts to perform the absentee's duties is frequently less knowledgeable or skilled and consequently does a less effective job.

It is clear, therefore, that both the Federal employees and the Government will be well served by this bill. The employee who has earned sick leave and has not used it will be remunerated at the time of his retirement. The Government which seeks less absenteeism and higher efficiency among its employees, will be able to look forward to thousands of hours of increased productivity.

I ask unanimous consent that this bill be printed in full 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. 1276) to amend title 5, United States Code, to provide for lumpsum payments for accumulated and accrued sick leave where employees die in service and for such payments or, at the option of the employees, credit for retirement purposes upon separation or retirement, introduced by Mr. YARBOROUGH, 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. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 of title 5, United States Code, relating

to civil service retirement, is amended by adding the following new subsection:

"(1) If an employee who is separated from the service or who retires on immediate annuity so elects at the time of separation or retirement, the number of days of accumulated and current accrued sick leave to his credit at such time shall be considered creditable service."

SEC. 2. Section 8334(g) of title 5, United States Code, relating to deposits in the Civil Service Retirement and Disability Fund, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph:

"(5) service credited under section 8332 (l)."

SEC. 3. Section 5581(2) of title 5, United States Code, relating to settlement of accounts of deceased employees, is amended—

(1) by striking out the word "and" at the end of subparagraph (H);

(2) by striking out the period at the end of subparagraph (I) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding the following new subparagraph:

"(J) payment for accumulated and current accrued sick leave equal to one-half the amount of the pay the deceased employee would have received had he lived and remained in the service for a period (in addition to any period covered in subparagraph (F)) and equal to the accumulated and current accrued sick leave."

SEC. 4. (a) Subchapter VI, relating to payment for accumulated and accrued leave, of chapter 55 of title 5, United States Code, is amended by adding the following new section:

"§ 5553. Lump-sum payment for accumulated and accrued sick leave on separation or retirement

"An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is separated from the service or who retires on immediate annuity under subchapter III of chapter 83 of this title, and who does not elect to receive credit for accumulated and accrued sick leave under section 8332(l) of this title, is entitled to receive a lump-sum payment for accumulated and current accrued sick leave to which he is entitled by statute. The lump-sum payment shall equal one-half the amount of the pay the employee or iindividual would have received had he remained in the service until the expiration of the period (in addition to any period covered by section 5551) of the sick leave. The lump-sum payment is considered pay for taxation purposes only."

(b) The analysis at the beginning of chapter 55, United States Code, is amended by inserting immediately following the item relating to section 5552 the following new item:

"5553. Lump-sum payment for accumulated and accrued sick leave on separation or retirement."

SEC. 5. Section 8348(g) of title 5, United States Code, relating to payment of benefits from the Civil Service Retirement and Disability Fund, shall not be applicable with respect to benefits resulting from the amendments made by this Act.

SEC. 6. The amendments made by this Act shall apply only in the case of employees whose final separation, retirement, or death, as the case may be, occurs after the date of enactment of this Act.

S. 1277—INTRODUCTION OF BILL RELATING TO DEATH BENEFITS FOR STATE AND LOCAL POLICEMEN AND FIREMEN

Mr. BAYH. Mr. President, the 90th Congress enacted legislation—Public Law 90–291—which for the first time provided benefits for law-enforcement officers employed by State or local governments who might be killed or seriously injured while apprehending violators of national law. As a result such officers or their survivors are now entitled to receive benefits comparable to those provided by the Federal Employees Compensation Act—less whatever amounts they receive from their own employers—if they suffer personal injury or loss of life in the line of duty while enforcing Federal laws.

This is an important step forward, recognizing the service rendered to the Nation by these State and local enforcement officers. However, it does not apply to those who make the supreme sacrifice or sustain disabilities while in the process of searching for or arresting persons accused of committing non-Federal criminal acts, nor does it apply to firemen who are injured or killed while on duty. State and local government compensation for these employees varies widely throughout the country because of differences in size and financial ability of the employing jurisdiction.

Consequently, I am introducing for appropriate reference a bill which would attempt to rectify present discrepancies in compensation and would recognize the great service which these individuals perform for the whole Nation as well as to their own communities. This bill would extend Federal Government benefits to all policemen or firemen who might be killed or totally disabled in the line of duty, whether or not a specific Federal law happens to be involved.

This expanded coverage would be justified, it seems to me, because the job of law enforcement and fire protection has in many respects become a national responsibility. Fugitives from justice or persons intent on committing crimes are able to travel around the country much more easily and speedily today than ever before. A person shooting a policeman or an arsonist starting a blaze resulting in fatalities might well have come recently from another State or could quickly flee from one State jurisdiction to another. Likewise, injuries are often incurred by local policemen and firemen while they are protecting interstate travelers who may have interrupted their journey only temporarily while en route elsewhere.

It is truly difficult today to draw hard and fast lines which separate jurisdictional responsibility for public employees who are devoted to protecting the lives and property of all persons without regard to their domicile, place of origin, or final destination. Whenever a public safety officer dies or is seriously injured while protecting his fellow man, his sacrifice and that of his family have been in the interest of the whole Nation. Accordingly, Congress should recognize this national responsibility by helping compensate those who become casualties in the common task of preserving law and order. Our country owes these men no less than a guarantee that neither they nor their dependents will suffer undue economic disadvantage because of physical harm which has befallen them while answering their call to duty.

The benefits which would be made available if this bill were enacted would be identical with those provided by Public Law 90–291, which became law on April 19, 1968, and which was limited only to those officers involved in apprehending violators of Federal law. Perhaps it is not necessary to point out that under this act, as well as my amendment, any benefits which were paid because an employee had lost his life or been disabled would be reduced or adjusted to reflect all benefits received from State or local government compensation systems, except for the amounts which the employee himself might have contributed to the fund. In other words, the Federal contribution would be supplementary to and would be adjusted according to other compensation to which State and local policemen or firemen were entitled. Although the level of payments would be the same as under the earlier law, its scope would be extended to include those not now covered by the provision restricting it to purely Federal jurisdictional matters.

If this bill should become law, a widow who is the sole survivor of a policeman or fireman would be eligible to receive approximately 45 percent of the monthly wage rate of her deceased husband. This compensation would continue as long as she did not remarry. If there are dependent children, the widow would receive 40 percent and each child 15 percent, up to a total of 75 percent of the monthly wage of the deceased. In cases of total disability, the wife's benefits would equal two-thirds of the monthly wage rate if there are no other dependents, but would be increased to three-fourths of the monthly wage if there are dependents.

Mr. President, an identical bill is being introduced in the House of Representatives by Representative ANDREW JACOBS, of Indiana, along with more than 20 of his colleagues. I realize that other approaches to this problem have been suggested, among them one which would provide grants to States to supplement local and State compensation systems. The exact procedure by which assistance is extended to the families of public safety officers killed in the line of duty or to those who become totally disabled is basically immaterial. I will support any plan which recognizes Federal responsibility to help relieve the suffering and loss of earning power resulting from deaths or disabling injuries incurred by policemen and firemen, whether or not a specific attributable Federal function or activity can be proven to be involved. Certainly this is an issue which deserves to be studied carefully by the proper committee so that an adequate compensation system can be assured for these victims.

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

The bill (S. 1277) to extend benefits under section 8191 of title 5, United States Code, to law-enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty, introduced by Mr. BAYH, was received, read twice by its title, and referred to the Committee on Government Operations.

S. 1279—INTRODUCTION OF BILL RELATING TO VA HOSPITAL AND OUTPATIENT CARE FOR POW'S

Mr. MONTOYA. Mr. President, I introduce legislation for myself and Senators BOGGS, DODD, DOLE, HART, JAVITS, MCCARTHY, MCGEE, STEVENS, YARBOROUGH, and YOUNG of North Dakota to rectify a situation which has caused anxiety and hardship to many of our American servicemen who were captured by the enemy during wartime.

As a result of the indignities, the suffering, and in many cases, even torture, of being a prisoner of war, many of our veterans have suffered mental and physical damages which even today they carry as scars of those days. But a great inequity has existed in the hospitalization in Veterans' Administration facilities of these men who years later suffer from diseases or injuries which are in truth traceable to those days of wartime imprisonment. These ailments cannot be related as service connected because of the lack of availability of a medical record during that period.

The bill which I have introduced today will grant automatic service-connected recognition for all the ex-prisoners of war of the World War II, Korean conflict, and Vietnam era. When we consider the length of imprisonment of many of our servicemen and the extreme conditions—including death marches, both in Europe and in the Pacific—it is not difficult to understand that even at this late date many of these men may develop one of a host of ailments common to the hardship and conditions of wartime imprisonment.

Treatment in a VA hospital of any man who has been a prisoner of war should be on the same basis of those men who are now classified as having service-connected disabilities. The same rules of admission for treatment—both in the hospital and on an outpatient basis, should govern in the cases of these men.

In numbers, the group is not large. Out of a total of less than 130,000 ex-prisoners, probably less than 115,000 are now living. Many of these already have service-connected disability ratings. However, there are still several thousand of these men who need medical treatment—and I think that it is just and equitable that for admission to VA hospitals all of their ailments should be judged in their favor and an assumption be made that these men deserve service-connected treatment.

Unless a person has gone through the rigors of wartime imprisonment he may not be able to understand how long range the damage can be. Ordinary standards of medical diagnosis cannot apply to former POW's because the extreme hardships and terrible experiences they endured are not generally recorded in detail and cannot be considered or analyzed in later years after imprisonment.

Nutritional deficiencies and mental distress over a long period are important factors which must be considered when assessing long-range disabilities.

I think we should give these men who suffered so much for our country the benefit of all doubt. The actual cost of granting the provisions of this bill would not be large, but it will alleviate a situation that has caused a veteran to delay or not receive treatment of some ailment. We, as a nation, owe these men this consideration. I urge my colleagues to join with me in swift approval of this measure.

Mr. President, I ask unanimous consent that the text of my 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. 1279) to provide that any disability of a veteran who is a former prisoner of war is presumed to be service connected for purposes of hospitalization and outpatient care, introduced by Mr. MONTOYA (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 610 of title 38, United States Code, is amended by adding at the end thereof the following:

"(d) Any disability of a veteran who is a former prisoner of war, upon application for the benefits of this section or hospitalization under section 624 of this title, shall be considered for the purposes thereof to be a service-connected disability incurred or aggravated in a period of war."

SEC. 2. Section 612(e) of title 38, United States Code, is amended by inserting after "veteran" the following: "who was a former prisoner of war and any disability of a veteran".

S. 1280—INTRODUCTION OF BILL TO PREVENT THE IMPORTATION OF ENDANGERED SPECIES OF FISH OR WILDLIFE INTO THE UNITED STATES

Mr. MAGNUSON. Mr. President, at the request of the Department of the Interior, I introduce, for appropriate reference, a bill to prevent the importation of endangered species of fish and wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and authorizing the Secretary of the Interior to acquire privately held land, water, or interests therein within the boundaries of any area administered by him, for the purpose of conserving, protecting, restoring, or propagating selected species of native fish and wildlife that are threatened with extinction.

The purpose of the bill is threefold: First, in order to assist on an international level in the preservation of threatened species, this legislation would prohibit—except for zoological, educational, and scientific purposes, and for the purpose of breeding such species and subspecies for preservation and propagation—the importation of any species of wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean or parts thereof that are threatened with extinction.

Second, in order to assist the States in stopping or reducing illegal traffic in certain protected animals, this section would make it unlawful for anyone to knowingly put into interstate or foreign commerce any amphibian, reptile, mollusk, or crustacean or parts thereof taken contrary to any Federal, State, or foreign laws or regulations. Present law extends this protection only to wild mammals or wild birds or fish or parts thereof.

Third, the Secretary is authorized to acquire by purchase, donation, exchange or otherwise, any privately owned land, water or interests therein within the boundaries of any area administered by him, for the purpose of conserving, protecting, restoring, or propagating any selected species of native fish and wildlife that are threatened with extinction.

These inholdings, privately held land within the borders of any area administered by the Secretary to conserve native American species of fish and wildlife, have proved to be trouble spots. They are a refuge for poachers.

Through this legislation which I today introduce, this Congress, the 91st, has an exceptionally good opportunity to act on behalf of endangered wildlife both in this country and throughout the world.

None of us can be proud of our early record of treatment to wildlife resources. Buffalo were slaughtered by the millions for relatively inconsequential reasons—for their tongues, a food delicacy of the times, for their hides, or just to cut down on the competition with livestock for grass and water. Or to deny meat to Indians. Egrets were driven almost to extinction in a quest for their feathers for use in millinery. Market hunting decimated the numbers of waterfowl. Fish were dynamited from streams and lakes. Generally speaking, the principles of sound wildlife management have come into widespread application only during the period since the end of World War II. In fact, full recognition of the need to preserve endangered species of wildlife did not come until 1966, and even now, additional legislation is desirable and necessary.

Existing Federal statutes or regulations on transporting wild animals in violation of law cover only wild mammals and birds. However, there is a pressing need to extend this protection to reptiles, amphibians, mollusks, and crustaceans. The alligator, a picturesque creature of ecological importance in the Everglades and other areas along the Gulf coast, is being reduced in numbers to the point where survival of the species is threatened. Poachers working il-

legally even in Federal areas such as the Everglades National Park make their kills in one area and sell the skins in another. Valuable for fashion accessories, the alligator skins command prices which many poachers find worthy of the risk of arrest. The administrators of many State wildlife agencies, especially those banded together into the Southeastern Association of Game and Fish Commissioners, appeal for new statutes to help dry up this nefarious trade and Federal authorities agree. This traffic in interstate commerce most assuredly is the province of the Federal Government.

The legislation that I now place before Congress not only would help stamp out this unsavory problem but extends our concern about endangered wildlife to other parts of the world, working through the International Union for the Conservation of Nature and Natural Resources.

There are demands for creatures, both living and dead. Tropical fish are purchased for private aquaria. Song birds are captured and caged. The products of wildlife are used for fashionable apparel. The hides of spotted members of the cat family and zebras are used for coats and other items of clothing or accessories. Bearskins become rugs or wall ornaments. Parts of elephants are made into novelty items of varying types. Thus, demands are made upon wildlife resources in direct proportion to the prices they can bring.

One of the primary purposes of this bill is to make illegal the importation of endangered species, as determined by the IUCN, into this country. By drying up at least one of the major demand areas, poaching should be curtailed or stopped altogether. The United States, therefore, will be making an important contribution to worldwide conservation of wildlife by the adoption of this proposal.

Many countries—particularly those that are embracing new courses of independence—are undeveloped or underdeveloped. Many of these countries have inadequate laws, or none at all, to protect endangered wildlife. In still other countries, the primary problem bears on an almost nonexistent system for the enforcement of protective statutes and regulations.

The United States leads the world in culture, technology, agriculture, and many other fields of endeavor. It is my opinion that our Nation also must show an enlightened way in the conservation of endangered species of wildlife. Man has stewardship over wildlife—mammals, birds, fish, and other creatures. When in abundant supply, these are for man's use and enjoyment. However, this stewardship also carries with it a responsibility—one of protecting and preserving those species that are in short supply, in danger of extinction.

This legislation which I today propose will give us a fine opportunity to make a significant contribution in this direction at a most modest cost. With ports of entry for endangered wildlife limited in number, the program probably will not exceed $50,000 per year in administrative costs. In summary, benefits of such a program would far exceed the costs.

The third part of the bill would be to amend the Endangered Species Act to authorize the Secretary of the Interior to acquire by purchase, donation, exchange, or otherwise, any privately owned land or water, or interests therein, within the boundaries of any area acquired or reserved under this or any other statute and administered by him, which he finds would further the objectives of the Endangered Species Act. There would be authorized to be appropriated annually not to exceed $750,000 to carry out this program for this section of the bill.

Mr. President, I ask unanimous consent that a communication from the Department of the Interior in which it is stated that they recommend that the bill be enacted be printed in the RECORD.

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

The bill (S. 1280) to prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The communication, presented by Mr. MAGNUSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 17, 1969.

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

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes."

We recommend this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The enclosed proposal is patterned after H.R. 11618 as reported by the Senate Committee on Commerce last October. It reflects entirely all of the points discussed and agreed to with a number of organizations last year who were concerned about the effect of the earlier version on the domestic fur business.

This Department shares the international concern for preservation of threatened species. We support the efforts of the various governments to control the import, export, and transit of such species.

Governments have given protection to those wild animals used for sport and food for centuries. It is only recently that animals have been thought worthy of preservation for their own sake and for the appreciation of future generations.

The Endangered Species Preservation Act of 1966 (16 U.S.C. 668aa *et seq.*), which implements three treaties on animal protection provides the basis for a comprehensive program for the preservation of native species of vertebrate animals in the United States that are threatened with extinction. Additional legislation is needed which would authorize the Department of the Interior to cooperate and participate in the worldwide effort to extend protection and assistance to all endangered species.

The 1940 Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere attaches special urgency to endangered species. The United States ratified this Convention in 1941, and it was proclaimed by the President in 1942. Many of the signatories of the Convention have officially declared to the Organization of American States that certain of their species are in danger of becoming extinct. Enactment of the enclosed proposal is another medium for implementation of this Convention. Also, it would help to save threatened animals of Asia, Africa, and Europe as well.

Many species of animals are endangered because they are in demand for novelty uses, or because their skins provide specialty or decorative wearing apparel. The hides of spotted cats and zebras are in demand as luxury apparel and status symbols. Many species of rare and beautiful tropical fish have been dangerously reduced in numbers to supply an ever increasing market for aquaria fish. Poaching is a lucrative enterprise in Asia and Africa. The developing countries with limited resources and unstable governments find it impossible to stop illegal traffic in protected animals.

The proposal would prohibit the importation into the United States, its territories or possessions, or the Commonwealth of Puerto Rico, of any species or subspecies of fish or wildlife or parts or products thereof which are determined to be threatened with worldwide extinction. The Secretary of the Interior would be charged with making the determination as to which species or subspecies are threatend wtih extinction on a worldwide basis—that is, wherever found. He would make this determination based on the best scientific data available to him after consulting with the foreign country or countries from which the species or subspecies are exported, and, to the extent practicable, with interested persons, including various organizations directly affected by an such determination such as the International Union for the Conservation of Nature and Natural Resources. The Secretary would promulgate by regulation in the *Federal Register* a list of the names of the various fish or wildlife which he finds to be endangered.

The proposal would make it clear that the threat of total extinction must apply to the entire species or subspecies wherever found and not merely to a species or subspecies in a particular country.

The proposal would require that the Secretary publish by regulation this list, together with his finding relative to each species or subspecies that he determines to be threatened with extinction. This will give all interested persons and organization an opportunity to comment on the actual determination. Thus, there would be two opportunities to express views and comments before it becomes final—once in the process of compiling the list, and once when it is published.

The proposal would make the rulemaking provisions of 5 U.S.C. 553 formally known as section 4 of the Administrative Procedures Act applicable to each determination.

The proposal would encourage multilateral arrangements with the United States and other countries to conserve and protect endangered fish and wildlife. It is our intention to place considerable emphasis on the need for such arrangements. The proposal would require the Secretary, through the Secretary of State, to develop and encourage such arrangements whenever possible. It should be emphasized, however, that the legislation does not, and should not, require such multilateral arrangements as a condition precedent to placing any fish or wildlife on the endangered list subject to the prohibitions of this section. Negotiations relative to multilateral arrangements are always quite time consuming. The United States should not be prohibited from acting to prevent the extinction of a valuable resource because we have not been able to consummate such an agreement.

It would authorize the Secretary to permit some importation of endangered species of fish or wildlife for zoological, education, and scientific purposes, and for the purpose

of propagating endangered species and subspecies in captivity.

It would authorize the Secretary of the Interior to prohibit imports of endangered species of fish or wildlife and the parts or products thereof into any port in the United States, except at those ports as may be designated by the Secretary of the Interior, with the approval of the Secretary of the Treasury, as ports of entry for vessels or aircraft.

It would require the Secretary of the Interior to issue such regulations as he would deem necessary in carrying out the purpose of this proposal. The Secretaries of Treasury and Interior would be charged with the responsibility of enforcing the regulations and the provisions of this proposal.

The enclosed proposal does not contain any provisions relative to our authority to make arrests. The omission is temporary. We are currently reviewing various statutory provisions of the Department relative to making arrests with the view to making legislative recommendations thereon either by general legislation or on a case-by-case basis. We will make our recommendations known to the Congress before hearings are held on this proposal.

It would establish civil, not criminal penalties.

Present law (18 U.S.C. 43) makes it unlawful for anyone knowingly to put into interstate or foreign commerce any wild mammal or bird, or the dead body or part thereof, or their offspring or eggs, which have been taken, captured, killed, purchased, sold, possessed, or transported contrary to any Federal, State, or foreign laws or regulations. Subsection (a) would rewrite this law to extend this protection to amphibians, reptiles, mollusks, or crustaceans.

This proposal would make it unlawful for anyone to knowingly deliver, carry, transport, or ship by any means or method in commerce for commercial or noncommercial purposes or cause to be delivered, carried, transported, or shipped by any means or method in commerce for such purposes wild mammals, wild birds, amphibians, reptiles, mollusks, or crustaceans or parts or products thereof which were captured, killed, taken, purchased, sold, or otherwise possessed contrary to law or any regulations issued pursuant to such law, or contrary to State law or to foreign law. Similarly, the bill would prohibit the knowing sale in such commerce of such animals. It would prohibit commerce in products which were manufactured from these animals. This latter prohibition would apply only to those who knowingly sold or caused to be sold such manufactured products. Upon conviction, the person would be subject to a fine of not more than $1,000 or imprisonment for not more than 6 months, or both. Any wild mammal, bird, amphibian, reptile, mollusk, or crustacean or part or product thereof which is seized in connection with the violation of this section shall be forfeited, whether there is a conviction or not, to the Secretary of the Interior for disposal by him in an appropriate manner.

This proposal should prove to be of valuable assistance to the States in reducing present commercial traffic in alligator hides that have been taken contrary to State law. It has been found that State laws and regulations are often ineffective in affording protection to this species because many live baby alligators are poached in one State and transported to another. Also hides of illegally taken alligators are often transported from one State to another.

Section 42 of title 18, United States Code, governs the importation of injurious mammals, birds, fish (including mollusks and crustaceans), amphibians, reptiles, and parts thereof into the United States. The section places the responsibility for enforcement jointly in the Secretary of the Treasury and the Secretary of the Interior. However, it contains no provision for arrest of persons committing violations or the execution of warrants or other processes issued by an officer or court of competent jurisdiction to enforce the provisions of section 42. This authority already exists in connection with the enforcement of section 43—transportation of wild mammals or birds taken in violation of State, National, or foreign laws—and section 44—transportation of packages containing wild animals or birds not plainly marked—which is provided under section 3054 of title 18, United States Code. The proposal would amend section 3054 to extend its provisions to section 42.

Section 42 of title 18, United States Code, governs the importation of injurious mammals, birds, fish, amphibians, and reptiles into the United States. The Secretary of the Treasury and the Secretary of the Interior are charged with enforcing its provisions. However, it contains no provision for execution of warrants to search for and seize any property used or possessed in committing violations and retention of seized property pending disposition thereof by the court. Section 3112 of title 18, United States Code, provides such authority for enforcement of sections 43 and 44. The proposal would amend section 3112 accordingly.

Present law (18 U.S.C. 44) makes it unlawful for anyone to ship, transport, carry, bring, or convey in interstate or foreign commerce any package containing wild animals or birds, or the dead bodies or parts thereof, without plainly marking, labeling, and tagging such package. The proposal would rewrite this law to extend this protection to wild mammals, wild birds, amphibians, reptiles, mollusks, or crustaceans, or the dead bodies or parts thereof.

It will provide valuable assistance to the States in connection with their efforts to reduce the commercial traffic in alligator hides that are illegally taken.

Present law (16 U.S.C. 852) makes it unlawful to deliver or knowingly receive for transportation or knowingly transport in interstate commerce or to or through a foreign country any black bass or other fish which has been caught, killed, taken, sold, purchased, possessed, or transported contrary to any Federal, State, or foreign laws. This law does not, however, apply to imported fish. We believe that the United States should assist in reducing commercial traffic in black bass or other fish illegally taken in a foreign country. Subsection (a) would accomplish this purpose by inserting the words "any foreign country" in several appropriate places in section 852 of title 16, United States Code.

Section 852a of title 16, United States Code, requires any package or container of fish transported or delivered for transportation in interstate commerce to be properly marked, described, and addressed. The proposal would afford further assistance in reducing illegal commercial traffic in fish by extending the provisions of section 852a to imported fish.

Section 1 of the act of October 15, 1966 (80 Stat. 926)—commonly referred to as the Endangered Species Act—provides that the purposes of the act are to initiate and carry out a program for the protection, conservation, and propagation of selected species of native fish and wildlife that are found to be threatened with extinction. To assist in carrying out the purposes of the act, the Secretaries of the Interior, Agriculture, and Defense—including the various bureaus and agencies within these Departments—are required to take measures to protect threatened species of fish and wildlife and, where practicable, preserve the habitats of such species in lands under their jurisdiction.

The Secretary of the Interior is charged with the responsibility of determining the species that are threatened with extinction. His determination is made after consulting with the interested States and appropriate scientific groups. The Secretary is then required to publish his findings in the *Federal Register*.

The proposal would amend section 1 of the Endangered Species Act to extend its coverage to include any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean.

Section 2 of the Endangered Species Act directs the Secretary to carry out a program of conserving, protecting, restoring, and propagating threatened species of native fish and wildlife by utilizing the board authorities—including research, studies, and land acquisition—under the Migration Bird Conservation Act, the Fish and Wildlife Act of 1956, and the Fish and Wildlife Coordination Act. In addition, the section now provides authority to acquire lands for native species of fish that are threatened with extinction. Further, the section authorizes the Secretary of the Interior to use funds under the Land and Water Conservation Fund Act of 1965 to acquire lands pursuant to the purposes of that act. Finally, the Secretary is directed to encourage other Federal agencies to utilize their authorities for the purposes of the act and to utilize other programs administered by him in furtherance of the act.

For the purpose of protecting and conserving threatened native species of fish and wildlife, the proposal would amend the Endangered Species Act to authorize the Secretary of the Interior to acquire by purchase, donation, exchange, or otherwise, any privately owned land or water, or interests, therein, within the boundaries of any area acquired or reserved under this or any other statute and administered by him, which he finds would further the objectives of the Endangered Species Act.

By letter dated January 17, 1969, the Bureau of the Budget advised that there is no objection to the presentation of this legislative proposal from the standpoint of the Administration's program.

Sincerely yours,

MAX N. EDWARDS,
Assistant Secretary of the Interior.

S. 1281—INTRODUCTION OF BILL TO AMEND THE UNIFORM TIME ACT

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I am introducing a bill to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases.

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 of transmittal will be printed in the RECORD.

The bill (S. 1281) to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain areas, 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. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a) is amended by striking out all after the semicolon and inserting the following in place thereof: "however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law

provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable under this Act, during that period and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone."

The letter of transmittal, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., January 13, 1969.

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

DEAR MR. PRESIDENT: I transmit herewith for the consideration of the Congress a draft bill "To amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases."

Pursuant to the Uniform Time Act of 1966, the Secretary of Transportation is required to define the limits of each of the eight statutory time zones in the United States. Within the zones as defined by this Department, "Daylight Saving Time" is mandatory from the last Sunday in April to the last Sunday in October, except that any State may, by law, exempt the *entire* State from Daylight Saving Time observance.

In cases in which a time zone line divides a State, that State frequently finds its eastern and western populations in disagreement on the question of whether or not the State legislature should act to exempt it. This is particularly so in those States split between Eastern and Central time (e.g. Indiana, Kentucky, Michigan). Because of the strong economic and communications influence of the Atlantic Coast communities, the observance of Eastern time has been extended considerably further into the Central time zone than it would if the sun alone were the determining factor. The eastern part of a State so split, being at the western extreme of its time zone, experiences later sunrises and sunsets than the rest of its time zone. This is accentuated when the time zone line is further westward than it would be on a solar basis, as is the line between Eastern and Central times (especially in Michigan, Indiana, and Kentucky). To many residents of these areas, this amounts to being on Daylight Saving Time even though it is called *Standard Time*. When they are required by the Uniform Time Act to go on advanced time in the summer, those eastern residents view it as "double daylight time" and overwhelmingly support exemption from Daylight Saving Time. The western population of the same States, being primarily on and observing Central time, is generally satisfied and opposes exemption.

To obviate this difficulty, the Department recommends that the Uniform Time Act be amended to permit, in the case of "split States", the exemption of the entire area of the State lying in a given time zone. (The Act, as so amended, would continue to permit exemption of the entire State.) For example, in Michigan, Indiana, and Kentucky, the eastern populations of those States could be exempted by State action from Daylight Saving Time, as they now prefer, while the western populations of those same States could go on advanced time, for which they have expressed their support. Such exemption authority would afford each "split" State a more flexible means of accommodating the desires of the majority of its population, would promote observance of the established time zones, and would extricate the Department's zone-line-defining function from matters of primarily local concern. Based on this Department's experience in administering this statute and analyzing the situation during the last two years, it appears that no other solution will be satisfactory.

With respect to Indiana, for example, after two attempts by proposed rule making, neither of which was well received, and an attempt to investigate observance of the times now set, the Department favors a decision involving two steps: first, it would issue a final rule based on a proposal to place all but the northwestern and southwestern counties in the Eastern time zone; second, it would recommend this legislation to allow any State having more than one time zone to exempt any of the zones within the State, as well as the entire State, from advanced time. The Indiana State Legislature could then exempt the Eastern time portion of the State from advanced time.

Except in Alaska, which lies in four time zones, the net effect of exempting the eastern part of a "split" State would be to put the entire State on the same time during the summer, and on split times during the winter, rather than on split time for the entire year. To put it another way—the point at which an east-west traveler would observe a time change in that State in the winter would be on the line defined by this Department; in the summer it would be on the eastern boundary of the State.

Before passage of the Uniform Time Act of 1966, the transportation, broadcasting, and other concerned industries were forced to look to thousands of county and community units to determine whether, and on which dates, each unit observed Daylight Saving Time. The 1966 Act (1) provided industry and the public with set dates on which advanced time could be commenced and ended, (2) prevented the widespread "checkerboard" effect caused by local option exercised among adjacent counties and communities, (3) provided the element of certainty, previously lacking, necessary for scheduling and operating continuity, and (4) assured that, in the continental United States, only 60 units (36 States lying entirely in one time zone, plus 24 parts of 12 "split" States) need be considered for scheduling and timetable purposes between April and October.

The proposed amendment would continue the certainty of factors (1), (2), and (3) above, and additionally would likely reduce the number of State units which might be on Daylight Saving Time between April and October. If for example, under the proposed amendment, the State of Indiana were to exempt the Eastern time portion from advanced time, the entire State would be on the same time between April and October, and the total number of State units to be considered would be reduced from 60 to 59. Action by other States conceivably could further reduce the number, by exempting portions of those States, and thereby further ease the scheduling and timetable problems of industry and the public.

The improvements and certainty in time matters brought about by the enactment of the 1966 Act appear to have improved the situation to the point where only a perfecting amendment as recommended herein is necessary to provide for its proper administration. For this reason, the proposed amendment has been drafted so as to limit its effect to the precise situations where local problems have evolved in split States.

The Bureau of the Budget has advised, by letter of January 9, 1969, that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

ALAN S. BOYD.

S. 1282—INTRODUCTION OF BILL TO AMEND THE MERCHANT MARINE ACT, 1936

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to amend section 510(a)(1) of the Merchant Marine Act, 1936.

I ask unanimous consent that the letter of transmittal, the statement of purposes and provisions, comparative text, 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, statement of purposes and provisions and comparative text will be printed in the RECORD.

The bill (S. 1282) to amend section 510(a)(1) of the Merchant Marine Act, 1936, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510(a)(1) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160), is amended (1) by striking out of subdivision (B) before the proviso the words "in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States" and inserting in lieu thereof the words "in the judgment of the Secretary of Commerce, should be replaced in the public interest", and (2) by changing the colon after the word "hereunder" where it first appears to a period and striking out everything thereafter.

The material, presented by Mr. MAGNUSON, is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., December 18, 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 section 510(a)(1) of the Merchant Marine Act, 1936," together with a statement of purpose and need in support thereof and a comparative print showing changes the bill would make in existing law.

The Department of Commerce recommends enactment by the Congress of this bill which is included in the legislative program of the Department of 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 510(a)(1) OF THE MERCHANT MARINE ACT, 1936

When section 510 of the Merchant Marine Act, 1936, was enacted it defined an "obsolete vessel" for the purposes of the trade-in provisions of that section as a vessel which—

(A) is of not less than one thousand three hundred and fifty gross tons,

(B) is not less than seventeen years old and, in the judgment of the Commission (now the Secretary of Commerce) is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States, and

(C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition under the section.

In 1952, however, a proviso was added to this definition which provided that until June 30, 1958, the term "obsolete vessel" shall mean a vessel which—

(A) is of not less than one thousand three hundred and fifty gross tons,

(B) is not less than 12 years old, and

(C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition under this section.

This proviso was extended by subsequent legislation to June 30, 1964, at which time it expired.

The difference between the original definition and the proviso is in subdivision (B) of both of them. Subdivision (B) of the original definition requires that the vessel to be traded-in be not less than 17 years old and in the judgment of the Secretary obsolete or inadequate for successful operation in the domestic or foreign trade of the United States. Subdivision (B) of the proviso merely required that the vessel be not less than 12 years old.

The reason for enactment of the proviso was to permit an orderly replacement program for war-built ships all of which were built between 1941 and 1946 and would reach the end of their statutory 20 year lives between 1961 and 1966. The purpose was to avoid such block obsolescence by permitting the trade-in of some of these vessels before they become 20 years of age and some after they reach that age. For that reason the minimum age required for trade-in by the proviso was 12 years and there was no requirement for a finding that the traded-in ship is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States.

Upon expiration of the proviso on June 30, 1964, the original definition again became applicable. The 17 year minimum age is not a problem, because all of the war-built ships were at least 17 years old on the date the proviso expired. The required finding, however, is not clearly consistent with other actions which the Maritime Administration must take in connection with its replacement program.

Under the replacement program for subsidized operators, some of the war-built ships will be operated with the aid of operating-differential subsidy until they are about 30 years of age. Section 605(b) of the Act provides that operating-differential subsidy shall not be paid for the operation of vessels built before January 1, 1946, which are more than 20 years old (or for the operation of vessels built after that date which are more than 25 years old) unless the Secretary of Commerce finds that it is to the public interest to do so. A finding that a ship, say a C–3 is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States at its age of 17 years is not clearly consistent with the finding that it is to the public interest to pay operating-differential subsidy for the operation of other ships of the same type until they are 30 years of age.

The draft bill would amend section 510 (a)(1) to eliminate this inconsistency by striking out the required finding and substituting therefor a finding that the vessel should be replaced in the public interest. This would relate the required finding to the requirements of the replacement program.

COMPARATIVE TEXT SHOWING THE CHANGES THE DRAFT BILL TO AMEND SECTION 510(a)(1) WOULD MAKE IN THAT SECTION

(Deletions enclosed in black brackets; new material in italic.)

Sec. 510(a). When used in this section—

(1) The term "obsolete vessel" means a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than seventeen years old and, [in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States] *in the judgment of the Secretary of Commerce, should be replaced in the public interest,* and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder [: *Provided,* That until June 30, 1964, the term "obsolete vessel" shall mean a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons, (B) is not less than twelve years old, and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder].

S. 1283—INTRODUCTION OF BILL TO AUTHORIZE APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to authorize appropriations for certain maritime programs of the Department of Commerce.

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. 1283) to authorize appropriations for certain maritime programs of the Department of Commerce, 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. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation act may provide for the use of the Department of Commerce, for the fiscal year 1970, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $15,918,000;

(b) payment of obligations incurred for operating-differential subsidy, $224,000,000;

(c) expenses necessary for research and development activities, $7,700,000;

(d) reserve fleet expenses, $5,174,000;

(e) Maritime training at the Merchant Marine Academy at Kings Point, New York, $6,164,000;

(f) financial assistance to State Marine Schools, $2,040,000; and

(g) reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations, $2,000,000.

The material, presented by Mr. MAGNUSON, follows:

JANUARY 15, 1969.

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 authorize appropriations for certain maritime programs of the Department of Commerce," 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 January 13, 1969 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation and further that enactment of this legislation is in accord with the program of the President.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AUTHORIZE APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Section 209 of the Merchant Marine Act, 1936, provides that after December 31, 1967 there are authorized to be appropriated for certain maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law.

The draft bill authorizes specific amounts for those activities listed in section 209 for which the Department of Commerce proposes to seek appropriations during fiscal year 1970.

"(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $15,918,000."

Funds authorized to be appropriated under this heading would provide for the payment of construction-differential subsidy and national defense allowances on vessels constructed for service on essential foreign trade routes. In addition, these funds will provide for the acquisition of ships replaced by and traded in on newly constructed vessels and for the expenses associated with placing these replaced vessels in the National Defense Reserve Fleet.

The total authorization requested under this heading is $15,918,000, which together with carry over funds of $101,600,000, will provide a program level of $117,518,000 to carry out the purposes of Title V of the Merchant Marine Act of 1936.

"(b) payment of obligations incurred for operating-differential subsidy, $224,000,000."

The authorization under this heading will provide for payments of operating subsidy to ship operators in order to maintain a U.S. Merchant Fleet in support of U.S. foreign commerce and capable of serving as a naval auxiliary in event of national emergency. Based on studies of foreign costs, present subsidy board regulations provide for payment of operating subsidies to equate the difference between the fair and reasonable U.S. cost of insurance, maintenance, repairs, wages and subsistence of officers and crew, and the estimated foreign cost of the same items if the vessels were operated under foreign registry. The 1970 estimate of subsidy payments will provide financial support for the 14 operators who presently have operating contracts with the Maritime Administration. This level of funding will provide for the continuation of berth services of our foreign commerce. The amount authorized to be appropriated is $224,000,000.

"(c) expenses necessary for research and development activities, $7,700,000."

The research and development projects of the Maritime Administration are designed to improve the competitive position of the American Merchant Marine while reducing the Government's share of costs of its construction, operation, and maintenance.

The 1970 program calls for an expansion of Government-industry cooperative program efforts and will concentrate on advanced shipping systems, development of intermodal transportation, modernization of cargo han-

dling methods, and similar technological advancements.

The major activities are as follows:

Advanced shipping systems.—Provides for long-range research directed at conceptual system approach to cargo movement, which will provide new and more competitive shipping concepts, tools, and systems through analyses of cargo movements from source to destination, market evaluation, and consideration of competing transportation services.

Technological Development.—Research under this activities aimed at resolving maritime problems whose solution will improve the development and operation of ships, ports, feeders and their interfaces. The program relies on the results of engineering studies and the development of prototype hardware in the solution of attendant problems. Data obtained on hardware is factored into Advanced Shipping Systems activity as applicable.

Technology Support.—Directed at increasing the basic knowledge of Marine Science disciplines, improving industry's understanding of existing and ongoing maritime related research, and resolving the attendant economic problems involved in ship operation.

The section dealing with reimbursement of the Vessel Operation's Revolving Fund for losses resulting from expenses of experimental ship operations is no longer required under this heading since provision has been made under a proposed new section (g) shown below to cover this expense.

"(d) reserve fleet expenses, $5,174,000."

Included funding provides for the preservation and security of ships held for national defense purposes, distributed among six active fleet sites. Periodic represervation of hulls, machinery, and electrical components, combined with continuous application of cathodic protection to the bottoms, are methods employed in maintaining the ships for further service.

In fiscal 1970 preservation work will be performed on approximately 626 ships retained for national defense purposes. Custody is also provided for several hundred ships awaiting disposal.

"(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $6,164,000."

Public Law 415, 84th Congress (46 U.S.C. 1126), established the United States Merchant Marine Academy to train cadets for service as officers in the U.S. Merchant Marine. A four-year course is provided, including one year of sea duty designed to qualify graduates for licenses as merchant marine deck or engineering officers. About 200 cadets are graduated annually.

The requested authorization of $6,164,000 contains $2,500 for contingencies of the superintendent of the Academy. Requested funding provides for the payment of not to exceed $475 per cadet annually for the cost of uniforms and textbooks. Provision is also made for reimbursement to the appropriation from other Maritime Administration appropriations.

"(f) financial assistance to State Marine Schools, $2,040,000."

Under the provisions of the Maritime Academy Act of 1958 (72 Stat. 622–624) this program provides for training of cadets at State Marine schools for service as officers in the U.S. Merchant Marine. The program is aimed at a level of graduating approximately 400 deck and engineering officers each year.

The five participating State schools, Maine, Massachusetts, New York, Texas, and California, prepare officers for our merchant marine requirements. Additionally, a nucleus of highly trained officers is provided, to man our merchant ships in times of national emergency.

The funding level of $2,040,000 will provide $1,415,000 for grants to each of the participating State schools and allowances to cadets for uniforms, textbooks and subsistence; and $625,000 for maintenance and repair of training ships loaned to each of the schools.

"(g) reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations, $2,000,000."

This will provide obligational authority to reimburse experimental operation of the N.S. *Savannah*.

In previous years this authority was a specific provision within the appropriation for Research and Development. In 1970 it is proposed to transfer the N.S. *Savannah* program to the Salaries and Expenses appropriation as a separate activity. Since the authorization bill does not cover the latter appropriation in its entirety the reimbursement to VORF is being shown as a separate heading.

S. 1284—INTRODUCTION OF BILL AUTHORIZING APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS FOR THE COAST GUARD

Mr. MAGNUSON. Mr. President, at the request of the Department of Transportation, I am introducing a bill to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

I ask unanimous consent that the letter of transmittal, a memorandum pertaining to the proposed bill, 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 memorandum will be printed in the RECORD.

The bill (S. 1284) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, 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. 1284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1970 for the use of the Coast Guard as follows:

VESSELS

For procurement, increasing capability and extension of service life of vessels, $23,684,000.

A. Procurement:

(1) one high endurance cutter;

(2) one coastal buoy tender;

(3) vessel design.

B. Increasing capability:

(1) modify balloon tracking radar for high endurance cutters to improve target acquisition;

(2) install tactical navigational equipment on two high endurance cutters;

(3) increase fuel capacity and improve habitability on 327' high endurance cutters;

(4) modernize and improve selected buoy tenders.

C. Extension of service life:

(1) Re-engine two ferryboats.

AIRCRAFT

For procurement and extension of service life of aircraft, $11,924,000.

A. Procurement:

(1) six medium range helicopters.

B. Extension of service life;

(1) replace center wing box beam on six HC–130 aircraft.

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, $37,788,000.

(1) San Francisco, California: radio station;

(2) Air Station, Brooklyn, New York: barracks, messing;

(3) Base, Boston, Massachusetts: improve facilities;

(4) New London, Connecticut: relocate and consolidate facilities;

(5) Base, San Francisco (Yerba Buena Island), California: improve facilities;

(6) Base, San Juan, Puerto Rico: improve facilities;

(7) Loran Station, French Frigate Shoals, Hawaii: bulkhead;

(8) Air Station, St. Petersburg, Florida: helicopter support facilities;

(9) Base, Mayport, Florida: improve facilities;

(10) Yard, Curtis Bay, Maryland: consolidate and modify buildings;

(11) Various locations: sewage and oil collection; fuel and water catchment systems;

(12) Cape Charles City, Virginia: establish Station;

(13) Houston, Texas: permanent Station;

(14) Kodiak, Alaska: moorings;

(15) Lower Mississippi River, Kentucky and Tennessee: improve facilities for performance of buoyage function;

(16) Various locations: automate light stations;

(17) Various locations: miscellaneous urgent and selected aids to navigational projects;

(18) Academy, New London, Connecticut: library center;

(19) Academy, New London, Connecticut: cadet barracks extension;

(20) Training Center, Alameda, California: enlisted barracks;

(21) Training Center, Yorktown, Virginia: fire station and operations buildings;

(22) Base, Governor's Island, New York: reserve training center building;

(23) Air Station, Mobile, Alabama: synthetic flight training system;

(24) Various locations: public family quarters; and

(25) Various locations: advance planning, survey, design, and architectural services; and acquire sites in connection with projects not otherwise authorized by law.

BRIDGE ALTERATIONS

For payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States, $9,404,000.

The material, presented by Mr. MAGNUSON, 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 bill, "To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard."

This proposal is submitted under the requirements of Public Law 88–45 which provides that no funds can be appropriated to or for the use of the Coast Guard for the procurement of vessels or aircraft or the construction of shore or offshore establishments

unless the appropriation of such funds is authorized by legislation.

The proposal includes, as it has previously, all items of acquisition, construction, and improvement programs for the Coast Guard to be undertaken in fiscal year 1970 even though the provisions of Public Law 88-45 appear to require authorization only for major facilities and construction. Inclusion of all items avoids the necessity for arbitrary separation of these programs into two parts with only one portion requiring authorization.

Not all items, particularly those involving construction, are itemized. Those involving sewage and oil collection, aids to navigation, light station automation, public family quarters, and advanced planning projects contain many different particulars the inclusion of which would have unduly lengthened the bill. As in the past a category has been included for authorization of appropriations for payments to bridge owners for the replacement of bridges found to be presently obstructing free navigation on the navigable waters of the United States.

There is attached a memorandum listing in summary form the procurement and construction programs for which appropriations would be authorized by the proposed bill. In further support of the legislation, the cognizant legislative committees will be furnished detailed information with respect to each program for which fund authorization is being requested in a form identical to that which will be submitted in explanation and justification of the budget request. Additionally, the Department will be prepared to submit any other data that the committees or their staffs may require.

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 this legislation would be in accord with the President's program and there would be no objection to the submission of the draft bill to Congress.

Sincerely,

ALAN S. BOYD.

Memorandum: Summary of fiscal year 1970, U.S. Coast Guard Program for procurement of vessels and aircraft and for construction of shore and offshore establishments

VESSELS

For procurement, increasing capability and extension of service life of vessels:

Procurement:	
One high endurance cutter	$15,950,000
One coastal buoy tender	3,100,000
Design of major vessel alteration and replacement buoy tender	300,000
Increasing capability:	
Modify balloon tracking radar for high endurance cutters to improve target acquisition	1,209,000
Modify tactical navigational unit prototype, procure one additional unit, install the units on two high endurance cutters	750,000
Increase fuel capacity, rearrange living and work spaces, improve air conditioning on 327 foot high endurance cutters	1,000,000
New generators and air conditioning on five seagoing tenders, bow thrust units on two tenders, air conditioning on one coastal tender	925,000

Memorandum: Summary of fiscal year 1970, U.S. Coast Guard Program for procurement of vessels and aircraft and for construction of shore and offshore establishments—Continued

VESSELS—Continued

Increasing capability—Continued	
Procure and install propulsion diesel generator sets on two diesel-electric ferryboats at Governor's Island, N.Y.	$450,000
Total	23,684,000

AIRCRAFT

For procurement and extension of service life of aircraft:

Procurement: Six medium range helicopters (HH-3F)	$11,204,000
Extension of service life: Replace center wing box beam on six HC-130 aircraft	720,000
Total	11,924,000

CONSTRUCTION

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including site preparation and furnishing of appurtenances, utilities, and equipment for the following:

Location and project:	
Radio station, San Francisco, Calif.: construct, equip, and furnish receiving station near Point Reyes and transmitting station near Bolinas	$3,230,000
Air station, Brooklyn, N.Y: construct barracks/mess building	1,068,000
Base, Boston, Mass.: dredge, improve utility service, construct boat moorings, and repair piers	1,500,000
New London, Conn.: continue to relocate facilities and construct and furnish station building, construct piers and dredge	1,500,000
Base, Yerba Buena Island, San Francisco, Calif.: construct concrete wharf and rearrange facility	1,014,000
Base, San Juan, Puerto Rico: renovate barracks and administration building; raze obsolete buildings, construct industrial building	1,200,000
Loran station, French Frigate Shoals, Hawaii: replace portions of bulkhead and landing strip	108,000
Air Station, St. Petersburg, Fla.: modernize and construct shop spaces for support of HH-3F helicopters	489,000
Base, Mayport, Fla.: continue project; bulkhead, pier, dredging, boats	407,000
Yard, Curtis Bay, Md.: rearrange, modify, and relocate buildings	920,000
Various locations: Install dockside vessel sewage receiving systems, waste oil collection and disposal, water catchment system protection, fuel storage tank catchment facilities at shore stations and piers	500,000
Station, Cape Charles City, Va.: construct and outfit station	700,000
Station, Houston, Tex.: construct and outfit station	2,442,000

Memorandum: Summary of fiscal year 1970, U.S. Coast Guard Program for procurement of vessels and aircraft and for construction of shore and offshore establishments—Continued

CONSTRUCTION—Continued

Location and project:	
Kodiak, Alaska: construct pier, dredging, storage building	$922,000
Lower Mississippi River: construct main building addition, utilities, equipment, sewage pumping station at Memphis Depot, Tenn.; construct multi-purpose building and related facilities at Hickman, Ky	352,000
Various locations: automate light stations	864,000
Various locations: urgent and selected aids to navigation projects	2,100,000
Academy, New London, Conn.: construct and furnish library center	2,700,000
Academy, New London, Conn.: construct and furnish cadet barracks extension	1,750,000
Training Center, Alameda, Calif.: construct enlisted barracks	2,750,000
Reserve training center, Yorktown, Va.: construct fire station building and operations building	430,000
Base, Governor's Island, N.Y.: construct multi-purpose Reserve training center building	642,000
Air station, Mobile, Ala.: procure a synthetic flight training system, develop site, construct and furnish building to house the system	2,500,000
Various locations: public family quarters	5,000,000
Various locations: advance planning, survey, design, and architectural services, site acquisitions	2,700,000
Total	37,788,000

BRIDGE ALTERATIONS

Cape Fear River (Near Wilmington, N.C.)	1,000,000
Berwick Bay bridge (Near Morgan City, La.)	2,004,000
Calumet River railroad bridges (Near Chicago, Ill.)	6,400,000
Total	9,404,000

S. 1286—INTRODUCTION OF BILL TO PROVIDE FOR THE APPOINTMENT, PROMOTION, SEPARATION, AND RETIREMENT OF COMMISSIONED OFFICERS OF THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing a bill to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes.

I ask unanimous consent that the letter of transmittal and the statement of purpose and need be printed in the RECORD at this point.

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

The bill (S. 1286) to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Commerce.

The material presented by Mr. MAGNUSON, is as follows:

JANUARY 17, 1969.

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 provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes," together with a statement of purpose and need in support thereof and a section-by-section analysis of the bill.

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 January 13, 1969 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 PURPOSE AND NEED

Reorganization Plan No. 2 of 1965 consolidated the Coast and Geodetic Survey and the Weather Bureau to form the Environmental Science Services Administration. Subsequent action by the Secretary of Commerce added the Central Radio Propagation Laboratory of the National Bureau of Standards to the new Administration.

In his message transmitting the Reorganization Plan to Congress, the President stated "Commissioned officers of the Coast and Geodetic Survey will become commissioned officers of the Administration and may serve at the discretion of the Secretary of Commerce throughout the Administration".

Pursuant to the new and expanded role of the commissioned officers in the Administration the Secretary of Commerce appointed an Advisory Committee of distinguished and knowledgeable citizens outside the Department of Commerce to review the function of the Commissioned Officer Corps within the Administration; the training and educational needs of the Corps; career planning for the Corps; and the relationship between civilian and commissioned personnel of the Administration.

After detailed study and lengthy discussion the Committee concluded that "a commissioned officer corps offers the best mechanism for increasing the effectiveness of (the Administration) in meeting certain of its worldwide responsibilities in the environmental sciences."

The Advisory Committee also concluded that existing legislation does not clearly define the establishment, responsibilities, duties, procedures, and benefits of the Commissioned Officer Corps, and it made specific recommendations for legislation therefor.

The Committee recommended that legislation be enacted which would be explicit with respect to authority for the operation of the Corps and yet broadly written to allow for administrative operating procedures to be established by the Secretary of Commerce.

The purpose of this Bill is to implement the recommendations of the Advisory Committee and to gather into one comprehensive Act all basic provisions of law that relate to the Commissioned Officer Corps of the Environmental Science Services Administration.

Recognizing the need to ensure orderly growth of the Corps while at the same time maintaining a desirable distribution of rank and experience, the Committee recommended, and this Bill implements such recommendation, that the existing limitation allowing original appointment of officers only up through the grade of lieutenant be revised to permit initial appointment in all grades through captain.

Taking into account the enlarged responsibilities, the projected high percentage of advanced degree holders, the overall professional competence of the Corps, and the need to provide a more attractive career development program in order to retain competent officers, the Committee recommended the existing restriction on the number of temporary promotions be removed. This recommendation has been implemented in this Bill by providing that officers serving in any permanent grade may be temporarily promoted one grade when such promotion is deemed necessary or desirable and in the best interst of the Administration.

The Committee recommended that a clearly defined procedure to be established for the promotion, selection-out, and separation of officers, based on qualifications and merit. The recommendation has been incorporated in this Bill through the provision of specific sections covering promotions, separations, and retirements.

The Committee also recommended, and this Bill provides, a provision for transfer of officers between the Administration and the armed forces. In view of the worldwide responsibilities of the Administration, this Bill also authorizes the President to detail officers to foreign governments and international organizations when such detail is in the interest of the United States.

In consideration of the increased mission, responsibilities and educational requirements imposed on the Corps, and the need to provide a more attractive career development program in order to recruit and retain qualified officers, it was considered necessary by the Committee that a more adequate education and training program be established. This Bill contains provisions for such a program.

This Bill also includes provisions which would put officers of the Corps more nearly on a parity with officers of the armed forces with respect to certain rights and benefits, thereby implementing another recommendation of the Committee.

The Committee recommended that the wartime status of the Corps be clarified. This Bill establishes mechanisms whereby officers of the Corps can be effectively utilized in peacetime and wartime in behalf of the national defense.

The remaining provisions of this Bill are intended to implement the recommendations of the Advisory Committee and to provide general authority relating to the management and operation of the Corps.

S. 1287—INTRODUCTION OF BILL TO AUTHORIZE APPROPRIATIONS TO CARRY OUT THE METRIC SYSTEM STUDY

Mr. MAGNUSON. Mr. President, at the request of the Department of Commerce, I am introducing, for myself and Mr. PELL, a bill to authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out the metric system study.

I ask unanimous consent that the letter of transmittal, the 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 purpose and need will be printed in the RECORD.

The bill (S. 1287) to authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out the metric system study, introduced by Mr. MAGNUSON (for himself and Mr. PELL), 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. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated for the use of the Department of Commerce during fiscal years 1970, 1971, and 1972, such sums, not to exceed a total of $2.5 million, as may be necessary to carry out the purposes of the Act of August 9, 1968 (82 Stat. 693; Public Law 90–472).

The material, presented by Mr. MAGNUSON, follows:

JANUARY 17, 1969.

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 authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out the metric system study," 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 January 13, 1969 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation and further that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The Metric System Study Act, approved August 9, 1968 (P.L. 90–472; 82 Stat. 693), authorizes the Secretary of Commerce to conduct a three year comprehensive program of investigation, research, and survey to determine the advantages and disadvantages of the increased use of the metric system in the United States. Section 5 of that statute limited the Secretary, for the first year of the study, to the use of funds previously appropriated to the Department of Commerce. As it is therefore necessary to seek an authorization for appropriations to fund the remaining two years of the study, it is the purpose of this bill to obtain an authorization to appropriate $2.5 million for fiscal years 1970, 1971, and part of 1972 to conclude that effort. It may be noted that the three year period of this study and the termination of the program in the 30 days following submission of the Secretary's final report, at which time the Act expires, would extend slightly into fiscal year 1972. This then is the basis of the request for that part of the authorization bill which relates to fiscal year 1972.

The study is intended to provide factual information concerning the impact on the United States of the increasing worldwide trend toward the use of the metric system. It involves extensive scientific, engineering,

and economic investigation and appraisal of U.S. and international measurement practices, with particular attention focused on certain critical areas delineated in the authorizing legislation (P.L. 90–472). This effort will be carried out by the staff of the National Bureau of Standards, by interagency agreement with other government agencies, and to a limited extent by contract with private organizations. Extensive interviewing will be conducted with representatives of industry, science, engineering, education, agriculture, labor and consumer associations.

The $2.5 million sought by this bill includes $1.13 million for fiscal year 1970. Of the latter amount, $550,000 is designated for staff and advisory panels expenses. The central staff will consist of four working branches responsible for (1) Government Affairs, (2) Industrial Affairs, (3) General Public Affairs, and (4) Economic Evaluation. Section 2(5) of P.L. 90–472 requires appropriate participation in the study by representatives of industry, science, engineering, labor and their associations. This will be achieved in major part by advisory panels. The remaining $580,000 will be used to obtain the assistance of other government agencies, universities, and possibly some private consulting firms. The money sought for these services will be expended in studying the impact of the metric system on military and transportation operations, its impact on educational programs in the United States, and for data collection and economic analysis. The remaining $1.37 million sought for fiscal year 1971 and part of fiscal year 1972 is needed to pay for the continued efforts of the central staff, advisory panels, and others to conclude the study and terminate the program by September 9, 1971.

As the Act of August 9, 1968, required the first year of the study to be funded from the regular appropriations of the Department of Commerce for Fiscal Year 1969, and since it has been possible to make only about $330,000 available from this source, the increase sought by this bill for the remaining period of the study is deemed imperative if significant progress is to be achieved within the three year limitation imposed by that Act.

S. 1288—INTRODUCTION OF BILL TO AMEND MERCHANT MARINE ACT OF 1936

Mr. MAGNUSON. Mr. President, on behalf of myself, the Senator from New York (Mr. JAVITS), and the Senator from Alaska (Mr. STEVENS), by request, I introduce, for appropriate reference, a bill to amend section 212(B) of the Merchant Marine Act, 1936, as amended. I ask unanimous consent that the letter transmitting the proposed legislation be printed in the RECORD, together with a statement of the purpose and need for the bill.

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

The bill (S. 1288) to amend section 212 (B) of the Merchant Marine Act, 1936, as amended, introduced by Mr. MAGNUSON (for himself and other Senators), by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and statement, presented by Mr. MAGNUSON, are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., December 27, 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 Section 212 (B) of the Merchant Marine Act, 1936, as amended," together with a statement of purpose and need in support thereof and a comparative print showing changes the bill would make in existing law.

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 16, 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 PURPOSE AND NEED FOR THE PROPOSED LEGISLATION

Section 212(B) of the Merchant Marine Act, 1936, as amended, directs the Secretary of Commerce to encourage and promote the development and use of mobile trade fairs displaying American products abroad. The section also authorizes the Secretary to provide technical assistance and support to operators of such fairs and to reimburse them for certain expenses incurred abroad.

Appropriations for the Mobile Trade Fair program under the Merchant Marine Act were authorized by Public Law 87–839, approved October 18, 1962, for a period of three years in an amount not to exceed $500,000 per fiscal year. Public Law 89–66, approved July 7, 1965 extended the appropriation authorization for an additional three year period, expiring on June 30, 1968. Public Law 90–434, approved July 27, 1968, further extended the appropriation authority for one year, through FY 1969, in the reduced amount of $166,000.

The proposed legislation would continue the authority for appropriations for one additional year, through June 30, 1970, and would continue the specific ceiling of $166,000 per annum.

The Mobile Trade Fair Act is one of the tools utilized by the Department of Commerce to promote the sale abroad of U.S. products. In view of the continuing need to promote the expansion of exports to aid our balance of payments, continuation of the Mobile Trade Fair Act is considered desirable.

Comparative text showing the changes in the Merchant Marine Act, 1936 which would be made by the draft bill "To amend Section 212(B) of the Merchant Marine Act, 1936, as amended."

(Deletions enclosed in black brackets; new material in italic.)

SEC. 212(B).

* * * * *

(c) There is authorized to be appropriated not to exceed $500,000 per fiscal year for each of the six fiscal years during the period beginning July 1, 1962, and ending June 30, [1968, and] *1968,* not to exceed $166,000 for the fiscal year ending June 30, [1969] *1969, and not to exceed $166,000 for the fiscal year ending June 30, 1970.* In addition to such appropriated sums, the President shall make maximum use of foreign currencies owned by or owed to the United States to carry out the purposes of this section.

S. 1289 AND SENATE JOINT RESOLUTION 68—INTRODUCTION OF BILL AND JOINT RESOLUTION

Mr. MAGNUSON. Mr. President, the decline of the U.S. balance-of-trade surplus has reached, by common consensus, crisis proportions. While curbing domestic inflation is the single most effective instrument to insure that U.S. goods will remain competitive in foreign markets, it is also essential that the Commerce Committee again explore the adequacy of the export promotion tools presently available to Government to stimulate foreign demand for U.S. goods and to determine whether new or stronger tools are necessary.

Four years ago the Commerce Committee conducted a broad-ranging series of hearings on the adequacy of the U.S. export promotion effort. From those hearings there developed a substantial redirection in many of the practices and criteria employed by the Export-Import Bank in facilitating U.S. exports, particularly to developing countries. In addition, the Department of Commerce, which had been initially hostile to the development of new trade promotion tools, instituted pilot programs designed to test several new export promotion devices. Nevertheless, recent trade figures indicate that it is time to reappraise again the effectiveness of these export promotion activities.

Are we doing what we can to get American industry to focus on export markets? Are we exploiting existing known markets to capacity? Are we seeking to identify potential new markets? Has the merger of economic and commercial foreign service functions improved or diminished the commercial effectiveness of U.S. mission abroad? Is AID sufficiently vigorous in channeling AID funds to U.S. exports? What is the status of research on export strategies?

We need to evaluate the soundness of the new joint export association concept, examine the test programs recently undertaken, and determine the potential for full-scale programing. We need to reexamine the mobile trade fair program, a product of this committee's own search for a wider arsenal of export weapons. We need to study the growth and evolution of trade shows and trade missions, as for example, the desirability of the shift from Government-sponsored trade missions to Commerce Department support of missions sponsored by States or industries. We should determine whether the USIA interpretation of its responsibility for funding trade shows and fairs conflicts with the Commerce Department's interpretation of commercial opportunity and finally, we must review the effectiveness of the U.S. Travel Service program, designed to promote travel in the United States by foreign residents, and consider whether this program should be further expanded.

Today I am introducing a request bill and a joint resolution dealing with our export promotion program. The bill would amend the International Travel Act of 1961 to enable the U.S. Travel Service to expand its programs for encouraging foreign residents to travel to the United States. The joint resolution would extend indefinitely the period to "see the United States" which was created by Public Law 89–235. It would encourage private industry and private organizations "to continue their efforts under the 'Discover America' program to attract greater numbers of Americans and the citizens of other countries to the scenic, historical, and recreational areas and facilities of the United States."

I am pleased that both Senator JAVITS and Senator STEVENS are joining me in introducing the bill and joint resolution today. Senator JAVITS' active support of

these programs in the past is well known, and Senator STEVENS' future support will be welcome.

Mr. President, Commerce Committee consideration of these two proposals will be coupled with the broad review of our export promotion programs which I mentioned earlier. We hope that by eliminating outmoded programs, strengthening the effective ones, and spurring the development of new promotional devices, we can obtain the maximum benefit, in terms of increased exports, from our trade promotion dollar.

I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks, the text of the bill, the letter of transmittal from the Secretary of Commerce, the accompanying statement of purpose and need, and the text of the joint resolution.

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

The bill and joint resolution were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1289

A bill to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the International Travel Act of 1961 (75 Stat. 129; 22 U.S.C. 2121–2126) is amended by changing the period at the end of clause 4 of subsection (a) to a semicolon, and by inserting after such clause the following:

"(5) upon the application of any State or political subdivision or combination thereof, or private or public nonprofit organization or association, may make grants for projects designed to carry out the purposes of this Act if he finds that such projects will facilitate and encourage travel to any State or political subdivision or combination thereof by residents of foreign countries. No financial assistance will be made available under this clause unless the Secretary determines that matching funds will be available from State or other non-Federal sources and in no event will the amount of any grant under this clause for any project exceed 50 per centum of the cost of such project. The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate for the administration of this clause;

"(6) may enter into contracts with private profit-making individuals, businesses and organizations for projects designed to carry out the purposes of this Act whenever he determines that such projects cannot be accomplished under the authority of clause (5) of this subsection;

"(7) may make awards of merchandise manufactured and purchased in the United States to travel agents and tour operators in foreign countries as an incentive for their promotion of travel to the United States by residents of foreign countries. The Secretary is authorized to establish such policies, standards, criteria and procedures as he may deem necessary or appropriate for the administration of this clause."

SEC. 2. Section 6 of such Act is amended to read as follows:

"SEC. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, which shall be available without regard to the provisions of law set forth in 44 U.S.C. 501 and 3702. When so specified in appropriation acts, amounts for printing of travel promotion materials are hereby authorized to be made available for two full fiscal years."

SEC. 3. Section 7 of such Act is renumbered "Sec. 8." and a new Section 7 is inserted to read as follows:

"SEC. 7. As used in this Act, the term 'United States' and the term 'State' are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa."

S.J. RES. 68

Joint resolution authorizing the President to extend indefinitely a period to "See the United States" and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested (1) to extend indefinitely the period designated pursuant to the joint resolution approved October 2, 1965 (Public Law 89–235) as a period to see the United States and its territories; (2) to encourage private industry and interested private organizations to continue their efforts under the "Discover America" program to attract greater numbers of Americans and the citizens of other countries to the scenic, historical, and recreational areas and facilities of the United States of America, its territories and possessions and the Commonwealth of Puerto Rico; and (3) to issue a proclamation designating a week in the spring of each year as Discover America Vacation Planning Time, specially inviting American citizens and citizens of other countries to the festivals, fairs, pageants, and other ceremonials to be celebrated in the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

SEC. 2. The President is authorized to publicize any proclamation issued pursuant to the first section and otherwise to encourage and promote vacation travel within the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico, both by American citizens and by citizens of other countries, through such departments or agencies of the Federal Government as he deems appropriate, in cooperation with State and local agencies and private organizations.

SEC. 3. For the purpose of the extension provided for by this joint resolution, the President is authorized during the period of such extension to exercise the authority conferred by section 3 of the joint resolution approved October 2, 1965 (Public Law 89–235) and for such purpose may extend for such period the appointment of any person serving as national chairman, or may appoint any individual designated by the board of directors of Discover America, Inc., or its successor organization, as the national chairman of the Discover America program which was established by private industry in 1965 as a nonprofit organization to carry out the purpose of section 1 of this resolution.

The material, presented by Mr. MAGNUSON, is as follows:

JANUARY 15, 1969.

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 International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes," together with a statement of purpose and need in support thereof and a section-by-section analysis of the bill.

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 January 6, 1969 that from the standpoint of the Administration's program there would be no objection to the submission to the Congress of this legislation and further that enactment of this legislation would be consistent with the Administration's objectives.

Sincerely yours,

JOSEPH W. BARTLETT,
Acting Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The enclosed draft bill would amend the International Travel Act of 1961, as amended, to:

(1) authorize a matching funds program for projects that are designed to encourage increased travel to the United States;

(2) authorize contracting with private profit-making parties for similar projects;

(3) authorize the awarding of merchandise manufactured and purchased in the United States to travel sales outlets abroad as incentives for their promoting travel to the United States; and

(4) define the terms "United States" and "State", as used in the Act, as including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa in order that these areas may be included within the purview of the Act.

In order that the United States Travel Service might fully discharge its increased responsibilities under the proposed legislation, the bill would raise the authorized level of appropriations.

In regard to the matching funds program, grants to States, cities and non-profit organizations would substantially increase the amount of money that these entities would devote to promotion of travel from abroad and would improve domestic services for international visitors. Moreover it would greatly increase the volume and quality of materials and services available.

Specific projects could include, but would not be limited to, the following:

1. Preparation of multilingual promotion materials (folders, leaflets, booklets, displays, exhibits, etc.) for use abroad in promoting State and city attractions.

2. Films depicting State, city and regional attractions for use in sales meetings and other promotions overseas.

3. Through matching funds, it would be possible to carry out special missions and promotions overseas with the support of states, cities and regions.

4. It would be possible to feature the West, the South, the open spaces, jazz, country music, etc. by assisting interested groups in worthwhile projects.

5. With present State and city interest in the Canadian market it would be possible to work with these agencies on a joint promotion and possibly distribution of materials in Canada.

6. Seed money would materially increase services in the United States, such as making use of multilingual people and materials in tourist information centers of the cities.

7. Seed money might be used to stimulate nonprofit organizations like COSERV, People-to-People, and others to develop language banks, maintain lists of interpreters and to broaden their host services for foreign visitors.

8. Some financial support, doubtless would be effective in expanding hosting services at airports, terminals and ports of arrival.

In regard to the proposed authority to enter into contracts with private profit-mak-

ing individuals, corporations, businesses and other organizations for the purpose of attracting visitors to the United States, such authority could be used in the following ways:

1. Producing jointly with members of the diversified travel industry (such as the accommodation and restaurant industry) consumer and travel trade oriented sales promotional materials such as visual aids and points of sale materials.

2. Enlisting jointly with the travel trade the services of recognized promotional talent for the purpose of acquainting the foreign seller of travel with the United States as a top, competitive travel offering.

3. Assisting the sponsors and organizers of conventions, exhibitions and similar events in the United States in making them truly international and therefore, attractive to foreign attendance (e.g. purchase or lease of simultaneous translation equipment).

4. Sharing in the cost of recognition trips to the United States for people primarily responsible in the arrangement of group tours to the United States by members of social clubs and other special-interest organizations (e.g. award to executive secretary of Lions Club of France).

The proposed legislation reflects the Department's growing concern over the inadequacy of our present travel program in view of the increased importance of tourism as a force in both our international affairs and the health of our domestic economy. Immediate action by the Federal Government is required if we are to materially reduce the $2 billion deficit in our balance of payments attributable to the imbalance in the international travel account. The continuation of this imbalance, together with the increased attention being given by foreign governments to travel promotion, calls for a considerably expanded Federal effort to encourage more travel to this country. Our need for such an effort will become even more intense as the jumbo jet and the super-sonic transports open new avenues for low-cost, mass international travel. Already virtually every major firm and trade association in the travel industry has recognized the need, and organizations such as the National Association of Manufacturers, the International Economic Policy Association, and the National Foreign Trade Convention have gone on record in favoring more Federal attention to both the promotional and policy aspects of international travel. The proposed legislation will constitute a major step toward increasing the efforts of the Federal Government in the promotion of travel to the United States as recommended by the President's Industry-Government Special Task Force on Travel.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill amends section 3 of the Act by adding the following new clauses to subsection (a):

Clause (5) of subsection (a) authorizes the Secretary of Commerce, upon the application of any State or political subdivision or combination thereof, or any private or public nonprofit organization or association, to make grants for projects designed to carry out the purposes of the Act. The Secretary is further authorized to establish such policies, standards, criteria and procedures and to prescribe such rules and regulations as he deems necessary for the administration of the grants program. No grant will be given unless the Secretary determines that matching funds will be available from the State or from other non-Federal sources and in no event will the amount of the grant exceed 50 per centum of the cost of the project.

Clause (6) of subsection (a) authorizes the Secretary to enter into contracts with private profit-making individuals, businesses and organizations for projects that are designed to carry out the purposes of the Act. Prior to entering into such a contract, however, the Secretary must first determine that the project cannot be accomplished under the authority of clause (5) of subsection (a). It is contemplated that the authority contained in clause (6) will only be used when matching funds for a specific project are unavailable or cannot be obtained.

Clause (7) of subsection (a) authorizes the Secretary to make awards of merchandise manufactured and purchased in the United States for the purpose of awarding such merchandise to foreign travel agents and tour operators as an incentive for their promoting travel to the United States by residents of foreign countries. It is contemplated that such an incentive program will be an effective method of increasing the flow of tourism to the United States. The size of the incentive awards will most likely be in proportion to the degree of the individual sales accomplishment. The Secretary is further authorized to establish such policies, standards, criteria and procedures as he deems necessary for the administration of the program.

Section 2 of the bill amends section 6 of the Act by removing the present limitation of $4.7 million annually on appropriations under the Act, provides an exemption to the United States Travel Service from the provisions of 44 U.S.C. 501 and 3702 and authorizes Congress to specify in the appropriation acts that amounts for the printing of travel promotion materials may be made available for two full fiscal years.

Exemption from the requirement that Government printing be done at the Government Printing Office (44 U.S.C. 501) is required since the United States Travel Service, in order to compete effectively in the tourism field with other countries, must produce attractive and sophisticated promotional materials, most of which are produced in several colors and in nine foreign languages, and are complex in design, construction and printing requirements. Because of these unique printing requirements and the fact that the Government Printing Office is not suitably equipped to execute them, the Travel Service has been granted waivers over the years allowing it to have its work done elsewhere. Waivers must be requested on an item by item basis and since requested waivers are customarily approved, the Department believes it would be in the best interest of the Government to exempt the Travel Service from the requirements of 44 U.S.C. 501.

Exemption from the requirement that executive agencies issue written authority for the procurement and payment of newspaper advertising (44 U.S.C. 3702) is also required. This written authority is obtained through the use of an Advertising Order Form SF-1143, which is a cumbersome procedure for the Travel Service to follow since most Travel Service advertising is done by its contractors. The use of this form requires contractors to obtain special authority to place advertising after they have been granted general authority to perform advertising services under the contract.

In addition to that portion of the form filled out by the Government, the publisher of the advertisement is also required to complete certain parts of the form and is also required to attach a copy of the advertisement to the form. These requirements tend to inhibit foreign publishers from accepting advertisements from the Travel Service or its contractors.

Current procedures are far too cumbersome for use in the procurement and payment of international advertising. It is no longer customary in the trade to furnish such detailed invoice information since many firms use automated billing procedures which are not programmed to record the type of information required by form SF-1143. Moreover, it would appear that the regular billing procedure of publishers is adequate for payment and audit purposes regarding the procurement of newspaper advertising.

It is required to have amounts appropriated for printing of travel promotional material available for two full fiscal years in connection with contracts which require the contractor to develop, design, and furnish such material. Because of the nature of the creative work involved and the need to perfect the final product to be used in promoting VISIT USA, the material is not, in every instance, ready for contracting by the close of the fiscal year. Therefore, the cost of printing cannot be obligated against the fiscal year funds used to develop the material, but must be charged against the funds made available in the subsequent fiscal year. Section 2 of the bill would authorize Congress to rectify this situation.

Section 3 of the bill renumbers section 7 of the Act as "Sec. 8." and inserts a new section 7 which includes in the definition of the terms "United States" and "State", as used in the Act, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa. From a balance of payments standpoint, there appears to be no reason why tourism to the territories and possessions of the United States should not also be facilitated and encouraged under the several provisions of the Act.

S. 1291—INTRODUCTION OF LEGAL SERVICES PROGRAM AMENDMENTS TO THE ECONOMIC OPPORTUNITY ACT

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, S. 1291, the Legal Services for the Poor Act, 1969. This act would establish the legal services program as a separate title under the Economic Opportunity Act, double its funds over the next 2 years, and require that it be administered by the Office of Economic Opportunity.

Mr. President, I introduce this measure today in an effort to raise important issues, understanding that it may need to be perfected before it is enacted. The issues addressed are the unique nature of the legal services program among OEO endeavors, and the implications of this special nature for the organization and financing of the legal services effort in the coming years.

The legal services program—LSP—means many things to many people.

To the poor, it means a chance to enjoy equal justice under law, so often denied them because of their inability to pay for services, or because law school training leaves lawyers ill-equipped to deal with the issues that plague their lives. The work of LSP lawyers in forestalling eviction, dealing with consumer frauds, seeing to it that welfare payments are received, not only helps the poor avert tragedies that otherwise might overcome them, but also helps poor people meet some of their most critical needs—for housing, for income, for nutrition, for personal security, and for social justice.

To lawyers, legal services offers a chance to respond to that ancient biblical injunction, "Open thy mouth, judge righteously, and plead the cause of the poor and needy"—Proverbs 31:9. LSP lawyers are the shock troops of the war on poverty, fighting at the cutting edge of social change. LSP lawyers have an opportunity unique among their colleagues to help the poor escape the treadmill of poverty. At the same time, they

can enrich and influence the rule of law through development of new principles and practices reflecting the special needs of the poor.

The legal services program addresses some of the most important social issues of our time.

First. Legal services promote social justice: The projects help unify the system of justice in this land, closing the gap between rich and poor in the eyes of the law. About 80 percent of the LSP lawyers' time now is spent providing concrete high quality services poor people need, where they need them, when they need them.

The law reform efforts of LSP lawyers have secured important court decisions and new legislation related to the special needs of the poor. For example, the U.S. Supreme Court decision negating "man in the house rules" recognized the arbitrary nature of this welfare restriction. LSP lawyers were instrumental in removing this plague that so often had forced the poor to barter family life for their welfare checks. An Ohio law relating to consumer protection in housing, and a Michigan law relating to garnishment are other monuments to the effectiveness of LSP lawyers in securing the "equal protection under law" the poor so desperately need.

But legal services does more than provide lawyers for poor people. It helps old institutions of government adapt to the needs of the poor, and create new agencies of justice. The program fosters neighborhood courts, antipoverty investigations by city councils and State legislatures, small claims courts, municipal commissions to regulate predatory business practices, ombudsman offices, and systems for mediation and arbitration of disputes as well.

Second. Legal services promote law and order: The legal services program offers a concrete and peaceful alternative to violence and civil disobedience. Its lawyers are some of the few federally funded personnel in close and regular contact with the most volatile segment of the poverty population, the young men under 25 whose confrontations with the police have been the greatest source of civil violence in the last 3 years. More than one legal service project director, as lawyer and community leader, having gained the respect of the community, has been involved in "cooling it" during potentially explosive situations. LSP lawyers serve an essential function in making the democratic process responsive to the needs of the poor, turning militant demands into phrases effective in communicating with Government officials. In turn, they relate the opinions of Government officials to the poor in language they can understand.

Third. Legal services promote economic development and adequate income maintenance: LSP lawyers are the only large group of OEO-funded personnel with the ability to make significant, skilled contributions to the promotion of economic development through community capitalism.

LSP lawyers provide the legal counseling and drafting necessary to organize these efforts and develop new and imaginative business structures. They provide the management consulting-type services usually performed by the private corporate lawyer for his client. They help residents obtain loans and grants to build, own, and operate housing projects, shopping facilities, factories, and community services not only through OEO, but in model cities and Small Business Administration programs as well. Beyond this, LSP lawyers have direct impact in helping increase the income of individual poor people through their work in obtaining deserved increases in welfare payments, unemployment compensation, and pension benefit programs. They also work to remove job impediments unrelated to the potential productivity of the employee, including racial discrimination, criminal records, or uneven educational background.

Mr. President, the legal services program is critical to democracy in this country.

As former Attorney General Katzenbach observed:

> The poor man is cut off from this society—and from the protection of its laws. We make him, thus, a functional outlaw.

As Clinton Bamberger, Jr., the first national director of the legal services program stated:

> The search for truth and justice which depends upon an adversary system gropes halfblind when there is no advocate for one side of the proposition.

Such a situation cannot be permitted to persist in a democratic society, as these men, among others, have stressed. And it is in part because of the widespread realization of this fact that the legal services program has received such widespread support from poor and rich, professional and nonprofessional alike.

Few, if any of the OEO programs have been more popular. The Harvard Law Review has called neighborhood law offices "the new wave" in legal aid for the poor. Justice Brennan has called legal services "an historic transformation in the role of the lawyer in our society." Edward Kuhn, former president of the American Bar Association, has called it the "greatest project ever undertaken by government and the bar." He also said:

> The Legal Services Program of the Office of Economic Opportunity offers the legal profession its most exciting challenge and greatest opportunity to realize its ancient and honored goal; equal justice for the poor.

In a resolution adopted in 1965 by its house of delegates, the American Bar Association reaffirmed its deep concern with the problem of providing legal services to all who need them. The association further authorized the officers and appropriate sections and committees of the association in cooperation with others, "to improve existing methods and to develop more effective methods for meeting the public needs for adequate legal services;" and to cooperate with OEO in this effort. Since then, the American Bar Association, the National Bar Association, and the National Legal Aid and Defender Association have not only supported, but have been directly involved in assisting to promote the legal services programs.

Recognizing the essential role of legal services programs in alleviating the tensions of the ghetto, the National Advisory Committee on Civil Disorders commended the LSP for its good beginning in meeting the legal assistance needs of the poor. The report of the Commission stated:

> Among the most intense grievances underlying the riots of the summer of 1967 were those which derived from conflicts between ghetto residents and private parties, principally white landlords and merchants. Though the legal obstacles are considerable, resourceful and imaginative use of available legal processes could contribute significantly to the alleviation of resulting tensions.

The report stressed the needs of the poor for litigation, for participation in the grievance procedures and for advocacy of their needs. Calling for an expansion of the program, the report observed that—

> Although lawyers function in precisely this fashion for the middle-class clients, they too often are not available to the improvished ghetto resident.

Lawyers across the country are joining in the effort, as paid staff or in a volunteer capacity. The Washington Post recently reported a large-scale voluntary effort by a group of young lawyers who have urged the administration to endorse a policy encouraging all Government lawyers to volunteer their services to the program.

But perhaps it is the voices of the poor that tell us most about the real meaning of the program. Thousands across the country have echoed the sentiments of a Harlem woman, victimized by an unreliable firm, who suddenly found herself overcharged for furniture: "Who else could I turn to after my furniture had been repossessed and the company began garnishing my pay without notifying me?"

From poor people to professionals; from law school professors to members of the private bar, the success story of legal services has spread far and wide, influencing lawyers, clients, law students, Government institutions, and the very nature of the laws that affect us all.

When a program is both successful and relatively noncontroversial, it is sometimes easy to overlook. This is why I wonder at President Nixon's failure to mention the legal services program in his recent message on the antipoverty program. While I am concerned about several of his recommendations concerning the special emphasis programs of OEO, I will welcome the opportunity to consider, with my colleagues on the Labor and Public Welfare Committee, President Nixon's announced intentions with regard to these programs including Headstart, Comprehensive Health Services, and Foster Grandparents.

But I believe we should also discuss the future of the legal services program, for I believe it presents a unique case.

President Nixon has indicated he believes that the Office of Economic Opportunity should not operate large-scale ongoing programs. I believe this is a judgment we should discuss at length. For while the principle may apply to some special impact programs, I do not believe it can or should apply to the legal services program of OEO.

Mr. President, I believe the legal services program is unlike other programs in its current status and future financial needs. It is to raise the issues of organizational status, and mandate for funds that I introduce this measure today.

Organization of the program: It seems to me that the legal services program differs from the other special-emphasis programs under section 222 of the amended Economic Opportunity Act in at least two ways: First, unlike the educational and health programs, the legal services program does not in my view lend itself to delegation. Second, it seems to me the program no longer meets the test established by section 222 for inclusion in this special designation, and that therefore it ought to be established as a separate but coordinated part of the OEO effort.

My bill provides that the legal services program shall not be delegated. This provision is meant to raise the question of whether "spin off" of the legal service program would stifle the small but growing voice of the poor, and irretrievably damage a program essential to the rule of law in this land.

One major thrust of the legal services program is its advocacy for the poor in formal and informal proceedings challenging implicit or explicit decisions of governmental agencies. There is already question as to whether the program could properly be transferred to some agencies due to potential or actual conflicts of interest. But even with a change in law, I fear eventual weakening or dissolution of the program if it were transferred to any other agency of Government.

Agencies tend toward equilibrium and the status quo. Regardless of good intentions by agency administrators, I fear the program would drown beneath a flurry of restrictive fiats.

My bill also proposes that the legal services program remain part of the OEO effort, but that it do so as a part of the overall program. This is suggested in order to raise for discussion two issues: First, whether the program now meets the tests established in section 222 for "special programs"; and second, whether the needs both of the community action agencies and of legal service program administrators might not better be served by specific legislative endorsement of the program under a separate but coordinated administrative arrangement.

It seems to me that the legal services program no longer meets two of the three tests established under the act for special-emphasis programs. It no longer "involves significant new combinations of resources or new and innovative approaches."

Second, I do not think the current organizational setting of the program is one that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of this title. The program does, in my view, still involve activities which can be incorporated or be closely coordinated with community action programs, but I believe this objective, as well as others, might best be achieved by authorizing the program under a special title as proposed in this amendment.

The way the program now is financed, legal services and the CAA programs threaten each other's potential effectiveness.

Established in 1964, operating across the country, already serving over 1 million persons and indirectly benefiting countless others, the legal services program has long since moved past the initial demonstration phase. It needs massive expansion. Since the program ought not be transferred to any other agency, the question is not whether the program should remain in OEO, but where in OEO it should be located.

The community action title of the act never has been funded at a level sufficient to support large-scale on-going programs. Perhaps it should never be. But since both CAA local initiative funds, and funds for all the special emphasis programs currently are coming from the same source, both CAA and legal service programs must compete against each other for limited resources and both are restricted by the procedure.

A separate title for the legal services program could serve two important functions. First, it might free up funds for local CAA programs. Second, it might enable the legal services program to expand, without, at the same time, having to undercut the overall community action effort.

The new title I propose incorporates my belief that the legal services effort should continue to be operated primarily in cooperation with local CAA's. My bill would not change the existing national-local funding relationships.

Mandate for funds: I believe the legal services program not only should be preserved, but must be expanded.

For the fact is that the demand far exceeds the supply. Every poor person in the country needs legal services. Yet the legal services offices located across the country and in most of our major cities today serve only about one of the 30 who could potentially use their help.

Lawyers in the program are inundated in their success. Whereas few private lawyers see more than 200 clients per year, and most serve less than 100, legal service lawyers average a caseload eight to 10 times that number, serving from 800 to 1,000 clients per year. I have heard firsthand from two former members of my staff who now are in legal service programs the extent of the demand. And they agree with me and many others that the service potential has only begun to be met.

But the service program is only one of the legal services efforts that need to grow and develop.

A national legal service demonstration program is proving that 300 minority group members can be recruited and prepared for entry into law schools. The potential of Upward Bound-type endeavors of this type has been much too limited so far. One cause of this limitation is the unmet need for financial assistance for these minority group law students. I intend to address this problem in the near future. Furthermore, present projects show that topflight lawyers can be involved in special training and experience related to legal services for the poor. The Reginald Heber Smith fellowship program, established in 1967, has only begun to realize its potential for mustering the talent of some of the best of the young lawyers of this land. Started with only 50 people trained and sent to work for 1 year in an LSP office, the program this year received 1,200 applications. One-third of these applicants were in the top quarter of their class; about a sixth were in the top 10 percent; and over 15 percent were law review members. Yet current funding levels will permit only a few of these brilliant young men and women to participate in the program.

My bill specifically recognizes the educational potential of the legal services program to acquaint the poor with their rights, to recruit minority group legal students, and to help professionals engage in legal services programs as well.

My bill also clarifies the current provision concerning the abilities of LSP lawyers to defend the poor in criminal cases. Under my bill, LSP lawyers would clearly have the authority to defend persons in juvenile and misdemeanor cases, but would not ordinarily be called upon to defend the poor in what are commonly known as felonies where the States have a constitutional duty to provide representation.

Finally, my bill specifically emphasizes the opportunity for public services inherent in legal service program participation in economic development activities. If we are serious about community self-determination, and if we mean what we say amout community capitalism, then I think we must expand the potential for legal service lawyer involvement in these activities. LSP programs must be able to retain young men and women with the sensitivity, ability to communicate, and commitment to the community, and these people must acquire the special skills and knowledge necessary for initiation and development of community business endeavors.

I believe the legal services program deserves expansion, and have amended the act to provide for its growth. An amendment to the authorization language provides for a doubling of the current level of funding over the next 2 years.

As former President Johnson observed in a letter to the National Advisory Committee to the Legal Services Program:

> To a great many poor Americans, the law has long been an alien force—the ally of unscrupulous men who prey on their weakness and brutalize their rights as citizens. In many communities, law has lost its stabilizing influence, and instead serves to divide the poor and the better-off, the ordinary citizen and lawful authority. The result is that feeling of helplessness and frustration are increased—leading to unrest and contributing to violence.
>
> The Legal Services Program was created to give the poor the same access to the protection of the law that more fortunate citizens have. It is more than a legal aid program. It is a weapon in our comprehensive attack on the root causes of poverty.
>
> The rights we have secured during two centuries as a democracy must be given meaning for all our citizens—and it is this enormous task that the American bar and the Office of Economic Opportunity have undertaken in the past three years.

Mr. President, this affirmation can and must continue. Legal services must be strengthened and expanded. This measure therefore deserves the attention of both Congress and the executive branch.

I ask unanimous consent to the inclusion in the RECORD of the text of the measure I propose.

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. 1291) to provide for an expanded legal services program within the Office of Economic Opportunity, introduced by Mr. MONDALE, 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. 1291

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 Legal Services to the Poor Act."

SEC. 2. The Economic Opportunity Act of 1964 is hereby amended by:

(1) striking out paragraph (3) of section 222(a) and renumbering the subsequent paragraphs in such section accordingly; and

(2) adding at the end of such Act a new title IX as follows:

"TITLE IX

"THE LEGAL SERVICES PROGRAM

"SEC. 901. It is the purpose of this title to provide a legal services program to further the cause of justice among persons living in poverty by enlisting the support of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services to such persons.

"DEFINITION OF LEGAL SERVICES PROGRAM

"SEC. 902. For purposes of this title, the term 'legal services program' shall include, without being limited to, the following:

"(1) local legal services projects, staffed by attorneys to provide the full range of legal counseling and representation to eligible clients;

"(2) projects and activities designed to encourage the entry of minority group members into law schools and the legal profession;

"(3) projects and activities for recruiting lawyers for service in antipoverty and community development programs;

"(4) projects and activities to encourage greater voluntary assistance by private attorneys and the mobilization of other community resources in antipoverty and community development programs;

"(5) developing and coordinating education and information projects and activities to enlist and train professional and nonprofessional personnel for service in legal services projects;

"(6) projects and activities designed to encourage State and local governments to adopt programs to make legal services more available to the poor and to adopt changes in State and local laws and judicial systems of States and localities so as to be more responsive to the needs of the poor.

"ADMINISTRATION

"SEC. 903. The Director shall designate one of the Assistant Directors appointed pursuant to section 601(a) of this Act as Assistant Director for Legal Services.

"FINANCIAL ASSISTANCE

"SEC. 904. (a) The Director may provide financial assistance to public or private nonprofit agencies to develop or carry out legal services programs. The Director shall prescribe necessary rules and regulations governing applications for assistance under this section to assure that every reasonable effort is made by each applicant to secure the views of local public officials and agencies in the community having a direct or substantial interest in such an application and to resolve all issues of cooperation and possible duplication prior to its submission.

"(b) The Director shall make arrangements under which the State bar association and the principal local bar associations in the community to be served by any proposed project authorized by this paragraph shall be consulted and afforded an adequate opportunity to submit comments and recommendations on the proposed project before such project is approved or funded, and to submit comments and recommendations on the operation of such project after such project is approved and funded;

"(c) Whenever practicable, the Director shall make arrangements to encourage applicants for assistance under this title to carry out programs and projects assisted under this title in cooperation with the community action agency in the locality to be served by such program or project.

"LIMITATIONS

"SEC. 905. No financial assistance shall be provided under this title—

"(1) for the defense of any person prosecuted upon a charge of crime punishable upon conviction by imprisonment for more than one year, except in extraordinary circumstances where, after consultation with local officials and the court having jurisdiction and pursuant to regulations adopted for this purpose, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are provided under this title:

"(2) unless a plan setting forth the proposed legal services program to be assisted under this title has been submitted to the Governor of the State, and such plan has not been disapproved by the Governor within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and, pursuant to regulations adopted for this purpose, found by him to be fully consistent with the provisions and in furtherance of the purposes of this title. This subsection shall not, however, apply to assistance provided any institution of higher education in existence on the date of the approval of this Act.

"(3) unless the services to be provided in a community under such program will be in addition to, and not in substitution for, services previously provided in such community without Federal assistance, and funds or other resources devoted to programs designed to meet the needs of the poor within the community are not diminished in order to provide any contribution required under section 906.

"FEDERAL SHARE

"SEC. 906. Federal assistance under the provisions of this title shall not exceed 80 per centum of the cost of such programs, including administrative costs, unless the Director determines, pursuant to regulations establishing objective criteria for such determination, that assistance in excess of such percentage is required in furtherance of the purposes of this title. Non-Federal contributions may be made in cash or in kind, fairly evaluated, including, but not limited to plant, equipment and services. In valuing in-kind contributed services by an attorney, consideration should be given to the minimum fees suggested by the local and State bar association and the normal fees charged by the attorney for the type of service being provided. In determining the non-Federal contribution under this section, all local cash contributed to any agency or corporation rendering legal service to clients who would qualify under the provisions of this title shall be included, whether such program receives funds under this title or not.

"LEGAL SERVICE PROJECT BOARDS

"SEC. 907. (a) Each Legal Services project receiving assistance under this title shall administer its program through a governing board.

"(b) The Director shall issue rules, regulations, and guidelines regarding the composition, powers, and duties of the governing boards and their relationships with the local community action agencies, local government officials, and employees of the project.

"(c) (1) The Director shall promulgate such regulations relating to the scheduling and notice of meetings, quorums (which shall not be less than 50 per centum of the total membership), procedures, establishment of committees, and similar matters, as he may deem necessary to assure that boards established pursuant to subsection (a) provide a continuing and effective mechanism for securing broad community involvement in projects assisted under this title and that all groups or elements represented on those boards have a full and fair opportunity to participate in decisions affecting those projects. Such regulations shall not preclude any such board from appointing an executive committee or similar group, which fairly reflects the composition of the board, or to transact the board business between board meetings. The quorum requirements for any such committee or group, which shall not be less than 50 per centum of the membership, shall be established by the board.

"(2) The Director shall require, when appropriate, that such governing boards shall establish procedures under which any organization or representative group of the poor which feels inadequately represented on the governing board may petition for adequate representation.

"APPLICABILITY OF OTHER PROVISIONS OF FEDERAL LAW

"SEC. 908. The administrative provisions of title II of this Act, particularly with respect to auditing, reporting, and evaluating procedures, and administrative standards for personnel employed by and the management of projects, shall be applicable to the Legal Services Program authorized by this title to the extent not inconsistent with the provisions of this title. Nothing in this section shall be construed to affect the confidentiality of the attorney-client relationship.

"SUPPLEMENTAL PROGRAMS AND ACTIVITIES

"SEC. 909. The Director may provide, directly or through grants or other arrangements for (1) technical assistance to communities in developing, conducting, and administering programs under this title, (2) technical assistance to state and local government agencies and institutions in developing procedures and analyzing and amending laws so as to be more responsive to the needs of the poor, and (3) training for personnel needed to carry out programs assisted under this title, or which otherwise would serve the purposes of this title. Upon request of an agency receiving financial assistance under this title, the Director may make special assignments of personnel to the agency to assist and advise it in the performance of functions related to the assisted activity; but no such special assignment shall be for a period of more than two years in the case of any agency.

"DEMONSTRATION AND RESEARCH PROJECTS

"SEC. 910. The Director may provide financial assistance for pilot or demonstration projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or techniques that will further the purposes of this title. The Director may also provide financial assistance for research which he determines will contribute to carrying out the purposes of this title.

"PROJECT COMPENSATION AND ALLOWANCES

"SEC. 911. (a) Financial assistance under this title may include funds to provide a rea-

sonable allowance for attendance at meetings of any Legal Services project governing board, neighborhood council, or committee, as appropriate to assure and encourage participation of members of groups and residents of areas served in accordance with the purposes of this title, and to provide reimbursement of actual expenses connected with those meetings; but those funds (or matching non-Federal funds) may not be used to pay allowances in the case of any individual who is a Federal, State, or local government employee, or an employee of any community action agency or Legal Services project, or for payment of an allowance of any individual for attendance at more than two meetings a month.

"(b) The Director shall issue necessary rules or regulations to assure that compensation received by staff attorneys and other professional employees of the local Legal Services project is to assure effectiveness and otherwise be in accordance with the purposes of this title.

"(c) No officer or employee of the Office of Economic Opportunity shall serve as member of a board, council, or committee of any agency conducting a program receiving financial assistance under this title; but this shall not prohibit an officer or employee from serving on a board, council or committee which does not have any authority or powers in connection with a program assisted under this title.

"DURATION OF THE PROGRAM

"SEC. 912. The Director shall carry out the provisions of this title during the fiscal year ending June 30, 1970, and for the four succeeding fiscal years."

LIMITATION OF THE POWER TO DELEGATE CERTAIN FUNCTIONS

SEC. 3. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the Legal Services program authorized under title IX of such Act. The Director shall not delegate the program authorized under such title IX to any other Federal agency.

TECHNICAL AMENDMENT

SEC. 4. Section 601(a) of the Economic Opportunity Act of 1964 is amended by striking out "five" in the third sentence of such section and inserting in lieu thereof, the word "six".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. For the purposes of carrying out programs under title IX of the Economic Opportunity Act of 1964, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, the sum of $80,000,000 and for the fiscal year ending June 30, 1971, the sum of $100,000,000, and for each of the three succeeding fiscal years, the sum of $150,000,000.

S. 1297—INTRODUCTION OF BILL REMOVING ALL AGE RESTRICTIONS FROM RETIREMENT AFTER 30 YEARS' SERVICE UNDER CIVIL SERVICE RETIREMENT SYSTEM

Mr. MAGNUSON. Mr. President, I have introduced today a bill (S. 1297) designed to provide an important and desirable improvement to the civil service retirement system by removing all age restrictions from retirement after 30 years.

A sound and reasonably liberal retirement system is one of the mainstays of a career civil service.

Just as the adequate salary schedule compensates an employee during his years of duty status, a satisfactory retirement system provides security at the end of his working span. Otherwise, it would be necessary in many instances for the employee to work until well past the commonly accepted retirement age or to seek employment outside Government service to augment a retirement annuity which is not sufficient for his needs.

Liberalizing the retirement system also provides a sound and humane method of opening avenues to promotion for those who are equipped to assume the responsibilities of employees who are ready and able to retire.

An employee will be ready to retire if he believes that he can afford to take advantage of the opportunity for retirement. It is my belief that if he has already served 30 years, he should be the one to make the decision as to whether he wishes to work any longer.

For this reason, by bill, S. 1297, provides for retirement after 30 years of service regardless of age.

My bill takes advantage of beneficial results we have learned from the military retirement system which is the notable example of retirement after 30 years of service, as well as after the shorter period of 20 years. My bill has the further important objective of encouraging persons who enter the civil service to make it a career.

Some persons might decry removing age restrictions on retiring. Yet the military retirement system is a refutation of their concern over experienced persons leaving the civil service at a relatively early age. Such concern was expressed on behalf of the Civil Service Commission and others who oppose retirement after 30 years' service regardless of age. The military serviceman who may retire at age 38 after 20 or at age 48 after 30 years may represent an even greater investment for the Federal Government. In many instances education and training have been provided at Government expense. This expense is even greater when one considers that the retirement program requires no contribution by the serviceman.

Why should there be greater reluctance to lose the services of a civilian who retires after 30 years of service than there is for the military person? Furthermore, why should this concern be directed only toward persons completing 30 years of service when the same concern is not shown when the civilian's departure is voluntary. The civilian also may be forced to leave the service through a reduction in force and in so doing his period of service still falls short of his potential contribution. Yet it does not seem to cause as much anxiety for opponents of 30-year retirement regardless of age.

It is my considered opinion that apprehension over the Government losing persons by retirement is without sound foundation when there is too little concern over losing thousands of employees each year because the Federal civil service apparently is unable to offer the incentive which would retain these persons on the Government employment roll. I have in mind especially those employees who leave their jobs voluntarily for reasons which are valid to them but which in many instances would not impel them to leave if they were convinced that the Government offers a satisfactory career.

For these reasons, I have introduced my bill to provide for voluntary retirement after 30 years of Federal service and, I wish to emphasize, I shall exert every effort to have it passed in this session.

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

The bill (S. 1297) to amend the Civil Service Retirement Act so as to permit retirement of employees with 30 years of service on full annuities without regard to age, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 1298—INTRODUCTION OF BILL ON CHARGING CUSTOM AND QUARANTINE FEES FOR PRIVATE AIRCRAFT AND MARINE VESSELS

Mr. MAGNUSON. Mr. President, I introduce today, for appropriate reference, a bill which would eliminate the highly discriminatory and unnecessarily confusing method of charging custom and quarantine fees for private aircraft and marine vessels after regular hours.

In essence, the present system places an unfair financial burden on the citizen who wishes to travel across the border by private plane or vessel. Not only must he pay a fee not incurred by the land traveler, but also he must undergo the uncertainties regarding the exact amount of his customs payment. Depending on the number of people journeying between two countries, his fee may vary from $65 to $1.

The legislation I introduce today would provide that such inspection fees be eliminated entirely during regularly established hours on Sundays and holidays and that a flat rate be charged for inspection and quarantine services performed during periods other than the regularly established hours of service.

The present regulations were established in 1911—a time when only the wealthy could afford pleasure boats and a period when planes were virtually nonexistent. Today, this has changed. Private planes and vessels used for pleasure and business purposes number in the thousands. The economies of our communities located along national borders depend, to a sizable degree, on this international traffic.

Freedom from these restrictive and confusing charges would increase this traffic. It would provide a reasonable inspection service at the time it is most required—on Sundays, holidays, and during the early evening hours. It would reduce the inordinate amount of paperwork now required under existing law—and at the same time, decrease the expenses incurred in maintaining the present system.

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

The bill (S. 1298) to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes, introduced by Mr. MAG-

NUSON (for himself and Mr. JACKSON), was received, read twice by its title, and referred to the Committee on Finance.

S. 1299—INTRODUCTION OF THE DECORATIVE WOOD AND SIMULATED WOOD PRODUCTS ACT

Mr. HARTKE. Mr. President, on behalf of my distinguished Hoosier colleague, Mr. BAYH, and myself, I introduce, for appropriate reference, a bill for an act to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products.

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

The bill (S. 1299) to protect consumers and others against misbranding, false invoicing, and false advertising of decorative wood and simulated wood products, introduced by Mr. HARTKE (for himself and Mr. BAYH), was received, read twice by its title, and referred to the Committee on Commerce.

S. 1303 THROUGH S.1360 AND SENATE RESOLUTIONS 103 THROUGH 160—INTRODUCTIONS OF BILLS AND RESOLUTIONS RELATING TO OWNERSHIP OF LANDS ALONG COLORADO RIVER

Mr. MURPHY. Mr. President, I wish to speak with respect to a matter that is of great interest to a number of people in my State and the adjoining States of Colorado and Arizona.

Today I introduce a series of bills and Senate resolutions pertaining to the ownership of lands along the lower section of the Colorado River. Over the years, portions of the river have changed course and because of these meanderings, there has arisen a dispute between the Federal Government and private citizens over title to the property. Legislative and judicial solutions to the problem have been sought but to date there has been no final judgment.

Many of these matters are working an extreme hardship on many people living in the area. The bills I introduce today seek to help resolve at least some of the disputed claims legislatively. At the same time, I am introducing with each bill a Senate resolution which calls for the Chief Commissioner of the U.S. Court of Claims to designate, pursuant to section 1492 of title 28 of the United States Code, a trial commissioner to proceed in accordance with the applicable rules to determine the facts as mentioned in the resolutions and to report to the Congress on his findings of facts together with conclusions sufficient to inform Congress whether the demands in question are legal or equitable claims, and the amounts, if any, legally or equitably due from the United States to the claimants.

The bills, Mr. President, involve the Secretary of the Interior and lands under his control. The resolutions, in turn, pertain directly to the bills. I ask unanimous consent, therefore, that the bills, together with the accompanying resolutions, be referred to the Senate Committee on Interior and Insular Affairs which has handled previous measures of a similar nature and which, I feel, should handle these bills and resolutions together.

The VICE PRESIDENT. The bills and resolutions will be received; and, without objection, they will be referred to the Committee on Interior and Insular Affairs.

The bills (S. 1303 through S. 1360) and resolutions (S. Res. 103 through 160), were received and referred to the Committee on Interior and Insular Affairs.

S. 1362—INTRODUCTION OF BILL TO PROVIDE FEDERAL FINANCIAL ASSISTANCE TO OPPORTUNITIES INDUSTRIALIZATION CENTERS

Mr. BOGGS. Mr. President, this Nation faces the paradox of thousands of jobs going begging with no takers—and of thousands of unemployed, underemployed, and employed poor seeking work, seeking better jobs that will permit their families to carve out some share of the American dream.

Congress has taken notice of this dilemma and developed programs to combat it.

But, concurrently with these Federal efforts, another program of job orientation training in short-supply skills and job development has been developing. This began, not here on Capitol Hill, but in the inner city of North Philadelphia. Founded by a Baptist minister, the Reverend Dr. Leon H. Sullivan, it adopted the name of Opportunities Industrialization Centers. It first was backed by $100,000 raised by the minister's congregation.

Since its start in 1964, the OIC approach has spread to 75 cities throughout this country, adapted to the needs of each city and run by people in each city.

The principal difference between the OIC's and the Government's efforts is that the OIC's have sprung from the inner cities which they serve. This gives the citizens of these areas a feeling of identification which other Government-sponsored programs cannot share. It is a people's program which has the support of Government and industry. It is not a Government-initiated program.

From the foundation block of self-help manpower training, OIC has gone on to build and operate a shopping center, an aerospace industry and a garment factory.

Yet only 25 of the 75 centers receive any aid from the Federal Government, that coming in the aggregate of about $5 million from three agencies last year.

It is a credit to the program's vitality that it has surged forward without Federal funds. But when one observes what has been done with such limited backing, it is challenging to imagine what might be accomplished if the OIC effort were recognized by the Congress in more specific legislation, and if funds could be made available to more adequately support the efforts already underway.

As an example of the program's accomplishments, I offer my own city of Wilmington. There, since May of 1968, 130 persons have been placed in jobs. And they are jobs as important to industry as they are to the employees. Money for the program has come from the companies which have hired these people, from private sources, and from the State of Delaware.

While Wilmington is a very small example of a very wide program, it would be a very real help in bridging the gap between inner-city people who desperately need good jobs and our industries who need dependable, trained workers, if congressional recognition and more resources could be made available to this OIC, and others like it.

The bill I propose would formally recognize the OIC program and authorize the Federal Government to contribute to it. Backed by commensurate support from the Appropriations Committees, the OIC's could continue and expand their efforts to bridge this tragic gap.

Mr. President, on behalf of Senators SCOTT, SCHWEIKER, KENNEDY, and myself, I introduce this bill and ask unanimous consent that it 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. 1362) to provide Federal financial assistance to Opportunities Industrialization Centers, introduced by Mr. BOGGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 222(a) of the Economic Opportunities Act of 1964 is amended by adding at the end thereof the following new paragraph:

"(8) An 'Opportunities Industrialization Centers' program designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement and other appropriate services. Financial assistance for such services and opportunities may be provided by loans and technical assistance for industrial and commercial development. No funds shall be made available for any program under this paragraph unless the director determines that adequate provisions are made to assure that (A) the residents of the area to be served by such a program plan and operate such center, and (B) the business community in the area to be served by such a program is consulted in its development and operation. The director shall give priority to any program authorized by this paragraph serving residents of an inner-city area with substantial unemployment or underemployment."

(b) The amendments made by subsection (a) of this section shall take effect July 1, 1969.

Mr. SCOTT. Mr. President, I am pleased to join with Senator J. CALEB BOGGS, of Delaware, as a cosponsor of his bill authorizing Congress to appropriate funds specifically for opportunity industrialization centers. There are, in more than 70 American cities, OIC's operating as independent organizations—not Government programs. Previously, the Federal Government has participated only indirectly as the result of OIC applications submitted under programs of the

Department of Labor; the Department of Health, Education, and Welfare; and the Office of Economic Opportunity. This bill will make it possible for Congress to consider OIC separately, and to establish a single level of Federal support for this important effort.

The history of OIC, a program based on the philosophy of self-help, is one of continuous growth. The first OIC was started as the private effort of Rev. Leon H. Sullivan in Philadelphia. Reverend Sullivan began by a canvass of the industrial and commercial communities for unfilled jobs. With funds from his congregation, he established classes to train unskilled persons for these specific openings. The OIC in just 5 years has become a comprehensive employment service for low-income persons as well as a training center.

Reverend Sullivan developed a curriculum in communication and computational skills, minority history, consumer education, personal development, job finding techniques, basic education, and others. Trainees enter OIC programs with a desire to help themselves and they can choose classes in typing, welding, drafting, cosmetology, and data processing among others. Participants receive constant encouragement and motivation throughout their training at OIC whose motto is "We Help Ourselves."

The opportunities industrialization centers have proven their invaluable contribution to our communities. I hope Congress will give recognition to this fact with early and favorable consideration of this legislation.

S. 1368, S. 1369, S. 1370, AND S. 1371—INTRODUCTION OF BILLS RELATING TO CONSTRUCTION INDUSTRY WORKERS

Mr. WILLIAMS of New Jersey. Mr. President, I introduce, for appropriate reference, four bills relating to the health and welfare of employees in the construction industry. Several of my colleagues have joined me in sponsoring the respective bills as indicated on each.

CONSTRUCTION SAFETY

The first bill, to promote health and safety in the construction industry in all Federal and federally financed or federally assisted construction projects, will fill a gap in the scheme of protection presently available for Government contract workers.

Construction is a very hazardous occupation in terms of both the frequency of accidents and their severity. Data for 1966, from the National Safety Council, show that the construction industry had an accident frequency rate of 12.24 per million man hours worked—a rate that was almost twice the all-industry figure of 6.91.

Department of Labor statistics, higher for most industries than those of the National Safety Council, show very high rates in construction, ranging from 20.7 injuries per million man-hours worked for electrical work, to 28.8 for general building, to 24.0 for heavy construction, to 43.9 for roofing and sheet metal work.

Additional evidence of the hazardous nature of construction is found in the data which reflect the severity of injuries. The severity rates, indicating how badly workers are injured, place construction with a higher number of days lost to accidents per million man-hours worked than any industry except mining, lumber, and marine transportation.

In view of these high accident and injury ratios, it is an anomaly indeed that of the three major Government contractors—suppliers, service contractors, and construction contractors—all but construction contracting is covered by protective legislation. Suppliers are covered by the Walsh-Healey Act of 1936, which requires that the prevailing wage be paid, and that work be conducted under safe and healthful working conditions. The other major Government contractors are service contractors, and their employees are similarly covered under the McNamara-O'Hara Service Contracts Act, which requires that the prevailing wage be paid, and that the workers be accorded healthy and safe working conditions.

But the final component of Government contractors, the construction workers, are covered only by the Davis-Bacon Act provisions that require payment of the prevailing wage. There are no requirements that safe and healthful working conditions, also prevail.

This bill simply corrects the exclusion of the construction workers from this legislative pattern by amending the Contract Hours Standard Act—40 U.S.C. 327–332; Public Law 87–581. Section 107(a) requires that no construction contractor or subcontractor may require an employee to work under any conditions that are unsanitary, hazardous, or dangerous to his health or safety. Where the work is either for the Government, or a Government agency, or contracted out by a Government agency, that agency may cancel or withhold payment on the contract until minimum safety and health conditions are met.

Section 107(b) will provide the Secretary of Labor with the enforcement authority to make rules, regulations, issue orders, hold hearings, and make decisions based on findings of fact, or take other appropriate action in accordance with procedures already established in sections 4 and 5 of Walsh-Healey.

Section 107(c) directs the Comptroller General to distribute lists of all firms found by Federal agencies to be in violation of minimum standards, and unless the Secretary of Labor recommends otherwise, such firms are precluded as under Walsh-Healey provisions, from contracts awards for a period of 3 years.

Mr. President, I would like to make clear that this bill—construction safety—is not the occupational health and safety bill, which was also introduced last year. We expect to deal separately with that broader bill which provides a general program of occupational safety and health standards, neither limited to a single industry, nor limited to Government contracts.

I am introducing this bill now because it places Federal construction contracts on the same basis, with respect to health and safety of the workers, as Federal supply contracts and Federal service contracts. This bill, in short, breaks no new ground. It does remedy years of oversight with respect to an important segment of American working men who are subjected to very high work injury and death rates.

JOINT INDUSTRY PROMOTION PROGRAMS

The second bill that I am introducing would amend section 302(c) of the Labor-Management Relations Act of 1947, to permit employer contributions to joint industry product promotion programs.

The history and development of our labor-management relations laws clearly points up the necessity for this legislation, which does nothing more than clarify the intent of Congress first expressed some years ago.

Section 302 of the Labor-Management Relations Act of 1947 prohibits all payments by employers to employee representatives for purposes other than those expressly authorized. The congressional purpose in enacting the section is clear, for all responsible public officials were concerned about the elimination of bribery, extortion, shakedowns, "sweetheart contracts," and other corrupt practices, and to protect the interest of beneficiaries of lawful employer-employee supported funds.

Lawful purposes to which these funds can be put are presently enumerated in section 302. For example, funds for medical or hospital care, pensions for retirement or death of employees, compensation for injuries or illness resulting from occupational activity, unemployment benefits, life insurance, disability and sickness insurance, or similar benefits, and apprenticeship or other training programs were excepted from the provisions in a drafting technique similar to that here proposed.

Recent court decisions, however, have held that employer contributions to product promotion programs administered jointly by trustees representing labor and management are outside the scope of these exceptions to section 302.

It should be emphasized that product promotion plans and collective bargaining about such programs are presently lawful. In fact, there are thousands of such funds in existence today. Many of these are incorporated into collective-bargaining agreements. Many are financed through the collective-bargaining mechanism.

Neither are such programs proscribed by public policy considerations. A recent court of appeals decision stated this clearly, noting that—

> We do not quarrel in the slightest with the laudable objectives of the trust amicably created by labor and management in this case. We sympathize with the efforts to both labor and management to solve a vexing industry problem. But . . . our duty is to rule in accordance with that which the Congress in its wisdom has seen fit to enact . . . the relief sought by the appellants herein must be found in congressional and not judicial action.

It is presently unlawful, however, jointly to administer such programs, and it is my intention to correct that situation with this bill. The bill I propose today merely adds an exception to those already existing in section 302. Further-

more, it removes any possible Government interference with the free collective bargaining process and precludes Government saying to management and labor that they cannot establish programs which they deem to be to their mutual advantage and that we are not against the public interest.

The bill contains numerous safeguards. It provides that contributions must be made to separate funds established to carry out the specifically authorized purposes, and that no assets held by such funds may be used for any other purpose, or commingled with other funds. They may not be used to defray the costs of programs that are employer or labor organization functions. Furthermore, provisions of present laws that require reporting and disclosure of funds are applicable. Additionally, no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

JOINT INDUSTRY CONTRACT INTERPRETATION

The third bill that I am today introducing also amends section 302 of the Labor Management Relations Act by permitting employer contributions to a joint committee or joint board empowered to interpret provisions of collective-bargaining agreements.

Again, like the joint industry product promotion funds, the establishment of joint boards or committees to interpret provisions of collective-bargaining agreements is not today unlawful. Many such joint boards and committees presently exist as part of the well-developed mechanism to resolve disputes peacefully, and it has been successful.

What will be permitted by the legislation are employer contributions to such programs administered jointly with labor organizations. All this legislation does is permit an exclusion under section 302(c) for establishment of joint funds to support the practice.

The bill will exempt from the present section 302 proscriptions, joint industry efforts to resolve internal disputes by permitting payments intended to be used for defraying the cost and expenses of such efforts. The funds, paid to and held in a separate trust, cannot be used for any purpose other than the interpretation of provisions of collective-bargaining agreements, and to resolve and determine issues arising from disputes regarding provisions of a collective-bargaining agreement. The findings and/or determinations of such a committee or board are, traditionally, binding on all parties concerned.

The need to enact this legislation is essentially similar to the need for the industry product promotion bill, because joint funding for this existing and lawful purpose is precluded due to the literal and narrow interpretation given to section 302 by the courts. The same protections applicable to the joint industry promotion fund exemption are similarly applicable to this legislation.

SITUS PICKETING

The fourth bill, Mr. President, amends section 8(b)(4) of the Taft-Hartley Act to restore to unions in the building and construction industry the right to engage in peaceful picketing at common construction sites where both the means used and the objectives sought are lawful. Employees in all other industries can engage in peaceful picketing at their employment site. A technicality presently denies construction workers their rights.

Specifically, the bill is designed to correct a literal and inequitable interpretation by the National Labor Relations Board and the Supreme Court of section 8(b)(4) of the act in the Denver Building Trades case, which effectively serves to prohibit primary strikes and picketing in the construction industry. The bill merely clarifies the guarantee already written into the act that primary strikes and primary picketing are not unlawful, and confirms, in fact, the intention of the authors of the present law.

The need for the legislation arises from the unique aspect of the construction industry which finds many contractors and subcontractors working together on one site. When a union has a dispute, for example, with a particular subcontractor, the expression of its dispute through a strike or picket line often involves the prime contractor, which the Court has found to be a separate legal entity. Consequently, the union's lawful activity of picketing the subcontractor is viewed as having an object of requiring the contractor to cease doing business with the subcontractor, which is unlawful under the act.

This bill clarifies the present law by recognizing the construction industry realities that all contractors and subcontractors working together on a construction site are engaged in a common economic enterprise, and it permits the scope of lawful union activity to be equal to that presently available in the manufacturing industry. The bill recognizes the fact that, just because different occupations on the same worksite are under the supervision of different subcontractors, there is not an adequate reason to convert primary picketing into a so-called secondary boycott.

This bill does no more than extend the protections presently available to the apparel industry to the construction industry. Already section 8(b)(4) of the act recognizes the unique relationship between contractors, subcontractors, and similar entities engaged in the production of clothing as all performing part of an integrated production process. My proposed bill would merely recognize that this same unique character exists respecting construction contractors and subcontractors involved in a joint enterprise.

This bill has been the subject of long and exhaustive consideration and broad nonpartisan support for almost 20 years. In 1949 President Truman recognized the construction industry problem, and recommended corrective legislation. Similarly, in 1954, President Eisenhower in a message to Congress, recommended legislation in recognition of the construction site problem.

The application of the bill will not extend beyond the project site and will not have any effect outside the construction industry. The bill is limited to labor disputes involving contractors and subcontractors at the construction site. It is not applicable if there is an employer at the site who is not engaged primarily in the construction industry, or an employer whose employees are represented by a labor organization and the issue in the dispute involves such labor organization.

Additionally, the bill makes specific provision for construction projects at military and defense facilities, requiring at least 10 days' notice of intent to strike.

The bill does not permit strikes by unions not duly recognized under section 9 of the act, nor does it permit strikes that are in breach of an existing collective-bargaining agreement.

The bill does not authorize strikes unlawful under the act. It will not require that a man join a union in order to get a job—two provisions in the act outlaw such requirements.

It will not legalize jurisdictional strikes when a rival union is doing the work.

It will not legalize otherwise unlawful strikes for recognition or organization, when the employees are nonunion or represented by a rival union.

The purpose of the bill is simply to reverse the import of the Court decision, and to restore to employees in the building and construction trades industry the rights which are currently available to the employees in every other segment of American industry.

Mr. President, I ask unanimous consent that each bill be printed in the RECORD at this point.

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

The bills (S. 1368) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects; (S. 1369) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances; (S. 1370) to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for a joint committee or joint board empowered to interpret provisions of collective-bargaining agreements; and (S. 1371) to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), were received, read twice by their titles, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1368

A bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Contract Work Hours Standards Act is amended by adding at the end thereof the following:

"SEC. 107. (a) It shall be a condition of each contract entered into under legislation subject to Reorganization Plan No. 14 of 1950 (64 Stat. 1267) that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic engaged in the performance of the contract to work in surroundings, or under working conditions, which are unsanitary, hazardous, or dangerous to his health or safety. In the event of a violation, as determined by the Secretary of Labor, of any such condition of a contract of a type described in clause (1) or (2) of section 103(a) of the Contract Work Hours Standards Act, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. In the event of a violation, as determined by the Secretary of Labor, of any such condition of a contract of a type described in clause (3) of section 103(a), the governmental agency by which financial, guarantee, assistance or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract.

"(b)(1) Sections 4 and 5 of the Act of June 30, 1936 (41 U.S.C. 38, 39) as amended shall govern the Secretary's authority to enforce this section, issue orders, hold hearings, and make decisions based on findings of fact, and take other appropriate action hereunder. Section 554 of title 5, United States Code, shall apply to any adjudication under this section.

"(2) All questions relating to the interpretation and application of the provisions of this section or the standards, regulations, rulings, interpretations, and procedures promulgated by the Secretary, shall be referred to the Secretary for appropriate ruling or interpretation and such rulings and interpretations shall be final and binding upon all agencies of the United States except the courts of the United States.

"(3) Section 104 of this Act shall not apply to the enforcement of this section.

"(c) The Comptroller General is directed to distribute a list to all agencies of the Government giving the names of all persons or firms that the Federal agencies of the Secretary have found to have violated this section. Unless the Secretary otherwise recommends, no contract subject to this section shall be awarded to the persons or firms on this list or to any firm, corporation, partnership, or association in which such persons have a substantial interest until three years have elapsed from the date of publication of the list containing the name of such persons or firms."

SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting "and Safety" after "Hours" each time it appears.

S. 1369

A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for joint industry promotion of products in certain instances

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 (c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)", and by adding immediately before the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer of the construction industry to a trust fund established by such representative for the purpose of a joint industry promotional program: *Provided,* That (a) in relation to a joint industry promotional program such payments as are intended to be used for defraying the cost and expenses thereof are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than for product and product application research and development, product and product application market development, promotion of product and product application with architects, engineers, and Government contracting officials, product and product application public relations, publication of product and product application technical information and data: *Provided,* That no labor organization or employer shall be required to bargain on the establishment of any such program, and refusal to do so shall not constitute an unfair labor practice. (b) Such funds shall not be commingled with any other funds or used in any manner to share expenses or otherwise defray the cost of programs that are employer or management functions or labor organization functions, and that the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust fund as well as the requirements of the Welfare and Pension Plans Disclosure Act (except any which the Secretary determines are not applicable to trust funds of the type to which this clause applies)."

S. 1370

A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for a joint committee or joint board empowered to interpret provisions of collective-bargaining agreements

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302 (c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)", and by adding immediately before the period at the end thereof the following: ": or (7) with respect to money or other thing of value paid by any employer of the construction industry to a trust fund established by such representative for the purpose of a joint committee or joint board empowered to interpret provisions of collective-bargaining agreements: *Provided,* That (a) such payments as are intended to be used for defraying the cost and expenses of such committee or board are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than the interpreting of provisions of collective-bargaining agreements and to resolve and determine issues arising from disputes regarding provisions of a collective-bargaining agreement, providing that the findings and/or determinations of such committee or board are binding on all parties concerned: *Provided,* That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice; (b) such funds shall not be commingled with any other funds or used in any manner to share expenses or otherwise defray the cost of programs that are employer or management functions or labor organization functions, and that the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust fund as well as the requirements of the Welfare and Pension Plans Disclosure Act (except any which the Secretary determines are not applicable to trust funds of the type to which this clause applies)."

S. 1371

A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint ventures or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site, and there is a labor dispute, not unlawful under this Act or in violation of an existing collective-bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers and the issues in the dispute do not involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided,* That in the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is, or will be, the development, production, testing, firing, or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate. The notice requirements of the preceding proviso are in addition to, and not in lieu of the notice requirements prescribed by section 8(d) of the Act. In determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership or control of such site by a single person shall not be the only factor considered".

SEC. 2. The amendment made by this Act shall take effect ninety days after the enactment of this Act.

SENATE JOINT RESOLUTION 67—INTRODUCTION OF JOINT RESOLUTION FOR REVISION OF THE INTERSTATE COMPACT ON THE POTOMAC RIVER BASIN

Mr. TYDINGS. Mr. President, the joint resolution I introduce today for myself, my Maryland colleague Senator MATHIAS, and Senators SPONG and BYRD of Virginia, Senators SCOTT and SCHWEIKER of Pennsylvania, and Senator RANDOLPH of West Virginia, would give the consent of Congress to revision of the interstate compact on the Potomac River Basin.

It would also give formal approval to the amendments for the District of Columbia.

An identical measure has already been introduced in the other body on January 3 by Representative FALLON as House Joint Resolution 30.

The compact established the Interstate Commission on the Potomac River

Basin, known as Incopot, which has had a long and useful history of accomplishment in water pollution control, dating back to 1940. At that time some thought was given to the creation of a Commission active in all areas of water resources. However, it was felt that pollution conditions were so critical and that time consuming objections to any such broad agency would be raised that it was decided to limit the Commission's mandate specifically to the area of water pollution abatement. A broadened compact could come later.

The Commission's jurisdiction is thus restricted to pollution control and within that to research and factfinding, the dissemination of information, and the coordination of plans and projects developed by local and State agencies. The Commission is further limited by a section of the compact restricting any signatory body from contributing more than $30,000 per year.

Notwithstanding these limitations, the Commission has contributed significantly to our knowledge of the basin's pollution problems, to public awareness of these problems, and to the necessary cooperation among the basin States.

In short Incopot has served us well.

But the time has come now to upgrade it. We must increase its scope and remove its financial straightjacket.

The increased Federal involvement in water pollution, generally, and in the Potomac Basin, specifically, the growing demand for clean water and a quality environment, the continuing pollution in the river—acid mine drainage in the North Branch, industrial and municipal waste discharges throughout the system, siltation that turns the Potomac brown, are all reasons to require a revision of the compact.

Briefly, the changes would—

First. Enlarge the Commissions mandate to permit it to investigate water and associated land resources questions generally, while maintaining its primary emphasis on pollution abatement. This reflects the sensible view that problems of water quality relate to utilization of the land.

Second. Expand the liaison and coordination function of the Commission. This is necessary because the Federal Government, the States, and private groups are increasingly involved in Potomac Basin water quality control.

Third. Grant the Commission additional authority to conduct research and issue reports. The new language here is simply more inclusive.

Four. Grant the Commission the authority to comment on the plans—regarding the Potomac—of other agencies, both private and public. Previously, there was no mention of this. The addition is welcome since so many new plans concerning the basin are now beginning to emerge.

Fifth. Remove the present $30,000 ceiling on the annual contributions by the signatories. This would permit, among other things, an enlargement of the annual matching grants from the FWPCA.

The amendments to this compact were submitted to the signatory States upon recommendation of a special committee of the Commission in 1959. They have been approved by all: Maryland, Pennsylvania, Virginia, and West Virginia, as well as by the District of Columbia.

Congressional consent must now be given as required by the Constitution.

In the last Congress, the Water Resources Council, the Corps of Engineers, the Commerce Department, and the Justice Department all notified the Judiciary Committee of their approval of these amendments.

Only the Department of the Interior withheld approval. It did so regarding section (f)(2) of article II of the amended compact which permitted the Commission to review and made recommendations on water quality standards submitted by the States. The Department felt that this section conflicted with the authority of the States and Secretary as established by the Water Quality Act of 1965.

Accordingly, the Department recommended that the resolution include a proviso which states that the consent of Congress does not apply to this particular section.

Last December 20, Mr. Marvin M. Sutherland, chairman of the Interstate Commission on the Potomac River Basin, wrote the distinguished chairman of the Judiciary Committee that the commission, cognizant of Interior's view, had no objection to the withholding of congressional consent to section (f)(2) of article II. Mr. Sutherland is, of course, desirous that with this action, congressional consent can be quickly achieved.

I would like to make clear to my colleagues that the compact amended by this resolution is not the new Federal-Interstate Potomac River Basin compact. It is, rather, the Potomac River Sanitation compact which created the Interstate Commission on the Potomac River Basin. The former compact, written in late 1967 by the Potomac River Basin Advisory Committee, is now only in preliminary draft form. It has not been approved by any of the States nor by the Congress. It places the Federal Government as a signatory/participant to the compact whereas the compact under this resolution today does not.

The new compact would repeal the old compact and abolish the interstate committee established under it. The April 1968 newsletter of the commission recognizes this. It goes on to say, however, that the new compact will not be operational for some time yet. In the meantime, an upgraded commission can play an important role in Potomac Basin affairs. It can serve as an interim coordinating agency, giving the States a single focal point for their efforts in water pollution control. This is particularly important now since so much activity is taking place within the basin.

The Potomac is a river of great beauty and part of our honored heritage. It is, I think, a national treasure. Its pollution is a national disgrace. Those of us concerned with the basin and its waters are encouraged by the efforts now being developed to restore its quality. Part of these efforts are the actions by the States in the basin to seek a revised compact. This demonstrates their commitment to clean water in the Potomac and its tributaries.

I am hopeful the Congress will demonstrate its own commitment by acting rapidly on this joint resolution.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 67) granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE RESOLUTION 102—RESOLUTION RELATING TO RELIGIOUS PRACTICES IN PUBLIC SCHOOLS

Mr. HARTKE. Mr. President, today I submit again the Senate resolution which I have offered to this body in previous Congresses—a resolution expressing the sense of the Senate with respect to religious practice in public schools.

In brief, the resolution recognizes that any public school system may provide a time for "prayerful meditation" when each individual is "permitted to pray as he chooses."

Such a practice, in my judgment, is consonant with the provisions of the Constitution and with its interpretation by the Supreme Court. I ask unanimous consent that the text of the resolution appear in the RECORD.

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

The resolution (S. Res. 102) was referred to the Committee on the Judiciary, as follows:

S. RES. 102

Resolved, That it is the sense of the Senate that—

(a) notwithstanding the recent Supreme Court decisions relating to the reading of the Bible and the offering of prayer in the public schools, any public school system if it so chooses may provide time during the school day for prayerful meditation if no public official prescribes or recites the prayer which is offered; and

(b) providing public school time for prayerful meditation in no way violates the Constitution because each individual participating therein would be permitted to pray as he chooses, but that such practice is consonant with the free exercise of religion protected by the first amendment to the Constitution.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. SCOTT. Mr. President, on behalf of the Senator from Illinois (Mr. PERCY), I ask unanimous consent that, at its next printing, the names of the Senator from Utah (Mr. Moss), the Senator from

Maryland (Mr. TYDINGS), and the Senator from Connecticut (Mr. DODD) be added as cosponsors of the bill (S. 1179) which seeks to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut (Mr. RIBICOFF) 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. 293) the Reorganization Management Act of 1969.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of my colleague from New York (Mr. GOODELL) be added as a cosponsor of the bill (S. 1088), the Veterans Relocation and Assistance Act of 1969.

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

Mr. HATFIELD. Mr. President, on behalf of the Senator from South Dakota (Mr. MCGOVERN) I ask unanimous consent that, at its next printing, the name of the Senator from Washington (Mr. JACKSON) be added as a cosponsor of the bill (S. 745) to amend the Agricultural Adjustment Act in relation to a class 1 base quota for dairymen.

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

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that at its next printing the names of the Senator from New Mexico (Mr. MONTOYA), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Missouri (Mr. EAGLETON) be added as cosponsors of the joint resolution (S.J. Res. 7) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or over.

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

SENATE RESOLUTION 101—RESOLUTION TO REFER SENATE BILL TO U.S. COURT OF CLAIMS

Mr. SCOTT submitted the following resolution (S. Res. 101); which was referred to the Committee on the Judiciary, as follows:

S. RES. 101

Resolved, That the bill (S. 1253) entitled "A bill for the relief of the Crown Coat Front Company, Inc.", now pending in the Senate, together with all the accompanying papers, is hereby referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 161—RESOLUTION TO REFER SENATE BILL 1364 TO U.S. COURT OF CLAIMS

Mr. MURPHY submitted the following resolution (S. Res. 161); which was referred to the Committee on Interior and Insular Affairs, as follows:

S. RES. 161

Whereas there is pending in the Senate of the United States a bill designated as S. 1364 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the County of San Bernardino, State of California unto Hugh McDowell and Ella B. McDowell, husband and wife; It is hereby

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to Section 1492 of Title 28 of the United States Code, a trail Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

NOTICE OF HEARINGS

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Banking and Currency Committee will hold hearings on March 19, 20, and 21, 1969, to look into the problems of increasing lumber and wood product prices and the shortage of timber and wood products.

The hearings will be held, beginning at 10 a.m. each day, in room 5302, New Senate Office Building.

Persons desiring to testify before the subcommittee should contact Miss Doris I. Thomas, room 5226, New Senate Office Building, telephone 225–6348.

NOTICE OF HEARINGS ON LEGISLATION TO CREATE A DEPARTMENT OF CONSUMER AFFAIRS

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will hold hearings on S. 860, a bill introduced by the Senator from Wisconsin (Mr. NELSON), to establish a Department of Consumer Affairs, beginning on Monday, March 17, 1969, at 10 a.m. The hearings will be held in room 1318, New Senate Office Building. Anyone wishing further information on the hearings should contact the subcommittee staff in room 162, Senate Office Building.

THE MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY

Mr. MANSFIELD. Mr. President, there is a good deal of talk about colleges and dissent, colleges and opportunity, colleges and size, and colleges and violence. The colleges and universities in Montana have been carrying out their functions to instruct and the students have been carrying out their responsibilities to learn.

In my State, despite our small population, we have an exceptional State university and private college system which I think will stand comparison with the educational institutions of any other State or, for that matter, of any other country.

My purpose in taking the floor of the Senate today is to call attention to the Montana School of Mines, now known as Montana Tech, in which I was given the opportunity, despite my lack of qualifications, to embark on my college career and thereby achieve in Montana schools almost exclusively what education I can lay claim to today.

When I applied for admission at the Montana School of Mines in 1927, I had not completed the eighth grade, I had not attended high school, but, despite this lack of qualifications, I was allowed to enroll at that institution as a special student and, in the meantime, to carry on work to earn high school credits. I can never repay my debt to the School of Mines for the opportunities which it gave to me, for the friendships which I made there or for the kindness which the faculty, without exception, as a whole accorded me at that difficult time.

Today the School of Mines has expanded beyond its basic courses in mining engineering, metallurgy, geology, and petroleum engineering in which it ranks with the greatest mining and technical schools in the world but also into the liberal arts field as well.

Montana Tech is a State-supported institution, a vital segment of the University of Montana system, and its enrollment, while primarily from the Butte and Anaconda area, comes from many nations throughout the world, representing all the continents on the face of the globe.

Montana Tech, as we Montanans know, is a top-ranking minerals industry college with a worldwide reputation. Its graduates in this field are distinguished leaders in the industry or the minerals teaching profession. But, as I have indicated, Montana Tech now has much more to offer. It has an expanded liberal arts program which amounts to an economy-education package. Many families living in the Butte-Anaconda area can only afford an education at Montana Tech. They cannot send their children to Montana State University at Bozeman or to the University of Montana at Missoula, where they must live away from home.

Montana Tech has all the advantages of the large colleges and also offers the benefits of a small college. There is the small student-faculty ratio which substantially increases the availability and quality of Montana Tech education.

Contributing significantly to this quality education are some of the leading professors in this section of the Nation who are dedicated to the challenges at Montana Tech.

Mr. President, the Montana Standard of Sunday, February 23, has put out an excellent supplement which shows, without question, the fine opportunities now presented by that college. Montana Tech is a great school. It is a college with a future and anyone who enrolls in this outstanding institution will have no cause to regret it but will have much cause for satisfaction in the years to come.

I ask unanimous consent that the supplement from the Montana Standard to which I refer be included in the RECORD at this time.

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

MONTANA TECH: WHAT'S HAPPENING

TECH BUILDING PLANS ABOUND

The roar of construction equipment was heard across the Montana Tech campus this fall as work commenced on several remodeling projects and new buildings.

A new heating plant, which will serve the entire campus, is scheduled for completion by early summer if weather permits. Contractor for the job is Edward A. Bentley of Bentley Construction Co., Butte. The plant was designed by the architectural firm of Walter H. Hinick, also of Butte. Cost of the plant will be $178,742.

The heating plant presently serving Montana Tech is located in the Mill Building. The new plant will have its own building located west of the Petroleum Building.

The college is making plans for more expansion. Remodeling projects which have recently been completed are the renovation of the gymnasium, $68,000; library, $75,000; Metallurgy Bldg., $71,000 and the Petroleum Building, $64,000.

Construction is planned to start on expansion and renovation of the Montana Tech Student Union Building this summer.

The original Student Union Building, built in 1959, will be expanded to house food service facilities, therefore leaving more room in the dormitory which presently houses food service.

According to architect Charles A. Kestle, the new Student Union will have enough dining space to seat 240 persons and up to 400 on a semi-staggered basis. Dining for students on a cash basis, that is students who do not make regular use of the food service, will be about 225 available seats.

There will be a complete kitchen facility, small coffee shop for after-hour use and vacations, and four meeting rooms also suitable for dining. A book store of about 3,200 square feet is included in the plans as is a new game and recreation area and expanded student office space.

Phase one of the plan will be the initial total building plus adequate equipment and furnishings to handle an enrollment at Tech up to 1,000. Other phases of construction will be added as enrollment increases up to 2,000.

The new addition and remodeling will cost an estimated $615,000. Built-in equipment for the food service, coffee shop and others will cost $93,000. Movable equipment and furnishings come to $18,500. Special furnishings for lounges, offices and the games and recreation room is allotted $10,000. The total cost of the project's Phase 1 plan is $737,000.

When completed the building will have about 28,000 square feet of floor space.

The architect says the roof on the architectural drawing is done in Mansard style. He said "Some new contemporary forms and detail are possible within the Mansard system and yet it is compatible with existing roof forms on the campus."

Work is proposed to begin concurrently on the Student Union Building and remodeling of the dorm. The dorm project, at a cost of about $300,000, will double the present capacity of about 130 students.

A new mineral dressing, geology and mining building is in the preplanning stage. The legislature will be asked this biennium to provide funds to design and plan the building. If the funds are awarded during this session of the legislature, then funds will be asked for the actual building of the structure during the next session.

BUREAU OF MINES HAS IMPORTANT ROLE ON CAMPUS

The Montana Bureau of Mines and Geology at Montana Tech constantly has wide-ranging research and other projects under way.

A continuous project, involving the entire staff at the Bureau includes sale of maps, performing mineral and rock identifications, answering inquiries in person or by mail on all matters pertaining to the mineral industry.

The Bureau conducts research on groundwater, clays and shales, bentonite deposits, and does cooperative research with other colleges and universities.

The Bureau also subsidizes many graduate students and others working on projects around the state.

TECH RESEARCH VARIED

Research in many shapes and forms is being conducted by various departments and individuals at Montana Tech.

For one Tech student a study in the area of computer methods brought many honors.

Steve Bauer, now a senior geophysical engineering student at Tech, did research on a computer method for interpreting electromagnetic waves to find and give a rough sketch of what ore deposits look like before they are ever drilled.

Bauer's research is based on radio waves which are affected by an ore deposit. Geophysicists have known for years that these radio waves indicate the presence of an ore body but the waves are affected in such a complicated manner that they could not tell exactly where or how good the ore deposit would be. Many attempts have been made to solve these problems, but with little success until now.

He proposed and investigated a new approach to the problem which is more complicated than previous attempts, but which seems to work well.

To obtain an ore body sketch using the technique developed by Bauer, it takes 260 answers figured on a computer. Each of the 260 computer answers would take 7½ million mathematical calculations. It would take a person about 100 years to get one answer on a calculator or 260 centuries to obtain an ore body sketch.

What makes Bauer's technique practical for industry is that it can be put on a computer many times faster than that of the Anaconda Co. On a faster computer, it would take just a few minutes to obtain the sketch and only cost about $25. The current method of building ore bodies costs several thousand dollars and is not nearly as accurate as the technique developed by the Montana Tech student.

In another research project currently being carried on at Montana Tech, Francis M. Young, assistant professor of engineering science at Montana Tech, was awarded a contract sponsored by the Montana State Highway Dept. and the Bureau of Public Roads. The grant is in the amount of over $15,000 and runs for about 15 months.

Young and Richard B. Rule, II, associate research engineer, are working on a lithified shale project. The objective is to determine changes which shale or clay strata undergo when unloaded as frequently happens in highway construction.

To achieve this, Young and his assistant use various sensors and recorders to detect changes in moisture, density, temperature, conductivity, and horizontal and vertical movement.

Young said, "The ultimate objective of the shale project is to assist in the design and construction of highways throughout the United States which are being built in areas having these poorly supporting shales and clays as a foundation." Young anticipates the information obtained will be utilized in designing highways so they will have a longer life. The research is being conducted in the Highway and Soils Research Laboratory of the Engineering Science Dept at Montana Tech.

The department of mineral dressing engineering at Montana Tech, headed by Donald W. McGlashan, has received a research project from the White Pine Mining Co. for $22,000.

The project involves heats of immersion studies of effects of certain ionic complexes upon chalcocite, a valuable copper mineral. In further evaluation of the effects of these complexes upon separation and recovery of the mineral, zero-point-of-charge instrumentation is being used. This instrumentation demonstrates the effects of ionic constituents of chalcocite through determination of settling rates.

The department also received a grant from the American Metal Climax Foundation to study the recovery and separation of molybdenite. The work is directed for the recovery of molybdenite as a secondary product for the major copper producing industrial groups.

Another project for $4,000 is supported by the Inland Steel Co., concerning the pelletizing of mill scale.

In a continuing research project of the physics department at Tech, a seismograph is maintained and the results sent to the U.S. Coast and Geodetic Survey in Washington, D.C. The station assists in providing needed information about earthquakes, the structure of the earth, the relation of microseisms to storms at sea and on the land. It leads to important contributions to structural engineering. There are now four sensitive seismographs and one accelerograph at the station. On a day when activity is slight from three to six earthquakes may be noted, while on an active day more than 100 may be recorded.

The director of the U.S. Coast and Geodetic Survey has rated the Tech station as one of the most dependable in the United States.

Other research currently being conducted by the physics department include research on rock bursts seismometers installed in the Galena Mine, Wallace, Idaho; research on the theory of sound wave attenuation in dielectric nucleations and growth of alkali halides in aqueous solution and research dealing with the propagation of long-period seismic waves and crustal responses to permanent deformations.

The engineering science department is engaged in investigation of rock breaking by electrical methods, and dynamic loading and its effect on soil characteristics.

The petroleum engineering department is completing the apparatus for research on interfacial tension on two-phase liquid hydrocarbon systems. Clifford Anderson is conducting a theoretical research project on the effect of capillary pressure and production rate of vertical water drive reservoir under the auspices of the petroleum department.

COMPUTER CENTER ADVANCED AT TECH

An outstanding example of advancement in small colleges in the United States is the Computer Center at Montana Tech. According to a recent report by the Engineers Council for Professional Development, the reason for this is only 6 per cent of all U.S. colleges with enrollment under 1,000 have any computers at all.

John G. McCaslin, Computer Center director at Tech, said, "There are not more than one or two, if any, other colleges of our size in the country with as much computer equipment."

In 1964 the first computer was installed at Montana Tech and was the first in Butte designed to fit engineering needs. Since that time, the Center has grown steadily and has served varied needs.

Local high school students are among the many who find value in the Center. Students write their programs and then run them on the computer at the Center. McCaslin reported that the Center has run 700 high school programs from Butte High alone.

Since the first course in computer programming at Tech was offered in 1964, about 500 students have registered for the course. The Computer Center is available for student use at all times during the day and four nights a week. Students involved in advance programming also have access to the computer on weekends.

All alumni and student names and addresses are on punched cards. It is now possible, for example, to make a list of all alumni located in a particular city or state in a matter of minutes. Names of students can be sorted or printed alphabetically, by sex, class or hometown.

Plans are underway to do all registration and scheduling by next fall on the computer. Tech's payroll is run on the computer and takes about 20 minutes.

A $5,260 National Science Foundation Grant to conduct a computer conference for high school math and science teachers was awarded Tech's Computer Center in July. Thirty-three teachers from Montana attended the conference which was held in August. The intention of the workshop was to bring high school teachers to the Computer Center and instruct them in computer programming using Fortran language. When the conference concluded they returned to their schools to teach computer programming to their students. McCaslin said the center has run about 1,000 high school programs for the teachers who attended the conference. High schools from across the state are using the Center at no cost.

Another computer conference will be conducted this summer.

McCaslin has received a NSF grant for $7,495 to conduct it the last two weeks in August.

Although last year's program was only five days long this year's will last two weeks and allow 40 teachers to attend.

When the first basic Model I IMB 1629 was purchased in April of 1964, the Montana Tech Computer Center was established. The computer had a capacity to store 20,000 digits. The Center has experienced continuous growth since that time. In February of 1967, an additional 20,000 digit storage was purchased and connected to the computer and an IBM 407 printer was also installed.

The old Model I computer was sold to the vo-tech school in Helena in June, 1968, and a Model II IBM 1620 was purchased from Montana State University, Bozeman. This new computer increased basic storage from 40,000 to 60,000 digits and has two disk drives, each with two million storage. Consequently, students and faculty are now able to run programs too large for the original computer. The computer is also faster which reduces the time it takes ' run programs that are now in use.

Other equipment now in service at the Center includes three key punches, one sorter, a verifier and a collator.

FINANCIAL AID AVAILABLE AT TECH

Montana Tech students received a total of $66,000 in scholarships, fellowships and other financial assistance and awards last spring.

With the addition of the following new scholarship, the awards given in 1969 will be even greater.

Pan American Petroleum Foundation Inc. is awarding an undergraduate scholarship in petroleum engineering to Montana Tech starting in the academic year, 1969–70. This is an addition to the Foundation's present scholarship.

This scholarship will carry a stipend of $700 for the freshman year and increase by $100 annually until the recipient has graduated. In addition, the department of petroleum engineering will receive an annual grant of $300 while the scholarship is in force. A grant of $200 will be made to the recipient's high school. The recipient must maintain a "B" average each year.

Getty Oil Co. presented a $550 scholarship to a Tech student this year. Creighton Barry was the recipient and he was one out of four summer employees of Getty Oil Co. to receive a scholarship. Getty Oil intends to establish regular scholarships to petroleum and mining students at Tech.

The American Smelting and Refining Co. Foundation has made two $750 scholarships available at Montana Tech for the 1968–69 academic year. The recipients of the awards this year were William Charles Rust, junior from Whitehall and Claude D. Huber, junior from Butte. In addition, the ASARCO Foundation is providing the college with a $1,500 grant for purchase of equipment for the metallurgy or mining departments.

The Prudential Federal Savings and Loan Association has made a $350 scholarship available at Montana Tech. The scholarship is for undergraduates in any department.

The Petroleum Engineering department recently was awarded a $500 unrestricted grant by Mobil Oil Co. The department will use the money to provide $250 grants to outstanding sophomore students.

The Cardinal Petroleum Co. presented a $500 unrestricted grant to the petroleum engineering department.

Chevron Oil Co. will give annually a $500 scholarship beginning last November. This year's recipient was Bill Daily, senior in petroleum engineering from Tech. Chevron also gives a $500 unrestricted grant to the petroleum engineering department every year.

In last year's awards assembly, more than $66,000 in scholarships, fellowships, and grants were awarded.

The Butte Rotary Club has established a $400 scholarship to be awarded to a Montana Tech engineering senior on the basis of demonstrated need and scholarship.

The Joseph T. Pardee Scholarship was established by Mrs. Ruby S. Pardee for one or more students in geology or geological engineering. Montana Tech is authorized to determine additional terms and prerequisites for the scholarship.

The AMAX geology scholarship is sponsored by the American Metals Climax Co. foundation and is designed to provide a Tech student with aid for taking a summer field course in geology. Eligibility is not limited to geology students, but upperclassmen are the only students qualified to take the summer field courses.

For the first time in many years, athletic grants in aid were offered this year. Fifty students received such aid for football and basketball, including many out-of-town students who might not have attended otherwise. Funds for this program were sponsored by the Montana Tech Booster Club, formed last year of interested citizens and business leaders of the community.

Financial aid for students is also available under the Economic Opportunity Act which is the college work-study program created in 1964.

DEGREES OFFERED IN SEVEN FIELDS

Montana Tech, the educational program is designed to identify, prepare and motivate students in engineering proficiency and scientific literacy. Engineering education is built upon mathematics, physical sciences, engineering sciences integrated with humanities and social studies.

The college offers degrees in engineering science, geological engineering, geophysical engineering, metallurgical engineering, mineral dressing engineering, mining engineering and petroleum engineering.

Graduate instructional programs are authorized for geology, geological engineering, metallurgy, metallurgical engineering, mineral dressing engineering, mining engineering and petroleum engineering.

The engineering science department is a relatively new one at Tech. From two-thirds to three-fourths of all engineering curricula contain the same fundamental courses. Consequently, industry has found that engineers trained in one field may change to another field after minimal study. The engineering science curricula maintains the proportion of basic courses but the remaining courses are selected from advanced areas of engineering, science or mathematics which will further prepare the student for the latest developments in technology.

The department of geology offers a highly trained geologist with a somewhat abridged background. Although his work usually deals primarily with geology, his knowledge and understanding of the engineering aspects of the industry allow him to work most effectively in an area where engineering necessity commonly exercises a strong control over operations. Geological engineering is among those engineering fields in which career opportunities are not entirely restricted to men as there are many areas of specialization open to women in the geological field.

Metallurgical engineering has to do with all aspects of metals. This means the field is especially wide. At one end a metallurgical engineer is responsible for devising and conducting processes to extract metal from ores. At the other end the engineer is responsible for the production and fabrication of practically useful alloys from raw materials.

Mineral dressing engineers are concerned with the separation of materials through physical and chemical processes. The education provides a basis for the development of ability to evaluate existing process systems and devise new systems for situations that may be encountered in the future.

Mining engineers design varied systems of men, machines and techniques for efficient and safe extraction of minerals from the earth. Education must have its roots in the art of mining as developed through time and experience, as well as in the world of science which provides him with a continual stream of new knowledge of nature. The objectives of the mining curriculum at Tech is to prepare the student for continual maintenance and improvement of man's physical environment.

The petroleum engineers are concerned with the practical economics of efficiently producing oil and gas. A close liaison with the oil industry is manitained by Tech's faculty and students. Over forty years of combined experience in a wide variety of industrial activity have been compiled by the teaching faculty of the petroleum department.

The broad field of geophysics consists of the study of the earth's crust, the atmosphere, the oceans which surround it, and the properties of all materials found in them. The graduate of geophysical engineering will find many opportunities like working on the space program or probing deep into the earth's crust. There are many career opportunities in Montana, including several seismograph stations to increase oil production. Even small mine operators are using gravity and magnetic methods to locate ore deposits.

TECH GRADS EARN MORE

Montana Tech 1968 engineering graduates are receiving $29 more a month on the aver-

age than the national average for engineering graduates.

According to figures from a report, "Trends in Employment of College and University Graduates in Business and Industry," the average salary for 1968 bachelor degree graduates in engineering was $764. The average salary for Tech graduates in 1968 was $793. The $764 represents an over-all increase of $52 per month above the average engineering salary of 1967.

Furthermore of 225 firms surveyed, these firms hired about 38 per cent more B.S. and 32 per cent more M.S. engineering graduates than they did in 1967.

According to a comparison of 14 different degree fields, engineers receive the highest pay. Those with masters degrees averaged $888 dollars a month.

Physicists were the next highest paid with an average monthly salary of $737. Next came chemists, averaging $705. Persons in mathematics-statistics fields averaged $693.

Of the Tech graduates accepting positions in 1968, the average monthly salary was $793, maximum was $900 and minimum was $603.

ENROLLMENT INCREASES

Montana Tech's enrollment reached an all time high of 734 last fall when students registered for fall semester classes.

The student enrollment designates an increase of 24 per cent for the same period last year and a 19 per cent increase over 1966, which held the previous registration record. Tech enrolled 588 students during the same period last year and in 1966 enrollment was 617.

The senior engineering class took a tremendous 70 per cent increase when it leaped from 34 students last year to 58 this year.

Comparing this year's 88 junior engineering students to 63 for last year, indicates an increase of 39 per cent. General students completing their third year at Tech before transferring, bring the junior class to a total of 99.

Although the sophomore class enrollment is lower than last year's, it is compensated by the larger junior and senior engineering classes.

Tech's freshmen class their fall, comprised of engineering and general course students, has an enrollment of 362 and shows an increase of 45 per cent over 1967 when the enrollment was 250.

Dr. E. G. Koch, Montana Tech president, attributes the enrollment hike to efforts of the Montana Tech Alumni Association, the Tech Boosters Club, faculty and staff, and interested citizens of Butte.

Spring enrollment of 689 represented an increase of 26 per cent over spring semester last year.

NEW DEGREES PLANNED FOR MONTANA TECH

Montana Tech is making plans for further educational advancement and the prime objective is to make Tech a fully rounded institution in the Montana University System.

Tech plans to build, upon the foundation of an engineering college, other colleges of science, humanities and arts. The line of thinking is that the educated man must have the opportunity to study in many fields. The engineer and scientist can no longer be ignorant of the impact of his profession on human values. By the same token, the student of humanities and other fields of study are integrated at Montana Tech with the engineering curricula. The graduates of any curriculum would receive a more rounded education.

One of the initial phases of this plan was activated last fall by the initiation of courses in biological sciences and accounting.

The new department of biological sciences, headed by Dr. Elmer E. Gless, is scheduled to get into full swing next fall. This year Dr. Gless is teaching classes in basic biology. However, by next fall a 25 credit core biology program will be inaugurated. The program is designed to prepare Tech students to enter the fields of educational biology, dentistry, veterinary medicine, nursing, medical technology, agriculture, forestry, fish and game, conservation, zoology and botany. In addition to the 25 credit core program, a new course in bio-chemistry will be offered to supplement the pre-professional program at Montana Tech.

Dr. Gless stated that all biology credits taken at Tech will be transferable to other institutions in Montana.

The accounting program is headed by Luke Rivers, a certified public accountant from Anaconda. The program is under a new department of business at Tech. The course is being taught in the evening and is sequential for two semesters. It is hoped Tech will eventually have a business program and until then the courses will prepare students for more advanced study in accounting.

It is hoped degree programs in mathematics and several of the physical sciences will soon be added to the offerings of Montana Tech, together with an inter-disciplinary study program leading to the Ph. D. in mineral engineering.

Students attending Tech can take a variety of courses not related to the engineering fields. There are 13 courses to choose from in mathematics; 9 in chemistry; 5 in geology and 7 in physics. The Department of Humanities and Social Sciences offers four economics courses, English courses, including many literature courses; French, German and Spanish; geography, many history courses and international relations; public speaking, debate, drama and music; philosophy, psychology and sociology. These courses are adequate to fulfill core requirements in other Montana universities or, if the student wishes to remain at Tech will provide an adequate background. Students may also fulfill physical education requirements at Tech.

Eventually it is planned for Tech to offer many degrees including those in the liberal arts. For the present, any student may complete two years and sometimes three years of work at Tech and transfer to another Montana institution and graduate on time.

TECH LIBRARY PROVIDES VARIETY

Montana Tech's library with its vast volumes of reference and research books is vitally used by students and faculty alike. Forty thousand books fill the shelves. During 1968, 2,269 books and 1,156 bound periodicals and documents were added to the library making a total of 3,324 new additions.

The 13 volume "Oxford English Dictionary" is one of the many newly added reference series. A few of the other are the 17-volume "International Encyclopedia," 20 volumes of "Contemporary Authors," 15 volumes of "Encyclopedia of World Art" and the "Harper Encyclopedia of Science," a single volume.

Funds for new materials are from federal grants and library grants on a matching basis.

The library is a depository for federal documents on a selective basis and has extensive files of document series and maps relating to mineral science and engineering.

State documents are acquired through the exchange of Montana Bureau of Mines and Geology and publications. Extensive sets of abstracts and bibliographies in science and engineering provide the basis for literature searches.

Items not available in the library collections are acquired as micro prints or xerox copies.

The library is a member of the Pacific Northwest Bibliographic Center, Seattle, and participates in the increasing emphasis on micro prints. The library now sends more books on inter-library loan to other libraries than it borrows.

In addition to the books that have already been mentioned, there are various others in the fields of minerals industry, and humanities lining the shelves to help students in their studies such as "Selected Works, Granites and Migmatites," by J. J. Sederholm; "The Story of the English Language," by M. A. Pei; "Handbook of Electronic Instruments," by H. E. Thomas; "Illustrated History of the Olympics," by R. Schaap; "The Chemistry of Coal Utilization," by H. H. Lowry Wiley, and "The Art and Craft of Poetry," by L. J. Zillman.

Included in Tech's library is an extensive collection of both current and classic novels.

There are three fulltime librarians and four student assistants who work part-time in the library to assist anyone who may need help in locating research or reference material. Mrs. Loretta Peck, head librarian, is assisted by Mrs. Margaret Greiner, circulation assistant; Mrs. Marguerite Miller, cataloging assistant; and students, Diane Hoar, Virginia Park, Esther Stanford and Carolyn Garrett.

Library exhibits are often displayed to add to the interest of the library. During 1968, the 75th anniversary of the school, an exhibit of early college records, photographs, publications, etc., was displayed to honor this occasion. Class pictures were also included. There also have been displays of oil paintings, pottery, different materials collected in Antarctica, space exploration and historical maps.

EVENING PROGRAM EXPANDED

Evening courses were expanded this year with the initiation of a new program at Montana Tech.

Part-time students and other persons attending evening classes who take less than seven credits paid $60 a semester in fees.

The evening courses are designed to aid persons who want to continue their college education but are unable to do so on a full-time basis because of work.

Courses being taught this year are Business 101 and 102, two consecutive semesters of accounting. A certified public accountant, Luke Rivers, instructs the courses.

Humanities and Social Sciences 101 and 102, consecutive courses in English composition are taught to enable students to pick up basic English requirements.

English Political and Social History is taught for two semesters.

Mathematics 121, calculus and analytical geometry, is taught this semester and a course in Algebra was offered fall students.

NEW PROFESSORS JOIN TECH FACULTY

Two new professors have joined the Montana Tech faculty this spring semester.

Dr. Larry G. Twidwell, a new professor of metallurgy, comes to Butte from Albuquerque, N.M. where he held a position in the reactor development division of the Sandia Corp. He has also worked for Monsanto Research Corp. as a research chemist in Miamisburg, Ohio.

Dr. Twidwell has earned B.S. and M.S. degrees from Missouri School of Mines and a Ph.D. degree from Colorado School of Mines, Golden, Colo.

Dr. Twidwell, 29, is married and has three children.

Floyd C. Bossard will take the post of assistant professor of mining engineering and will teach courses in environmental engineering and mine ventilation on a part-time basis.

Bossard earned his B.S. degree from Montana Tech and also has an M.S. degree from the University of Cincinnati.

Montana Tech is making plans for further educational advancement. The ultimate goal is that the college will become a fully-integrated university in the higher educational system in Montana.

To help obtain this objective 11 new faculty members joined the staff last fall; many being added to aid the department of humanities and social sciences. Of the 11 new

members, five were new positions and six were replacements for faculty that had left.

The faculty members that joined Tech are Dr. Guillaume P. DeVault, associate professor of physics; Dr. Michael J. Doman, assistant professor of physics; Dr. Douglas W. Hilchie, assistant professor of petroleum engineering; Joseph E. Kasperick, instructor in humanities and social science; Terrence D. McGlynn, assistant professor of humanities and social sciences; Dr. William G. Pariseau, assistant professor of mining engineering; Kathleen T. Reynolds, instructor in humanities and social sciences; Dr. Gordon R. Shuck, assistant professor of chemistry; Charles J. Wideman, assistant professor of physics; Dr. Elmer G. Gless, assistant professor and head of the new biological sciences department; and Luke Rivers, assistant professor of business.

TECH BOOSTING ATHLETICS

Athletics and intramural sports have greatly improved at Montana Tech in recent years and offer many rewarding and challenging experiences for those who participate.

The college is currently competing in six sports in the Frontier Conference—Football, basketball, track, baseball, golf and tennis.

The improved football program was reflected this past year with the Montana Tech Orediggers finishing in fourth place in the Frontier Conference, under the first fulltime football coach, Ray Braun.

Next year the squad will get another facelifting and promises to be even better under new head football coach Charles Armey, who replaced Braun recently. Armey came to Montana Tech from North Dakota State University where he was an assistant coach. Last year the football squad numbered 40 players with many of the team members coming from across the state in addition to those from the Butte area.

The basketball program at Tech has also shown improvement but "still has a ways to go," according to Coach Tom Lester. The squad includes 12 varsity members, three from Butte and nine from the other parts of the state. The team looks forward to more improvement in coming years as eight of the squad members are freshman. The squad plays a schedule of 23 games, 11 at home and 12 on the road.

Baseball is another exciting sport at Montana Tech. The team plays 10 conference games during the spring and is coached by Bill Cullen, one of the outstanding baseball coaches in the state. The excitement should be amplified this year with more community and student interest as the result of night games to be played for the first time on the Tech Campus.

Tech also competes in track, golf and tennis in the Frontier Conference.

One of the most important additions to the athletic program was the forming of the Montana Tech Booster and Century clubs. These two organizations, composed of faculty, businessmen and other interested citizens of the community, formed the clubs to help promote Montana Tech.

Membership in the Booster Club is $10 per person while the Century Club membership cost $100. Funds from the Century Club are used only for athletic grants-in-aid. Funds from the Booster Club are used for academic scholarships, Booster Club expenses, publicity and other college purposes. Last year the Century Club provided 50 grants-in-aid to students attending Montana Tech. In addition to these two organizations, the students on campus recently formed a Montana Tech Junior Booster Club to help back the athletic program. Dues are $1. These funds are also used for grants.

Intramural sports for men and women attending Montana Tech have expanded too. The program for women is under the auspices of the Women's Recreation Association (WRA), formed in the fall of 1967. The purpose of this organization is to sponsor activities which are of interest to women students and to provide the leadership in setting up and running the various programs. The organization is advised by Mrs. Margaret Sarsfield, women's physical education instructor.

The women's program includes volleyball tournaments, both men and women mixed and women only; badminton tournaments, doubles and singles; bowling tournament; swimming events; tennis tournaments; handball; and some outing activities. The women also have exclusive use of the gym one night per week for recreational swimming.

In addition to these activities the WRA has organized a drill team called the Kopper Kadettes. They perform at half-time during some of Tech's basketball games. There are 17 team members.

The WRA also sponsors an annual "Volleyball-Softball-Swimming Play Day." Girls from the high schools surrounding Butte are invited to bring teams and compete against other high school teams. "This is to give the girls a chance to meet other high school girls interested in physical activities, especially sports and to become acquainted with the facilities available at Tech," according to Mrs. Sarsfield.

The intramural program for men includes many sporting contests and tournaments too, such as handball, badminton, football, basketball, volleyball, swimming and softball. Several times during the academic school year, one or more of these sports for men and women are being played on the Tech campus. More than 500 students participate annually in one type of intramural program or another.

Assistant professor of physical education and coach, Tom Lester, said, "It's the philosophy of the physical education department that intellectual excellence is reached only through coordinated effort of the mind and body. Therefore, it is the responsibility of this department to provide physical activities which will allow each student to develop to his intellectual capacity. Thus the need for the many varied physical education and athletic programs we are providing for the students at Montana Tech."

THREE SPORTS USE ALUMNI COLISEUM

Montana Tech's $350,000 Alumni Coliseum provides the college and Butte with one of the finest sports facilities in the state.

The Coliseum was completed last fall when the lighting system was erected and the rest of it has been completed since 1966.

The $60,000 lighting system was donated by several groups. The Anaconda Co. provided the drilling of the holes for the lighting poles. The company also is responsible for the design and layout of the lighting system. Westinghouse Electric Corp. donated $5,000 worth of fixtures.

The Alumni Association awarded the contract for framing the poles, mounting the fixtures, wiring and raising the poles to Johnston Electric of Butte.

The lighting provides a three-way system depending on which sport is being contested.

TECH PROVIDES GOOD LOCATION, SMALL POPULATION

Students attending college at Montana Tech have a natural advantage because of Tech's location and because of the small population of the school.

Butte and the surrounding area provide many opportunities for recreation and outdoor fun. Located in a fishing and hunting paradise, many of Tech's students and faculty spend most of their fall weekends hunting. Closeness and friendship abounds at Tech and often students and professors are found taking a hunting or fishing excursion together.

Snowmobiling is the new rage and Tech students get together often for snowmobile parties and other winter events. One of the finest snowmobile race tracks is located near Butte at Elk Park. A lot of students spend their winter weekends skiing at the Butte area trails or the Bridger Bowl in Bozeman.

Because of the relatively small population of Montana Tech's student body, faculty and students often become close friends. It is quite common to find a professor surrounded by several students in the Student Union Building, all enjoying each others company. Since there is a small faculty-student ratio, students will find professors easily available for counseling, advice and just general companionship.

Many students at Tech are interested in minerals industry engineering as a career. Being one of the greatest mining centers in the world, Butte provides opportunities for on-the-job training and close observance of actual industry techniques.

Many of the students find summer employment in Butte and some are able to get part-time jobs during the school year to supplement both their income and their knowledge of mining.

Those who choose to attend Montana Tech, be it for a complete degree or for only a couple of years, will probably find in no other school in Montana, so much closeness, friendliness and activities among the students and faculty.

ACTIVITIES MANY AT TECH

Extracurricular activities are an important part of any college student's life. Many different clubs and activities are available for students at Montana Tech.

Homecoming, an annual event, is one of the biggest fall activities. Days are spent in preparation for the parade and the crowning of the homecoming queen. Each class nominates a candidate and each class prepares a float for competition for prizes in the parade. A football game and dance top off the festivities.

The "M" which adorns Big Butte is usually painted on "M" Day in May. Students in groups paint the big letter and a lunch and dance cap the day.

Several dances are held during each semester in honor of various events and sponsored by different groups.

An intramural athletic program is arranged for students who do not have the time or skill to be on a varsity team. Tournaments and schedules are arranged in basketball, volleyball, swimming, softball and other games.

No matter what each student's interest, there will be a club to interest him. Some of the many organizations at Tech include Camera Club, Associated Women's Students, dramatics club, mineral club, musical organizations and religious groups, and international club for foreign and regular students.

For the Greek-minded, Montana Tech has two fraternities, Sigma Rho and Theta Tau.

Students interested in journalism may work on the student newspaper and yearbook for college credits.

Tech sports a fine speech team and new students are always welcome to join the teams in the various speaking events. The teams travel to many different schools throughout the year to compete in intercollegiate speech events.

The school has a fine photography lab for those interested in photography. A pool room and a student union provide a place for relaxation. And the best food in the world, hamburgers, soft drinks and french fries are served at the Student Union Grill.

PRESIDENT NIXON'S EUROPEAN TRIP

Mr. DIRKSEN. Mr. President, a few days before the President undertook the trip to Europe to meet with the many leaders there, he asked that the joint leadership of the House of Representatives and of the Senate come to the White House so that he might discuss

what he had in mind and sort of lay out a kind of road map for the occasion. At that time he stated that as soon as he returned, no matter how arduous the trip might be, he would make a report.

This morning the leadership convened at the White House, and with it there were staff members and also the Secretary of State and the Secretary of Defense. The President made a rather extended and I thought very superb statement of what was involved in the trip and what took place. I think he is to be commended for this and particularly for trying to keep Members of the House of Representatives and the Senate fully informed as these various things unfold. I salute him for a job well done.

Let no one say that it was not an arduous week because anyone could watch it on television and note how he went from place to place, the long hours involved, and how necessary it was to be "on the beam," so to speak, at all times. I think of the 7 hours he spent with President de Gaulle of France, and that was continuous; and the purpose was to develop good will between the two countries.

So once more I salute the President of the United States for a job so admirably done.

PRESIDENT NIXON'S 8-DAY DIPLOMATIC JOURNEY THROUGH WESTERN EUROPE

Mr. SCOTT. Mr. President, the 8-day diplomatic journey through Western Europe which President Nixon concluded Sunday evening deserves America's attention and admiration. The Christian Science Monitor called it "an extraordinarily successful diplomatic tour." The Sunday New York Times, in an editorial entitled, "Nixon's European Success," noted that "the progressive estrangement of the United States from its European partners has been halted, and, perhaps, reversed."

It was obvious from the confidence and care of the President in the words he used and from the reactions of his hosts in each country, that we have a skilled diplomat for our national leader. As a private citizen, Richard Nixon traveled many miles and spoke to many world leaders. The experience and insights he gained and the friends he made have become priceless assets to our Nation since Mr. Nixon became President Nixon. This was proven in recent days, most dramatically. I am confident that the next big test of personal diplomacy, likely from press accounts to be with the Soviet Union, will require and will draw forth from the President this same gift.

Indeed, the trip just concluded set the stage, not only for talks with Russia, but for what a London wire service dispatch appropriately calls "a new style" in American diplomacy which would bring Europe closer to the United States than it has been in many years.

I am tremendously heartened by the skill and success of the President, and I believe the American people are, too. They have a leader and an event to be proud of.

There are those who complain because no pacts were signed, no complex, detailed issues resolved. To them, I suggest they misread the purpose of the trip and failed to understand its limitations. Nobody understands better than the President that long hours of preparation and negotiation by professional diplomats, foreign secretaries, and our Secretary of State, are required before such agreements are concluded.

The President's task was one of reopening dialogs where conversation was shut off and of amplifying communication where it had grown feeble. It was a matter of solidifying our friendship and support where we most logically should have it, among men and nations of common culture and common cause. It was a first task done first, and done very well.

The American people are grateful to President Nixon for bringing us closer to our allies. It was a vital and essential task at this time when we are seeking negotiation rather than confrontation with the Soviet Union.

The new administration is in the midst of assessing and examining the problems which threaten world peace. This was the time to get the views of our friends in Europe whose future is so closely bound to our own. This was the time for the President to get in personal touch with leaders with whom he will have to work so closely in perilous months and years ahead. This was the time to reaffirm our commitment to the Atlantic Alliance, and to forge new ties of trust and confidence between the United States and Europe, where so much is at stake.

The problems with which the President must deal affect our friends in Europe both directly and indirectly. The problems of a divided Germany and Europe, arms limitations, trade and monetary problems, the Middle East and Vietnam peace all are of mutual concern.

The President turned an attentive ear to our friends in Europe and opened new channels of communication. Judging by the response he received, we can count on new understanding and support. We can now look forward with greater confidence as we face the future. For this we can thank the President.

Mr. President, I ask unanimous consent that several newspaper editorials and articles be inserted into the RECORD at this point.

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

[From the Christian Science Monitor, Mar. 1, 1969]

PRESIDENT NIXON'S SUCCESSFUL TOUR

President Nixon is back from what must, on almost all accounts, be deemed an extraordinarily successful diplomatic tour. Seldom has an American president more fully succeeded in doing what he set out to do on a foreign swing.

Although time alone will tell what further achievements will stem from the Nixon visit to Western Europe, one thing has already been accomplished. This is to present to Europe what might be termed a "new America," that is, a United States readier to listen to the thinking and the advice of its closest foreign associates.

It is no exaggeration to say that President Nixon's words upon reaching France and greeting French President de Gaulle were masterly. Although speaking for the mightiest land on earth, Richard Nixon underlined not only his respect for the French leader but his eagerness to draw upon President de Gaulle's long experience and unquestioned shrewdness. Nothing could have gotten the Nixon-de Gaulle talks off to a better start than this.

But beyond the rightness of Mr. Nixon's words in London, in Berlin, in Rome, and Paris, there lay something deeper. It was the clear implication on the American President's part that a new day in American diplomacy was dawning. And this day is characterized by less self-assertion and self-assurance on the United States' part.

This change springs from many sources. There is, maybe first of all, the deep national disillusionment with the war in Vietnam. There is the understandable weariness of a nation which for the past quarter-century has borne a many-sided and heavy worldwide burden. There is the rising realization that homeside problems are growing in urgency. And there is the recognition that certain of America's past attitudes have tended to widen the gap between that country and those which, by outlook and interest, should be its closest partners.

It will not be easy for the United States to shift gears on either foreign policy or national outlook. Policies tend to be self-perpetuating and to run in well-worn grooves. A national outlook cannot be significantly altered without serious wrenches. But there can be little doubt but that, at many critical points, American foreign policy does need revision and updating. Nor can there be doubt but that President Nixon sees this need. His words and his attitude during his European swing bore this out.

But it is one thing to see the need for change, and quite another to work out a successful revision of long-standing policies and viewpoints. In short, how can America now continue to play a leading part in the preservation of the free world, yet do so less obviously, less obtrusively, less gratingly? Mr. Nixon has shown that he recognizes the desirability of this. Now must come its implementation.

[From the New York Times, Mar. 2, 1969]

NIXON'S EUROPEAN SUCCESS

President Nixon's successful tour of Europe has opened a vital effort to unite the West for negotiations with the East. The escalating tension over Berlin, which reached a new high point yesterday, casts a darkening shadow over the prospects for broad East-West talks. But the new and more intimate kind of consultation with the NATO allies initiated by Mr. Nixon will be useful whatever the future may hold.

Only a beginning has been made, of course, in these allied discussions. Nevertheless, the progressive estrangement of the United States from its European partners has been halted and, perhaps, reversed.

A full assessment of Mr. Nixon's talks with Europe's leaders must await the President's report to the nation this week and similar accounts by his European partners. West-West as well as East-West issues were covered and here, with France again quarreling with its neighbors, results necessarily were more modest.

Talks were initiated with the Common Market Commission to head off trends toward protectionism on both sides of the Atlantic. Perennial fears in Bonn about American troop withdrawals from Germany were eased. Bonn recognizes more clearly the need for a commensurate Germany military effort and a long-term agreement to offset U.S. dollar costs. The next move on the international monetary front was explored everywhere.

On the major, long-recalcitrant West-West problems—such as the future structure of NATO, the political union of West Europe and Britain's admission to the Common Market—no breakthroughs were made, or even sought. General de Gaulle's disagreements with his neighbors make little progress pos-

sible on these issues at present, despite the reopening of a French-American dialogue. A new climate between Paris and Washington might help to resolve substantive questions, if not with de Gaulle, then with his successors. But two or three years of persistent effort will be needed to determine if this is possible.

Mr. Nixon's European probe confirmed almost universal support among the NATO countries for a cautious American effort at negotiation with the Soviet Union if close consultation with the NATO allies is maintained. Despite the current Berlin pressures and dismay over Czechoslovakia, Europe's leaders believe Moscow is seriously interested in a dialogue with Washington on the nuclear arms race, the Middle East and perhaps other issues.

Mr. Nixon met a disconcerting response to his thesis that delay in opening the strategic arms talks might bring political concessions from Moscow. He was asked in Bonn to link German reunification, too, to the missile talks and his spokesman had to announce that "no conditions would be placed on bilateral arms talks." But even in West Germany, Mr. Nixon found the conviction that an improved climate in Soviet-American relations would reduce the risk of general war and aid the other NATO allies in their own negotiations with Moscow.

For several years now, the West has faced the East in disarray. Bilateral contacts and negotiations have brought scores of high-level meetings between Kremlin officials and those of individual Western countries. But often leaders of other Western nations got little or no information about these talks, let alone opportunity for prior discussion. President Nixon has emphasized now that consultation must be a two-way street, the prerequisite for the unity and common purpose the West will need if broad-ranging negotiations with the Soviet Union are to become reality.

[From the New York Times, Feb. 27, 1969]

PRESIDENT'S ATTITUDE HEARTENS WHITEHALL

LONDON, February 26.—The British Government was in a mood of ebullience today over President Nixon's visit. He flew off this morning after 39 hours here.

"I am not given to overstatement," one qualified source said, "but I am bound to say without any qualification that these talks were extremely successful in matter, manner and atmosphere." He then changed his phrase to "enormously successful."

The mood of good feeling was not related to substantive issues. Informants said that Mr. Nixon had conveyed no new policies and sought to reach no conclusions on issues.

It was rather the personal relationships that mattered. One source spoke of a sense of "rapport" that had quickly been established.

Another said:

"The President made us feel our views were wanted and respected. What more can any Government desire from such an opening contact?"

The fact that Mr. Nixon chose to come to Europe so early in his term, before his policies were fixed and bureaucratic patterns frozen, was especially welcomed.

COMPLEX ISSUES DISCUSSED

A participant in the working sessions at 10 Downing Street said that when complex issues of European security were discussed, the President "struggled to understand—went back and asked questions."

"He had clearly read the background documents," he said. "His interest never seemed to flag."

Some detected what they thought was a slight lack of self-confidence—others spoke of modesty. But all the officials, like the private citizens with whom Mr. Nixon spoke yesterday, seemed to feel he really wanted answers to questions.

"I had the sense of a man looking for help in making up his mind," one participant said, "and it was not a fraud."

The President, it was learned, did almost all the talking for the American side in the official Downing Street sessions. Secretary of State William P. Rogers intervened only briefly.

There was great interest here in the role of the President's Assistant for National Security Affairs, Henry A. Kissinger.

In not only the official but also the private meetings, observers said, the President sought Mr. Kissinger's views frequently and relied on him for advice.

Mr. Kissinger arranged an unannounced meeting of editors with the President yesterday. Mr. Nixon spoke to them for about 15 minutes, then stayed for 10 more minutes of questions.

The subject was Western security and the hope of broad negotiations with the Soviet Union. Some present said Mr. Nixon emphasized the need to remain strong but seemed rather strongly hopeful of some agreements with Moscow.

"There is nothing new," one editor said, "but I'm bound to say he did it rather well. He was very articulate, his sentences were well structured and his syntax secure."

Another said the President still seemed very much to be "feeling his way." But this participant said Mr. Nixon had a "better understanding of the political realities of Europe—the desire for independence and détente—than some other Americans who have visited here recently."

[From the Philadelphia Inquirer, Mar. 3, 1969]

NIXON CREDITED WITH EVOLVING NEW DIPLOMACY

LONDON, March 2.—President Nixon's eight-day Euorpean tour was hearlded as a success Sunday and commentators forecast a "new style" in American diplomacy that would bring Europe closer to Washington than at any time since the Kennedy era.

Despite riots in Rome, protests in Paris and disarray in the alliance of Western Europe, Mr. Nixon generally was credited with a personal triumph in his Presidential debut on the international stage.

British commentators predicted there would be a new era in British-American relations. Editorials in Brussels, headquarters of NATO, the North Atlantic Treaty Organization, applauded a fresh American state of mind.

PRAISED BY KIESINGER

West German Chancellor Kurt George Kiesinger commended Mr. Nixon's awareness that the United States must play a leading role in the Western alliance. Italian governmental officials discerned a new style of relations between Europe and the United States.

In Paris, where the cold shoulder has been more in evidence in dealings with Washington, a Foreign Office spokesman predicted "very good results." And President Charles de Gaulle raised a goblet of champagne to French-American friendship.

In Moscow, where anti-Nixon comment has been restrained since his election, Communist commentators said little of the President's trip and focused instead on the way anti-Nixon demonstrations were handled.

TIME NEEDED

Despite Nixon's personal triumph, few officials, newspapers or observers seemed to think his efforts to unify Europe would bear immediate fruit.

"Very likely this is the shape of the Europe Mr. Nixon will have to deal with for the next four or eight year," said Britain's Economist magazine. It described the West European nations as "so preoccupied with their own status-game they can play no effective part in the rest of the world."

"Despite Nixon's efforts to promote European unity," said the Economist, "the Western European capitals will remain disjoined and Communist East Europe may be stuck in a cycle of repression and near explosion."

CHARACTER EVALUATED

London's Evening Standard said: "President Nixon, whatever enigma he may still present, has not turned out to be a monster of conservative depravity. On the contrary, he has emerged after only one month in office as a calm, thoughtful and moderated president.

Most of the British press fell in with this assessment, and 27 Conservative lawmakers sponsored a motion in Parliament praising the President and "his reaffirmation of the special Anglo-American relationship."

Most Belgian newspapers concurred that Mr. Nixon's approach to NATO marked a turn in U.S. policy. But they regretted that it came in the midst of a dispute over the European Common Market, the Western European Union and NATO itself.

In West Germany, headlines highlighted Mr. Nixon's assurance that Washington would not confer with Moscow at Europe's expense, and Nixon's backing of West Germany on the Berlin situation.

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

Mr. SCOTT. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Lest there be any misunderstanding, let me state for the record that we are all pleased with the success which the President has achieved on his recent visit to Europe.

We appreciate the fact that it was conducted in low key, that there were no promises made—and none anticipated and none demanded—and that it was a matter of understanding and closer cohesion between the people who are allied with us in this time, age, and era.

The President is to be commended for going to Europe when he did and making the contacts he did, representing us with such dignity and, may I say, such distinction in this most difficult period in the affairs of the world.

We are delighted with the success which the President has achieved. We are relieved that he is back with us once again. We hope that this period of flexibility will not be cut too short and that he may be able, on the basis of the groundwork laid, to accomplish much more in the future.

Mr. SCOTT. I thank the distinguished majority leader.

WILL THIS NATION BE DESTROYED BY TAXES?

Mr. SYMINGTON. Mr. President, as we shortly give consideration to a Federal budget which shows that the annual cost of running the Government of the United States is many tens of billions of dollars more than the entire gross national product of any other country of the free world, I would hope we would bear in mind the following facts and figures:

In the past 10 years, Federal taxes in the United States have increased 71.3 percent.

During that same period, local taxes increased 120.5 percent.

State taxes increased 260.9 percent.

Ten years ago, the total tax burden of the average citizen in the United States was 27 percent of his salary.

Today, that average is 34 percent.

Should we not bear in mind an interesting closing line from a recent editorial in the Charleston (W. Va.) Gazette Mail:

History is littered with the corpses of empires guilty of hubris and felled by its consequences: the overexpansion of manpower and resources.

REASONS WHY THE ABM COULD WELL COST TENS OF BILLIONS OF DOLLARS MORE THAN CURRENTLY ESTIMATED

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for 5 minutes.

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

Mr. SYMINGTON. Mr. President, last August, in debate on the Senate Floor about funds for construction of the Sentinel ABM system, there was the following colloquy between the distinguished majority leader and myself:

Mr. MANSFIELD. If what the Senator says is correct and it is intended eventually to spend in excess of $6 billion to build a "thin" ABM system, which we were told originally by Secretary McNamara, and since by his assistants, was for defense against China, but which we were told when the authorization bill was before the Senate some weeks ago was in effect for defense against the Soviet Union, does it not seem logical to assume, if that is the case, that $6 billion-plus is just the first installment on a program which could eventually cost this country somewhere in the vicinity of from $50 to $70 billion?

Mr. SYMINGTON. I think it would be more than that. As but one example, take the F–111 planes. The original price on that plane was $2.8 million. I asked last spring what 100 of them would actually cost, and was told $15 million apiece. That is five times higher.

It is already admitted the thick line would cost $40 to $50 billion. Following the same character of extrapolation—and there are other items I could mention—it could cost at least $100 billion.

Some of those who continue to support the production and deployment of this unprecedentedly complicated ABM system have challenged any possibility that the ultimate cost if extended to protect the United States against Soviet Russia as well as China, could be $100 billion; but reasons outlined below show clearly that, based on the record, this "thick" Soviet system could cost tens of billions of dollars more than $100 billion.

The estimated cost for the "thin" China system has already jumped from an original 1967 estimate of $3.5 billion to $5 billion in 1968; and is now closer to $10 billion.

Recent testimony by a high official of the Department of Defense before the Joint Economic Committee confirms that this escalation in the cost of the ABM could well be just the beginning of a continuing series of upward revisions.

This testimony reported the fact that 12 major systems which were developed during the 1950's exceeded their original estimated cost by an average of 220 percent. And if the increase in the estimated cost of this highly complicated Sentinel thick system was nevertheless no more than this average, its cost would be $160 billion.

But the most shocking, and incidentally the most recent, study referred to in said testimony, had to do with a report published by the Brookings Institution. This report said in part:

During the 1950's, virtually all large military contracts reflected an acceptance by the military agencies of contractor estimates which proved "highly optimistic." Such contracts ultimately involved costs in excess of original contractual estimates of from 300 to 700 percent.

Based on these studies, cited a few weeks ago by the Department of Defense itself in its logical defense of the relatively small additional cost incident to the production of the C–5A transport plane, it is within the range of possibility that the "thin" China system could conceivably cost the American taxpayer over $40 billion; and the cost of the "thick" Soviet system could be over $400 billion.

Let us note in passing, especially to those prone to accept, without question, all new weapons systems proposed by the military, that this latter figure is more than the current national debt.

How can the American people now be asked to bear such a gigantic additional burden in order to finance the production and development of a system whose operational capability its strongest proponents admit may not be adequate to do the job it is designed to do?

As I have often stated previously, I believe in and support, without reservation, the continuance of research and development on this new system, even though during recent years many billions of dollars have been expended on major missile systems that were never even placed into production; that is, were abandoned as obsolete or unworkable before the development work on them had been completed.

Let us note also that, according to Defense Department testimony given the Congress months ago, $4.7 billion had at that time been spent in research and development effort on ground-to-air nuclear systems, including the Sentinel.

This heavy expenditure of our increasingly limited resources on missile systems that never advanced beyond the development stage is unfortunate; and in my opinion is but additional proof of the growing tendency in recent years for military research and development efforts to be directed toward solving theoretical problems rather than producing badly needed modern defense hardware. That in itself is one of the chief reasons why the Soviet Union is currently so far ahead of the United States in so many categories of modern conventional weapons.

Equally unfortunate is the fact that over $15 billion of the taxpayers' money has been invested in missile systems once produced and deployed, but now abandoned, in many cases because in due course it was found they did not work.

Let us hope the above facts will be given careful consideration by those who, along with the multimillion-dollar public relations program apparently organized by the Defense Department to promote the Sentinel, currently support the deployment and production, now, of this ABM system.

In summary, even if the price was not so high, even if deployment of the Sentinel would not promote a new escalation in the arms race, I cannot support the deployment of this weapons system without further research and development because I do not believe, in its present form, it will work. This conviction is supported by many years of practical experience in the electronics industry prior to my coming into Government.

To produce and deploy this defense system now could be a nuclear-space age "followup" to the tragedy that was the maginot line.

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

Mr. SYMINGTON. I am happy to yield to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to commend the distinguished Senator from Missouri for addressing the Senate this afternoon, and for bringing to the Members of this body his thoughtful presentation.

The Senator from Missouri brings an extraordinary background to this whole debate on the question of the Sentinel ABM system.

He is a member of the Committee on Armed Services. He has particular responsibility given him by the Senate in the field of national security. He is also a member of the Committee on Foreign Relations and is very much aware of the latest thinking by that committee, and by responsible members of our Government concerning our relations with our adversaries—and our friends—beyond our borders.

Because of his long background and experience in the whole private sector, there are few Members of this body who can speak about the cost of such a weapons system with his background and experience.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to have 3 more minutes.

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

Mr. KENNEDY. Mr. President, the Senator from Missouri has addressed this body at many different times on our fiscal and monetary position in the world, and is an authority on that problem. I think he really brings a great wealth of experience, which is extremely important and that the Members of this body should consider the comments he has made with great attention.

I should like to ask the Senator two very brief questions. The first is whether, in reaching the figure of some $400 billion which he has suggested this afternoon, he has included in that figure any expenditures for fallout shelters. I think any kind of presentation which is made in support of a thin, or even a thick, ABM system relates to and is concerned with questions about fallout shelters. I was wondering whether an estimate for the cost of fallout shelters would be included in the $400 billion, or whether such expenditures for fallout shelters, if we were to agree to a thick system, would be an add-on to the $400 billion figure the Senator from Missouri has suggested?

Mr. SYMINGTON. Mr. President, first, I would thank the distinguished assistant majority leader for his kind but undeserved remarks, and add that in this field it is a privilege to follow his leadership and that of others in questioning a system, the expense of which will make it very difficult to handle, problems we have in other international fields, as well as growing problems in the domestic field. Nevertheless, regardless of cost, if I believed this Sentinel system was vital to our security I would be for deploying it now. I do not so believe.

In reply to the distinguished Senator, I reached this possible figure by taking the high additional percentage of the Brookings Institution report; namely, 700 percent. It does not include shelters. Perhaps the most informative lay articles written on the Sentinel subject were those put into the RECORD by the distinguished senior Senator from Massachusetts on February 19, consisting of 12 articles, in which the estimated cost of the shelters was stated as being $38 billion in total, as I remember. Based on all records of the past I would be surprised if the ultimate cost was not a good deal more than $38 billion. My answer, therefore, is that I did not include shelter cost, and that would add heavily to the cost.

Mr. KENNEDY. My second question, Mr. President, relates to the probability of increased defense budgets that would result from a new round in the arms race, as former Defense Secretary indicated would be the case in his January defense posture statement. It is my opinion that the deployment of either a thick or a thin ABM system would signal such a new round in the arms race, but let us say it is a thick system.

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

Mr. KENNEDY. I ask unanimous consent for 2 additional minutes.

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

Mr. KENNEDY. I refer to the development of MIRV's, the hardening of IBM sites, the development of a new generation of ICBM's, and so forth. Does the Senator agree with me that this would run into additional expenditures as well, because once we move into an escalation in the arms race, in terms of a thick system, obviously it is going to take additional expenditures of at least hundreds of millions of dollars, and probably many billions of dollars, to make any kind of meaningful progress in terms of our defensive posture as well as offensive posture?

Mr. SYMINGTON. The able assistant majority leader is correct, although I am not opposed to all improvements in our offensive missile systems until we reach proper agreement. But I was a Member of the Senate during the so-called bomber gap of the early 1950's and during the so-called missile gap of the late 1950's. They just did not pan out. So this time I think this Congress should look carefully before deploying this new weapons system. It could mean the expenditure of tens, if not hundreds, of billions of dollars of additional money resulting from mutual escalation of the arms race.

In a statement I intend to put into the RECORD I present that the cost of running this Government today, the annual cost, is running tens of billions of dollars more than the gross national product of any other country of the free world.

Mr. COOPER. Mr. President, Senator SYMINGTON'S statement on the enormous burden of costs that a decision to deploy an ABM system would bring to the people of the United States is very important to the Congress and the American people. His experience of over 30 years as an executive in the electronics industry, as Secretary of the Air Force, and as a ranking member of the Senate Armed Services Committee, gives him an expert knowledge of technological matters which few in the Senate can approach.

I know that Senator SYMINGTON would agree with me, that if deployment of an ABM system would bring genuine security to this country, he would support its installation no matter how great the cost. But what is at issue in this ABM debate is whether the United States will be made more secure as its proponents contend by deployment, or whether the deployment of the ABM will lead only to a more dangerous nuclear escalation and less security. Senator SYMINGTON'S contribution on this important issue is of the greatest value.

DEPLOYMENT OF AN ABM SYSTEM

Mr. HART. Mr. President, normally we leave until the end of our remarks the request that there be printed in the RECORD an editorial, an article, or a letter. Today, I should like to switch the batting order, and ask unanimous consent that there be printed in the RECORD at this point a letter dated February 25, 1969, from 39 members of the University of Michigan Physics Department, bearing on the subject of the anti-ballistic-missile system.

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

FEBRUARY 25, 1969.

Senator ROBERT GRIFFIN,
Senator PHILIP HART,
U.S. Senate,
Washington, D.C.

DEAR SENATORS GRIFFIN AND HART: Our government is presently reviewing its plans for the deployment of an anti-ballistic missile (ABM) system, and further argument undoubtedly will be made in the House and the Senate concerning this matter. We are convinced that the deployment of an ABM system would be a grave mistake either as a "thin" system for defense against the Chinese or as part of a more extensive system designed to withstand any form of nuclear attack. We would like you to consider the following arguments on which our case is based.

1. The so-called "thin" system was originally approved by Congress to provide a defense in the 1970's against a light attack by a relatively small nuclear power such as China might be at that time. We do not believe that the proposed system could provide us with this defense. It is relatively easy for the attacker to build penetration aids to fool the defense system. Such aids include multiple warheads, decoys, clouds of metal wire (chaff) to fog the defense's radar, etc. These and other methods are discussed in an article by H. A. Bethe and R. L. Garwin in Scientific American of March 1968. (Copy enclosed.) It would be quite feasible and relatively inexpensive for the Chinese who are developing their offensive ICBM system at this time to incorporate such penetration aids into their system, and surely they would do so, knowing as they do the nature of the defense system they must overcome. For although it is conceivable (barely) that they might be sufficiently unreasonable to attack us with ICBM's (in spite of the full knowledge that we could and would eliminate them as a viable country if they did) it is inconceivable that they would do so without taking the relatively simple and inexpensive steps necessary to make sure such an attack would be effective.

2. Another argument put forward by proponents of a thin ABM system is that it would provide protection against the accidental firing of an ICBM by the Russians. It is argued that $5 to $10 billion is a relatively small price to pay for such protection. Those who argue in this way overlook one very important point. If the United States deploys an ABM system, then the Russians, or for that matter any other nation which considers us a threat, must modify their offensive missiles so as to give them a good chance of penetrating our defense. As we have said, such modifications are relatively easy. The technical advantage is always with the attacker. When such modifications were made (and they would undoubtedly proceed in parallel with our deployment of an ABM system) we would have to contend with the accidental launching of a missile equipped with multiple warheads, decoys, chaff, or whatever it takes to penetrate our ABM system. Thus in the end our cities would not be significantly better protected than they are at present.

It is important to note that the likelihood of an accidental launch by the Russians due to technical malfunction is comparable to the likelihood of an accidental explosion of one of our own missiles. Thus by surrounding our cities with nuclear tipped ABM's we are, if anything, increasing the probability of technical accident, either due to one of our own missiles or due to one of theirs.

Presumably, the chance of an accident on our part is very small. However, the damage it could cause is so great that we would have to consider ourselves in very great danger to want to take such a risk, particularly with a system that is not likely to be effective against the danger for which it is designed.

3. A third argument that we have heard in defense of an ABM system is that it would improve our over-all defense posture. This argument is put forward by those who see the thin system as the forerunner of a more extensive system costing many tens of billions of dollars. The trouble with this argument is that the cost of constructing any ABM system is very great compared to the cost of potential enemy must incur to redesign his offensive system to penetrate our defenses. Thus building an ABM system is a very inefficient way of improving our defense posture. It is too easily rendered useless by improvements in offensive weapons. Thus extensive expenditures by both sides lead to no relative improvement in either's position. Our country can ill afford to waste even $5–10 billion on a thin system, let alone $50–100 billion on the thick system which would be likely to follow.

4. In addition to these arguments, we have great doubts, of a purely technical nature, about the performance of any ABM system. It seems unlikely that a system of this complexity, if ever called upon, will perform with any high degree of success. The technical demands on a defensive system are much greater than those on an offensive or retaliatory system such as we have at present. Moreover, the necessary testing of the proposed system under *realistic* conditions seems impossible and therefore we have very grave doubts about its successful performance.

We hope you are in agreement with us on these matters. We would appreciate any opportunity to discuss this further with you at your convenience. If we can be of any service to you in this matter we would be glad to cooperate.

A copy of this was signed by the following members of the Physics Department faculty, University of Michigan.

C. W. Akerlof, Asst. Prof. of Physics, J. Bardwick, Asst. Prof. of Physics, J. W. Chapman, Asst. Prof. of Physics, C. T. Coffin, Assoc. Prof. of Physics, D. M. Dennison, Prof. of Physics, H. A. Gould, Asst. Prof. of Physics, W. R. Gray, Asst. Prof. of Physics, W. E. Hazen, Prof. of Physics, K. T. Hecht, Prof. of Physics, A. Z. Hendel, Assoc. Prof. of Physics.

L. W. Jones, Prof. of Physics, G. L. Kane, Assoc. Prof. of Physics, S. Krimm, Prof. of Physics, A. D. Krisch, Prof. of Physics, O. Laporte, Prof. of Physics, R. R. Lewis, Prof. of Physics, M. J. Longo, Prof. of Physics, D. I. Meyer, Prof. of Physics, O. E. Overseth, Prof. of Physics, J. J. Reidy, Asst. Prof. of Physics.

A. L. Read, Assoc. Prof. of Physics, A. Rich, Asst. Prof. of Physics, R. T. Robiscoe, Asst. Prof. of Physics, B. P. Roe, Assoc. Prof. of Physics, M. H. Ross, Prof. of Physics, R. Roth, Lecturer in Physics, T. M. Sanders, Jr., Prof. of Physics, R. H. Sands, Prof. of Physics, D. A. Sinclair, Prof. of Physics, K. M. Terwilliger, Prof. of Physics.

R. S. Tickle, Prof. of Physics, J. C. Vander Velde, Prof. of Physics, G. Weinreich, Prof. of Physics, M. L. Wiedenbeck, Prof. of Physics, D. N. Williams, Asst. Prof. of Physics, W. L. Williams, Asst. Prof. of Physics, J. Ward, Assoc. Prof. of Physics, V. Wong, Lecturer in Physics, J. C. Zorn, Assoc. Prof. of Physics.

Mr. HART. Mr. President, the logic of this letter, to me, is irrefutable.

I share the physicists' view that it would be both feasible and inexpensive for either China or Russia to develop penetration aids for missiles which would negate any possible effectiveness of ABM missiles.

I share their view that if the Chinese were foolish enough to launch an ICBM attack on this country they would first develop such aids to make the attack more devastating.

I suspect neither the Chinese nor the Russians are unreasonable enough to launch missiles which would have little chance of reaching targets.

I share the view that the same logic reduces the system's effectiveness against an accidentally launched missile. I am sure that if Russia has missiles that can be accidentally launched, those missiles will be equipped with devices to increase their chances of penetrating an ABM system.

I further share the thought that concern about accidental launching of Russian missiles must be balanced with concern about damage resulting from accidental explosion of any of our missiles, whether they be located near cities or in rural areas.

Moreover, I have the same misgivings as the physicists do about the ability of the system to perform its mission.

I believe there is a military maxim that if the attacker is willing to pay the price, any defense can be beaten. In the case of the ABM system, the price to defeat the defense is minuscule in comparison to the cost of building the defense.

The logic is clear. No ABM system without more research, and probably, not even then.

I urge all citizens opposed to deploying the ABM system to make their views known publicly.

While it may be easy to fool an ABM system with decoys and clouds of metal wire to fog the system's radar, it is not so easy to cut through the decoys and fog put forth by some supporters of the ABM system. Only the support of concerned citizens will insure that logic will pierce the wall of fog and confusion now surrounding this proposal.

Finally, Mr. President, I am asking the Secretary of Defense to comment on this letter. It is a document that I believe should be read thoughtfully by all of us who share responsibility for the decision as to whether we go ahead with the deployment of this system.

The VICE PRESIDENT. The Senator's time has expired.

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

Mr. SYMINGTON. Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. GOLDWATER. Mr. President, I would have to object. My remarks are very brief.

The VICE PRESIDENT. Objection is heard.

EMBARGO ON MEXICAN TOMATOES

Mr. GOLDWATER. Mr. President, a few days ago I referred to the fact that the Secretary of Agriculture placed an embargo on tomatoes grown in Sonora, Mexico. At times there is reason for an embargo, but not in this case. Now we find that the American housewife is the victim. One housewife wrote that the embargo has raised the price of tomatoes to 11½ cents each and that they just sit in the grocery stores getting too ripe; that the housewives will not pay such high prices for a tomato as big as a billard ball.

I ask unanimous consent that an article which appeared in the Wall Street Journal on the whole subject may appear at this point in my remarks, with the hope that the Secretary of Agriculture and the Secretary of State will read it and realize the damage being done to Mexican-American relations.

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

CURBS ON TOMATOES FROM MEXICO CAUSE U.S. PRICES TO RISE: MEXICAN FARMERS ARE ENRAGED AS THEIR CROPS ROT—FLORIDA GROWERS HAD URGED RESTRAINTS

(By Norman Pearlstine)

NOGALES, MEXICO.—U.S. housewives and Mexican tomato farmers have a common complaint these days.

Neither is happy with the supply of fresh tomatoes in U.S. supermarkets. And they can both look to a common "villan"—the U.S. Department of Agriculture.

The reason: On Jan. 8, at the urging of Florida growers who compete with Mexico to supply winter tomatoes to U.S. markets, the Agriculture Department slapped a set of minimum-size restrictions on all tomatoes sold in the U.S. The chief effect of the complicated restrictions was to cut sharply the imports of Mexican tomatoes—and to drive U.S. prices as much as 30% higher than a year ago.

While U.S. housewives are irked with the price increases, Mexican tomato farmers are enraged as they watch tons of their tomatoes being devoured by cattle or simply rotting in heaps along highways. "The whole of Mexico feels stabbed in the back," says Raul Batiz, a farmer from Culiacan and president of the 20,000-member Confederation of Agriculture Associations of Sinaloa.

For many Mexicans, the tomato situation has begun to assume the proportions of a major international incident. Mexican government officials and newspapers have reacted angrily. Mexico's ambassador to the U.S., Hugo B. Margain, filed a formal protest with the State Department, and newspaper editorials depict the tomato regulations as an example of how the big Yankee likes to push around his diminutive neighbor. One cartoon depicts a large Uncle Sam stabbing a small Mexican farmer in the back. The Mexican bleeds catsup.

GOOD FOR EVERYBODY?

The Florida growers who called for the size restrictions say they can't understand the furor. "If the restrictions were removed, we would have a demoralized, chaotic market in the U.S. within a week," says Jack Peters, manager of the Florida Tomato Committee, a grower group that has authority under Federal law to draw up tomato size, maturity and grade requirements for the Agriculture Department. "What we're doing is good for the entire industry, in Florida and in Mexico."

The disputed regulations provide that mature green tomatoes (those that ripen after they are picked) can't be sold unless they are more than two and 9-32 inches in diameter. Vine-ripened tomatoes must be at least two and 17-32 inches in diameter.

Florida growers contend the regulations aren't discriminatory because they're applied equally to both foreign and domestic tomatoes. But Mexican farmers point out that the regulations are more lenient on green tomatoes—which comprise almost 85% of the Florida crop and only about 10% of Mexico's.

Mexican growers say the size restrictions have barred at least 30% of their crop from U.S. markets this winter, and the figure will rise to about 50% in coming months. Florida growers, meantime, acknowledge that only 15% to 20% of the Florida crop is affected.

SHARP RISE IN PRICES

The effect on U.S. prices is evident. Food stores in the New York area recently have been selling tomatoes for as much as 65 cents a pound, and in Washington and other cities the price runs around 49 cents. A year ago, when bad weather and blight in Mexico had driven prices to what were then considered unusually high levels, the average price was 42.8 cents a pound. Two years ago it was 34.2 cents. (During the summer months, prices are considerably lower because U.S. domestic production increases sharply.)

Albert Conard, secretary-manager of the West Mexico Vegetable Distributors Association at Nogales, Ariz., just across the border from here, warns that if the regulations aren't lifted, tomatoes will soon be selling generally for as much as 69 cents a pound.

The operators of U.S. supermarkets are also unhappy over the size restrictions because they fear they will lose customers as prices rise. "Many women are already leaving tomatoes out of their salads," says the producer supervisor of one big supermarket in Dallas.

Some tomato connoisseurs say rising prices aren't the only reason housewives are reluctant to buy tomatoes. They contend that the artificially ripened tomatoes now making up the bulk of the market aren't as tasty as the vine-ripened Mexican tomatoes that have suffered most from the ban. Kroger Co., operator of one of the largest U.S. supermarket chains, says: "It has been conclusively shown in many marketing areas that

consumers prefer the vine ripe type. They have consistently better flavor."

In Mexico, farmers say the ban on small tomatoes has begun to have serious economic impact. Mr. Batiz says almost 15,000 of the 100,000 workers who cultivate tomato fields have been laid off in Sinaloa and Sonora. These two "salad bowl" states produce most of Mexico's tomatoes for export, which in recent years have brought in about $80 million a year. More layoffs are likely, he says.

Many farmers say they fear it will be hard to find financing for next year's planting, and some growers talk bitterly of shifting their purchases of machinery, seed and fertilizer from the U.S. to other nations next year. "The U.S. encouraged us to grow a big crop, using machinery bought in the U.S., and now they're trying to keep us from selling it," says Mr. Batiz.

The U.S. had indeed encouraged expansion of the Mexican tomato industry. Agriculture experts from the U.S. have made periodic visits to the area to offer advice on increasing production, and U.S. funds helped finance an irrigation project that opened up additional hundreds of acres to tomato growing in Sinaloa last year. Exports of Mexican tomatoes to the U.S. have risen sharply from 103 million pounds in the 1956–57 season to a peak of 386 million pounds two seasons ago. Mexican growers had expected, prior to the size restrictions, to ship a record crop this season.

For many citizens of this border city, which is a shopping mecca for U.S. tourists as well as a major gateway for export of Mexican produce, the size restrictions on tomatoes appear to be just another step in a U.S. "plan" to discriminate against Mexico. The tightening last year of restrictions on the amounts of liquor and duty-free merchandise Americans can take home from foreign countries already has caused considerable economic strain here.

"What are you gringos trying to do to us?" complains a waiter in a downtown Nogales restaurant. "You let the Japanese sell all kinds of stuff, but you won't take our tomatoes."

Mario de la Fuente, owner of the Nogales bull ring and a long-time promoter of improved Mexican-American relations, says: "We've been working hard to build good relations down here, and now some jerk in Florida comes along and tells us not to sell our tomatoes. What's next? If this keeps up, in another 10 years we'll be shooting across the line at each other."

ARIZONA'S NEW NATIONAL AIR ACADEMY

Mr. GOLDWATER. Mr. President, last week I introduced an amendment for Senator FANNIN and myself which would provide recognition for the role colleges and universities might have in the overall efforts to solve air traffic control problems.

Everyone knows that the air traffic crisis has reached the urgency stage. Speaking as a friend of aviation with a love for being in the cockpit, I believe we need to look hard at all the different approaches which human ingenuity can devise to solve the logjam in our skies and insure the safety of the public.

This is why Senator FANNIN and I joined as cosponsors of the bill S. 1070, proposed by Senator BROOKE, to establish the Commission on Air Traffic Control. This body will be composed of experts from the aviation field with a duty to study and report back within 1 year on all aspects of air traffic control problems.

One important phase of these problems is the need to increase the numbers of qualified persons who can enter the aviation field as controllers. The plain fact is that while air traffic has been increasing at about 20 percent a year, the professional controller force has remained nearly at the same level. It is here—in solving the education gap—where colleges and universities can make a major contribution.

In order to focus on this means of helping to solve the shortage of qualified personnel in the field of air traffic control and in the entire field of aviation, Senator FANNIN and I have offered an amendment to S. 1070 to provide specific authority for the Commission to study the feasibility of a program of unrestricted Federal incentives to encourage colleges to develop and provide courses in the field of air traffic control and to add two members to the Commission representing the academic world. In this connection, the Commission should certainly give a close look at existing authority in this area such as the possibility that the Federal Aviation Administration could begin awarding scholarships to help fill our emergency needs.

That there can be useful courses in this field at the college level is proven, I am happy to say, by an example happening in my own State of Arizona. Mr. President, there is an entire aviation center now taking shape in the Gila River Indian Reservation area of central Arizona. The proposed name of this academy is the "National Center for Research and Development in Aviation Education and Training"—or to slim it down, the National Air Academy.

This is a fantastic venture, the likes of which has long been needed by aviation. The original idea for the academy came from officials and instructors at Arizona State University, with particular credit for organization due to Mr. Victor Rothe.

The center has been the subject of a U.S. feasibility study by the Economic Development Administration and has been found to be eligible for funding by that agency.

As it now stands, this project will be established and operated as a cooperative effort between the aviation industry, Arizona State University, and the Federal Government. Pursuant to this goal, a nonprofit corporation, the Aviation Research and Education Foundation, has already been established in Arizona.

By 1972 this center is expected to be turning out 2,000 aviation students, with facilities for 1,000 students planned to be ready by late in 1970. At present students in this field are quartered at Arizona State University, where right now they can obtain a degree in aeronautical technology including at least six courses on air traffic control.

Thus, Mr. President, formalized programs on air traffic control can be made available by colleges. Controllers of the future can acquire a solid background for their vocation in a rounded aviation program offered at the university level. For this reason, I believe that our amendment, if adopted, will lead to a practical remedy for helping to solve one major area of the air traffic crisis.

In order to present a complete description of the national center under development in Arizona, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks an article which appeared in the January-February 1969 issue of the PATCO Journal, by Mr. Victor Rothe, entitled "Arizona's New National Air Academy."

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

ARIZONA'S NEW NATIONAL AIR ACADEMY

Revolutionary educational approach, and proper recognition of aviation skills, are the basis for two and four-year curriculums for air traffic controllers (now being worked out), pilots, aviation technologists and aviation mechanics. Parallel transfer from one specialty to another may be possible.

Recent studies of aviation problems made for the Aviation Center indirectly unearthed a solution for getting new controllers quickly. The FAA could immediately begin to award scholarships in sufficient quantities to fill our emergency needs. It could request proposals from interested junior colleges and universities for a 2-year instruction program for air traffic controllers. FAA could then provide scholarships, where training facilities were acceptable. This would provide a stop-gap measure for more controllers, until more formalized programs in colleges and other teaching areas are available.

At first, it can seem like some dastardly plot. Air traffic is increasing around 20 percent a year, while the professional controller force for the past five years, has remained fairly static. However, the resultant inevitable, yet unforgivable squeeze on controllers is but one serious symptom of an overall ill—a shortage of qualified personnel across the board in aviation.

Each year, not only are there greater demands for more controllers, pilots, aviation mechanics, and technicians of all types, but they have to be more on the ball. Aviation technology is barreling along at supersonic speeds. Transportation air needs are accelerating too. Yet the techniques by which aviation people are trained for their job creak along at a Model T pace, in many ways.

The old pipelines of military trained personnel are drying up. They can't produce the quantity of people needed nor can they train them adequately for the unique demands of modern civil aviation. Various courses for aviation skills have emerged, spurred in part by the GI bill, it is true. But they have not represented a nationally coordinated look at a basic group of problems we face.

WHAT WE DON'T KNOW

In brief, we don't know fully the qualities that make for a good controller, pilot, or aviation man. We don't know fully what the best means are for training them for given positions. And we lack a link-up between aviation industry and the academic world so that what is happening today—not last year or last week—is incorporated into the training in a classroom or in a cockpit.

One solution to the education "gap" in aviation is taking shape now in the Gila River Indian Reservation area of central Arizona. That may seem like an unusual place to locate a "National Center for Research and Development in Aviation Education and Training." But there are no geographical limits to where schools are located today. Here the climate and area is ideal for aviation and flying. Here too, the fact that the Reservation represents a depressed area has allowed funding for the academy by the U.S. Economic Development Administration.

This center will be turning out some 2,000 aviation students by 1972, and is presently handling 750 students, quartered for the time being at the Arizona State University. Two or four years of education in any of the professional fields in aviation, air traffic control included, are being set up now.

Don't think of the Academy as just a massive aviation university, however. It is that—but it is also much more. Looked at one way, it is a "testbed" to determine what are the best ways to teach aviation. Quality of education, not quantity, is the yardstick.

Looked at another way, the academy will become an R&D center, the likes of which aviation has sorely needed. What is new in aviation will be focused, like a Laser beam of light, with great intensity at this site.

Looked at still another way the academy can be viewed as the "place" where the action is in aviation, where exciting new and effective instructional materials and curriculum are being hammered out to meet the unique needs of this field. As people are educated there, new techniques and procedures will be evolved, tested out, and then either discarded or improved.

One of the key drives of the academy is to get industry into the act too. Our early studies showed lack of "dialogue" between the educational institutions and the workaday world. We have found, actually, that aviation manufacturers are more than willing to provide inputs to make our training more meaningful to the actual work outside. In fact, industry has been felt left out in the past, by that artificial wall that sometimes seems to sever the halls of learning from the real world.

The original idea for the academy came from officials and instructors at the Arizona State University. The scope of the project was beyond the resources of the University, of course. But the site was ideal for another reason—the U.S. Economic Development Administration made a study and determined it could lend its support to the great adventure, to the tune of $165,000, matched by $102,000 contributed by ASU and industry.

CONTROLLER CURRICULUM

One aspect of these courses will appeal to new controller types, we are sure. A real nut has been the limited range of training usually afforded controllers. They are able to fit into only one small slot of aviation, and if they burn out, quit, or are medically retired, they have no place to go but to the "outside" to look for unrelated work.

A goal of the academy would be to provide a rounded aviation background that keeps the controller from being trapped careerwise in that "slot."

The competence required of, and the pressures applied to present controllers are great. Educationally, controllers of the future will have to master more skills since the job will probably get more and more demanding.

This problem, coupled with existing ATC problems, is making it hard to get the controllers even now in sufficient numbers as trainees. This is true despite the fact that as far as civil service grades are concerned, the rating of service grades of controllers is relatively high.

There are two ways to tackle the problem. One is to develop technology which reduces the workload on the controller, perhaps lengthening his span of years as controller.

The other is to give him a "broad-base" educational program from the start that will give him "options" in aviation, opening the door to a life-time career in various phases of it.

How best to do this is a curriculum problem to be ironed out when the Academy becomes fully operational.

ACADEMY SHAPES UP

The original U.S. feasibility study concluded that—as a preliminary step—a non-profit membership type corporation, representing all segments of the aviation industry, should be established. It would be instrumental in establishing and operating a national civil aviation training R&D center as a cooperative effort between the aviation industry, the academic community, and the federal government.

Thus was the "Aviation Research and Education Foundation" incorporated in Arizona in March. For initial planning, an interim Board of Directors was appointed with an operational Board of Directors to be elected at the first meeting of the Corporation membership.

A membership drive is presently underway. Members are being solicited from airlines, aerospace manufactures, aviation-related organizations (such as oil companies, insurance companies, banks, and educational institutions), and other organizations with direct or indirect interests in aviation.

The foundation is negotiating a long-term lease for the 1,350 acre Goodyear Auxiliary Airfield on the Gila River Indian Reservation. Plans are to develop the site and flight training facilities, and acquire flight training equipment. The foundation also plans to develop income by subleasing sites and facilities on the airfield to aerospace companies not directly associated with the R&D/training center. Approximately 500 acres are available for this purpose.

The State of Arizona will handle the academic portions of the center and conduct educational R&D programs in cooperation with the foundation and other educational institutions. The dormitories, expected to house 75 percent of the student body (2000) by 1972, will be developed with private capital.

The current plan is for flight training to begin this September. Facilities for 1000 students are expected to be ready by September, 1970.

The Aviation Research and Education Foundation will be guided by a Board of Directors, representing all major areas of aviation. Two major operating groups will be established within the foundation—technical and administrative. Each has three divisions. Technical Operations Group: flight, research and development divisions; Administrative Group: membership, business affairs, and personnel.

After a membership program is developed and officers elected, the Aviation Research and Education Foundation will negotiate a policy and operations agreement between it and Arizona State University.

At the operations level, a Steering Committee, with representation from Arizona State University and the Foundation, will probably guide the implementation of the policy and operations agreement between the two organizations. The Steering Committee will establish priorities for R&D activities and phase such activities into the overall educational program.

Much of the research will be performed within the context of the educational program, without interfering with the program. Teaching and R&D programs will be conducted by teams from both Arizona State University and the Foundation.

Team teaching will be a major form of instruction. The teams will consist of educators (from Arizona State University) and of industry and other instructors (through the Foundation). In this way, the academic and the real world shall blend into one in the classroom.

The educators and industry representatives will also be learning as they teach. Whatever new instruction techniques, materials and systems they help develop, they can take back to their "home bases" for dispersal within their own programs of education.

How to improve curricula—for present and future aviation needs—was one primary concern. Money was limited, and first in-depth studies were limited to mechanics and pilot curricula. The second phase of studies is now underway—with air traffic control a key element for study.

Arizona State University has incorporated some of the results of the studies and now feels it offers decided improvements over present programs for aviation. Our approach was first to break down the job title, as pilot, into its many "tasks" requiring skills and knowledge. Then we studied the tasks—which can develop from one aviation profession to another—in light of how to provide a broad-base aviation education, a broad-base general education, and a special emphasis in one career area in aviation.

Maintenance Technician Task: Basic framework of a curriculum was developed after a detailed analysis of the Allen Study (A National Study of the Aviation Mechanics Occupation); the proposed changes to FAR–147 by the Federal Aviation Administration, a survey of offerings by other schools, and the predicted effects of technological change.

The resultant Academy curriculum includes subjects offered in two year junior or community colleges, and also offers greater technical depth, as well as subjects which meet the general educational requirements for college credit.

Pilot Task: An in-depth analysis of pilot tasks was found to be non-existent, even though it is vitally needed. The University lacked funds to launch its own research studies.

Most of the University's readings, therefore, come through the study of FAR regulations, bulletins, and whatever other literature can give us some insight into these jobs.

The end result was the culling of 52 skills related to the pilot/controller function. These skills were broken down in terms of four basic curricula—four basic options, if you will.

The relationships between the academic and flight portions of the baccalaureate, three-option program, and the maintenance technician program for the proposed aviation training center are:

Option I: Aeronautical Technology. A broad non-flight technical program.

Option II: Professional pilot training.

Option III: Non-flight air transportation management curriculum.

A new *Option IV,* Air Traffic Control, is being formulated.

Clock hours in the proposed curricula are considerably more than required for FAA ground school certification—flight time would be 250 hours (primary and advanced), plus synthetic trainer time. This will lead to a commercial pilot's license with an instrument and multi-engine rating.

The three baccalaureate options are shown under the major heading "Aeronautical Technology." Options I and III are non-flight. The technician program, which provides for an Associate degree in Applied Sciences, will go under the heading "Support Personnel." The "Special Courses" area pertains to short-term, contract-type courses, such as flight training for ROTC students, aviation seminars, etc. A separate baccalaureate option is presently being formulated for Air Traffic Control.

Dropouts benefit from the option concept. Many students will flunk out of one area—for aptitude or attitude deficiencies, or for other reasons. They can drop into some other option at that point, applying their previously acquired credits.

Option flexibility is widespread. For example—a student will be able to drop back to the maintenance technician program and obtain a certificate in the Associate in Applied Science degree level, or become a specialist in one of the technician areas. Conversely, the maintenance technician student can move upward into the Aeronautical Technology area for a Bachelor of Science degree; his previously earned credits would apply toward the degree.

The Air Academy also is forging on another educational wavelength—that of

mental adaptability. This quality is becoming crucial in skilled professionals. No matter how well they are taught, once they are in their field, they will find it in a constant state of change, and must have the mental flex to change their thinking accordingly.

I don't have to add that whatever is true in change for the average skilled profession goes double for those in aviation.

There are five separate ways the Academy is planning to meet the needs for flex.

1. General education will not be ignored because of the pressures to teach aviation.

2. Programs will be configured to change on the spot where change is happening "outside" in aviation. Also, the academy will strain to foresee and anticipate changes in aviation, and contour its curriculum to meet these changing needs.

3. Technical and educational subjects will be presented in one organized whole, one smooth flowing educational unit. There will be no offerings of isolated fragments of courses, with the only goal the piling up of the number of credits to graduate.

4. Programs will not only teach technical and scientific matters, but will use developments in these fields—such as computerized, multi-media instruction, and a self-pacing system—to advance its ability to meet the individual needs of students. Part of this goal will also be to breathe new ideas into scientific concept at the school itself.

5. The individual student will not get lost in the shuffle. Higher personal instruction will make him the focal point of training. That means avoiding becoming overly curriculum-centered, process-centered, or teacher-centered.

In the research end, the Academy must be a questioner of what is being done in aviation education, and an innovator. It must find out what it costs to educate properly, and what are the necessary tools and their costs; it must delve deep into the psyshic motivations that make people want to be in aviation, or than can make them good performers in aviation. It must keep its finger on the pulse of new technology always, to gauge its effect on civil aviation; and it must find ways to get students interested in and learning about aviation at still earlier ages.

Something like the Academy has been sorely needed for aviation for decades. Within scant years, solid improvement in aviation education can result. I am only sorry that no immediate remedies are available for the deficiencies in air traffic now coming to a head over the country.

Mr. Rothe has been instrumental in organizing the National Center for Research and Development in Aviation Education/Training (we are sure that name will slim down in time), as a member of Arizona State's Aviation Research and Education Foundation. His forté has been transportation in all its myriad forms, although he presently is associated with the Arizona State University. He was manager of the Aviation Safety Engineering and Research Div. of Flight Safety Foundation, Inc., for six years. Ten years prior to that he specialized in internal combustion machines as instructor with U.S. Army Transportation and Development Command. He is also on the Arizona Atomic Energy Committee.

RE-REFERRAL OF S. 1198 TO COMMITTEE ON FINANCE

Mr. LONG. Mr. President, on Friday, February 28, S. 1198 was introduced and referred to the Committee on Judiciary. This bill relates to taxation by the States of income earned in interstate commerce. It presents an alternative way of dealing with the question of overlapping State tax systems, by permitting them to agree among themselves to provide uniform jurisdictional and apportionate rules.

The other method of dealing with this problem is to impose direct Federal standards on State taxing powers. This other method is reflected in S. 916 which is now pending before the Committee on Finance.

The Congress looked briefly into this general area in 1959 and decided that a full congressional study should be made of State taxing systems. Section 201 of Public Law 86–272 enacted in 1959, and amended in 1961, provides:

> The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall make full and complete studies of all matters pertaining to the taxation of interstate commerce by the States, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, or any political or taxing subdivision of the foregoing.

When that bill was referred to the Judiciary Committee, obviously the subject referred to the wording of that statute, which provides that the bill must go to the Committee on Finance.

In light of this statutory jurisdiction over the whole area of interstate taxation and in recognition of the fact that a bill identical to S. 1198 was referred to the Committee on Finance in the preceding Congress, I ask unanimous consent that S. 1198 be rereferred to the Committee on Finance.

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

S. 1300—INTRODUCTION OF BILL ON COAL MINE HEALTH AND SAFETY

Mr. JAVITS. Mr. President, I call the attention of the Senate to the special message on coal mine health and safety transmitted the other day, to the House, but at that time the Senate was not open for business.

In his message the President outlined the various administrative steps which have been or shortly will be implemented by the Bureau of Mines to improve conditions in our coal mines to reduce to an absolute minimum the possibility of repetition of the tragic disaster which recently took the lives of 78 miners near Farmington, W. Va. In his message the President also proposed changes in the Coal Mine Safety Act, which are absolutely necessary if the Federal Government, acting through the Secretary of the Interior and the Bureau of Mines, is to have truly effective power to act to improve health and safety conditions in coal mines.

All of these changes, Mr. President, are embodied in the bill transmitted to Congress by the Under Secretary of the Interior, Hon. Russell Train.

I am now pleased, on behalf of myself—and, as I am the ranking minority member of the Committee on Labor and Public Welfare, it is quite appropriate that I should sponsor this measure for the administration—the Senator from Kentucky (Mr. COOPER), who has had a very long-standing concern with this matter of coal mine safety and the health of miners, the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), to introduce for appropriate reference.

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

The bill (S. 1300) to improve the health and safety conditions of persons working in the coal mining industry of the United States, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, the bill would make a number of changes in existing law. Among the most important are the following:

First. The Federal program would be directed at preventing all types of accidents in coal mines, not just so-called major disasters.

Second. Surface coal mines, previously excluded from coverage under the law, would be covered.

Third. The Secretary of the Interior would be given the power to promulgate, by regulation, health and safety standards. Presently the standards are codified in the law and thus legislation is required to improve them. The standards now in the law are those originally enacted in 1952; they have not been updated for 17 years.

Fourth. For the first time, standards for permissible levels of coal dust—the cause of coalworkers' pneumoconiosis or "black lung" as it is more commonly called—would be established. An interim standard of 4.5 milligrams per cubic meter of air would go into effect 60 days after the effective date of the act for most mines and the Secretary would be required to set a date by which the standard would be brought down to 3 milligrams per cubic meter of air. Miners showing signs of pneumoconiosis would have to be given respirators or assigned to work places where the coal dust level was less than 2 milligrams.

Fifth. Pending promulgation of standards by the Secretary, interim safety standards, some of which are considerably stricter than existing standards, would go into effect 120 days after the effective date of the act. The standards would cover ventilation, roof supports, electrical equipment, maps, fire protection, combustible materials, and blasting, among other things.

Sixth. The distinction between gassy and nongassy mines would be ended. All mines would be treated as gassy.

Seventh. Civil penalties up to $10,000 could be assessed against operators who violate health or safety standards. Criminal penalties could be imposed on anyone who knowingly violates or fails or refuses to comply with a withdrawal order.

Eighth. Every underground mine would have to be inspected at least three times per year and the Secretary would be given power to train and appoint qualified coal mine inspectors.

Ninth. State efforts in the field of coal mine health and safety would continue

to be encouraged by retention of the provisions relating to State plans and State participation in inspections in existing law.

Tenth. A broad program of research, education and training would be undertaken by the Federal Government. The States would also be encouraged to undertake these activities through Federal grants.

The VICE PRESIDENT. The Senator's time has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be permitted to continue an additional 5 minutes.

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

Mr. JAVITS. Mr. President, the subject of coal mine health and safety is a matter of national concern. Although there are no coal mines in New York, together with all other Americans I was horrified at the recent disaster in Farmington, W. Va. And, as the ranking minority member of the Committee on Labor and Public Welfare and its Subcommittee on Labor, which has jurisdiction over this area, I feel keenly our responsibility to take swift action to strengthen the hand of the Federal Government to reduce the annual toll of life and limb in our coal mines. Strong measures are necessary, and it is a strong bill that the Interior Department has sent up to us, which I have had the privilege of introducing today. Improvement of coal mine health and safety is clearly a matter of the highest priority for the Congress, and the administration has recognized it as such.

Though it will be obvious to anyone who compares the bill I have introduced today with the bills previously introduced by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from West Virginia (Mr. RANDOLPH), I should like to emphasize that no partisanship is involved in the bill. Improvement of health and safety conditions in our coal mines is a matter for all. What is needed is a law which is as strong and as fair as our legislative skill can devise. It is in that spirit that the administration has transmitted and I and Senators COOPER, SCOTT, SCHWEIKER and STEVENS have sponsored this bill I have introduced today, and I know that that is the spirit which will guide the members of the Subcommittee on Labor, the full Committee on Labor and Public Welfare and ultimately the Senate, as they act upon this important legislation.

Mr. JAVITS. Mr. President, I ask unanimous consent that the President's message and Under Secretary Train's letter of transmittal, together with certain material appended to his letter, be printed in the RECORD as a part of my remarks. The material appended to the Under Secretary's letter includes the text of the bill, a section-by-section summary and analysis, tabular appendixes, and a comparison of the administration's bill, which is hereby introduced, with various other bills dealing with coal mine health and safety which have previously been introduced.

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

To the Congress of the United States:

The workers in the coal mining industry and their families have too long endured the constant threat and often sudden reality of disaster, disease and death. This great industry has strengthened our nation with the raw material of power. But it has also frequently saddened our nation with news of crippled men, grieving widows and fatherless children.

Death in the mines can be as sudden as an explosion or a collapse of a roof and ribs, or it comes insidiously from penumoconiosis or "black lung" disease. When a miner leaves his home for work, he and his family must live with the unspoken but always present fear that before the working day is over, he may be crushed or burned to death or suffocated. This acceptance of the possibility of death in the mines has become almost as much a part of the job as the tools and the tunnels.

The time has come to replace this fatalism with hope by substituting action for words. Catastropes in the coal mines are not inevitable. They can be prevented, and they must be prevented.

To these ends, I have ordered the following actions to advance the health and safety of the coal mine workers:

Increase substantially the number of inspectors, and improve coal mine inspections and the effectiveness of staff performance and requirements.

Revise the instructions to the mine inspectors so as to reflect more stringent operating standards.

Initiate an in-depth study to reorganize the agency charged with the primary responsibility for mine safety so that it can meet the new challenges and demands.

Expand research activities with respect to pneumoconiosis and other mine health and safety hazards.

Extend the recent advances in human engineering and motivational techniques, and enlarge and intensify education and training functions, for the improvement of health and safety in coal mines to the greatest degree possible.

Establish cooperative programs between management and labor at the *mine level* which will implement health and safety efforts at the site of the mine hazards.

Encourage the coordination of Federal and State inspections, in order to secure more effective enforcement of the present safety requirements.

Initiate grant programs to the States, as authorized but not previously invoked, to assist the States in planning and advancing their respective programs for increased health and safety in the coal mines.

In addition to these immediate efforts under existing law, I am submitting to the Congress legislative proposals for a comprehensive new program to provide a vigorous and multi-faceted attack on the health and safety dangers which prevail in the coal mining industry.

These proposals would:

Modernize a wide range of mandatory health and safety standards, including new provisions for the control of dust, electrical equipment, roof support, ventilation, illumination, fire protection, and other operating practices in underground and surface coal mines engaged in commerce.

Authorize the Secretary of the Interior to develop and promulgate any additional or revised standards which he deems necessary for the health and safety of the miners.

Provide strict deterrents and enforcement measures and, at the same time, establish equitable appeal procedures to remedy any arbitrary and unlawful actions.

Recruit and carefully train a highly motivated corps of coal mine inspectors to investigate the coal mines, and to enforce impartially and vigorously the broad new mandatory standards.

Improve Federal-State inspection plans.

Substantially increase, by direct action, grants and contracts, the necessary research, training, and education for the prevention and control of occupational diseases, the improvement of State workmen's compensation systems, and the reduction of mine accidents.

These legislative proposals, together with other steps already taken or to be taken are essential to meet our obligation to the Nation's coal miners, and to accomplish our mission of eliminating the tragedies which have occurred in the mines.

These proposals are not intended to replace the voluntary and enlightened efforts of management and labor to reduce coal mine hazards, which efforts are the touchstone to any successful health and safety program. Rather, these measures would expand and render uniform by enforceable authority the most advanced of the health and safety precautions undertaken and potentially available in the coal mining industry.

I urge the immediate adoption by Congress of this legislation.

RICHARD NIXON.

THE WHITE HOUSE, *March 3, 1969.*

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 3, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To improve the health and safety conditions of persons working in the coal mining industry of the United States."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

In the past year, the public has become increasingly aware of the health and safety conditions and practices in the nation's coal mine industry. The form of pneumoconiosis known as "black lung" disease and the tragedy of November 20, 1968, at Farmington, West Virginia, which claimed the lives of 78 miners have been the catalyst that aroused the interest and concern of the nation.

While the coal mining industry has made giant strides in its ability to extract the natural resource coal from the depths of the earth, it has lagged behind other industries in protecting its most valuable resource—the miner. It is this resource that the enclosed legislation is designed to protect, both from a safety and a health standpoint.

We have combined in one proposal the necessary machinery for developing and enforcing the protection that the miner needs and has a right to expect. We believe that this combined approach is essential, since health and safety are so inextricably intertwined that they reasonably cannot, and should not be considered as separate subjects. Also, the need for legislative action in both the health and safety field is equally urgent.

History shows that the Federal Government's response to the needs of this industry have been slow and largely brought about only after the occurrence of major disasters. The hazardous nature of mining was recognized by the Federal Government as far back as 1865, when a bill to establish a Federal bureau of mining was introduced. Little more was done, however, until a series of serious coal mine disasters after the turn of the century resulted in the establishment of Interior's Bureau of Mines in 1910 to promote health and safety in the mineral industry, but not to establish and enforce standards.

In 1941, Congress authorized inspections of coal mines to obtain information and make recommendations relative to health and safety, but did not require compliance. After a coal mine explosion killing 111 miners in Illinois in March 1947, Congress requested

that the operators and State agencies report to us the extent of compliance with the Bureau of Mines recommendations, but again compliance was not required.

In 1952, 42 years after the public outcry that prompted the creation of the Bureau of Mines and after the occurrence of three disasters between December 1951 and March 1952, which killed a total of 130 men and after no less than 7,301 persons perished in 333 major disasters from 1910 through March 1952, the Federal Government authorized this Department to enforce mandatory safety standards at underground coal mines. That Act, however, was limited to major disasters—those which, as the legislative history observes, kill 5 or more miners at a time—and to mines employing 15 or more persons.

In 1966, the Act was amended to extend its provisions to all mines. Also, in 1966, Congress directed that we conduct a study into the "sufficiency" of the 1952 law.

The enclosed proposal is the result of that study, intensified by the concern over the "black lung" disease and the Farmington tragedy. Our review showed that—

(1) there is no justification for establishing a safety program to prevent only major disasters when the preponderance of evidence shows that most accidents are the non-disaster type—in 1968 there were 309 fatalities of which 221 were of the non-disaster type. Since the Farmington tragedy, 44 miners have died from non-disaster accidents;

(2) the present mandatory standards, which have not been changed in nearly 17 years, are not adequate;

(3) the health of the coal miner is, at least, as important as his safety. Whether a man dies from an accident or an occupationally caused disease should make no difference in the degree of protection provided; and

(4) there is a need to provide reasonable flexibility in the Secretary of the Interior to change standards where there are advances in technology or changed conditions, or where we find existing standards inadequate or difficult to administer fairly.

The enclosed proposal is designed to overcome the above deficiencies in the 1952 Act, as amended, and to make other improvements long overdue. The proposal would apply to all underground and surface coal mines the products of which enter commerce, or the operations of which affect commerce. It would apply to the operators of such mines and the coal mine workers, and would require that both management and labor comply with the standards. Some of its more significant features and reasons therefor are:

INSPECTIONS

It would require as a minimum that every underground coal mine shall be entirely inspected at least three times each calendar year.

MANDATORY HEALTH AND SAFETY STANDARDS

The present Federal Coal Mine Safety Act prescribes mandatory safety standards for underground coal mines but forbids the Department to take account of new technology or to develop responses to minimize the risks inherent in changing mining methods. It also forbids revisions or changes in standards by regulation if they are found to be unclear and difficult to administer fairly.

As far back as 1938, with passage of the Federal Food, Drug, and Cosmetic Act, Congress recognized the necessity of flexibility of response. That Act gave the agency responsible for its administration the freedom to develop and promulgate health and safety standards and to revise old ones as the need became apparent in accordance with prescribed procedures established by Congress.

Other measures enacted during the past decade such as the Aviation Act of 1958, the Water Quality Act of 1965, the National Traffic and Motor Vehicle Act of 1966, the Federal Metal and Nonmetallic Safety Act of 1966, the Clean Air Act of 1967, the Natural Gas Pipeline Act of 1968, and the Radiation Control for Health and Safety Act of 1968, provide this flexibility also.

The proposed bill would authorize the Secretary to develop and promulgate mandatory health and safety standards applicable to coal mines subject to the Act. The standards would be developed in consultation with other Federal agencies, representatives of the States, representatives of the coal mine operators and coal mine workers, and other interested persons and organizations and such advisory committees as the Secretary may appoint. The standards would be developed by taking into account available scientific data and experience gained under previous health and safety standards.

Any proposed standards to which objections are made and on which a hearing is requested would be referred to the Federal Coal Mine Health and Safety Board. After public hearings, the Board would report its findings of fact and recommendations to the Secretary. If the Secretary does not adopt the Board's recommendations, he must publish his reasons therefor. Three additional members would be added to the Board as participants in the review procedure only. At least one of the three must have a background in public health; the others are to be drawn from the general public, but must have a background, either by training, experience, or education, in coal mining technology.

ELIMINATION OF RESTRICTION TO MAJOR DISASTERS

The 1952 Act was designed to control the occurrence of major disasters only—those which, as the legislative history observes, take the lives of five or more miners in a single accident. During 1942–1951 major disasters accounted for 9 percent of the total fatalities in coal mining. The causes of the remaining 91 percent of the fatalities as well as the entire field of health were left outside the scope of the Federal law.

While there have been substantial reductions in major disasters, they have not been eliminated. Between 1910 and the date of the 1952 Act, the nation suffered 333 coal mine disasters that claimed the lives of 7,301 persons. In the more than 16 years since the passage of the Act, we have suffered 24 major disasters with a total death toll of 309, until Farmington, which added 78 more.

The frequency rate of fatalities from the day-to-day type of accidents has not been significantly reduced over the last decade, and as a cause of fatalities this type of accident bulks large. For example, in 1968, 221 of the 309 fatalities were recorded in the "accident" rather than the "disaster" category. In other words, nearly two and a half times as many coal miners died last year in roof-fall, haulage, or other accidents than in the catastrophic type accident that occurred at Farmington.

The proposed bill would require the establishment of standards to prevent "accidents". This term is defined in the proposal to include mine explosions, mine fires, mine ignitions, mine inundations, or injury to, or death of, any person. In addition, the proposal would authorize withdrawals where an imminent danger exists; that is, where the existence of conditions or practices in a coal mine could reasonably be expected to cause death or serious physical harm before such conditions or practices can be abated.

INTERIM DUST STANDARD

Coal workers' pneumoconiosis, also known as "Black Lung", a chronic disease of the respiratory system, results from the long inhalation of coal mine dust mostly less than 5 microns in size. Miners who have pneumoconiosis, a generic term for diseases of the lungs, caused by the inhalation of dusts, often also suffer from emphysema (shortening of breath), and bronchitis, but these complications may not become acute until many years after exposure to frequent breathings of coal dust.

Although much research needs to be done to understand the disease in its totality and its mechanism of action, sufficient information is available to permit the establishment of a preventive program.

Title II of the bill would establish an interim health standard respecting respirable dust in all underground coal mines. The interim standard would become effective 60 days after the operative date of the Act. Sampling of mine atmospheres would be required. Where concentrations of respirable dust in excess of 4.5 milligrams per cubic meter of air exist in an active working place, corrective action must be taken immediately. Persons would be required to be withdrawn from an active working place in which concentrations of dust exceeding 5.5 milligrams per cubic meter of air are found, until corrective action is taken to maintain the concentrations at or below 4.5 milligrams.

Recognizing that there may be some few cases where engineering technology may not permit the application of this standard within the 10-month period, the proposal would authorize the Secretary to suspend application of the standard for an additional period of not to exceed 6 months on a mine-by-mine basis.

Title II would require the Secretary to set a date when concentrations of respirable dust shall not exceed 3.0 milligrams.

Finally, this title would require that, when a miner shows evidence of pneumoconiosis, the operator must assign him either, at the miner's option, to another area in the mine to work where the dust concentrations are not more than 2.0 milligrams per cubic meter of air, or in any area of the mine if the miner wears a respirator, to prevent further development of the disease.

INTERIM SAFETY STANDARDS

The proposal would establish interim mandatory safety standards for underground coal mines. The standards would be effective 120 days after enactment. They would remain in effect until changed or superseded by later regulation. Some of these are now found in the Federal Mine Safety Code which was developed to cope with a particular type of fatal accident that has already been experienced in one or more mines. Some also were included at the specific suggestion of the operators or union representatives, or both. The proposal would establish a series of specific mandatory safety standards covering ventilation, roof supports, electrical equipment, maps, fire protection, combustible materials, and blasting, among others.

GASSY CLASSIFICATION OF MINES

In developing these new standards, no distinction would be drawn between gassy and non-gassy mines. All mines would be subject to the same standards because all underground coal mines are potentially gassy. In the last 16 years there have been 52 gas ignitions or gas explosions in non-gassy coal mines killing 27 people and injuring 54 people. The number of active coal mines which were operated as non-gassy but were classed gassy after 15 years is 26. Enclosed is a detailed discussion of this subject.

PENALTIES

The proposal would provide for the assessment of civil penalties by the Secretary against the operator in the case of violations of the mandatory health or safety standards.

The maximum is $10,000. In making the assessment, the Secretary must consider various factors, such as the past health and safety record of the operator, the appropriateness of the penalty to the size of the busi-

ness, the gravity of the violation, and the operator's good faith.

Once the penalty is assessed, the person assessed has 30 days to request a review and hearing on the question of whether or not the violation complained of occurred and on the amount of the penalty.

If the operator fails to pay the assessment, the Secretary may request the Attorney General to institute appropriate proceedings in the appropriate district court of the United States. The proceeding in the district court would be a *de novo* proceeding.

The proposal also would provide criminal penalties against anyone who knowingly violates or fails or refuses to comply with a withdrawal order.

INSPECTORS

The Secretary is given authority to appoint qualified people as inspectors. They must, in general, have practical experience in the mining of coal or as a practical mining engineer, as well as a good education. The details of the person's qualifications would be developed by the Secretary in an effort to get the most qualified people. We hope to work with educational institutions and the operators in developing cooperative programs to train selected persons as inspectors and to train others for possible selection as inspectors.

STATE PLAN

The proposal would encourage Federal-State cooperation in this field and provide for the continuance of the State plans as now provided in the amended 1952 Act. State inspectors in States where there is an approved plan will accompany our Federal inspectors, except where there is a need to inspect for an imminent danger and participation by a State inspector would delay the inspection, or in cases where the inspector is not provided promptly, and in cases of spot inspections.

RESEARCH AND TRAINING

The proposal would require that the Secretary undertake a broad-guaged program of health and safety research, studies, experiments, and demonstrations to improve working conditions and practices, prevent accidents, and control the causes of occupational diseases in the mines. We would also conduct studies, etc., on improving communications in a mine and on means and methods of reducing respirable dust concentrations in mines. In addition, the proposal would direct that we improve and expand training and retraining programs for operators and miners. In carrying out these activities, we hope to elicit the cooperation and assistance of the industry and of various educational institutions.

The Administration's primary objective in this proposal is to protect the health and safety of the miner. It is comprehensive, but not novel or drastic. It is designed to meet the known needs of today and tomorrow.

I strongly urge the early enactment of this legislation.

Enclosed is a more detailed discussion of the major provisions of the proposal. We will transmit an analysis of the interim mandatory safety standards in a few days.

The Bureau of the Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States

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 "Federal Coal Mine Health and Safety Act of 1969."

FINDINGS

SEC. 2. Congress declares that—

(a) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(b) the occupationally caused death or injury of a miner causes grief and suffering, and is a serious impediment to the future growth of this industry;

(c) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to control the causes of occupational diseases originating in such mines;

(d) the existence of unsafe and unhealthful conditions and practices in such mines cannot be tolerated;

(e) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(f) the disruption of production and the loss of income to operators and miners as a result of a coal mine accident or occupationally caused disease unduly impedes and burdens commerce; and

(g) it is the purpose of this Act to provide for the establishment of mandatory health and safety standards and to require that the operators and the miners comply with such standards in carrying out their responsibilities.

MINES SUBJECT TO ACT

SEC. 3. Each coal mine the products of which enter commerce, or the operations of which affect commerce, shall be subject to this Act, and each operator of such mine and every person working in such mine shall comply with the provisions of this Act and the applicable regulations of the Secretary promulgated under this Act.

DEFINITIONS

SEC. 4. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior or his delegate;

(b) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(c) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(d) "operator" means a person operating a coal mine;

(e) "agent" means any person charged with responsibility for the operation of all or part of a coal mine and the supervision of the employees in a coal mine;

(f) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(g) "miner" means any individual working in a coal mine and includes the agent of the operator;

(h) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(i) "work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(j) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(k) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person;

(l) "inspection" means the period beginning when an authorized representative of the Secretary first enters a coal mine and ending when he leaves the coal mine during or after the coal-producing shift in which he entered; and

(m) "Board" means the Federal Coal Mine Health and Safety Board of Review established by this Act.

TITLE I—GENERAL

HEALTH AND SAFETY STANDARDS; REVIEW

SEC. 101. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, mandatory health and safety standards for the protection of life and the prevention of injuries and occupational diseases in a coal mine.

(b) In the development of such standards, the Secretary shall consult with other interested Federal agencies, representatives of States, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. In addition to the attainment of the highest degree of health and safety protection for the miner, other considerations shall be the latest available scientific data in the field, the technical and economic feasibility of the standards, and experience gained under this and other health and safety statutes.

(c) Mandatory health standards proposed by the Secretary shall be based upon criteria developed and furnished to the Secretary by the Secretary of Health, Education, and Welfare on the basis of research, demonstrations, experiments, and such other information as may be appropriate and in consultation with appropriate representatives of the operators and miners, other interested persons, the States, advisory committees, and where appropriate, foreign countries.

(d) The Secretary shall from time to time publish proposed mandatory health and safety standards in the *Federal Register* and shall afford interested persons a period of not less than 30 days after publication to submit written data or comments. Except as provided in subsection (e) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards with such modifications as he may deem appropriate. Proposed mandatory safety standards for surface coal mines shall be developed and published by the Secretary not later than twelve months after the enactment of this Act.

(e) On or before the last day of any period fixed for the submission of written data or comments under subsection (d) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the Board on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the *Federal Register* a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall refer such standards and objections to the Board for review in accordance with subsection (f) of this section.

(f) Promptly after any matter is referred to the Board by the Secretary under subsection (e) of this section, the Board shall issue notice of and hold a public hearing for the purpose of receiving relevant evidence. With-

in sixty days after completion of the hearing, the Board shall issue a report to the Secretary setting forth findings of fact on such objections and appropriate recommendations thereon and shall make such report and recommendations public. Upon receipt of such report and recommendations, the Secretary may, upon consideration of the Board's findings of fact and recommendations, promulgate the mandatory standards with such modifications, or take other action, as he deems appropriate. In any instance in which the Secretary does not adopt the Board's recommendations, he shall publish his reasons therefor.

(g) Any mandatory standard promulgated under this section shall be effective upon publication in the *Federal Register* unless the Secretary specifies a later date.

ADVISORY COMMITTEES

SEC. 102. (a) The Secretary may appoint one or more advisory committees to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each such committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, while performing committee business shall be entitled to receive compensation at rates fixed by the Secretary but not exceeding $100 per day, including travel time. While so serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

INSPECTIONS AND INVESTIGATIONS

SEC. 103. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) developing health and safety standards, (3) determining whether an imminent danger exists in a coal mine, and (4) determining whether or not there is compliance with the mandatory health and safety standards promulgated by the Secretary under this Act or with any notice or order issued under this Act. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least three times a year.

(b) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through, any coal mine.

(c) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal or State agency.

(d) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent, to the greatest extent possible, the destruction of any evidence which would assist in investigating the cause or causes thereof.

(f) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

STATE PLANS

SEC. 104. (a) In order to promote sound and effective coordination in Federal and State activities within the field covered by this Act, the Secretary shall cooperate with the official coal mine inspection or safety agencies of the several States.

(b) Any State desiring to cooperate in making inspections required under this title may submit, through its official coal mine inspection or safety agency, a State plan for carrying out the purposes of this section. Such State plan shall—

(1) designate such State coal mine inspection or safety agency as the sole agency responsible for administering the plan throughout the State and contain satisfactory evidence that such agency will have the authority to carry out the plan,

(2) give assurances that such agency has or will employ an adequate and competent staff of inspectors qualified under the laws of such State to make mine inspections within such State, and that no advance notice of an inspection will be provided operators,

(3) give assurances, that upon request of the Secretary or upon request of an operator under section 105(h)(1) of this title, such agency will promptly assign inspectors employed by it to participate in inspections to be made in such State under this title, and

(4) provide that the agency will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require.

(c) The Secretary shall approve any State plan or any modification thereof which complies with the provisions of subsection (b) of this section. He shall not finally disapprove any State plan or modification thereof without first affording the State agency reasonable notice and opportunity for hearing.

(d) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency, finds that in the administration of an approved State plan there is—

(1) a failure to comply substantially with any provision of the State plan; or

(2) a failure to afford reasonable cooperation in administering the provisions of this title,

the Secretary shall notify such State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(e) No inspection of a mine shall be made by an authorized representative of the Secretary under this title in any State in which a State plan is in effect unless a State inspector participates in such inspection in accordance with such plan, except where, in the Secretary's judgment, an inspection is urgently needed to determine whether an imminent danger exists in such mine, and participation by a State inspector would unreasonably delay such inspection, or where, following due notice, a State inspector is not provided in due time to participate in an inspection, or where a spot inspection is deemed essential by a representative of the Secretary.

(f) Any State inspector assigned in accordance with a State plan, and any independent inspector appointed under section 105(h)(3) of this title, shall be entitled to admission to any mine for the purpose of making any inspection authorized under this title.

FINDINGS, NOTICES, AND ORDERS

SEC. 105. (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard promulgated under this title, but the violation has not created an imminent danger, he shall find what would be a reasonable period of time within which the violation should be totally abated and thereupon issue a notice fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c)(1) If, upon the inspection of a coal mine, an authorized representative of the Secretary finds that any mandatory health or safety standard promulgated under this title is being violated, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause or effect of a mine hazard, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health and safety standards, he shall include such finding in the notice given to the operator under subsection (b) of this section. Within ninety days of the time such notice was given to such operator, the Secretary shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any inspection required under subsection (b) of this section, or section 106 of this title. If, during any inspection relating to such violation or during such reinspection, a representative of the Secretary finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of the mandatory health or safety standards promulgated under this title, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be debarred from entering, such area.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant

to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Secretary who finds upon any following inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section:

(1) Any person whose presence in such area is necessary, in the judgment of the operator, to eliminate the condition described in the order;

(2) Any public official whose official duties require him to enter such area; and

(3) Any consultant or any representative of the employees of such mine who is, in the judgment of the operator, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order.

(e) Notices and orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard promulgated under this Act and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this section shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) Except as provided in subsection (h) of this section, a notice or order issued pursuant to this section may be modified or terminated by an authorized representative of the Secretary.

(h)(1) If an order is made pursuant to subsection (a) of this section, and a State inspector did not participate in the inspection on which such order is based, the duly authorized representative of the Secretary who issued the order shall notify the State mine inspection or safety agency immediately, but not later than 24 hours after the issuance of such order, that such order has been issued. Following such order the operator of the mine may immediately request the State mine inspection or safety agency to assign a State inspector to inspect the mine. The State agency shall then promptly assign a State inspector to inspect the mine affected by such order and file an inspection report with the Secretary and the State agency. The order of the duly authorized representative of the Secretary shall remain in effect, but shall immediately be subject to review as provided in this title.

(2) No order shall be made pursuant to subsection (b) or (c) of this section with respect to a mine in a State in which a State plan approved under section 104(c) of this title is in effect unless a State inspector participated in the inspection on which such order is based and concurs in such order, or an independent inspector appointed under paragraph (3) of this subsection concurs in such order, or participation of the State inspector in the inspection was not required under section 104(e) of this title. If the State inspector does not concur in such order, the operator of the mine, the duly authorized representative of the Secretary who proposes to make such order, or the State inspector may apply, within twenty-four hours after the completion of the inspection involved, for the appointment of an independent inspector under paragraph (3) of this subsection. Within five days after the date of his appointment, the independent inspector shall inspect the mine. The representative of the Secretary and the State inspector shall be given the opportunity to accompany the independent inspector during such inspection. If, after such inspection is completed, either the independent inspector or the State inspector concurs in the order, it shall be issued.

(3) Within five days after the date of receipt of an application under paragraph (2) of this subsection, the chief judge of the United States district court for the district in which the mine involved is located (or in his absence, the clerk of such court) shall appoint a graduate engineer with experience in the coal-mining industry to serve as an independent inspector under this subsection. Each independent inspector so appointed shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and related expenses.

(4) An order made pursuant to subsection (a), (b), or (c) of this section with respect to a mine in a State in which a State plan approved under section 104(c) of this title, is in effect shall not be subject to review under section 106 of this title, but shall be subject to review under section 108 of this title.

REVIEW BY THE SECRETARY

SEC. 106. (a) Except as provided in section 105(h)(4) of this title, an operator notified of an order issued pursuant to section 105 of this title may apply to the Secretary for review of the order within thirty days of receipt thereof. The operator shall send a copy of such application to the representative, if any, of persons working in the affected mine. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a hearing, at the request of the applicant or a representative of persons working in such mine, to enable the applicant and the representatives of persons working in such mine to present information relating to the issuance and continuance of such order.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and (1) in the case of an order issued under subsection (a) of section 105 of this title, he shall find whether or not the imminent danger as set out in the order existed at the time of issuance of the order and whether or not the imminent danger existed at the time of the investigation, and (2) in the case of an order issued under subsection (b) or (c) of section 105 of this title, he shall find whether or not there was a violation of any mandatory health or safety standard promulgated under this title as described in the order and whether or not such violation had been abated at the time of such investigation, and upon making such findings he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of and incorporate his findings therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under section 105 of this title, together with a detailed statement,

FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW

SEC. 107. (a) The Federal Coal Mine Health and Safety Board of Review is hereby established. For the purpose of carrying out its functions under sections 108 and 113 of this Act, the Board shall be composed of five members who shall be appointed by the President by and with the consent of the Senate.

(b) For the sole purpose of carrying out the review functions set forth in section 101 of this Act and matters related thereto, there shall be included on the Board three additional members appointed by the President by and with the consent of the Senate, at least one of which shall have a public health background and the others shall have a background, either by reason of previous training, education, or experience, in coal mining technology. All such additional members shall not have had any interest in, nor connection with, the coal mining industry for at least one year prior to their appointment.

(c) The terms of office of members of the Board shall be five years, except that (1) the members of the Federal Coal Mine Safety Board of Review established under the Federal Coal Mine Safety Act, as amended, who are in office on the effective date of this Act, shall be members of the Board established by this Act and their terms shall expire on the dates originally fixed for their expiration, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(d) Each member of the Board shall be entitled to receive compensation at a rate specified at the time of actual service for grade GS–18 in section 5332 of title 5, United States Code, including travel time and shall be allowed travel expenses, including a per diem allowance in accordance with section 5703(b) of title 5, United States Code, when engaged in the performance of services for the Board.

(e) The Board, at all times, shall consist of one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of operators employing fourteen or fewer employees, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of operators employing fifteen or more employees, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of miners in mines employing fourteen or fewer employees, one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of miners in mines employing fifteen or more employees, and one person, who shall be chairman of the Board, who shall be a graduate engineer with experience in the coal mining industry or shall have at least five years experience as a practical mining engineer in the coal mining industry, and, within one year of his appointment as a member of the Board, shall not have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal mine operators or miners, or have been an officer or employee of the Department of the Interior.

(f) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other palce. At the request of an operator of a mine the Board shall hold hearings or conduct other proceedings on an application filed under sec-

tion 108 of this title, at the county seat of the county in which the mine is located or at any place mutually agreed to by the chairman of the Board and the operator of the mine involved in the appeal or proceeding. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

(g) The Board shall, without regard to the civil service laws, appoint and prescribe the duties of a Secretary of the Board and such legal counsel as it deems necessary. Subject to the civil service laws, the Board shall appoint such other employees as it deems necessary in exercising its powers and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with chapter 53 of title 5, United States Code.

(h) For the purpose of carrying out its functions under sections 108 and 113 of this title, three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members, except that in any official action involving mines in which no more than fourteen individuals are regularly employed underground the participation of the small mine operators' representative and small mine workers' representative shall be required, and in any official action involving mines in which more than fourteen individuals are regularly employed underground the participation of the large mine operators' representative and large mine workers' representative shall be required; but a special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in section 108 or 113 of this title and submit the transcript of such hearing to the entire Board for its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts.

(i) Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public. The Board shall not make or cause to be made any inspection of a coal mine for the purpose of determining any pending application.

(j) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties. The existing rules of the Federal Coal Mine Safety Board of Review shall constitute the rules of the Board until superseded or modified by the Board.

(k) Any member of the Board may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(l) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (k) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(m) In the case of contumacy by, or refusal to obey a subpoena served upon, any person under this subsection, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

REVIEW BY BOARD

SEC. 108. (a) Within 30 days after receipt of an order made pursuant to subsection (a), (b), or (c) of section 105 of this title, an operator may apply to the Board for annulment or revision of such order without seeking its annulment or revision under section 106 of this title. Within 30 days after the receipt of a decision made by the Secretary pursuant to section 106 of this title, an operator may apply to the Board for a review of the decision.

(b) The operator shall be designated as the applicant in such proceeding, and the application filed by him shall recite the order or decision complained of and other facts sufficient to advise the Board and the Secretary of the nature of the proceeding. The Secretary shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered or certified mail to the respondent and to the representative, if any, of the persons working in the affected mine. Immediately upon the filing of such an application, the Board shall fix the time for a prompt hearing thereof. The Board shall permit any interested person to intervene in such proceedings.

(c)(1) If the application is made to the Board directly from an order issued under section 105 of this title, the Board shall not be bound by any previous finding of fact by any representative of the Secretary, the burden of proof shall be upon the respondent, and evidence relating to the making of the order complained of and other pertinent matters may be offered by the parties to the proceeding.

(2) If the application is made to the Board from a decision issued under section 106 of this title, the record and the decision of the Secretary shall be received in evidence and the findings of the Secretary included in the decision shall constitute a prima facie case for the issuance of the decision complained of and the burden of rebutting such prima facie case shall be upon the applicant, but either party may adduce additional evidence.

(d) Upon conclusion of the hearing, the Board shall find, with respect to the order or decision, whether or not the imminent danger or a violation of a mandatory health or safety standard existed at the time of issuance of such order and whether or not such danger or such violation existed at the time of filing the application, and shall issue a written decision incorporating such finding therein and affirming, vacating, modifying, or terminating the order or decision issued under section 105 or 106 of this title.

(e) Each decision made by the Board shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon issuance of a decision under this section, the Board shall cause a true copy thereof to be sent by registered or certified mail to all parties and their attorneys of record. The Board shall cause each decision to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such decision.

(f) Pending the hearing required by this section for review of an order or decision issued under section 105 or 106 of this title, the applicant before the Board may file with the Board a written request that the Board grant temporary relief from the order or decision, together with a detailed statement giving reasons for granting such relief. The Board may issue a decision granting such relief, under such conditions as it may prescribe, only after a hearing in which all parties are given an opportunity to be heard.

(g) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

JUDICIAL REVIEW

SEC. 109. (a) Any decision issued by the Board under section 108 of this title shall be subject to judicial review by the United States Court of Appeals for the circuit in which the affected mine is located, upon the filing in such court within thirty days from the date of such decision of a petition by the Secretary or by the operator aggrieved by the decision praying that the action of the Board be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Board, and thereupon the Board shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112, title 28, United States Code.

(b) The court shall hear such appeal on the record made before the Board. The findings of the Board, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceedings to the Board for such further action as it directs.

(c) Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court may, after due notice to, and hearing of, the parties to the appeal, issue all necessary and appropriate process and grant such other relief as may be appropriate pending final determination of the appeal.

(d) The judgment of the court shall be subject only 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.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the Board's decision.

POSTING OF NOTICES AND ORDERS

SEC. 110. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine and a bulletin board at such office or at some conspicuous place near an entrance of the mine, in such manner that notices required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice or order required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice or order required by this title to be given to an operator to be mailed immediately to a duly designated representative of persons working in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine.

(c) In order to insure prompt compliance with any notice or order issued under section 105 of this title, the authorized representative of the Secretary may deliver such notice or order to an agent of the operator and such agent shall immediately take ap-

propriate measures to insure compliance with such notice or order.

RECORDS

SEC. 111. Every operator of a coal mine and his agent shall establish and maintain such records, including records of any accident occurring in the mine, make such reports, and provide such information as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act, shall upon request of any person authorized by the Secretary, permit such person at reasonable times to have access to and copy such records, and the Secretary may compile, analyze, and publish, either in summary or detailed form, the information obtained. All information, reports, findings, notices, orders, or decisions issued under this Act may be published from time to time and released to any interested person and shall be made available for public inspection.

INJUNCTIONS

SEC. 112. The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order issued under section 105 of this title or decision issued under this title, or (b) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out the provisions of this Act, or (c) refuses to admit such representative to the mine, or (d) refuses to permit the inspection of the mine, or an accident, injury, or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary, or (f) refuses to permit access to, and copying of, records. Each court shall have jurisdiction to provide such relief as may be appropriate.

PENALTIES

SEC. 113. (a) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard promulgated under this title may by order be assessed a civil penalty by the Secretary which penalty shall not be more than $10,000 for each occurrence of a violation of a mandatory health or safety standard. Each occurrence of a violation of a health or safety standard may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations of health or safety standards, the appropriateness of such penalty to the size of the business of the operator charged, the effect on the operator's ability to continue in business, the gravity of the violation of the health or safety standard, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance, after notification of a violation of a health or safety standard. No penalty shall be assessed under this subsection pending the completion of proceedings for review of an order or decision under this title.

(b) Upon written request made by an operator within thirty days after receipt of an order assessing a penalty under this section, the Board shall afford such operator an opportunity for a hearing and, in accordance with the request determine by decision whether or not a violation of a mandatory health or safety standard did occur or whether the amount of the penalty is warranted or should be compromised.

(c) Upon any failure of an operator to pay a penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

(d) Whoever knowingly violates or fails or refuses to comply with any order issued under section 105 of this title or any final decision issued under this title shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both, except that if the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine or not more than $20,000 or by imprisonment for not more than one year, or by both.

TITLE II—INTERIM MANDATORY HEALTH STANDARDS FOR CONTROLLING DUST AT UNDERGROUND MINES

SCOPE OF COVERAGE

SEC. 201. The provisions of this title shall be interim mandatory health standards applicable to all underground mines until superseded in whole or in part by mandatory health standards promulgated by the Secretary for such mines to become effective after the effective date of section 202(a) of this title, and shall be enforced in the same manner and to the same extent as any mandatory health standard promulgated under title I of this Act. Any order issued in the enforcement of the provisions of this title shall be subject to review as provided in sections 106, 108, and 109 of title I of this Act.

DUST STANDARD AND RESPIRATORS

SEC. 202. (a) Except as provided in subsection (c) of this section, effective 60 days after the operative date of this title—

(1) Each operator shall at intervals prescribed by the Secretary or his authorized representative cause the mine atmosphere to be sampled by a qualified person to determine if hazardous atmospheric concentrations of respirable dust are present in the mine atmosphere. Samples shall be taken by a device approved by the Secretary and in accordance with the methods and at locations prescribed by him.

(2) Each operator shall continuously maintain the concentrations of respirable dust in the mine atmosphere in any active working place at or below 4.5 milligrams of dust per cubic meter of air if measured with an MRE instrument or at or below an equivalent amount of dust if measured with another device approved by the Secretary, and shall take corrective action immediately when the concentrations of respirable dust in such place are in excess of such limit. When the mine atmosphere in any active working place contains concentrations of respirable dust in excess of 5.5 milligrams of dust per cubic meter of air if measured with an MRE instrument or in excess of an equivalent amount of dust if measured with another device approved by the Secretary, all persons, other than those whose presence is required to take corrective measures, shall be withdrawn from, and prohibited from entering, such place, until corrective action has been taken to maintain the concentrations at or below the limit prescribed in the first sentence of this paragraph.

(3) Respirators approved by the Secretary shall be worn for protection against exposures to concentrations of dust in excess of 4.5 milligrams of dust per cubic meter of air if measured with an MRE instrument or in excess of an equivalent amount of dust if measured with another device approved by the Secretary. Only miners wearing such a respirator shall enter or be exposed to concentrations in excess of 4.5 milligrams of dust per cubic meter of air if measured with an MRE instrument or in excess of an equivalent amount of dust if measured with another device approved by the Secretary, and only short-term exposures to such concentrations shall be permitted. Use of respirators shall not be substituted for environmental control measures, unless such use is approved by the Secretary. Each underground mine shall maintain a supply of approved respirators adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the limit prescribed in this subsection.

(4) As used in this section, the term "MRE instrument" means the Gravimetric Dust Sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(b) Whenever the Secretary determines, upon application of an operator of an underground coal mine, that the application of the dust standard prescribed in subsection (a) of this section within the time prescribed is not feasible from the standpoint of existing engineering technology applicable to said mine, he may suspend, under such conditions as he may prescribe, the application of such standard for an additional period of not to exceed six months.

(c) The Secretary, after taking into consideration available technology, shall prescribe, as soon as possible after the operative date of this title, the date upon which the atmospheric concentrations of respirable dust at each active working place in all underground coal mines shall not exceed 3.0 milligrams of dust per cubic meter of air if measured with an MRE instrument or an equivalent amount of dust if measured by another device approved by the Secretary.

MEDICAL EXAMINATION

SEC. 203. (a) The operator of an underground coal mine shall cooperate with the Secretary in making arrangements for each miner working in an underground coal mine to be given, at least annually, beginning six months after the operate date of this title, a chest roentgenogram by a competent radiologist. The films shall be read and classified in a manner to be prescribed by the Secretary of Health, Education, and Welfare and the results of each reading on each such person shall be submitted to the Secretary and the Secretary of Health, Education, and Welfare, and at the request of the miner, to his physician.

(b) Any miner, who, in the judgment of the United States Public Health Service based upon such reading, shows substantial evidence of the development of pneumoconiosis shall be assigned by the operator, for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, either (1) in any active working place in a mine where the mine atmosphere contains concentrations of respirable dust of not more than 2.0 milligrams of dust per cubic meter of air if measured with an MRE instrument or not more than an equivalent amount of dust if measured with another device approved by the Secretary, or (2) in an area of the mine containing more than such 2.0 milligrams, or equivalent, provided the miner wears a respirator approved by the Secretary.

DUST FROM DRILLING; FUMES

SEC. 204. The dust resulting from drilling in rock shall be controlled by the use of permissible dust collectors or by water or water with a wetting agent. Persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist, shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

TITLE III—INTERIM SAFETY STANDARDS FOR UNDERGROUND COAL MINES

COVERAGE

SEC. 301. The provisions of this title shall be the interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by mandatory safety standards promulgated by the

Secretary, and shall be enforced in the same manner and to the same extent as any mandatory safety standard promulgated under title I of this Act. Any orders issued in the enforcement of the interim standards set forth in this title shall be subject to review as provided in sections 106, 108, and 109 of this Act.

GENERAL STANDARDS

SEC. 302. (a) Telephone service or equivalent two-way communication facilities shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section.

(b) Smoking shall be prohibited underground. No person shall carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(c) All accidents shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents and investigations shall be kept and the information shall be made available to the Secretary or his authorized representative and the State.

(d) Arrangements shall be made in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces.

(e) The Secretary may from time to time provide, under such guidelines as he may prescribe, that each operator provide emergency shelters in the mine which have an adequate supply of air and which are equipped with an independent communication system.

(f) The Secretary may from time to time provide, under such guidelines as he may prescribe, that all active underground working places in a mine be illuminated adequately by fixed permissible lighting while persons are working in such places.

(g) Every operator of a coal mine shall establish a program, approved by the Secretary, of training and retraining of qualified and certified persons needed to carry out functions prescribed in this title.

ROOF SUPPORT

SEC. 303. The roof and ribs of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within a reasonable period to be established after the operative date of this title by the Secretary by regulation. The plan shall show the type and spacing of supports approved by the Secretary. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof-control plan. A copy of the plan shall be furnished the Secretary or his authorized representative upon request.

VENTILATION

SEC. 304. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground working places shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable or harmful gases and smoke and fumes. In bituminous coal and lignite mines, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be six thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be six thousand cubic feet a minute. In anthracite mines, the minimum quantity of air reaching the face of each working place shall be two hundred cubic feet a minute for each man working in the place. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c) Line brattice or other suitable devices shall be installed from the last open crosscut to a point near the face to assure positive air flow to the face of every active underground working place, unless the Secretary or his authorized representative permits an exception to this requirement.

(d) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every active underground working place in that area and shall make tests in each such working place for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the active underground working places and on active roadways and travelways; examine active roadways, travelways, and all belt conveyors on which coal is carried, approaches to abandoned workings, and accessible falls in active sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards as an authorized representative of the Secretary may from time to time require. Such mine examiner shall place his initials and the date at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory standard or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "DANGER" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine or underground, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose at a place on the surface of the mine designated by the mine operator. No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift, or more often if necessary for safety, the active underground working places shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Such examination shall include tests with means approved by the Secretary for detecting methane and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examinations for hazardous conditions, including tests for methane, shall be made at least once each week, by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return airway in its entirety, idle workings, and insofar as conditions permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. A record of these examinations and tests shall be kept.

(g) At least once each week, a certified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in each active entry, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be kept in a book on the surface, and the record shall be open for inspection by interested persons.

(h) (1) At the start of each coal-producing shift, tests for methane shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If more than 1.0 volume per centum of methane is detected, electrical equipment shall not be energized, taken into, or operated in, such face workings until such methane content is reduced below 1.0 volume per centum of methane. Examinations for methane shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If the air at an underground face working, when tested at a point not less than twelve inches from the roof, face, or rib, contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall not contain more than 1.0 volume per centum of methane. If such air, when tested at a point not less than twelve inches from the roof, face, or rib, but as near to twelve inches as possible, contains 1.5 volume per centum of methane, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such face working

shall not contain more than 1.0 volume per centum of methane.

(i) If, when tested, a split of air returning from active underground working places contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall not contain more than 1.0 volume per centum of methane. Such tests shall be made at four hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting methane.

(j) If a split of air returning from active underground working places contains 1.5 volume per centum of methane, all persons shall be withdrawn from the portion of the mine endangered thereby, and all electric power shall be cut off from such portion of the mine, until the air in such split shall not contain more than 1.0 volume per centum of methane. In virgin territory, if the quantity of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section and if only permissible electric equipment is used in such workings and the air in the split returning from such workings does not pass over trolley or other bare electric power wires, and if a certified person designated by the mine operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered by methane only when the air returning from such workings contains more than 2.0 volume per centum.

(k) Air which has passed by an opening of any unsealed, abandoned area shall not be used to ventilate any active face area in the mine if such air contains 0.25 volume per centum or more of methane. Examinations of such air shall be made during the pre-shift examination required by subsection (d) of this section. In making such tests, a qualified person designated by the operator of the mine shall use means approved by the Secretary for detecting methane. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(l) Air that has passed through an abandoned panel or area which is inaccessible for inspection shall not be used to ventilate any active face workings in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any active face workings in such mine, except that such air may be used to ventilate enough advancing working places or rooms immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(m) An authorized representative of the Secretary may require in any coal mine in which methane has been found that electric face equipment, except shuttle cars, operated therein be equipped with a methane monitor approved by the Secretary and kept operative and in operation.

(n) Idle and abandoned areas shall be inspected for methane and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such places. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting methane and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(o) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether methane is present. Such person shall use means approved by the Secretary for detecting methane. If in such examination methane is found in amounts of more than 1.0 volume per centum, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane.

(p) Within 12 months after the operative date of this title, and thereafter, all areas in all mines in which the pillars have been extracted or areas which have been abandoned for other reasons shall be effectively sealed or shall be effectively ventilated by bleeder entries, or by bleeder systems or an equivalent means. Such sealing or ventilation shall be approved by an authorized representative of the Secretary.

(q) Pillared areas ventilated by means of bleeder entries, or by bleeder systems or an equivalent means, shall have sufficient air coursed through the area so that the return split of air shall not contain more than 2.0 volume per centum of methane before entering another split of air.

(r) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active working places are ventilated with sufficient air to keep the air in open areas along the pillar line below 1.0 volume per centum of methane.

(s) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(t) Immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for methane shall be made by a qualified person with means approved by the Secretary for detecting methane. If methane is found in amounts of more than 1.0 volume per centum, changes or adjustments shall be made at once in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane.

(u) Each operator of a coal mine shall adopt a plan within a reasonable period after the operative date of this subsection to be established by the Secretary which shall provide that when any mine fan stops immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the face workings, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the face workings and other working places where methane is likely to accumulate are re-examined by a certified person to determine if methane in amounts of more than 1.0 volume per centum exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative upon request.

(v) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(w) The mine foreman shall read and countersign promptly the daily reports of the pre-shift examiner and assistant mine foreman, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. Where such reports disclose hazardous conditions, the mine foremen shall take prompt action to have such conditions corrected. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(x) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action, if any, was taken to remedy such condition.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 305. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall not be present in excessive quantities in active underground working places or on electrical equipment therein.

(b) Where underground mining operations create an excessive amount of dust, water, or water with a wetting agent added to it, or other effective method shall be used to reduce such dust to safe limits.

(c) All areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within forty feet of all faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All crosscuts that are less than forty feet from a face shall be rock-dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all open workings and maintained in such quantity that the incombustible content of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible content in the return air courses shall be not less than 80 per centum. Where methane is present in any ventilating current, the percent of incombustible content of such combined dusts shall be increased 1 per centum for each 0.1 per centum of methane.

(e) Subsections (b) through (d) of this section shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT—GENERAL

SEC. 306. (a) The location and the electrical rating of all stationary electrical apparatus in connection with the mine electrical system, including permanent cables, switch-gear rectifying substations, transformers, permanent pumps and trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electrical rating, or setting shall be promptly shown on the map when the change is made.

(b) All power circuits and electrical equipment shall be de-energized before work is done on such circuits and equipment, except, when necessary, a person may repair energized trolley wires if he wears insulated

shoes and lineman's gloves. No work shall be performed on high-voltage circuits or equipment except by or under the direct supervision of a competent electrician. Switches shall be locked out and suitable warning signs posted by the persons who are to do the work. Locks shall be removed only by the persons who installed them.

(c) Electrical equipment shall be frequently examined by a competent electrician to assure safe operating conditions. When a potentially dangerous condition is found on electrical equipment, such equipment shall be removed from service until such condition is corrected.

(d) All electrical conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(e) All joints or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All joints in insulated wire shall be reinsulated at least to the same degree as the remainder of the wire.

(f) Cables shall enter metal frames of motors, splice boxes and electrical compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(g) All power wires (except trailing cables), specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare or insulated ground and return wires, shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(h) Power wires and cables installed in haulage slopes shall be insulated adequately and fully protected against mechanical injury. Power wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables.

(i) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads, except on locomotives operating regularly on grades exceeding 5 percent. Three phase motors shall be equipped in such a manner that such motors shall not operate on single phase.

(j) In all main power circuits disconnecting switches shall be installed underground within 500 feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and at all other places where main power circuits enter the underground portion of the mine.

(k) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(l) One year after the operative date of this section—

(1) all electric face equipment used in a coal mine shall be permissible and shall be maintained in a permissible condition, except that the Secretary may permit, under such conditions as he may prescribe, nonpermissible or open-type electric face equipment in use in such mine on the operative date of this title, to continue in use for such period as he deems appropriate after taking into consideration the availability of replacement equipment; and

(2) only permissible junction or distribution boxes shall be used for making multiple power connections inby the last open crosscut or in any other place where dangerous quantities of methane may be present or may enter the air current, except that the Secretary may permit, under such conditions as he may prescribe, non-permissible junction or distribution boxes in use, on the operative date of this title, inby the last open crosscut or in any other place where dangerous quantities of methane may be present or may enter the air current, to continue in use for such period as he deems appropriate, after taking into consideration the availability of permissible junction or distribution boxes and the time required to install such boxes.

(3) A copy of any permit granted under this subsection shall be mailed immediately to a duly designated representative of the employees of the mine to which it pertains, and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

(4) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(m) All power-connection points outby the last open crosscut shall be in intake air.

TRAILING CABLES

SEC. 307. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to eliminate the possibility of connecting a trailing cable to the wrong size breaker.

(d) No more than five temporary splices shall be made in any trailing cable. A temporary splice in a trailing cable within 25 feet of the machine shall be eliminated before the machine or cable is used on the next shift. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have splices that heat or spark under load shall not be used.

(e) When permanent splices in trailing cables are made, they shall be:

(1) Mechanically strong with adequate electrical conductivity and flexibility;

(2) Effectively insulated and sealed so as to exclude moisture; and

(3) Vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile machinery.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 308. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded.

(b) The frames of all offtrack machines and the enclosures of related detached components shall be maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all high-voltage switchgear, transformers, and other high-voltage equipment shall be grounded to the high-voltage system ground.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 309. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall be protected by relaying circuits against overcurrent and ground fault.

(b) High-voltage circuits extending underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded site of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit. At the point where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed outby the automatic breaker and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) The grounding resistor shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground by a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage systems installed underground after the operative date of this title shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(e) Underground high-voltage cables purchased after the effective date of this Act shall be equipped with metallic shields around each power conductor. One or more ground conductors shall be provided having a cross-sectional area of not less than one-half the power conductor. There shall also be provided an insulated conductor not smaller than No. 10 (AWG) for the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices made in the cable shall provide continuity of all components and shall be made in accordance with cable manufacturers' recommendations.

(f) If couplers are used they shall be of the three phase type with a full metallic shell, and shall be adequate for the voltage and current expected. All exposed metal on the couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single phase loads such as transformer primaries shall be connected phase to phase.

(h) Each ungrounded, exposed power conductor that leads underground shall be equipped with lightning arresters of approved type within 100 feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from equipment grounds by a distance of not less than 25 feet.

(i) All underground high-voltage transmission cables shall be installed only in regularly inspected airways or haulageways, and shall be covered, buried, or placed so as to afford protection against damage by derailed trips, trolley equipment, roof falls, and blasts, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(j) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is de-energized when the switches are open.

(k) Circuit breakers and disconnecting switches underground shall be marked for identification.

(l) Terminations and splices of high-voltage cable shall be made in accordance with manufacturer's specifications.

(m) Frames, supporting structures, and enclosures of substation or switching station apparatus shall be effectively grounded.

(n) Power centers and portable transformers shall be de-energized before they are moved from one location to another. High-voltage cables, other than trailing cables, shall not be moved or handled while energized.

UNDERGROUND LOW-VOLTAGE CIRCUITS

SEC. 310. Low-voltage power circuits serving three phase alternating-current electric equipment shall include a neutral circuit whether direct or derived, which shall be used as part of a grounding system that will maintain the frame of the equipment and the frames of all accessory equipment at ground potential. Three phase alternating-current electric equipment, including its controls and portable or trailing cable, shall be de-energized automatically upon the occurrence of an incipient ground fault. The ground-fault-tripping current shall be limited by a grounding resistor to that current necessary for dependable relaying. The maximum ground-fault-tripping current shall not exceed 25 amperes.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 311. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 1,500 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley and trolley feeder wires, high-voltage cables and transformers shall not be located beyond the last open crosscut and shall be kept at least 150 feet from pillar workings.

FIRE PROTECTION

SEC. 312. (a) Each coal mine shall be provided with suitable fire-fighting equipment adequate for the size of the mine.

(b) Underground storage places for lubricating oil and grease in excess of two days' supply shall be of fireproof construction.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return.

(d) Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a certified person when such work is done in:

(1) the region between the face and a point twenty feet outby the last open crosscut in first mining;

(2) the region between the pillar line and a point one hundred and fifty feet outby; or

(3) the region between the face and gob in longwall mining. Such person shall make a diligent search for fire during and after such operations and shall immediately before and during such operations, at a minimum of hourly intervals, test for methane with means approved by the Secretary for detecting methane. Welding, cutting, or soldering shall not be conducted in air that contains more than 1.0 volume per centum of methane. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Beginning one year after the operative date of this title, unless fire suppression devices meeting specifications prescribed by the Secretary are used on underground equipment, only fire-resistant hydraulic fluids approved by the Secretary shall be used in the hydraulic system of such equipment.

(f) Deluge-type water sprays, automatically actuated by rise in temperature, or other effective means of controlling fire shall be installed at main and secondary belt-conveyor drives. Such sprays shall be supplied with a sufficient quantity of water to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches.

(h) After every blasting operation performed on shift, an examination shall be made to determine whether fires have been started.

BLASTING AND EXPLOSIVES

SEC. 313. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground, except that in underground anthricite mines mudcaps or other open, unconfined shots may be fired, if restricted to battery starting when no methane or fire hazard is present, and if it is otherwise impracticable to start the battery, and in such anthracite mines, open, unconfined "shake" shots in working places and other places in pitching veins may be fired, when no methane or fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous for men working in such places. Except as provided in the next to the last sentence of this subsection, only permissible explosives, electric detonators of proper strength and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of non-permissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(b) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(c) Explosives or detonators may be transported (1) in special closed containers in cars moved by means of a locomotive, rope, or belt, or (2) in shuttle cars, or (3) in equipment designed especially to transport such explosives or detonators.

(d) When supplies of explosives and detonators for use in one or more sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a reasonably dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirement, such boxes shall be placed in niches cut into the solid coal or rock.

(e) Explosives and detonators stored near the working faces shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the face and fifteen feet from any pipeline, powerline, rail, or conveyor; except that if kept in niches in the rib, the distance from any pipeline, powerline, rail, or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

(f) Explosives and detonators shall be kept in separate containers until immediately before use at the working faces.

HOISTING AND MANTRIPS

SEC. 314. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device used for transporting persons, and with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device for transporting persons, and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars, in the shaft shall be provided.

(d) There shall be at least two effective approved methods of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

MAPS

SEC. 315. (a) The operator of an active working underground coal mine shall have in a location chosen to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on such scale and containing such information as the Secretary by regulation may prescribe. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the operative date of this subsection which cannot be entered safely and on which no information is available, contour elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and oil and gas wells in such mine. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. As the Secretary may by regulation require, such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by any miner and their authorized representatives and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, upon request, one or more copies of such map and any revision and supplement thereof. Any such map or revision or supplement thereof shall be confidential and its contents shall not be divulged to any person other than those mentioned in this subsection without the consent of the operator of the mine covered by such map, except that such map or revision or supplement thereof may be used by the Secretary to carry out any provision of this Act and in any proceeding, investigation, or hearing conducted pursuant to this Act.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than 90 days, he shall promptly notify the Secretary of such closure. Within 60 days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of 90 days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

ESCAPEWAYS

SEC. 316. At least two separate and distinct travelable passageways to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each mine working section to the surface, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water.

MISCELLANEOUS

SEC. 317. (a) Each operator of a coal mine shall comply with State laws and regulations in establishing and maintaining barriers around oil and gas wells penetrating coal beds or underground workings of underground coal mines.

(b) Whenever any working place approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a competent engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the face of such working place and shall be continually maintained to a distance of at least ten feet in advance of the advancing solid face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall also be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such place.

(c) Persons underground shall use only permissible electric lamps for portable illumination.

(d) After the operative date of this section, all structures erected on the surface within one hundred feet of any mine opening shall be of reasonably fireproof construction. Unless existing structures located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from surface sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(e) Adequate measures shall be taken to prevent methane and coal dust from accumulating in excessive concentrations in or on surface coal-handling facilities. Where coal is dumped at or near air-intake openings, provisions shall be made to prevent the dust from entering the mine in such quantities as to create a dangerous condition.

DEFINITIONS

SEC. 318. For the purpose of this title and title II of this Act, the term—

(a) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such titles, except that, in a State where no program of certification is provided, such certification shall be by the Secretary.

(b) "qualified person" means an individual deemed qualified by the Secretary to make tests or measurements, as appropriate, required by such titles.

(c) "permissible" as applied to—

(1) equipment used in the operation of a coal mine, means equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire, or to assure that such equipment will afford adequate protection against specific health hazards;

(2) explosives or blasting devices used in such mines, means explosives or blasting devices which meet specifications which are prescribed by the Secretary; and

(3) the manner of use of equipment or explosives and blasting devices, means the manner of use prescribed by the Secretary.

(d) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored (1) 100 per centum of which will pass through a sieve having 200 meshes per linear inch; (2) the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and (3) which does not contain more than 5 per centum of combustible matter or more than a total of 5 per centum of free and combined silica (SiO_2).

(e) "coal mine" includes areas of adjoining mines connected underground.

(f) "anthracite" means coals with a volatile ratio equal to .12 or less.

(g) "high-voltage" means more than 650 volts.

TITLE IV—ADMINISTRATION

RESEARCH

SEC. 401. The Secretary, in coordination with the Secretary of Health, Education, and Welfare, shall conduct such studies, research, experiments, and demonstrations as may be appropriate—

(a) to improve working conditions and practices, prevent accidents, and control the causes of occupational diseases originating in the coal mining industry,

(b) after an accident, to recover persons in a coal mine and to recover the mine,

(c) to develop new or improved means and methods of communication from the surface to the underground portion of the mine,

(d) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine, and

(e) for such other purposes as he deems necessary to carry out the purposes of this Act.

TRAINING AND EDUCATION

SEC. 402. The Secretary shall expand programs for the education and training of coal mine operators, agents thereof, and miners in—

(a) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal mines, and

(b) in the use of flame safety lamps, permissible methane detectors, and other means approved by the Secretary for accurately detecting gases.

ASSISTANCE TO STATES

SEC. 403. (a) The Secretary, in coordination with the Secretary of Labor and the Secretary of Health, Education, and Welfare, is authorized to make grants to any State in which coal mining takes place,

(1) to conduct research and planning studies and to carry out plans designed to improve State workmen's compensation and occupational disease laws and programs, as they relate to compensation for pneumoconiosis and injuries in coal mine employment; and

(2) to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines.

(b) Grants under this section shall not extend beyond a period of five years following the effective date of this Act.

(c) Federal grants under this section shall be made to States which have a plan or plans approved by the Secretary.

(d) The Secretary shall approve any plan which—

(1) provides that reports will be made to the Secretary, in such form and containing such information, as may reasonably be necessary to enable him to review the effectiveness of the program or programs involved, and that records will be kept and afford such access thereto as he finds necessary or appropriate to assure the correctness and verification of such reports:

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

(3) contains assurances that the State will not in any way diminish existing State programs or benefits with respect to pneumoconiosis and related conditions; and

(4) meets any additional conditions which the Secretary may prescribe by rule in furtherance of the provisions of this section.

(e) The Secretary shall not finally disapprove any State plan, or modification thereof, without affording the State reasonable notice and opportunity for a hearing.

(f) The amount granted any State for a fiscal year under this section may not exceed 80 per centum of the amount expended by such State in such year for carrying out such programs, studies, and research and no one State may be granted an amount in a fiscal year which exceeds 15 per centum of the amount appropriated for grants to all States for that year.

(g) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and each of the succeeding fiscal years, the sum of $1,000,000 to carry out the provisions of this section.

RELATED CONTRACTS AND GRANTS

SEC. 404. In carrying out the provisions of sections 401 and 402, the Secretary may enter into contracts with, and make grants to, public and private agencies and organizations and individuals.

INSPECTORS; QUALIFICATIONS; TRAINING

SEC. 405. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary shall be qualified by prac-

tical experience in the mining of coal or by experience as a practical mining engineer and by education. Such persons shall be adequately trained by the Secretary. The Secretary shall seek to develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions and operators in developing adequate programs for the training of persons, particularly inspectors. Where appropriate, the Secretary shall cooperate with such institutions in carrying out the provisions of this section by providing financial and technical assistance to such institutions.

EFFECT ON STATE LAWS

SEC. 406. (a) No State law in effect upon the effective date of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued or standard promulgated thereunder, except insofar as such State law is in conflict with this Act or with any order issued or standard promulgated pursuant to this Act.

(b) The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for more stringent health and safety standards applicable to coal mines, than do the provisions of this Act or any order issued or standard promulgated thereunder shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or any order issued or standard promulgated thereunder, shall not be held to be in conflict with this Act.

(c) Nothing in this Act shall be construed or held to supersede or in any manner affect the workmen's compensation laws of any State, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under State laws in respect of injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

ADMINISTRATIVE PROCEDURES

SEC. 407. The provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code, shall not apply to the making of any order or decision pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

SEC. 408. The Secretary is authorized to issue such administrative regulations as he deems appropriate to carry out any provision of this Act.

OPERATIVE DATE AND REPEAL

SEC. 409. The provisions of titles I through III of this Act shall become operative one hundred and twenty days after enactment. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of those titles, except that such provisions shall continue to apply to any order, notice, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, or finding. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

SEC. 410. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

SEC. 411. Within one hundred and twenty days following the convening of each session of Congress, the Secretary shall submit through the President to the Congress an annual report upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, and any other relevant information, including any recommendations he deems appropriate.

SUMMARY OF THE MAJOR PROVISIONS OF THE INTERIOR PROPOSED FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

I. PURPOSE

The purpose of this Act is to improve the health and safety conditions in the Nation's coal mines by establishing mandatory health and safety standards.

II. COVERAGE

Sec. 3. Under the provisions of this section and under the definition of "Coal Mine" (Sec. 4) both underground and surface mines, as well as all miners working in them would be subject to this Act.

III. HEALTH AND SAFETY STANDARDS

Sec. 101. Under this section, the Secretary would be required to develop and promulgate by regulation mandatory health and safety standards for all coal mines. He would be required to issue mandatory standards for surface mines within 1 year after the effective date of the Act. Interim mandatory health and safety standards for underground mines which would remain in effect until superseded by regulation issued by the Secretary under the authority granted him in this section are provided for in titles II and III of the bill. Standards would be developed by taking into account such considerations as the latest available scientific data in the field, technical and economic feasibility, experience under existing standards, and so forth.

Proposed standards would be published in the *Federal Register* and, unless interested persons object to the standards within a minimum period of 30 days, they could be promulgated finally. If there are objections, the Secretary will refer the standards to the Board for review. After hearings the Board shall make their recommendation within 60 days after completion of hearings to the Secretary and if he does not adopt the Board's recommendation he must publish his reasons therefor.

IV. ADVISORY COMMITTEES

Sec. 102. This section would give the Secretary power to appoint advisory committees to help him carry out the Act's provisions.

V. INSPECTIONS AND INVESTIGATIONS

Sec. 103. Authorized representatives of the Secretary of the Interior would be required to make inspections and investigations in coal mines for the purposes of obtaining information relating to safety conditions, developing health and safety standards, determining whether an imminent danger exists in a mine, or determining whether a mine is complying with the mandatory health and safety standards. No representative (e.g. inspector) of the Secretary could be refused entrance to any mine. There must be at least three inspections of underground coal mines each calendar year, in addition to spot inspections.

This section would give the Secretary authority to hold hearings and issue subpoenas for the attendance and testimony of witnesses and for the production of relevant documents, in effect allowing the Secretary to investigate mine disasters and accidents in a manner similar to that employed by the Civil Aeronautics Board in its investigations of aircraft crashes. In the event of a coal mine disaster, mine operators would be required to preserve any evidence which might be useful in investigating the cause of the incident, and an inspector, when present, may issue appropriate orders to insure persons safety in the mine, and the operator of the mine must obtain the inspector's approval of any plan to recover persons in the mine or to return affected areas of the mine to normal.

VI. STATE PLAN

Sec. 104. Any coal mining State that desires to cooperate with the Secretary in making the inspections required by this legislation may submit a plan to Interior for approval or disapproval of the Secretary. In order to receive approval, the Secretary must be satisfied that the plan (a) designates an appropriate State agency as the sole agency responsible for its administration, (b) indicates clearly that this agency will have adequate authority under State law to carry out the plan, (c) assures that the designated agency has or will employ a staff of competent inspectors qualified under State law to make inspections, (d) provides that the designated agency and State inspectors will not give advance notice to any coal mine operator of the imminence of an inspection, (e) provides that the State agency will promptly assign inspectors as required by the Act to make inspections, and (f) provide for the making of such reports as the Secretary may require.

The Secretary must approve a plan that meets the above conditions and can only disapprove after notice and opportunity for hearing.

No inspection may be made by a Federal inspector where there is a State plan unless accompanied by a State inspector, except—(a) where there is an emergency involving imminent danger, (b) where, after due notice, a State inspector is not provided timely, and (c) where a spot inspection is deemed essential by Federal inspector. State and court appointed inspectors have right to enter mine.

VII. FINDINGS, NOTICES, AND ORDERS

Sec. 105. If an inspector finds that an imminent danger exists in a mine, he would be required to issue an order requiring the mine operator to withdraw all workers from the section of the mine where the danger exists until it is determined by an inspector that the condition no longer exists.

If, upon any inspection, an inspector finds that there has been a violation of a mandatory health or safety standard, but the violation has not created an imminent danger, he would allow the violator a reasonable time to abate the violation. If the violation is not abated by the end of that period and if the inspector does not find that the period should be extended, he would be required to order a withdrawal of all workers from the area affected by the violation.

If an inspector finds a violation of a standard that does not cause an imminent danger, but is of such a nature as could significantly and substantially contribute to any mine hazard, and if he finds that the violation is due to an unwarrantable failure to comply with the standards, he includes the finding in the notice. Upon reinspection at anytime within 90 days after issuance of the notice, an inspector finds a violation of the standard for which the notice was issued or similar standards in the same category, he must withdraw the persons from the mine.

Once a withdrawal order has been issued in the case of an unwarrantable failure, the inspector must issue such an order on subsequent inspections when he finds the existence anywhere in the mine of a similar violation until such inspections disclose no similar violations.

Notices and orders issued pursuant to an inspector's authority would contain detailed descriptions of the conditions or practices which caused the imminent danger or violation and would have to be promptly delivered to the mine operator involved.

Notices and orders may be modified or terminated by the inspector, except under certain circumstances discussed below.

Where a withdrawal order is issued because of an imminent danger and a State inspector did not participate in the inspection, the Federal inspector must notify the State within 24 hours after issuance of the order. After the issuance of such an order without the State inspector present, the operator may request a State inspection of the mine and the State shall conduct it promptly and file a report thereon with the Secretary and the State agency. The withdrawal order, however, remains in effect, but is subject to immediate review.

In States where there is an approved State plan, no order may be issued, in other than imminent danger cases, unless a State or court appointed inspector participates in the inspection, or unless such participation is not required under section 104(e) of the proposal. If the State inspector does not concur in the order, the mine operator, the Federal inspector, or the State inspector may apply to the chief judge of the United States district court for the appointment of an independent inspector, who must be a graduate engineer with experience in the coal mining industry, within 24 hours after completion of inspection. Such independent inspection must be made within 5 days after appointment. The Federal and State inspectors may accompany the independent inspector. If the independent inspector or State inspector concurs in the order, it shall be issued.

Orders issued for mines covered by State plans are subject to review by the Board and not the Secretary.

VIII. APPEALS PROCEDURE

A. Review by the Secretary

Sec. 106. Except in the case of orders issued for mines covered by a State plan, this section provides that an operator notified of an order issued by an inspector under the provisions of the Act may apply to the Secretary for review of the order within 30 days of the order's receipt. The Secretary would be required to investigate and make a finding of fact as to whether or not there was an imminent danger or a violation of any mandatory health or safety standard. Because of the need for prompt decisions in these matters, the Secretary must take action as promptly as practicable. Pending completion of his investigation, the Secretary may, upon application and after a hearing, grant temporary relief from an order issued pursuant to the Act.

B. Federal Coal Mine Health and Safety Board of Review

Sec. 107. The Federal Coal Mine Health and Safety Board of Review would be established to hear appeals. The Board would be composed of persons from all segments of the coal industry and would have the power to subpoena and take depositions.

This section would add three more appointed members to the Board for the purpose of reviewing proposed mandatory health and safety standards. At least one of the additional members must have a public health background and the others must have a background in coal mining technology. The additional members cannot have any interest in, or connection with, the coal mining industry for at least one year prior to appointment.

Sec. 108. An operator may appeal to the Board any order issued by an inspector or any decision issued by the Secretary.

In all appeals to the Board, the operator would be the applicant and the Secretary the respondent. The Board shall not be bound by any findings of fact of an inspector and the burden of proof will be on the Secretary. In the case of an appeal from a decision of the Secretary, the record and decision of the Secretary would be included in evidence while the findings of the Secretary would constitute a prima facie case for the issuance of the decision complained of. The burden of rebutting the prima facie case would be upon the operator although either party would be permitted to offer additional evidence. Pending disposition of an action, the Board could grant, upon application and after a hearing, temporary relief from any order issued by an inspector.

C. Judicial review

Sec. 109. Any decision issued by the Board would be subject to judicial review by the U.S. Court of Appeals for the circuit in which the affected coal mine is located upon application by the Secretary or the operator. The court would only be permitted to hear the appeal on the record made before the Board. The findings of the Board, if supported by substantial evidence on the record considered as a whole, would be conclusive. In addition, the court could grant such temporary relief as might be appropriate pending final determination of the appeal.

The judgment of the court would be subject only to review by the Supreme Court of the United States.

IX. RECORDS

Sec. 111. Every operator of a coal mine would, under the Act, be required to establish and maintain such records and make such reports as the Secretary might reasonably require to enable him to perform his functions under the Act. This would include all accident records which are defined (see sec. 4(k)) to include mine explosions, ignitions, fires, inundations, or injury to, or death, of any person. Access to these records would be open to an agent of the Secretary at all times. The Secretary could publish the information so obtained, from time to time and make it available for public inspection.

X. INJUNCTIONS

Sec. 112. Injunction proceedings may be brought against any operator who refuses to comply with, or interferes with, the Secretary's efforts in carrying out the provisions of this Act.

XI. PENALTIES

Sec. 113. An operator of a coal mine in which a violation of a mandatory health or safety standard occurs could be assessed a civil penalty of not more than $10,000 for each violation.

Upon request of an operator or miner assessed a civil penalty, the Board shall provide a hearing to determine whether a violation occurred or whether the amount of the penalty is warranted or should be compromised.

Anyone knowingly violating or failing to comply with an order issued under the Act would be, upon conviction, punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months, or by both. In the event of a second conviction, however, the penalty would be a fine of not more than $20,000 or imprisonment for not more than 1 year or both.

XII. RESEARCH

Sec. 401. This section would permit the Secretary to conduct such research and educational programs as he feels is necessary for the purposes of carrying out his responsibilities under the Act.

XIII. TRAINING AND EDUCATION

Sec. 402. This section would direct the Secretary to expand and accelerate programs of education and training of operators and miners.

XIV. ASSISTANCE TO STATES

Sec. 403. This section would authorize grants to coal mining states for research and planning studies, and plans to improve State system for paying miners compensation for occupational pneumoconiosis and injuries, and to assist in planning and implementing our State health and safety programs for coal mines.

The grant authority is limited to 5 years from enactment.

Grants can only be made to States with an approved State plan. The maximum amount of any grant is 80 percent of the program costs and no State may receive more than 15 percent of the total of all grants made to all States.

An annual appropriation of $1 million is authorized.

XV. INSPECTORS

Sec. 405. This section establishes the minimum qualifications that an inspector must be qualified by practical coal mining experience or by experience as a practical mining engineer, and by education.

XVI. EFFECT ON STATE LAWS

Sec. 406. This section provides that only State laws less stringent than this Act or those in conflict with this Act shall be superseded.

XVII. INTERIM SAFETY STANDARDS

The proposed standards would, among other things—

Require that all accidents be investigated by the operator or his agent to determine the cause and to prevent future accidents. Records of the accidents and the investigation must be kept and made available to the Secretary or his inspector.

Require that operators establish training and retraining programs for qualified and certified persons.

Prohibit smoking and the use of open lights underground.

Authorize the Secretary to require emergency shelters adequately supplied with air and equipped with an independent communication system. The Secretary would establish guidelines for these shelters, including their locations in the mine.

Authorize the Secretary to require adequate illumination in active underground working places.

Require a roof control plan approved by the Secretary for the face and other active working places as well as the travelways and roadways.

Require the installation of line brattice or other suitable device to assure a positive flow of air to the face workings, unless the inspector permits an exception.

Require pre-shift examinations at all mines within three hours before the shift begins.

Require examinations for methane at least every twenty minutes during a coal-producing shift in face workings of mines where electrically driven equipment is operated.

Require that one year after the operative date of the Act all electric face equipment used in a coal mine shall be permissible and be maintained in a permissible condition. The Secretary can permit mine-by-mine exceptions where nonpermissible equipment is in use and replacement equipment is not available. Mines classed gassy prior to this legislation that are required to use permissible electric face equipment and to maintain it in permissible condition must so continue.

Require the use of permissible explosives and devices and that their use be in a manner consonant with safety.

Require accurate and up-to-date maps showing all active workings, all worked-out and abandoned areas, elevations, escapeways, adjacent mine workings, mines above and below, water pools above, and oil and gas wells in such mine.

Require at least two separate and distinct travelable passageways clearly marked as escapeways which shall be maintained in safe condition. In at least one case in the last eight years, 18 men lost their lives because of inadequate escapeways.

Require a weekly examination of the volume of air entering main intakes, leaving main returns, and passing through the last open crosscut in each active entry.

Require a plan for quick action when any mine fan stops to cut off the power and to

withdraw all persons from the face workings.

Provide that adequate measures to prevent methane and coal dust accumulations in excessive amounts on surface coal-handling facilities.

Require operators to institute reasonable measures to insure that the workers not carry smokes, lighters, or matches into a mine.

We understand that, in some cases, management, pursuant to collective bargain agreements, conducts search programs of persons entering a mine in an effort to prevent anyone from carrying one of these articles into a mine and endangering their own lives and the lives of other workers.

Gassy classification

Methane gas, because of its explosive characteristics, presents one of the most serious hazards during coal mining. Methane occurs most often in the coal itself, but may occur in strata below or above the coal seam. When the strata adjacent to the coal are disturbed by the mining operations, the methane migrates into the mine atmosphere.

Explosive mixtures are formed when the methane concentrations range from 5 to 15 percent. The energy required for ignition is minute, for example, frictional sparks considerably less intense than those produced by an ordinary cigarette lighter cause ignition. The ignited mixture produces flame and pressure. The resulting disturbance to the atmosphere, even from a poorly-mixed body of gas, will disperse coal dust from mine surfaces and, if insufficient rock dust is present, a serious coal dust explosion will occur. As shown by the Bureau's records over the past 59 years, most mine disasters are caused by ignition of a localized body of gas. Experiments by the Bureau of Mines[1] show that ignition of as little as 13 cubic feet of methane will disperse coal dust in an entry and cause a widespread coal dust explosion.

Under the present Federal Coal Mine Safety Act, mines are classified by the Bureau either as gassy or nongassy. A coal mine is considered gassy if:

1. A State mining bureau classifies the mine as gassy.

2. A gas ignition or gas explosion occurred in the mine.

3. A sample taken in a precribed way shows 0.25 percent methane or more when analyzed.

Once a mine is classified as gassy, it is never reclassified as nongassy.

These criteria for classifying mines are wholly inadequate. Definitions of the gassy classification vary from State to State, as do methods used by the States to classify a mine. For example, in some States, if a new mine is opened in a coal seam in which other mines nearby have been classified as gassy, the State may classify the new mine as gassy without taking an air sample.

Classifying a mine as gassy after an explosion has occurred is a classic example of "locking the barn door after the horse has been stolen." While such an action helps to prevent future explosions, it does not help those who have been killed or injured.

A third method of classifying a mine gassy requires that air samples be taken and, under the present law, the sample must be taken at a point not less than 12 inches from the roof, rib, or face, and must show less than 0.25 percent methane. If a sample were to be taken closer to the coal face than 12 inches, the atmosphere could contain high percentages of methane without affecting classification. In addition, the amount of ventilation of air passing the sampling point is not specified. Obviously, the quantity of air passing the point will have a direct effect on the methane content of the sample. In practice, this air quantity may vary considerably. If a mine which has adequate ventilation, and therefore is not classified as gassy, were to be sealed for several days it might yield an air sample with a methane content greatly in excess of the 0.25 percent specified in the law.

In some mines where gas generally occurs in small quantities, the mining operation may unexpectedly tap relatively large pockets of methane gas. Experience has shown that such occurrences have caused serious disasters. Unless a sample were taken at a particular moment when this methane was released, the mine would continue to be classified as nongassy. A sample taken properly and at the right time when methane was released from the pocket would show high percentages of gas.

The history of gassy classification

The Bureau of Mines first recognized the distinction between gassy and nongassy mines in 1926.[2] The Mine Safety Board of the Bureau of Mines at that time stated: "The U.S. Bureau of Mines believes that *all mines are potentially gassy;* but for purposes of administration in respect to prevention of explosions and fires the Bureau recommends the following classification:"

In 1926, the Bureau classified mines into 3 types: (1) *nongassy* when all samples of mine air contain less than 0.05 percent methane; (2) *slightly gassy*—a classification that could be determined in four different ways depending on the ventilation and the amount of methane found (one of these four ways included a methane content more than 0.25 percent in a split of the ventilating current); and (3) *gassy*—a classification applied to all other mines.

At that time, according to the Bureau of Mines publication, none of the State mine regulations specifically defined a gassy mine.

In 1941, the Mine Safety Board decided that the use of three classifications was unsatisfactory. The new decision provided only two classes—gassy and nongassy mines. The gassy classification was applied to "any coal mine where methane or any other combustible gas can be detected in amounts as much as 0.25 percent or more, by frequent systematic searches . . .".[3]

The Mine Safety Board also noted that:

"In the 30 years of investigating mine accidents by the Bureau of Mines, it is noteworthy that many serious gas explosions have occurred in mines in which methane had not been reported prior to the disaster."

In July 1945, the standard for determination of a gassy mine was reduced from 0.25 to 0.1 percent methane. But in 1946, this was again increased to 0.25 percent. The Federal Coal Mine Safety Act passed in 1952 retained the 0.25 percent standard but also specified how the sample should be taken.

Justification for the 0.25 percent level does not appear in any of the literature of the Bureau of Mines. A bulletin,[4] published in 1928, noted that the accuracy of a modified Orsat apparatus, which was largely used by field personnel at that time, was 0.2 percent. It is believed by some that the limit of accuracy of the Orsat apparatus influenced the standard which was selected.

Some of the deliberations of the Mine Safety Board in arriving at their decision to adopt the gassy and nongassy classifications are of interest. These are quoted in Appendix A (emphasis supplied).

The important conclusions that can be drawn from these excerpts are that even in 1941 it was thought that:

1. All mines are potentially gassy.

2. By a strict interpretation of the method for taking samples, 99 out of 100 mines would be classed as gassy.

3. The greatest danger of a disaster was in mines classified as nongassy.

4. The increased productivity between 1932 and 1940 in the more highly mechanized mines had increased the explosion hazard.

The greatly increased productivity that has occurred since 1940, when these conclusions were drawn, can only have further increased the hazards.

Additional proof that all mines are potentially gassy is shown in Table 1. Two hundred and ten presently active mines once classed as nongassy were later classed gassy—some after fifteen years of nongassy operation. Table 2 shows that 52 ignitions or explosions of gas have occurred since January 1, 1953, through November 30, 1968, killing 27 persons and injuring 54 in so-called nongassy mines.

Sixty years of experience has shown that a large number of gas explosion disasters have occurred in nongassy mines. In fact, nongassy mines may actually be more dangerous than gassy mines as the classification gives a false sense of security. From this evidence, and the opinion of numerous experts, that all mines are potentially gassy, the elimination of the nongassy classification has been recommended.

XVIII. INTERIM DUST STANDARD

Sec. 201 of the proposal would establish an interim dust standard for active working places of underground mines of 4.5 milligrams of respirable dust per cubic meter of air measured with a specified gravimetric instrument 60 days after the operative date of the Act. If the respirable dust concentrations exceed this standard, the operator will be subject to a civil penalty and immediate action must be taken to reduce the dust concentrations to below 4.5. If the atmospheric dust concentrations exceed 5.5 milligrams of dust per cubic meter of air, the operator must withdraw all persons from that section of the mine and take corrective action to reduce the dust content to or below 4.5.

Sec. 202 of the proposal would require annual chest x-rays of each miner and would require that if there is a development of pneumoconiosis that the operator permit the miner, at his option, to work either at an area where the dust concentration is 2.0 milligrams per cubic meter of air or less or to work in any area of the mine if he wears an approved respirator continuously.

APPENDIX A

"The present definition of a non-gassy mine (called Class I in Decision 3) reads: 'A practically non-gassy mine in which inflammable gas in excess of 0.05 percent cannot be found by systematic search.' If I recall matters correctly, *Dr. Rice wanted to avoid statements that any mine was wholly non-gassy, hence the division into classes and use of the word 'practically' in the above definition.*"

"Shall it be assumed that all phases of ventilation and inspection function with reasonable efficiency and continuity, or shall the definition of a non-gassy mine be such as to prevent hazards should one of these

---

[1] Rice, G. S., H. P. Greenwald, and H. C. Howarth. Some Experiments on the Initiation of Coal-Dust Explosions by Gas Explosions. Bureau of Mines Rept. of Inv. 3028, 1930, 9 pp.

[2] Recommendations of the United States Bureau of Mines on Certain Questions of Safety as of Oct. 1, 1936. BuMines Inf. Circ. 6946, 1937, 45 pp., see p. 7.

[3] Mine Safety Board Decision 33. Bureau of Mines Definition of a Gassy Coal Mine. BuMines Inf. Circ. 7153, 1941, 2 pp.

[4] Rice, G. S., Safety in Coal Mining (A Hankbook). BuMines Bull. 277, 1928, 141 pp.

fail? This is merely another way of asking where the line shall be drawn. *There is little question that if the rules were made sufficiently strict and the means of search sufficiently accurate, at least 99 mines out of every 100 would fall in the gassy class. The exceptions would be those under light cover with all workings close to a crop line."*

"In the thirty years of the existence of the Bureau of Mines, several hundred explosion investigations have been made by its engineers and in scores of instances the explosion occurred in a mine in which explosive gas had not been found previous to the ignition in question. Moreover, it has been found that although more than 75 percent of the coal mine explosions in the United States in the past 30 years have been initiated by ignitions of explosive gas, on the other hand very few of the major coal mine disasters of this country have occurred in mines known to be very gassy, most of the disasters with exceptionally heavy loss of life have been in so-called nongassy or slightly gassy mines where few if any precautions are taken against gas or even dust accumulations or ignitions."

"In numerous instances mines which give off essentially no explosive gas or possibly very small quantities of gas from the coal measures during normal operation, have become extremely gassy in or near places where extensive falls of overlying material occur through pillar extraction, squeezes, or similar causes. In other cases mines which normally give off little or no gas at ordinary times, suddenly become very gassy in places upon encountering crevices or fissures in the floor, or heaving of the floor, or upon encountering geological faults or dykes or horsebacks."

"The greatly accelerated rate at which coal is broken and removed from the face and new surfaces exposed in connection with mechanized loading has during the past several years greatly increased the hazard of gas ignitions in the coal mines of the United States. From 1932 to the end of 1940 mechanized loading bituminous coal mines have been the scene of mine disasters with aggregate loss of more than 300 lives while similar disasters in nonmechanized loading mines have caused slightly over 100 fatalities; hence mechanized loading mines with their accelerated rate of removal of coal from the face thereby liberating increased quantities of gas and causing increased quantities of coal dust to be thrown into suspension have caused about three quarters of the mine disaster fatalities in the 8 years—1932 to 1940—though the record indicates that they have produced not more than one-third of the coal tonnage."

TABLE 1.—NUMBER OF GASSY MINES ONCE CLASSED NONGASSY (PRESENTLY ACTIVE MINES)

	Number of mines
Number of years operated nongassy:	
0 to 5 years	131
6 to 10 years	35
11 to 15 years	18
15 years	26
Total	210

TABLE 2.—NUMBER OF GAS IGNITIONS OR EXPLOSIONS IN NONGASSY COAL MINES JAN. 1, 1953, TO NOV. 20, 1968

Year	Number of ignitions or explosions	Killed	Injured
1953	3	0	3
1954	5	0	6
1955	3	0	4
1956	4	0	2
1957	5	0	5
1958	3	0	3
1959	3	[1] 9	2
1960	4	2	0
1961	7	0	7
1962	4	[2] 11	6
1963	1	0	0
1964	4	0	6
1965	3	[3] 5	4
1966	2	0	3
1967	0	0	0
1968	1	0	3
Total	52	27	54

[1] No. 1 Mine, Philips & West Coal Co., Robbins, Tenn.; Mar. 23, 1959, 9 killed, 0 injured.
[2] Mine No. 2, Blue Blaze Coal Co., Herrin, Ill.; Jan. 10, 1962, 11 killed, 0 injured.
[3] No. 2–A mine, C. L. Kine Coal Co.; Robbins, Tenn.; 5 kille d 0 injured.

TABLE A.—NUMBER OF UNDERGROUND FATALITIES IN THE NATION'S COAL MINES BY CAUSES AND BY GASSY AND NONGASSY MINES

Causes	Gassy			Nongassy		
	1965	1966	1967	1965	1966	1967
Roof falls	51	45	46	80	71	55
Haulage	23	25	22	12	16	7
Electricity	2	1	5	1	1	5
Machinery	5	4	10	9	8	6
Explosives	1	0	0	0	3	2
Explosions (gas and dust)	14	10	9	5	0	0
Fires	10	0	0	0	3	0
Inundations	0	0	0	0	0	0
Miscellaneous	9	1	3	1	6	1
Total	115	86	95	108	108	76

Note: Classification by causes may differ slightly from published data since the classification for this table was by a different group than that group which compiled the published data.

TABLE B.—NUMBER OF GAS IGNITIONS OR EXPLOSIONS IN NONGASSY COAL MINES AND NUMBER OF PERSONS KILLED OR INJURED, JULY 1, 1952, THROUGH NOV. 30, 1968

Year	Number of ignitions or explosions	Killed	Injured
1952 (6 months)	0	0	0
1953	3	0	3
1954	5	0	6
1955	3	0	4
1956	4	0	2
1957	5	0	5
1958	3	0	3
1959	3	[1] 9	2
1960	4	2	0
1961	7	0	7
1962	4	[2] 11	6
1963	1	0	0
1964	4	0	6
1965	3	[3] 5	4
1966	2	0	3
1967	0	0	0
1968	1	0	3
Total	52	27	54

[1] No. 1 mine, Philips & West Coal Co., Robbins, Tenn., Mar. 23 1959, 9 killed, 0 injured.
[2] Mine No. 2, Blue Blaze Coal Co., Herrin, Ill., Jan. 10, 1962, 11 killed, 0 injured.
[3] No. 2–A mine, C. L. Kline Coal Co., Robbins, Tenn., 5 killed, 0 injured.

TABLE C

The number of the Nation's presently active coal mines which were operated as nongassy coal mines but were subsequently classed gassy are as follows:

There were 131 mines operated nongassy for 0 to 5 years.

There were 35 mines operated nongassy for 6 to 10 years.

There were 18 mines operated nongassy for 11 to 15 years.

There were 26 mines operated nongassy for over 15 years.

MAJOR DIFFERENCES AMONG PROPOSED HOUSE AND SENATE BILLS, 1952 ACT, AND INTERIOR'S PROPOSED BILL

	1952 (as amended)	H.R. 4047, S. 355	H.R. 6504, S. 1094	H.R. 1047	Administration proposal
Authority in Director rather than Secretary of Interior.	Yes	No; authority in Secretary of Interior.	No; authority in Secretary of Labor.	No; authority in Secretary of Interior.	No; authority in Secretary of Interior.
"Imminent danger" definition	Limited to major disasters (5 persons or more).	Any condition or practice leading to death or serious injury.	Any condition or practice leading to death or serious injury.	Any condition or practice leading to death or serious injury.	Any condition or practice leading to death or serious injury.
Qualifications of inspectors	5 years' practical experience in mine.	Leaves to discretion of Secretary.	Leaves to discretion of Secretary.	Leaves to discretion of Secretary.	Establishes minimum qualifications.
Advisory committees	Mandatory advisory committee.	Permissive; silent on membership qualifications.	Permissive; silent on membership qualifications.	Permissive; silent on membership qualifications.	Permissive; silent on membership qualifications.
Issuance of notices and orders for—					
(a) Imminent danger	Immediate withdrawal	Immediate withdrawal	Immediate withdrawal	Immediate withdrawal	Immediate withdrawal.
(b) Standards	Issue notice and could withdraw if did not act in time.	Issue notice and could withdraw if did not act in time.	Issue notice and could withdraw if did not act in time.	Issue notice and could withdraw if did not act in time.	Issue notice and could withdraw if did not act in time.
Gassy, nongassy classification	Distinguishes between types of mines.	No distinction	No distinction	No distinction	No distinction.
Civil penalty:					
(a) Amount (operators)	None	$500 minimum, $10,000 maximum.	$1,000 minimum, $20,000 maximum.	No minimum, $1,000 maximum.	No minimum, $10,000 maximum.
(b) Amount (labor)	do	$25 minimum, $500 maximum.	$50 minimum, $1,000 maximum.	None	None.
(c) Unwarrantable failure violation.	Yes; could withdraw	None	None	do	Yes; could withdraw.
Mandatory health standard	None	Standard 3 milligrams per cubic meter of air. No date specified to reach.	Standard 3 milligrams per cubic meter of air. No date specified to reach.	Must develop health standard for all coal mines 10 months after enactment.	Standard 4.5 milligrams per cubic meter of air 60 days after operative date of act and 3 as soon as possible.
Review of orders	Provides for review by Director of Bureau of Mines and Board and court.	Provides for review by Secretary and then by Board and court.	Eliminates review by Board	Provides for review by Secretary and then by Board and court.	Provides for review by Secretary or Board except where State plan review is by Board, not Secretary. Court review.

Footnotes at end of table.

MAJOR DIFFERENCES AMONG PROPOSED HOUSE AND SENATE BILLS, 1952 ACT, AND INTERIOR'S PROPOSED BILL—Continued

	1952 (as amended)	H.R. 4047, S. 355	H.R. 6504, S. 1094	H.R. 1047	Administration proposal
Health X-rays	None	Yes	Yes	None	Yes.
Secretary has authority to issue mandatory health and safety standards.	No	do	do	Yes	Do.
Review of Secretary's standards by Board.	do	No	No	No	Yes; on objections of interested persons to Secretary's proposed standards, Board shall review and make recommendations to Secretary.
State plan	Yes	do	do	do	Yes.
Criminal penalties for violation of orders.	do	Yes; $5,000 and 6 months for 1st offense, $10,000 and 1 year for 2d offense.	Yes; $10,000 and 6 months for 1st offense, $20,000 and 1 year for 2d offense.	Yes; $5,000 and 6 months for 1st offense, $10,000 and 1 year for 2d offense.	Yes; $10,000 and 6 months for 1st offense, $20,000 and 1 year for 2d offense.
Number of inspections per year	1	None specified	None specified	None specified	Minimum of 3 per year for each underground mine.
Surface mines	Excluded	Included	Included	Included	Included.
Expanded Board for review of standards.	None	None	None	None	Yes; to 8 members, 1 of which must be a health member.
Right to sue operator in Federal court for death or injury.	No	No	Yes	No	No.
Require all accidents be reported and investigated by operator.	do	do	No	do	Yes.
Financial assistance to States and miners re health and safety payments.	do	do	Yes	do	No.
Coal Mine Disaster Evaluation Center.	do	do	do	do	Do.

Note: H.R. 4295 and S. 467 are bills covering just coal mine health.

H.R. 4295 and S. 467 provide that the Director of the Bureau of Mines administer a coal mine health program which would establish a dust standard of 3 milligrams of respirable dust per cubic meter of air. The bill would direct that a health danger exists if the dust level in any part of the mine exceeds the 3 standard and require the inspector to issue an order causing all persons to be withdrawn from the area. The order shall be subject to review by the Director and the Board in much the same way as orders are subject to review under the present safety act. Court review is also provided.

The bill requires that each operator monitor coal dust level with an approved means and keep records thereof. In bituminous and lignite underground coal mines procedures must be adopted to assure that all coal mined must first be undercut, centercut, topcut, or sheared. The bill woulp establish criminal penalties. The bill would also establish an X-ray program.

Mr. COOPER. Mr. President, I am very pleased to cosponsor the administration's bill on coal mine safety being introduced today by the distinguished ranking minority member of the Committee on Public Welfare and Labor (Mr. JAVITS). At the same time, I would like to note that I reserve my right to suggest amendments and, based on my own experience in this subject matter, to call attention to various provisions of this bill and other bills when they are being considered by the committee.

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

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I reserve the right to propose amendments also. We will try to fashion a piece of legislation, and I could not think of a better judge of whether the legislation is fashioned correctly than the Senator from Kentucky.

Mr. COOPER. The Senator is very kind. I know that the purpose of the distinguished senior Senator from New York, as the ranking minority member of the committee, is to develop the best legislation to provide for the safety and health of those working in the mines.

I have reviewed the President's proposals and I consider them to be strong and comprehensive measures for dealing with and meeting the increasing problems of health and safety in our coal mines. In his message to the Congress, President Nixon discusses the purpose and scope of this bill:

> These legislative proposals, together with other steps already taken or to be taken are essential to meet our obligation to the Nation's coal miners, and to accomplish our mission of eliminating the tragedies which have occurred in the mines.
>
> These proposals are not intended to replace the voluntary and enlightened efforts of management and labor to reduce coal mine hazards, which efforts are the touchstone to any successful health and safety program. Rather, these measures would expand and render uniform by enforceable authority the most advanced of the health and safety precautions undertaken and potentially available in the coal mining industry.

I am interested in this bill because the State of Kentucky is the third largest coal-producing State in the Nation providing employment and economic livelihood to a large segment of its citizens, but I am also interested in the health and safety of those who work in coal mines. I would like to point out that in Kentucky the Kentucky Department of Mines and Minerals over the years has taken an active lead in conducting inspections of our mines and in providing programs for the education and training of our miners in safety. As I pointed out in my testimony before the Senate Labor and Public Welfare Committee in 1966, the Kentucky department made more inspections of Kentucky mines in 1 year than all the inspections conducted by the Interior's Bureau of Mines in the entire United States.

Coal mine safety legislation has been under consideration by the Congress over the past 11 years. In 1958, and 1959, as a member of the Senate Labor and Public Welfare Committee, I participated in the consideration of coal mine safety bills before that Committee and I had a hand in drafting the bill reported by the Committee in 1960 and which passed the Senate. The House failed to act.

When the Federal Coal Mine Safety Act amendments were considered by the Senate and House Committees in 1965, I testified and presented by views before both committees. When the Senate Labor Subcommittee was marking up the bill, H.R. 3584, in 1966, which was enacted into law, I was invited by the chairman of the subcommittee, former Senator Morse, to meet with the subcommittee in executive session so that my comments on various provisions of the bill, amendments that I offered on coal mining operations and procedures could be considered by the members of the subcommittee.

When the bill was considered on the floor, by colloquy with the manager of the bill, former Senator Morse, I helped to establish legislative history in which Senator Morse stated that the bill, as amended, provided a more effective measure in advancing the interest of mine safety. I mention this history to indicate my long-standing interest on this subject of coal mine safety legislation.

I would hope in the committee's consideration of this bill and other bills that have been introduced that recognition be given to the differing physical characteristics of the large and highly mechanized mines in contrast with the much smaller mines and their differing impact on mine health and safety.

But in conclusion, Mr. President, I want to express firmly that the new hazardous conditions in our coal mines require new remedies if we are to provide for the health and safety of our workers. I shall work and vote for such a bill.

PRESIDENT NIXON'S TRIP OF EUROPE

Mr. THURMOND. Mr. President, President Nixon's tour of the European capitals has inspired the Nation with feelings of pride and of hope. Pride, because we can see that the President has represented the United States with dignity and with a sense of sureness and confidence. Because we can see that, as a symbol of the Nation, President Nixon has been received with warmth and acclaim by both the people and the leaders of the nations that he visited. This is surely a tribute to the President himself, to his character and to his skill.

Mr. President, the other emotion which the President's trip inspires is that of hope. The American people and the people of Europe are anxious for a just and lasting peace—not just peace in Vietnam, but peace in Berlin, and peace in Czechoslovakia. If such a peace is to come about, the expansionist aims of

the Soviet Union and her ideological allies all over the globe must be curbed. In such an undertaking, it is important that the President of the United States have the cooperation of the Western European leaders. President Nixon has taken the first step toward the construction of an effective foreign policy by meeting individually with the leaders in Europe. It is too early, of course, for us to know what the results of this trip will be; but to create clear channels of communication where there may have been confusion or misunderstanding can only be an asset to the administration, and thus to the Nation.

President Nixon's trip gives every appearance of having been successful, and this success stirs hope that a firm foreign policy which unites the Western nations will be established and result in the furtherance of freedom, of justice, and of peace.

Mr. President, I commend President Nixon. He has represented our Nation with distinction, and I share with the Nation a feeling of hope for peace and a feeling of pride in our President and in our Nation.

S. 1265—INTRODUCTION OF A BILL ENTITLED "AIR TRAFFIC CONGESTION RELIEF ACT OF 1969"

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from Massachusetts (Mr. BROOKE), and the Senator from New York (Mr. GOODELL), I introduce, for appropriate reference, the Air Traffic Congestion Relief Act of 1969. This is a very comprehensive bill, to deal with a raging crisis, particularly in our large metropolitan areas, regarding inadequate airports. With the jumbo jets on the way, we face the threat of chaos as well as added critical danger. We are all quite aware of the problems confronting aviation today: the need for improved safety; incredible congestion at the major hub airports; inadequacy of terminals, baggage handling, parking and ground transportation; unrealistic scheduling; and lack of many feeder airports in smaller communities.

We are awed by the dimension of these problems—$3 billion by 1972 and $6 billion by 1975 needed for airport development and 1 million air carrier passengers a day—compared with the present 500,000—within 10 years—based on FAA estimates. Yet, despite this knowledge, and the realization that it takes some 7 years to complete a new jetport, we have been putting forward no imaginative program for national airport development and since I come from New York, a major affected area, my interest is very great indeed.

When 12 million enplane annually at New York's three airports, 10 million at O'Hare in Chicago, and over 1 million annually in each of 19 other cities including Seattle, Kansas City, Denver, and Los Angeles, we are certainly dealing with a national problem. By calling this a national problem, I do not mean to imply that it is exclusively a problem to be solved by the Federal Government. Any solution must involve not only Federal and local government, but all levels of government and the entire range of airway and airport users, including airline passengers.

It is time we took the big step forward and united behind a single plan to raise funds for airport development. I propose such a plan today.

It is for these reasons that I am introducing legislation to help meet the urgent present and future needs for aviation operations and permit us to confront the crisis facing our airports and airways.

First. The bill establishes an Airport Development Trust Fund, raised by new user taxes, to channel moneys to develop new airports where needed and to increase the number of satellite or feeder airports.

Second. It requires the establishment of a State agency in each State for public airport planning. The fragmentation of decisionmaking for airport development is nowhere more apparent than in the current controversy in New York State over a fourth jetport. To enable localities to coordinate their efforts in reconciling the scores of political jurisdictions within metropolitan areas, each State would establish an agency or join a multistate agency. Such agencies would be responsible for the drafting and implementation of a plan for aviation development to be approved by the Secretary of Transportation. These plans would include improvement of hub airports, as well. No Federal funds for airport development would be available except under an approved plan. This "plan approval" approach is similar to one used in the Water Quality Act of 1965. It should be stressed that the State agency would be required to give due consideration in its aviation-development plan to the problem of aircraft noise—a major threat to daily life for those residents living near an airport or an established flight path.

Third. The bill establishes the concept of priority airport construction, where air commerce or public safety is threatened by airport traffic congestion and delay. For the first time, the FAA is authorized in the interest of air safety to direct the State either to establish a plan to meet the public's needs or to face the alternative of having available funds withheld on a project-by-project basis throughout the State until priority airport construction is provided for. It places the burden squarely upon the State agency to respond to the airport crisis by developing a plan to provide a safe and efficient airways system.

I am convinced that the mix of commercial jet traffic and general aviation in congested centers must be reviewed. The establishment of a State agency for airport planning in combination with priority airport construction should result in a determination to use the major jetports primarily for the great volume of commercial aviation traffic.

In 1966, two-thirds of airline terminal delays at airports with FAA towers occurred at 23 hub airports. One-third of the delays at these 23 airports occurred at New York's three airports. Thus, New York alone accounted for over 20 percent of all air-carrier delay. At the three New York airports, general aviation now uses 31 percent of the airport capacity and an unbelievable 46 percent of peak-hour capacity. As we channel our efforts toward the major use of jetports for commercial aviation, we will cut operating time—delays cost airlines $28 million a year—and in turn this added efficiency should be able to reduce fares and improve safety.

Fourth. This legislation provides statutory authority to the Civil Aeronautics Board and permits general, affirmative control of airline schedules as a means of alleviating congestion. Although airline scheduling should in the final analysis, be worked out by the carriers—and I recognize that a change in a particular schedule may well require corresponding adjustments throughout the entire system—the authority provided by this legislation would permit the CAB to exert its ultimate right of scheduling to stimulate the carriers to arrive at a reasonable system of voluntary compliance in order to relieve congestion.

Until now the Federal Aviation Act precludes the Board from imposing certificate conditions which "restrict the right of air carriers to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public require." The powers conferred by this legislation will permit the Board to exert its influence in achieving remedial carrier voluntary compliance in scheduling practices to relieve airport congestion.

At this point I should like to discuss in greater detail why I believe the moneys to establish the airport development fund should come from user taxes and elaborate upon how the trust fund should be used.

The trust fund would be used first, to pay the difference between 3 percent and the market rate of interest on locally issued bonds; and, second, to pay for the entire Federal aid to airports program in the annual amount of $150 million. This would double the present authorizations of $75 million to the discretionary fund for priority airport construction. Under this interest differential payment plan, $40 to $50 million of Federal grants out of the trust fund support $1 billion of local airport improvement bonds, many have talked of Federal guarantees of local tax-exempt bonds, but I must point out that the Treasury has consistently opposed this approach, though I do not exclude it.

I have always felt that the airways must make a far greater effort to pay their own way. The general taxpayer has too long borne a burden incommensurate with his benefits. The people who want to fly must know they will have to pay; they must know also that the user taxes are being put back into building more airports and making airports more efficient and safer.

The trust fund would be made up first, of a tax of 2 cents on all commercial airline aviation fuel—including jet fuel—which would raise some $100 million; and, second, an increase in the passenger tax from 5 to 7 percent which will raise some $75 million. The 2-percent increase will go into the trust fund, but the 5-

percent base will continue to go into general revenues to pay FAA airway costs.

As far as general aviation is concerned, I believe we must adopt a "satellite" airport system in our metropolitan areas for this purpose. The average cost of general aviation airports is $25 million, as compared with some $750 million to $1 billion for a fourth New York jetport. But I feel that such airports are necessary and that general aviation must be called upon to pay a far greater share of airway and airport development costs. The bill provides a 5-cent tax on all fuels used by general aviation which will raise approximately $22.5 million—still less than 15 percent of its share of estimated FAA airways costs. The receipts from this tax would be placed in the trust fund as well.

The job must be begun now. The day of complete traffic saturation for John F. Kennedy Airport is fast drawing near, and for other major airports. There is an ever-increasing misallocation of the cost-benefit ratio of aviation. This trend has to be reversed. It is not only time for the user to pay his way, but it is time we made sure he is getting his money's worth in efficiency and safety.

Mr. President, in view of the importance of the subject, 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 text of the bill will be printed in the RECORD.

The bill (S. 1265) to provide for essential development and the relief of congestion at public airports, introduced by Mr. JAVITS (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. 1265

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 "Air Traffic Congestion Relief Act of 1969."

TITLE I—AIRPORT DEVELOPMENT

DEFINITIONS

SEC. 101. As used in this title—

(1) "Secretary" means the Secretary of Transportation;

(2) "airport development" means any work or the acquisition of land or structures for construction or improvement of an airport or for the construction or improvement of facilities for use in relation to an airport;

(3) "public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned;

(4) "public agency" means a State or any agency thereof, a political subdivision of a State or an agency thereof, or a tax-supported organization; and

(5) "State" includes a State, the District of Columbia, Puerto Rico, and the Virgin Islands.

AUTHORIZATION FOR DEBT SERVICE PAYMENTS

SEC. 102. (a) The Secretary is authorized to enter into one or more contracts with any public agency for the payment by the Secretary of reasonable debt service costs in excess of 2 per centum per annum incurred by such agency in borrowing amounts for any project for public airport development which (1) is approved by the State agency or official designated pursuant to section 104 if it has been so designated; (2) is in accordance with the State plan for airport development; and (3) is determined by the Secretary to be in accordance with the national airport plan formulated pursuant to the Federal Airport Act, including any priorities established pursuant to section 4(d) of such Act.

(b) In entering into such contracts the Secretary shall insure that adequate attention has been given to projects for the improvement of terminal facilities, the improvement of transportation to and from airports, and improvement of parking facilities at airports.

(c) Payments pursuant to this section shall be made from the Airport Development Trust Fund established pursuant to section 106.

STATE AIRPORT PLANNING AND PRIORITY AIRPORT CONSTRUCTION

SEC. 103. (a) For the purposes of this title and the Federal Airport Act each State shall designate a State agency or official for public airport planning, and such agency or official shall prepare and maintain a plan for the development of public airports in such State. In the preparation of such plan all possible consideration shall be given to the protecting of the public health and welfare from excessive aircraft noise.

(b) Section 3 of the Federal Airport Act is amended by inserting at the end thereof a new subsection as follows:

"(d) In any area in which the Administrator determines (1) that air commerce is seriously affected (including the effect on public safety) and impeded by congestion and delays in airport traffic, and (2) that the construction of an additional airport in such area is necessary to relieve such congestion and delay, he may establish such priority in the use of funds granted pursuant to this Act to the State or States in which such area is located and from the discretionary fund established pursuant to section 6(b) as is necessary to provide for the construction of such airport as soon as practicable."

(c) Section 4 of the Federal Airport Act is amended by inserting at the end thereof a new subsection as follows:

"(c) Effective for fiscal years beginning after June 30, 1970, no grant shall be made pursuant to this Act (1) for any project in any State in which an agency or official of such State has been designated pursuant to section 104 of the Air Traffic Congestion Relief Act of 1969 unless such project is approved by such agency or official as being in accordance with State plans for airport development, and (2) unless such grant is in accord with any priorities established pursuant to section 4(d) of this Act."

INCREASE IN AUTHORIZATION FOR FEDERAL AIRPORT ACT

SEC. 104. Subsection (d) of section 5 of the Federal Airport Act is amended by striking out paragraphs (7), (8), and (9) and inserting in lieu thereof the following:

"(7) For the purpose of carrying out this Act in the several States, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $399,000,000 are hereby authorized to the Secretary of Transportation over a period of three fiscal years, beginning with the fiscal year ending June 30, 1970. Of amounts appropriated under this paragraph, $133,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1970, June 30, 1971, and June 30, 1972, and shall continue to be so available until expended.

"(8) For the purpose of carrying out this Act in Hawaii, Puerto Rico, and the Virgin Islands, in addition to other amounts authorized by this Act, appropriations amounting in the aggregate to $9,000,000 are hereby authorized to the Secretary of Transportation over a period of three fiscal years, beginning with the fiscal year ending June 30, 1970. Of amounts appropriated under this paragraph $3,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1970, June 30, 1971, and June 30, 1972, and shall continue to be so available until expended. Of each such amount, 40 per centum shall be available for Hawaii, 40 per centum shall be available for Puerto Rico, and 20 per centum shall be available for the Virgin Islands.

"(9) For the purpose of developing, in the several States, airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having high density of traffic serving other segments of aviation, in addition to other amounts authorized by this Act for such purpose, appropriations amounting in the aggregate to $42,000,000 are hereby authorized to the Secretary of Transportation over a period of three fiscal years, beginning with the fiscal year ending June 30, 1970. Of amounts appropriated under this paragraph, $14,000,000 shall become available for obligation, by the execution of grant agreements pursuant to section 12, beginning July 1 of each of the fiscal years ending June 30, 1970, June 30, 1971, and June 30, 1972, and shall continue to be so available until expended.

"(10) For fiscal years beginning after June 30, 1969, amounts authorized pursuant to this subsection shall be available for expenditure without further appropriation from the Airport Development Trust Fund."

AIRPORT DEVELOPMENT TRUST FUND

SEC. 105. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the Airport Development Trust Fund hereinafter in this section called the trust fund. The trust fund shall consist of such amounts as are appropriated to the fund pursuant to this section.

(b) There is hereby appropriated to the trust fund out of any money in the Treasury not otherwise appropriated amounts equivalent to—

(1) 100 per centum of the taxes received in the Treasury after June 30, 1969, under the provisions of section 4042 of the Internal Revenue Code of 1954;

(2) Two-sevenths of the taxes received in the Treasury after June 30, 1969, under the provisions of section 4261 of the Internal Revenue Code of 1954; and

(3) 2 cents a gallon for each gallon of gasoline taxable under section 4081 of the Internal Revenue Code of 1954 which is used after June 30, 1969, as fuel in an airplane.

The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund of the Treasury to the trust fund on the basis of estimates by the Secretary of the Treasury of the amounts received in the Treasury under the provisions of such section of the Internal Revenue Code of 1954. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and (after consultation with the Secretary of Transportation) to report to the Congress not later than the first day of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during each fiscal year thereafter. Such report shall be printed as a House document of the session of the Congress to which the report is made. It shall be the duty of the Secretary of the Treasury to invest such portion of the trust

fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at par, or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the trust fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest. Any obligation acquired by the trust fund (except special obligations issued exclusively to the trust fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest. The interest on, and the proceeds from the sale or redemption of, any obligations held in the trust fund shall be credited to and form a part of the trust fund.

(d) Amounts in the trust fund shall be available, without further appropriation for (1) making expenditures after June 30, 1969, pursuant to section 102 of this title, and (2) carrying out the provisions of the Federal Airport Act after such date.

IMPOSITION OF TAXES ON AVIATION FUEL

SEC. 106. (a) Subchapter E of chapter 31 of the Internal Revenue Code of 1954 (relating to special fuels) is amended by renumbering section 4042 as 4043, and by inserting after section 4041 the following new section:

"SEC. 4042. AVIATION FUEL.

"(a) FUEL USED IN COMMERCIAL AVIATION.—There is hereby imposed a tax of 2 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(1) sold by any person to an owner, lessee, or operator of an airplane used in commercial aviation, for use as a fuel in such airplane; or

"(2) used by any person as a fuel in an airplane used in commercial aviation unless there was a taxable sale of such liquid under paragraph (1).

"(b) FUEL USED IN GENERAL AVIATION.—

"(1) LIQUID OTHER THAN GASOLINE.—There is hereby imposed a tax of 5 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or operator of an airplane (other than an airplane used in commercial aviation), for use as a fuel in such airplane; or

"(B) used by any person as a fuel in an airplane (other than an airplane used in commercial aviation) unless there was a taxable sale of such liquid under subparagraph (A).

"(2) GASOLINE.—There is hereby imposed a tax of 3 cents a gallon upon any product taxable under section 4081—

"(A) sold by any person to an owner, lessee, or operator of an airplane (other than an airplane used in commercial aviation), for use as a fuel in such airplane; or

"(B) used by any person as a fuel in an airplane (other than an airplane used in commercial aviation) unless there was a taxable sale of such liquid under subparagraph (A)."

(b)(1) Section 4041(b) of the Internal Revenue Code of 1954 (relating to tax on special motor fuels) is amended by striking out "motor vehicle, motorboat, or airplane" each place it appears therein and inserting in lieu thereof "motor vehicle or motorboat".

(2) The heading of section 4041 of such Code is amended by striking out "IMPOSITION OF TAX" and inserting in lieu thereof "DIESEL FUEL; SPECIAL MOTOR FUELS".

(3) The table of sections for subchapter E of chapter 31 of such Code is amended to read as follows:

"Sec. 4041. Diesel fuels; special motor fuels.
"Sec. 4042. Aviation fuel.
"Sec. 4043. Cross reference."

(c) (1) Section 6416(a)(2)(A) of the Internal Revenue Code of 1954 is amended by inserting after "special motor fuels)" the following: "or the tax imposed by section 4042(a)(2) (use of aviation fuel)".

(2) Section 6416(b)(2) of such Code is amended—

(1) by striking out the period at the end of subparagraph (R) and inserting in lieu thereof a semicolon, and

(2) by adding after subparagraph (R) the following new subparagraph:

"(S) in the case of a liquid taxable under section 4042, sold for use as fuel in an airplane, if the vendee used such liquid otherwise than as a fuel in an airplane."

(d) The amendments made by subsections (a), (b), and (c) shall apply with respect to fuels sold or used after June 30, 1969.

INCREASE IN TAX ON TRANSPORTATION OF PERSONS BY AIR

SEC. 107. (a) Subsections (a) and (b) of section 4261 of the Internal Revenue Code of 1954 (relating to tax on transportation of persons by air) are amended by striking out "5 percent of the amount so paid for transportation which begins after November 15, 1962" and inserting in lieu thereof "7 percent of the amount so paid".

(b) Subsection (c) of such action is amended by striking out "5 percent of the amount so paid in connection with transportation which begins after November 15, 1962" and inserting in lieu thereof "7 percent of the amount so paid".

(c) The amendments made by subsections (a) and (b) shall apply with respect to transportation which begins after June 30, 1969.

AMENDMENT TO HIGHWAY TRUST FUND

SEC. 108. Section 209(f) of the Highway Revenue Act of 1956 (relating to expenditures from the Highway Trust Fund) is amended by adding at the end thereof the following new paragraph:

"(7) Transfers from trust fund for gasoline used in airplanes.—The Secretary of the Treasury shall pay from time to time from the Trust Fund to the Airport Development Trust Fund the amounts appropriated to the Airport Development Trust Fund under section 106(b)(3) of the Air Traffic Congestion Relief Act of 1969 with respect to gasoline used as fuel in airplanes."

TITLE II—AIR TRAFFIC SCHEDULING

SUBMISSION OF SCHEDULES

SEC. 201. (a) Section 401(e)(2) of the Federal Aviation Act of 1958 is amended to read as follows:

"(2) (A) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered, and such points shall be the specific terminals or airports which are to be used. There shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such other reasonable terms, conditions, and limitations as the public interest may require.

"(B) Where the public interest in safe, efficient, and uncongested air traffic requires, the Board may require as a condition of any certificate issued under this section that an air carrier shall submit to the Board a schedule of service between terminal points served. After notice and hearing, the Board may accept or amend such schedule of service, and provide for an effective date and the manner of compliance with such schedule after such date. Such compliance shall be considered to be a term and condition of such certificate. Any amendment to a schedule established pursuant to this subparagraph shall be carried out in the same manner as the original establishment of such

(b) Section 401(e)(4) of such Act is amended by striking out "schedules".

S. 1264—INTRODUCTION OF BILL TO AUTHORIZE DIRECT STUDENT LOANS TO AMERICAN MEDICAL STUDENTS ABROAD

Mr. JAVITS. Mr. President, I introduce, for myself, Mr. PROUTY, and Mr. YARBOROUGH, for appropriate reference, a bill amending title VII of the Public Health Service Act to authorize direct student loans to students studying outside the United States at a school of medicine, podiatry, osteopathy, dentistry, or optometry approved by the Secretary of Health, Education, and Welfare. Under the Health Professions Education Assistance Act, American medical, podiatry, osteopathic, dental, and optometric students studying in the United States may obtain direct loans from HEW of up to $2,500 annually. My bill would extend this to Americans studying abroad. No additional funding authorization is required.

Our Nation is short some 50,000 doctors today. Even with projected expansion of medical schools in the United States, the shortage will still be 42,000 in 1975 due to population increases and increased demand. Some 11 percent of American medical students are now in foreign universities because there are not enough medical schools in this country. That a foreign medical education does meet U.S. standards is illustrated by the fact that some 1,600 foreign-educated foreign doctors are "imported" each year and the large number of foreign-educated interns and residents in U.S. hospitals.

The GI bills of World War II, Korean war, and the cold war all extend benefits to eligible veterans studying abroad. Thus, for over a generation the concept of aiding eligible American students attending a foreign school has been well established and operated successfully. It should be pointed out that the authority granted to the Secretary of Health, Education, and Welfare to approve courses of medical study abroad is not intended to establish any new precedent with respect to accreditation of institutions of higher education. This provision is necessary because of the unique nature of study in foreign institutions, and it is anticipated that in exercising this authority the Secretary will consult with appro-

priate professional and accrediting groups within the United States.

This measure is identical in language to the provision which passed the Senate on June 24, 1968, as part of the Health Manpower Act but was deleted in conference with the House.

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

The bill (S. 1264) to amend the provisions of the Public Health Service Act which relate to student loans so as to provide for the making of direct loans to U.S. citizens studying in foreign schools, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 1260—INTRODUCTION OF BILL TO DETERMINE ELIGIBILITY OF EX-SERVICEMEN FOR UNEMPLOYMENT COMPENSATION

Mr. JAVITS. Mr. President, military personnel—particularly our men who are stationed abroad and on duty in combat areas—have no opportunity to take leave except at the discretion of the military service. In addition, these members of our Armed Forces have practically no opportunity to seek other employment before they are released from active service. This is not true as to their counterparts in Federal civilian employment.

However, 5 U.S.C. 8524 provides that for purposes of determining the eligibility of ex-servicemen for unemployment compensation, any payment for unused accrued leave received at the termination of service is considered to continue the Federal service and to constitute Federal wages during the period after termination of service with respect to which the payment was made.

The effect of this section is to disqualify ex-servicemen from receiving unemployment compensation during the period covered by any payment for accrued leave they may have received upon separation, even if the State law under which compensation is claimed would otherwise permit payment. This provision unfairly discriminates against ex-servicemen since no similar disqualification is imposed on Federal civilian employees.

With the increase in the number of servicemen who will upon discharge be seeking private employment, the problem caused by this disparity in treatment obviously has become more acute. Several committees of the Congress have already begun to consider various measures designed to facilitate the transition from service in the Armed Forces to private employment. Clearly, at the very least, our unemployment compensation policy should insure that ex-servicemen are not discriminated against in obtaining unemployment compensation when they are unsuccessful in obtaining immediate employment upon their discharge.

Therefore, I introduce, for appropriate reference, a bill to repeal 5 U.S.C. 8524. This bill would not compel any State to disregard accrued leave payments received by servicemen in determining eligibility for unemployment compensation; it merely allows the States to decide for themselves whether or not to do so, as in the case of Federal civilian employees. The Department of Labor informs me that the total cost of this bill based on current experience would not exceed $2.5 million per year.

The American Legion recently considered and approved a resolution which would accord discharged servicemen the same rights as Federal employees under unemployment compensation benefits. I understand that my bill will satisfy this American Legion Resolution 308, which provides as follows:

Whereas, Military personnel released from active duty by the various services receive accrued leave and payment therefore on being terminated from active service, and

Whereas, Military personnel released from active service are prevented from receiving unemployment compensation until after their accrued terminal leave has expired, and

Whereas, Civilian employees on being terminated from governmental service with accrued leave may draw unemployment compensation immediately on termination of employment and before accrued leave has expired, and

Whereas, there are on the order of 600,000 military personnel being released from active duty annually under current situation, and

Whereas, Military personnel, particularly in foreign service and combat service have no opportunity to take leave except at the discretion of the military services and being outside the continental limits of the United States have no opportunity to seek other employment before being released from active service as do their counterpart in the civilian employment, now, therefore, be it

Resolved, by the American Legion in National Convention assembled in New Orleans, Louisiana, September 10, 11, 12, 1968, That The American Legion urge the Congress of the United States to amend the Social Security Act to permit military personnel upon separation from the military service to immediately become eligible to apply for and to receive unemployment compensation benefits in the same manner as their counterpart in the civilian employment of the governmental services.

There is clear discrimination with Federal civilian employees because the present section 8524 of title 5 is directly traceable to a similar provision, section 1505 of the Social Security Act, 42 U.S.C., section 1365, which in its original form did apply to Federal civilian employees. In 1960 by Public Law 86–442, section 1, effective with benefit years commencing after April 22, 1960, this provision was repealed, insofar as Federal civilian employees were concerned. But in section 2 of the same bill a special provision was inserted continuing it in effect for ex-servicemen.

The bill was subject to very little debate in either the House or the Senate and although the provision continuing section 1365 in effect for ex-servicemen was added as an amendment by the House committee, neither the committee reports on the bill nor the debates offer any explanation of the difference in treatment accorded under the bill to ex-servicemen and Federal civilian employees.

The purpose of Public Law 86–442, as set forth in the committee reports and on the floor of the House and Senate at the time it was considered was simply to leave it up to each individual State to decide whether or not accrued leave payments would be considered as wages for the purpose of determining eligibility for unemployment compensation. I am informed by the Legislative Reference Service and the Department of Labor that approximately 26 States do not treat accrued leave payments as wages for the purpose of determining an ex-serviceman's eligibility for unemployment compensation. Since unemployment insurance for both ex-civilian employees of the Federal Government and ex-servicemen are administered in the same manner, that is, through the States, I cannot see any reason why this matter should be left to the States in the case of ex-civilian employees of the Federal Government but not in the case of ex-servicemen.

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

The bill (S. 1260) to determine eligibility of ex-servicemen for unemployment compensation, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Finance.

THE 125TH BIRTHDAY OF THE HUNGARIAN ARTIST-PAINTER, MICHAEL DE MUNKÁCSY

Mr. JAVITS. Mr. President, on February 20 we celebrated the 125th birthday of a great artist from Hungary, Michael de Munkácsy, 1844–1900. He came from a modest background, and his father died in an Austrian prison for having participated in the Hungarian War of Independence of 1848–49, led by Louis Kossuth. His talents, realized by his uncle, enabled him to win a scholarship to Budapest and after then, to Dusseldorf, to the famous Art Academy. Here he met the American painter, John R. Tait, who secured for him the first American commissions. Their completion enabled the young painter to move to Paris and win the first prize at the Salon, an international recognition of his work.

Among the most faithful American patrons of Munkácsy were the Wanamaker family and Joseph Pulitzer, himself of Hungarian origin. Wanamaker paid $150,000 for "Christ Before Pilate" in 1881 and half a million francs for the next canvas, "Christ on Calvary." Munkácsy was a critical realist, his message was modern, though the medium was still the traditional Biblical themes. One of his best canvases, "Milton Dictating the Paradise Lost to His Daughters," hangs in the public library of New York and there are about five more Munkácsy paintings in New York, one of them at the Hungarian Cultural Foundation.

Munkácsy's New York connections are many, indeed. Upon his arrival in New York in 1886, Joseph Pulitzer received him with a headline in Hungarian in the New York World. He also painted Mrs. Pulitzer while in New York. At the exhibition of his paintings thousands converged before the canvases and not less than nine New York newspapers commented enthusiastically on them.

The New York Evening Post of November 25, 1886, commented as follows:

Christ before Pilate is a picture which demands the most serious consideration. To paint such a subject, on such a scale, is to attempt a work of surpassing importance. It is invading the field of the greatest painters our civilization has even seen. Tintoretto,

Paul Veronese, Raphael, Titian, have painted such subjects, and their marvelous creations still exist . . . Its merits are great enough to insure it appreciation, and judged on its merits, it will meet with the consideration it deserves.

The New York World of November 18, 1886, published an article by James B. Townsend, which contains among others the following evaluation:

When the few great artists of our age and time shall have won, by lapse of centuries and art periods and by the power of their work, the title of "old masters," as we now understand the term, Michael de Munkácsy, the Hungarian painter, will hold a foremost place among the immortals of the nineteenth century, secured for him by his masterpiece the *Christ Before Pilate* . . .

The work is a grandly conceived one; is majestic in its simplicity and tells its dramatic story through no tricks of art, but simply by genius guiding the hand which created it . . .

It is a work which, like the Madonnas of the old masters, may be viewed and studied alike, and side by side, by the sceptic, the Christian, the Hebrew and the Turk . . .

Today, indeed, it is timely to remember this great painter. His subjects included many of the small people of society, people who suffered, he even painted striking workers. Yet, he was not an agitator, he tried to ennoble man's yearning for freedom and give idealism to the suffering human being.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. COOPER. Mr. President, the visit of President Richard M. Nixon to Europe in purpose, timeliness, and the manner in which it was conducted, is heartening to the people of our country, to Europe, and to the world. He has carried out the promise he made during his campaign and that he made clear in his eloquent inaugural address that he would directly consult with member nations of NATO in order to achieve a better understanding of our mutual problems and to strengthen joint efforts toward security and toward solution of the issues and situations which endanger our countries.

While we do not know the substance of his talks with our European allies, we know they were pursued by the President with calmness, with candor, and in a spirit of common interest and responsibility. It has been a visit which has laid the foundation for the work which we know President Nixon will vigorously carry on—the strengthening of NATO, a solution of NATO's problems, negotiations with the Soviet Union in a great undertaking to achieve a more stable and peaceful world.

I know that all of us hope that the tense situation in Berlin will not set back this peaceful beginning—for this beginning offers genuine hope of progress toward peace.

CAN NIXON STOP THE ARMS RACE?

Mr. COOPER. Mr. President, the senior Senator from New York (Mr. JAVITS) has written a most important article in the March 1, 1969, issue of the Saturday Review. His article, entitled "Can Nixon Stop the Arms Race?" is a cogent and lucid discussion of the implications of the ABM issue.

Senator JAVITS stresses what many of us believe, that President Nixon has, as no other President has had before him—the great opportunity to negotiate a cessation of the mad momentum of the nuclear arms race. Senator JAVITS takes as his theme President Nixon's declared desire expressed in his inaugural address to be the "peacemaker."

In his forceful and logical way that we have all come to recognize and respect, Senator JAVITS shows how the ABM issue presents a unique opportunity for the President to move toward his objective through a decision not to deploy the ABM and to actively pursue negotiations with the Soviet Union on a cessation of the nuclear arms race. In a systematic and scholarly fashion, Senator JAVITS discusses the past Administration's rationale, and persuasively makes the case that not only on technical and strategic reasons, but in the interest of security deployment of the ABM would not be in the U.S. interest. He quotes a remark made by the former Director of the U.S. Arms Control and Disarmament Agency, William Foster, who said:

We now have a relatively stable situation in which each side has a fairly good idea of other side's capabilities. With the deployment of new weapons systems, however, this situation could become very unstable and possibly dangerous.

In conclusion, Senator JAVITS wisely commented:

We cannot allow the range of alternatives open to us to be limited by a concentration in nuclear weaponry if limitation compatible with security can be gained by negotiation.

I ask unanimous consent that the article written by Senator JAVITS be inserted in the RECORD at the conclusion of my remarks.

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

CAN PRESIDENT NIXON STOP THE ARMS RACE?

(By JACOB K. JAVITS)

"The greatest honor history can bestow," said President Nixon in his Inaugural address, "is the title of Peacemaker." The President clearly recognized—as do most Americans—that without peace in Vietnam, without intensive and successful efforts to avoid conflict in the "tinderbox" Middle East, his Administration will be tarnished in the eyes of the American people and in the sight of history.

But, really critical as are these immediate and obvious challenges to peace, history will probably judge the actions of our Government in the years immediately ahead by another standard—the longer-term prospects for peace as determined by the current decisions we make concerning the nuclear arms race and negotiations with the Soviet Union on the limitation of nuclear missile and antimissile systems. For we are engaged in a massive nuclear arms race and historically arms races almost inevitably have led to mutually destructive wars. Because of the destructive power of nuclear weapons, the very survival of mankind is literally at stake.

Negotiations between the United States and the Soviet Union concerning the limitation of offensive and defensive missile systems should commence shortly. From all indications, both President Nixon and the Kremlin leaders give high priority to these negotiations—and it is long past the time when the momentous issues involved were given the attention they must have.

The setting in which Mr. Nixon has now assumed the Presidency is pertinent. Though partially obscured by the controversy over Vietnam policy, a major debate on many of the key issues relating to national security and the nuclear arms race has been in progress for several years. This debate has centered on the issue of the deployment of the Sentinel anti-ballistic missile system.

A disconcerting aspect of this debate has been that the proponents and opponents of the Sentinel system seldom talked *to* each other, as opposed to talking *at* each other—in both the literal and figurative senses. Now the Joint Chiefs of Staff, representing the professional military viewpoint and strongly supported by leading members of the Armed Services committees of the Congress, have apparently succeeded in convincing the Congress to commit the United States to the construction of a "thin" ABM system. But notwithstanding authorization and appropriation in the last Congress, the Nixon Administration has temporarily delayed further procurement and site location for Sentinel pending departmental and National Security Council review.

Former Defense Secretary McNamara, in his landmark speech of September 18, 1967, brought the issue to public attention and lifted the debate to a new level of sophistication and insight. He explained the dynamics of the "mad momentum" of the arms race and the dangerous cycle of "action and reaction" inherent in the interplay of U.S. and Soviet policy in the nuclear arms field with large risks and expenses but no real gains in security for either side. Two direct consequences resulted from Secretary McNamara's initiative. First, leading scientists of the academic community launched a series of attacks questioning the technical efficacy of the Sentinel system, and also warned of the dangers involved in "destabilizing" the current nuclear "balance of terror." Second, a bipartisan group of liberal and moderate Senators (including this writer), led by Senators John Sherman Cooper of Kentucky and Philip A. Hart of Michigan, offered a series of unsuccessful amendments to various defense appropriations bills, seeking to defer the deployment of the Sentinel ABM system.

Mr. McNamara's successor, Clark Clifford, gave strong support to the position of the Joint Chiefs of Staff and the traditional strategic doctrines which underlie the JCS position. "Others within and without the Government are free to work unqualifiedly for the best of all possible worlds," Mr. Clifford said. "The Secretary of Defense must make certain that we are prepared for the worst. I find this responsibility neither uncongenial nor unrewarding . . . my own deeply held belief in the importance of dealing from strength has not resulted from the past half year alone but stems also from my experience with the Administration of President Truman in the period following World War II."

There is nothing sinister about the view of former Secretary Clifford and the Joint Chiefs of Staff. The pertinent question is not whether Mr. Clifford and the Joint Chiefs were "wrong" or "dangerous" in their views. Their attitudes were certainly the conventional reaction to the thought patterns of their opposite numbers in the Kremlin who still carry the day in Soviet decision-making councils.

But perhaps it is more in the national interest to approach the issue from a broader perspective. "Military strength is not enough," President Nixon said before his election. "We must move away from confrontation in this nuclear age. . . . In short, for arms control to be successful, we must first establish prerequisites and incentives, and this requires a cooperative pursuit of

common objectives. We will succeed, first, to the extent that we can convince our adversaries to share our interest in stability and to rely on peaceful, not military, means for effecting change. Second, our success will depend not so much on mutual trust as on mutual knowledge, so that each side can know with reasonable assurance what the other is about."

These words go to the heart of the debate concerning the Sentinel ABM system and closely related questions involving the world strategic environment and the U.S. national security posture in the 1970s. As all those familiar with the ABM debate know, there has been little disagreement on technical questions; the entire controversy has turned on questions of judgment as to the intentions and designs of the U.S.S.R.

The Assistant Secretary of Defense for Systems Analysis, Dr. Alain Enthoven, stated this explicitly when he told the Senate Preparedness Investigating Subcommittee, in explaining the mechanics of the Pentagon's Sentinel decision: "Finally it came down to the single really dominant driving assumption in this whole problem of the NIKE-X defense of cities, and that is: what would the Soviet reactions be?" From the evidence on the public record, it appears that this "single really dominant driving assumption" was decided by professional military technicians, whose horizons quite understandably are circumscribed and conditioned by established, conventional military assumptions concerning the Soviet Union.

My point is not that our military technicians are "wrong" in their assumptions about the Soviet Union. From their vantage point they are not. But what was missing was the dimension suggested by Mr. Nixon's prescription that, in seeking arms control agreements with the U.S.S.R., "we must first establish prerequisites and incentives." Significantly, he stressed the importance of "mutual knowledge" of what the other side is about. This is a step beyond the conventional military approach. Mr. Clifford's decisions to proceed with the development of the MIRV (missiles carrying multiple, independently targeted warheads), to give priority to the construction of the Sentinel ABM system, and to proceed with the acquisition of two new types of nuclear attack submarines, have been questioned in many quarters precisely because they may not entirely meet President Nixon's prescription.

The danger, in my judgment, does not rest so much with the decision to proceed with procurement of these new weapons per se, but with the effect it may have on the prospects for successful negotiations. As President Nixon has noted: "Technology will not stand still for the arms controller any more than it does for the military planner." But the greatest care must be exercised not to launch a new cycle of the arms race before negotiations even begin to prevent this.

Concerning future negotiations to limit offensive and defensive missile systems, President Nixon has indicated that his program will be "based on the assumption that East and West will continue to carry on technological competition . . ." and emphasized that the "initial purpose of arms control is not to deliver a final 'package,' but to establish a framework of consultation which will enable us . . . to cope with the on-rush of technology in a cooperative way."

While the approach suggested by President Nixon is sound and realistic, certain very troublesome questions remain which point up the urgency of getting negotiations started soon. First, there is the danger that the new weapons systems already announced by Mr. Clifford may—if the present hold on procurement and site location is lifted and they go forward—cause a "destabilization" of the nuclear balance. Moreover, the "action/reaction" issue raised by Secretary McNamara has been restated in a candid and highly pertinent way before a Senate subcommittee by the director of Defense Research and Engineering, Dr. John Foster, Jr. In replying to a question concerning the development of strategic nuclear weapons over the past decade, Dr. Foster said that "in each case it seems to me the Soviet Union is following the U.S. lead and that the United States is not reacting to the Soviet actions." The former director of the U.S. Arms Control and Disarmament Agency, William Foster, summed up the case succinctly when he observed recently that "we now have a relatively stable situation in which each side has a fairly good idea of the other side's capabilities. With the deployment of new weapons systems, however, this situation could become very unstable and possibly dangerous."

The second very troubling aspect of the decisions to proceed with new nuclear weapons systems is its staggering cost. While a "thin" Sentinel ABM system has been priced at $5 billion, the "heavy" system requested by the Joint Chiefs of Staff, and supported by some powerful Congressional leaders, is estimated to cost $50 to $75 billion. The replacement of Minuteman II missiles by Minuteman III will cost more than $4.5 billion. Twenty-nine new high-speed Sturgeon class submarines will cost $78,000,000 each, a total of more than $2.25 billion, and Mr. Clifford has estimated that the new "silent" submarines he ordered will cost $150 to $200 million each. In addition, according to Mr. Foster, "three weapons systems which have been suggested but not yet approved bear a price tag, over the next few years, of somewhere between $60 and $100 billions." This is far from a complete list.

The sheer magnitude in dollars of the next generation of nuclear weapons systems doubtlessly will have a braking effect on the arms race. Certainly the economy of even this nation is in no position to absorb expenditures for new weapons in this magnitude, unless we are prepared to become a real garrison state. The American economy is already dangerously overheated. Inflation is rising at a rate of more than 4 per cent a year, and our balance of payments position continues to be adverse. Even more importantly, we have urgent domestic problems—the crisis of the cities and other developments—which require large new federal expenditures in the years immediately ahead—and we are still fighting the Vietnam war.

The apparent eagerness of the Soviet Union to commence negotiations on the limitation of strategic missile systems is related also in considerable measure, I feel, to the almost prohibitive cost of the next generation of these weapons systems.

For these reasons I hope that prudence and moderation will prevail on arms limitation in the Nixon Administration, and also in the Kremlin. There should be no complacency with respect to the nuclear arms race. President Nixon made a most significant distinction at his first press conference when he stated that "sufficiency [of military power] is a better term than either superiority or parity." But he will need all the help and support he can get from the liberal and moderate elements of my own Republican party as well as the Democratic party if he is to seek and to succeed in maintaining some discipline over the defense budget.

During the campaign, Mr. Nixon spoke of the need to "synchronize our national security programs and the search for arms control and disarmament agreements," and, most significantly, he promised ". . . the evolution of a strategic doctrine, stressing the non-belligerent aspects of our national security posture." This is a philosophy that many in the United States will wish to support. If President Nixon succeeds in translating this philosophy into concrete effect, he will have achieved one of the great leadership revolutions of this century. Hitherto, the major departments of the federal government, and the powerful interest groups operating in the national security field, have exerted their energies and skills on a competitive rather than synchronized basis. The results of this *modus operandi* have been unfortunate on many occasions.

A truly synchronized effort in the national security field, including the evolution of a new strategic doctrine emphasizing the non-belligerent aspects of our national posture, could bring us truly enormous security benefits—more indeed than any of the proposed new weapons systems. But President Nixon can anticipate strong resistance to efforts to synchronize national security programs involving the several agencies and departments concerned. This resistance will come principally from habit and inertia—rather than ideology—although pockets of resistance on strongly held ideological grounds can also be anticipated.

There are ways, I feel, in which the principle of synchronization of efforts in the national security field can be pursued, and there are some non-military, security "trade offs" or options, which could have the dual merit of achieving big security gains while saving billions in weapons expenditures.

A breakthrough in our relations with Communist China could change the entire world security environment, for both the United States and the Soviet Union, and enhance the security of our nation much more than, for instance, the development of very expensive new nuclear attack submarines. The same can be said of attaining a true peace in the Middle East. Similarly, the establishment of viable, new mechanisms for dealing with the recurrent balance of payments and monetary crises of the Western industrial economies could contribute more to the strength and security of the United States than an ABM system—"thick" or "thin."

Then, of course, we always have our urgent domestic problems. Programs that generate breakthroughs on racial problems, inner-city decay, and environmental pollution could help solve the crisis of our cities and add immeasurably to the quality of life in the United States. Their success would significantly raise the morale of our own people, as well as our prestige and influence in the world, and thus directly enhance our national security. The possibilities noted here will be vitally affected by a more judicious deployment of our resources expended for "national security."

In advocating vigorous pursuit of non-military "trade offs," I am not suggesting neglect of our military forces, or anything short of full vigilance along the many points of pressure from hostile sources around the world. Equally, I do not entertain any naïve or wishful thoughts concerning the motives of Moscow and Peking. But there is no need for us to get "hung up" on their motives, or to attempt to adjust our policies to fluctuations in the "morality" of Communist behavior.

We must concern ourselves with advancing our own interests and designs, paying careful attention to Soviet *behavior* (as opposed to its "morality"). The age is such that everyone's motives and purposes are being challenged, even ours. We need to use the whole range of political and diplomatic action open to us to preserve a climate of freedom in the world. We cannot allow the range of alternatives open to us to be limited by a concentration in nuclear weaponry if limitation compatible with security can be gained by negotiation. The nuclear age is such that it is now very much in our national interest to exert considerable energy and resources on programs that can influence the Soviet Union's behavior pattern in ways that help us too. Military competition is only one way of trying to do this, and in a nuclear world it has sharp limitations in terms of safety and efficacy. Mr. Nixon has spoken of "pre-

requisites and incentives." We must utilize every opportunity to give them real meaning, just as we must be clear as to what we want in return.

In evolving our strategic doctrine we need to assume that Soviet efforts in the nuclear weapons field are essentially reactions to what they see as a U.S. threat. Our policy ought to be one which allows adequately for this possibility. Dr. John Foster's words, quoted above, bear remembering.

Equally, we need not assume that the Soviet occupation of Czechoslovakia and its ultimation to the German Federal Republic may prove to be a one-time aberration from a gradually moderating approach in Eastern Europe. But it is in our interest to make allowance for this possibility.

In short, the task is to seek actively to shape the over-all strategic environment of the 1970s in ways that make possible, encourage, and enhance the kind of evolution in Soviet society and the kind of development of our own policy that are necessary for the long-term prospects for world peace.

S. 1266—INTRODUCTION OF BILL ON MILITARY ADMINISTRATIVE DISCHARGE PROCEDURES

Mr. ERVIN. Mr. President, at least since 1961, I have been concerned about the rights of servicemen, particularly in the fields of military justice and administrative discharges. As the outgrowth of several years of study and investigation, I introduced in the 90th Congress S. 2009, an omnibus bill consisting of five titles.

Title I of that bill sought a comprehensive revision of the procedures employed in the administrative discharge field.

Title II would have established a separate Judge Advocate General Corps in the Navy. This had long been needed and, I am pleased to say, was accomplished by separate legislation enacted in 1967.

Title III was concerned with the administration of justice and the operation of the court-martial system. Most of this title was enacted into law last year as the Military Justice Act of 1968, a comprehensive and long overdue reform and updating of the Uniform Code of Military Justice.

Title IV of the omnibus bill concerned reconstituting the military boards of review and strengthening the procedures so as to make them truly independent appellate courts. Part of this title was included in the Military Justice Act of 1968.

Title V would have created one Board for Correction of Records in the Department of Defense replacing the present separate boards in each military department.

These legislative achievements were important and far-reaching, Mr. President. However, they did not touch on one of the problems most in need of reform, notably the procedures followed by the armed services in adjudging administrative discharges. To meet this need, I am introducing today a proposed code of procedure for the consideration and issuance of administrative discharges based upon fault or culpable misconduct.

The American Bar Association has recognized the need for revision of administrative discharge procedures in order to insure due process and fairplay. At the last meeting of the house of delegates a resolution was adopted setting forth criteria and minimum standards which should be met prior to the issuance of an administrative discharge. Congressman CHARLES BENNETT, who has long been interested in the administration of justice in the armed services, has introduced a bill designed to implement the American Bar Association's recommendations.

I am not wedded to the particular language contained in the bill I am introducing. I am, however, wedded to the proposition that in those areas covered by the bill, legislation is needed. Since bills will now have been introduced in both Houses, it is abundantly clear that this session of Congress will have the opportunity of further reforming the overall administration of justice in the armed services to the end that rights of the serviceman will be protected and due process will be assured.

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

The bill (S. 1266) to further insure due process in the administrative discharge procedure followed by the Armed Forces, was received, read twice by its title, and referred to the Committee on Armed Services.

OBSCENITY AND PORNOGRAPHY

The VICE PRESIDENT. The Senator from Alabama is recognized for 8 minutes.

Mr. ALLEN. Mr. President, we prepare to greet the spring. It is a season for renewal of the human spirit and a time for rededication to the highest aspirations of man.

In our Nation's Capital there are two great heralds of spring. We wait impatiently the annual opportunity to steep ourselves in the incomparable beauty marked by the Cherry Blossom Festival and the equally inspiring sight of countless thousands of boys and girls on their annual pilgrimage to the Nation's Capital.

These two events fill all of us with the sense of keen anticipation and pleasure.

But, Mr. President, I have grave misgivings about one of these events. I am deeply concerned by the widespread display and public sale of lurid pornography in our Nation's Capital.

Most of our youthful visitors will be seniors from high schools from all sections of the Nation. They will be the cream of the crop, idealistic, joyous, alert, brimming over with enthusiasm and charm. They will come with songs in their hearts, innocent and trusting. They will seek only to show their deference and profound respect for the institutions and values of our political and cultural heritage.

Many of these boys and girls will have worked hard to earn the money to pay for their trip to Washington. Many senior classes will have engaged in numerous fundraising projects and some parents will have made personal sacrifices, all for the purpose of providing their children a unique experience, and an opportunity for cultural enrichment afforded by a visit to our Nation's Capital.

Among our youthful visitors may be counted thousands who are proud representatives of the values and traditions perpetuated by churches, Sunday schools, Four-H Clubs, Future Farmers of America, Boy Scouts of America, DeMolay, Key Club, and scholastic groups and organizations of all kinds. Some will come as winners of awards, granted by patriotic veterans organizations and civic clubs. Some will be beauty queens, pageant queens, homecoming queens, and school sweethearts. They will represent youth from cities, hamlets, farms—boys and girls from every walk and station of life. Surely, Mr. President, they are the finest and most cherished asset of our Nation.

Mr. President, they will come and they will see and they will be influenced by what they see. They will gaze in awe at the magnificent monuments erected to honor the memory of Washington, Jefferson, and Lincoln. They will visit the shrine of our illustrious dead in Arlington Cemetery. They will walk the corridors of this Capitol and gaze at us from the balcony of this Chamber.

As they walk the corridors of this stately building they will tread in the footsteps of some of the greatest statesmen and patriots who ever lived and perhaps some may commune with the eternal spirit of the illustrious dead. If so, they may well hear it said, "Well done. Thou hast not departed from the principles of morality and patriotism which it was my pleasure to have instilled in the hearts and minds of your fathers and your fathers fathers."

But, Mr. President, these boys and girls, during their stay in Washington, will be accommodated at some of our commercial hotels. They will walk the streets of this city, and they will be influenced there, too, by what they see and what they hear. Unfortunately, many of these boys and girls will not escape contact with certain revolting aspects of a subculture spawned in this city.

In downtown Washington, D.C., just a block or two from some of our finest hotels, even in the shadow of the White House, they will be enticed by the sight of lurid magazine covers in color, revealing nude men and women, nude teenage boys and girls. They will see hundreds of books and magazines which no self-respecting parents would permit in their homes. Here on prominent display are books on perversion, sadism, and masochism. They will see some of the vilest prurient pornography ever contrived by diseased minds of lascivious subhumans.

Mr. President, the Honorable Lambert C. Mims, mayor of the great city of Mobile, Ala., has seen these things with his own eyes. He was shocked, disgusted, and nauseated by what he saw. His indignation led him to write a letter to Mayor Washington in which he expressed his deep concern.

I ask unanimous consent to have Mayor Mims' letter printed at this point in the RECORD.

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

CITY OF MOBILE,
Mobile, Ala., January 8, 1969.

HON. WALTER WASHINGTON,
Mayor, City Hall,
Washington, D.C.

DEAR MAYOR WASHINGTON: It is with a great deal of stress and tremendous nausea, deep down within that I am dictating this letter from my room here at the Washington Hotel on the corner of Pennsylvania Avenue and 15th Street.

Tonight I visited two newsstands one on 15th Street and the other on 14th Street near this hotel and under the shadow of the White House, and must say that I am indeed appalled at what I have witnessed.

The very first thing that I saw upon entering each of these establishments was magazines with covers in color, showing nude women . . .

A closer look revealed literally hundreds of magazines showing nude men and women and some teenage boys and girls in the nude in all types of suggestive positions with pubic areas and genitals in full view.

As I looked around I saw literally thousands of books filled with every kind of sex novel possible, including books on "How to Commit Unnatural Sex Acts in Over 100 Ways," along with all kinds of books on sex perversion.

Dozens of men, both old and young, and many with foreign features, speaking foreign languages, stood drooling and hypnotized as they stared at the pages. Some foreigners seemed utterly amazed at what they saw and I am wondering just what they thought that very moment about our Great America.

I know that many today are screaming freedom of speech and press under the 1st Amendment to the Constitution, but dear sir, I do believe that our founding fathers, who drafted that sacred document would turn over in their graves if they knew such was being displayed near the hallowed halls where they worked so diligently for that which is right and honorable.

As an American, who loves God and Country, and as a fellow public servant in a city of nearly a quarter million Americans, I am calling on you to put an end to this type of thing in our Nation's Capital.

It is time that men in high places took a definite stand against the purveyors of filth and smut. Don't be afraid to speak out. For our children's sake—let's take action now.

Yours sincerely,
LAMBERT C. MIMS, *Mayor.*

Mr. ALLEN. Mr. President, the conditions described by Mayor Mims are a national disgrace. These so-called newsstands are little more than dens of iniquity dealing in corruption. They are shocking, depressing evidence of inroads of hedonistic worship of the sensual which, if left alone to corrupt our youth, can but turn our Capital into a modern Sodom.

These so-called newsstands are operated by money grabbing, lecherous, bestial, purveyors of filth. But, more, they are licensed by the city. Thus, these pestholes and their trade in corruption are legitimized.

Will we permit the elite of our youth to be victimized and contaminated by lecherous buzzards? Their trade should not be licensed and condoned and thus legitimized in our Nation's Capital. Our youth should not have to wade past these open sewers as a condition and as a risk of a visit to Washington.

Mr. President, I expressed my concern on this subject to the Honorable William B. Lockhart, Chairman of the newly created Commission on Obscenity and Pornography. Mr. Lockhart has assured me that the Commission will concern itself with the problem of sale and public display of pornography in our Capital City.

I ask unanimous consent that the communication from the Commission on Obscenity and Pornography be printed at this point in the RECORD.

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

COMMISSION ON OBSCENITY
AND PORNOGRAPHY,
Washington, D.C., February 17, 1969.

HON. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: I have your letter of February 6, which I found upon my return from my trip to Washington in which I met with the Obscenity Commission.

I appreciate your calling to my attention the letter from Mayor Mims forwarded to you by Mayor Washington regarding the type of material available in some of the news stands in Washington and elsewhere throughout the country.

I can assure you that the Obscenity Commission also shares your concern. One of the areas under study in an effort to ascertain why the enforcement of obscenity laws is so ineffective in the kind of situation referred to in your letter. We are including in our studies a survey of the enforcement problems with a broad sampling of approximately 400 prosecuting attorneys, and will make detailed studies of the enforcement problems in a number of representative cities in the United States.

You can be assured that the Commission will concern itself not only with the problem of sales, but with the public display of pornography. We do not yet have the solutions but upon our completion of the study of the enforcement problems we hope to be able to come up with a proposal of a more effective enforcement procedures.

Sincerely,
WILLIAM B. LOCKHART,
Chairman.

Mr. ALLEN. Mr. President, I suggest that Congress has an unavoidable responsibility for administration in the District of Columbia and that it cannot wash its hands of this responsibility in this situation.

Congress is not helpless to regulate and stamp out this monstrous evil in our presence. The question is, Are we so indifferent as to do nothing about it? The youth of our Nation must be protected in the cherished right to visit our Nation's Capital without danger of being exposed to such hucksters who pander to sick minds.

I intend to do all within my power to put a stop to this traffic. I am satisfied that the American people are not aware of the extent of this evil in Washington. If it becomes necessary to inform the people of the dangers involved in order to end this abomination, then certainly I intend to do all I can to inform them. If it requires an army of angry parents to put an end to this sort of thing, then I certainly intend to help organize that army. If it requires a crusade of moral indignation to get action—then I would want to assist in that crusade.

If the Supreme Court of the United States says that Congress is powerless to stop this traffic in filth, then I say that it is the duty of Congress to fumigate the U.S. Supreme Court.

If a majority of Congress says we have no right to interfere in this business, then I predict that the people of this Nation will interfere in the business of Congress.

Mr. President, the situation is intolerable. Corrective action must be taken before the annual pilgrimage of our youth to our Nation's Capital begins.

THE DANGEROUS DISPUTE WITH PERU

Mr. MANSFIELD. Mr. President (Mr. STEVENS in the chair), disturbing difficulties have been present for several months in this Nation's relations with Peru. First, there was the expropriation of the properties of the International Petroleum Co. which is owned by U.S. nationals. Then came the seizure of fishing vessels of U.S. registry in line with the insistence of the Peruvian Government on a 200-mile off-shore jurisdiction.

As the Senate knows, the first incident can act to set in motion in early April, the automatic reprisals of the so-called Hickenlooper amendment. This legislation requires a cut-off of all financial aid as well as the benefits of the sugar quota with respect to any nation which, having expropriated the property of U.S. nationals, fails to make provision for just compensation within 6 months.

As for the difficulty involving the fishing vessels, it is a chapter in a continuing problem, not only with Peru but with Chile and Ecuador; these three nations border on the immensely rich fishing resources which occur in connection with the northward thrust of the Humbolt Current. This latest seizure of an American vessel, coming as it does on the heels of the expropriation, has been most unfortunate. It has brought talk of reprisals in this country. In this case, the suggestion is heard that the return of certain Peruvian naval vessels should be demanded—vessels which, ironically, had been previously provided by the U.S. Defense Department.

As I see it, the issue in the case of the petroleum company is not the national right of Peru to expropriate property. That right has been recognized by this Nation for all nations. Nor is the principle of just compensation for expropriated property, apparently, at issue—a principle which this Nation also sustains. The principle of compensation for expropriation has not been denied, according to my understanding, by the Peruvian Government. What is involved in the current dispute is the application of these interlocking principles in the current dispute. How are they to be applied in practical form in the specific case of the seizure of the oil properties? Here there are sharp differences between Peru and the United States.

If these views are not reconcilable on a bilateral basis that does not seem to me to exhaust the possibilities for a rational solution. Certainly, there is the possibility of third party mediation. There are the good agencies of the Organization of the American States which might help to find a reasonable answer to this problem before it is too late. There are the

resources of the OAS Secretariat and, indeed, the personal resources of the distinguished Secretary-General of the Organization, Mr. Galo-Plaza. An Ecuadorian, he is also a personification of the inter-American cooperative tradition. Conciliatory assistance from the Secretary-General or from other inter-American sources, it seems to me, should not only be welcomed but sought.

Similarly, Mr. President, the fishing problem needs to be dealt with on the basis of reason rather than reprisal. It ought not to be impossible to recognize the extraordinary interest of all of the Humboldt Current states in these fishing grounds while at the same time working to reconcile that interest with the right of all nations to a share in the general wealth of the world's oceans.

Since the fishing disputes have involved us, primarily, over the years, not only with Peru but with Ecuador and Chile, it may be that a quadripartite conference under the auspices of the Organization of the American States might offer an approach to solution. Indeed, it may be a more practical approach than the attempt to apply, at this time, a general international legal interpretation of territorial waters. Certainly, it would be preferable to try to find at least a tolerable interim solution on that basis rather than to go on exchanging insults, threats, and provocations on a bilateral basis with Peru.

On both these issues, on the question of expropriation as well as the fishing dispute, it seems to me that the urgency is to avoid further provocations or reprisals as between Peru and this country. Unless a degree of comity is restored, each nation in retaliating against the other, is likely to end by damaging itself. In the process, moreover, the inter-American structure—the peaceful tradition of this hemisphere—will be dealt another blow not unlike that of the regrettable breakdown of United States-Cuban relations a decade ago.

It would be my hope that this Nation would take the initiative in seeking to avoid further provocations. It would be my further hope that both nations will make vigorous efforts to ground the charged emotionalism in this dispute. The Governments of Peru and the United States have a responsibility to their own people and to all of the American states to turn off the road of increasingly hostile confrontation.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary and the Subcommittee on Permanent Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.

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

THAT MILITARY-INDUSTRIAL COMPLEX

Mr. YOUNG of Ohio. Mr. President, the power of the military-industrial complex of which President Eisenhower warned the American people in his farewell statement in January 1961, shortly before he left the Presidency is one of the most serious internal threats facing our Nation. Its demands for more money for more armaments seem endless. Top priority must be given to achieving peace, and to putting an end to our waging an immoral undeclared war in Vietnam. Then $2,600 million now blown up in smoke in Vietnam every month should be used to help Americans here at home, millions of whom are living below the poverty level.

In the last year of the Johnson administration approximately $107 billion was spent responding to the demands of Defense Department officials.

The Vietnam war is costing American taxpayers almost $100 million a day, and the military appropriations for fiscal year 1969 were the most tremendous since World War II. This huge amount was spent on war-related expenditures—past, present, and future. In addition, the ill-advised anti-ballistic-missile system if continued will result in the utter waste of from $50 to $100 billion of taxpayers' money. Unfortunately, during fiscal 1969 only approximately $17 billion was appropriated for the health, education, and welfare of our people and to put an end to hunger in our Nation. Only a small part of that sum was for the millions of poor and underprivileged. For the most part, this $17 billion, a small percentage of the national budget, was spent on education, water and air pollution, public health, and other social welfare programs for the benefit of all Americans regardless of income.

BRUTAL DICTATORSHIP

Mr. YOUNG of Ohio. Mr. President, Americans should know that the Saigon militarist regime of Thieu and Ky is holding behind bars in jails in Saigon, and in some of the 44 provincial capitals in South Vietnam which they control, approximately 45,000 men and women termed "political defendants." These are in addition to approximately 20,000 Vietcong prisoners of war who are the survivors of many Vietcong fighting men previously executed by orders of the Saigon militarist regime.

Those political defendants, so-called, totaling 45,000 men and women, are Buddhists and other civilians termed neutralists. They are arrested and held in jail without trial on suspicion that they have Vietcong ties. It is to sustain in power a brutal dictatorial regime such as this that 4,935 Americans were killed and wounded from last January 1 to January 25, and for which young Americans are dying and being wounded daily in our immoral involvement in the ugly civil war in South Vietnam.

COMMITTEE MEETING DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary be permitted to meet during the session of the Senate today.

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

ORDER FOR ADJOURNMENT UNTIL FRIDAY, MARCH 7, 1969

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

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

S. 1285—INTRODUCTION OF BILL TO ESTABLISH A NATIONAL ECONOMIC CONVERSION COMMISSION

Mr. McGOVERN. Mr. President, I introduce, on behalf of myself and some 31 other Senators, including Senators HATFIELD, BAYH, BROOKE, BURDICK, COOK, COOPER, CRANSTON, EAGLETON, GOODELL, HART, HARTKE, HUGHES, INOUYE, JAVITS, KENNEDY, MATHIAS, McINTYRE, METCALF, MONTOYA, MOSS, MUSKIE, NELSON, RANDOLPH, RIBICOFF, SCHWEIKER, SCOTT, STEVENS, TYDINGS, WILLIAMS, YARBOROUGH, and YOUNG of Ohio, a bill to establish a National Economic Conversion Commission.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McGOVERN. Mr. President, at the outset I wish to make reference to the strong bipartisan sponsorship of the bill, both in the development of the legislation and in its presentation here today.

Yesterday Representative JONATHAN B. BINGHAM, of New York, and Representative F. BRADFORD MORSE, of Massachusetts, were joined by 48 of their colleagues in the other body in introducing identical legislation.

Both of those Representatives have been deeply involved in the preparation of the bill and have worked very closely with my office in its drafting.

On the Senate side, the Senator from Oregon (Mr. HATFIELD), who is chief cosponsor of the legislation, contributed greatly both to the revised language of the bill and to our preparations for its introduction.

I think the fact that some 30 Senators joined in cosponsoring the bill is a measure of the wide interest that exists in trying to develop more confidence in our country in adjusting military spending to positive opportunities on the civilian side to the benefit of all of our people.

Nearly 6 years ago I first introduced legislation of this kind, which was very similar to the bill I introduce today. It bore the same title "Economic Conversion Act." That measure was presented to the Senate in October of 1963. It seemed to me at that time there was a promising period in our country to begin thinking about converting some of our excess military production into other purposes.

The Senate was then considering the Limited Nuclear Test Ban Treaty. We had opened up the hot line communication system between the White House and the Kremlin. We had under consideration the possibility of a wheat sale for cash to the Soviet Union. There seemed to be a number of indications that perhaps reductions might be forthcoming in the near future in our military budget, in fact, on December 1963, the Secretary of Defense announced the closing of 26 military installations in the United States, the elimination of some 16,300 jobs in military activities at home and overseas, and a defense personnel reduction of 63,401. For the fiscal year ending in July of 1965 the Congress approved a defense budget nearly $1.5 billion less than in the previous year. The protest in local communities, and in the Congress, was vigorous and sustained, and the only promising avenue of action was to urge that the installations be retained.

The National Economic Conversion Act was drafted to develop a more constructive alternative—careful advance planning to ease the transition from military activities no longer needed for our national defense. This 1963 proposal was cosponsored by 29 of my Senate colleagues and others assured me of their support.

Hearings on the bill were held by the Commerce Committee in 1964, giving exposure to the difficulties created for government, for industries, and for affected communities and individuals, as a consequence of changes in military and space spending.

In the executive branch, President Johnson indicated his interest in the problem through creation, in December 1963, of the Committee on the Economic Impact of Defense and Disarmament with Mr. Gardner Ackley of the Council of Economic Advisers as Chairman.

However, our escalating involvement in the war in Vietnam after 1964 brought a remobilization of military resources which along with the appointment of the Ackley Committee diverted interest from the conversion bill.

If our hopes for an end to the war in Vietnam are realized, we will soon be entering another period in which our economic conversion capability will be severely tested. In fact, the challenge far exceeds the cutbacks which had us so concerned just a few years ago.

The Economic Report of the President transmitted in January of this year, using the assumption that a full withdrawal of troops could be initiated within 6 months after cessation of hostilities, estimated that—

> The use of real resources for defense purposes would drop by $16 billion (annual rate in 1968 prices) below the previously planned path over a period of six quarters following the truce and, ultimately, by $19 billion at the end of 10 quarters.

If we find, as I firmly believe, that serious problems are involved in the conversion process, then it is clear that an end to the war in Vietnam will bring us into sudden confrontation with them regardless of what happens to military and defense spending as a whole.

Furthermore, while many groups are basing their plans on a belief that the war's end will bring sharp increases in other military spending—especially on strategic weapons systems—we may be entering an era of much more careful scrutiny of all military projects, leading to reductions in overall defense spending.

The current controversy over the Sentinel anti-ballistic-missile system is the most prominent case in point. The significance of that issue far surpasses narrow considerations of whether it is technically feasible to locate and intercept incoming enemy warheads. It goes, in fact, to the entire range of assumptions underlying our cold war posture since the end of World War II.

We have, for example, raised the likelihood that Sentinel will, instead of strengthening our security, serve as a new initiative in the action-reaction arms race cycle between the United States and the Soviet Union, eventually undermining the safety of both countries. This and other reasons behind the challenge on the ABM—strategic questions; the glaring disparity between nonmilitary needs and the resources available to meet them; the attention, at long last, to President Eisenhower's warning about unwarranted military-industrial influence; concern about the effects of military research on colleges and universities; inquiries into military foreign aid and military sales abroad; hopes for successful negotiations to limit armaments—all of these considerations apply to a broad range of implements of war beyond the Sentinel system.

These factors indicate that the debate over military budgets will not end when the ABM issue is settled. On the contrary, it is just beginning.

I am convinced that we are moving toward cutbacks in superfluous military might. I believe that ultimately the Congress and the White House will see wisdom in reductions; and that the American people will demand them.

Thus we have two prospects for military curtailment. If they both take place, and if they converge in a relatively brief timespan, the potential for dislocation will be enormous.

In this context, President Nixon has directed that planning be undertaken to determine the shape of military spending after the war, the general and regional economic consequences of Vietnam demobilization, the policies which would best facilitate conversion, and the probable use of the fiscal dividend to be released when the conflict ends. The study will be coordinated by the Council on Economic Policy within the Council of Economic Advisers, and I understand that the various executive departments will prepare individual recommendations.

President Nixon has made an important beginning, and I heartily commend him for it.

Nevertheless, without a strong legislative mandate we will be ill-equipped to handle $16 to $19 billion in reductions, or even cutbacks on the $1.5 billion scale which created the uproar in 1964 and 1965. Conversion capability requires both more depth and more breadth than can be brought by part-time analysis in the higher councils of Government. Our experience since 1963 has solidified my conviction that steps along the lines proposed in the National Economic Conversion Act are necessary if we are to overcome the obstacles and realize the opportunities of successful conversion.

THE CONVERSION PROBLEM

The 1965 report of the Committee on the Economic Impact of Defense and Disarmament is the obvious point of departure for current analysis. But first we must recognize its limitations.

The period in which it appeared differed sharply from the present prospect. Spending on strategic weapons systems and on other non-Vietnam military expenses was relatively constant, ranging from $46 billion in fiscal 1965 to $53 billion in fiscal 1970. The trend was up, and while there were cutbacks in 1967 and 1969, in neither case was the reduction of the sustained kind which creates conversion problems. In fact, the following year in each case brought even greater non-Vietnam spending than in the year prior to the cutback.

The Commission described the period of analysis as "characterized by a roughly stable level of defense expenditures—and, therefore, a significant decline in the share of defense in our gross national product and in employment—together with a sizable shift in the composition of defense spending."

While defense and space industries might not have been major growth segments in the economy, therefore, neither were they victims of sharp reductions. The most prominent characteristic of the period since then has, of course, been the rapid growth in spending on weapons of limited war, military manpower, and other items involved in conventional warfare—up from $103 million in fiscal 1965 to an estimated $28.8 billion in fiscal 1969.

Nevertheless, the Ackley Committee noted that—

> Even when the Nation as a whole is enjoying a fully prosperous economy, certainly communities and many individuals may have serious economic problems and some groups of workers heavily dependent on defense have already been added to the list of those needing such assistance.

The problems associated with conversion, therefore, did exist in the period covered by that study. And it is possible that the Committee's recommendations which would have been adequate to meet that kind of a limited conversion problem. Certainly its proposals would be helpful.

But I am convinced that the magnitude of the problem before us far exceeds the capabilities of their recommendations.

Nor can we extract comfort from the Committee's reference to post-World War II demobilization, which, they said, was extremely rapid and brought no sizable unemployment problem. The most obvious reason is that there were dislocations after World War II, contrary to the picture drawn from a cursory look at employment and economic growth rates.

But beyond this there are at least five major differences rendering comparison useless at best and probably misleading:

First, the war years had seen tight rationing on consumer goods needed for the war effort—tires, gasoline, foodstuffs, and a broad range of other items. This demand was for items that needed no conversion at all—companies went right on producing for the civilian market what they had been producing for the war effort.

Second, release of this stored demand was accompanied by the emergence of new consumer demands which had not existed before, as the frugality and sparse living of wartime stimulated a counterreaction. We became a society of "conspicuous consumption" and we went on a buying spree.

Third, the sophistication of weapons in World War II was not high enough to cause an extremely wide gap between what the military needed and what could be consumed in civilian markets. The jeep, and even the tank, differ much less from automobiles, tractors, and other equipment than does the helicopter or electronic guerrilla detection devices.

Fourth, the war stimulated development and production which was easily convertible to civilian markets. The postwar revolution in commercial air transportation is probably the best example, but there are others.

Fifth, and of vital importance, the problem was not one of conversion but of "reconversion"—returning to the goods which had been produced prior to the war. Suppliers saw war goods as a temporary interruption of their normal operations and they were consequently planning for a return to familiar markets.

But most important, conversion is a problem singularly unsuited for broad generalizations; it must be dealt with in a series of microcosms. What happens to the individuals and groups who are directly affected?

The first are, of course, the industries themselves, and the Arms Control and Disarmament Agency has supplied helpful indications on the prospects for successful diversification in the event of contract cancellations or terminations. Summarizing a study completed in January 1966, entitled "Defense Industry Diversification: An Analysis With 12 Case Studies," it noted that—

> Successful diversification needs the commitment of top management to the program. Such commitment is made difficult by several factors:
>
> There is a discouraging history of failure in commercial diversification efforts by defense firms.
>
> There is doubt that the defense customer wants diversification of these firms.
>
> There is little indication that the owners of defense firms or the financial community wish defense manufacturing to diversify.

In the same study the Agency offered guidelines for diversification planning:

> The ideal time for a defense firm to achieve substantial diversification is the time when its profit potential from defense business starts to dwindle. However, the time lag between deciding on diversification and achieving it is substantial. In this study, the interval between inception and breakeven on an internally developed product was found to be approximately five years. The period from inception of an acquisition program to satisfactory integration of an acquisition into the parent firm is also measured in years.

So the study found substantial differences between what is recommended as the leadtime for successful diversification and the attitudes and plans of industrial management. In this connection, Mr. Bernard Nossiter's recent examination in the Washington Post also has great relevancy. He wrote:

> The shrewd and skillful men who direct large, sophisticated defense firms look forward to a post-Vietnam world filled with military and space business. . . . For them the war's end means no uncomfortable conversion to alien civilian markets. Quite the contrary, and with no discoverable exception, they expect handsome increases in the complex plans and missiles, rich in electronics, that are at the heart of their business.

Without adequate preparation, the conversion certainly will be uncomfortable, probably painful, and in all likelihood almost impossible.

The second group involved in the conversion problem is made up of the employees of the industries involved, and the prospects are illustrated with great clarity by reference to several areas of production associated with Vietnam.

In fiscal 1964, for example, total spending on ammunition was $672,257,000. By fiscal 1968 that figure had increased by some 7 times—to $4.5 billion. We can be assured of massive cutbacks when the war ends.

What, then, will happen to the employees at the Army Munitions Command installations in Grand Island, Nebr., in Texarkana, Tex., or in some 30 other locations around the country. The plant in Grand Island laid off between 7,000 and 8,000 employees at the end of World War II.

The prospects for individual employees depends heavily on their skills and on the aggregate demand for those skills in the community and, more broadly, in the country. In one case, however, the Arms Control and Disarmament Agency, in its study of "Martin Company Employees Reemployment Experiences," found that—

> In a layoff of 6,800 workers in Denver in 1963, those who were reemployed at the time of the survey on the whole suffered a substantial loss in income from wages and salaries. Over half (54%) of the sample sustained a weekly salary loss of at least $25. . . .

What of the communities, the next affected group? The same ACDA also contains information on that score:

> The layoff at Martin slowed down the rate of economic expansion of Colorado, while the expansion of the Denver economy virtually came to a halt. Denver manufacturing employment dropped a full 10,000 jobs between 1963 and the end of 1964, and contract construction employment also declined. . . . It was not until the last quarter of 1965, many months after the survey was completed that a strong upturn took place.

Another case, of direct personal concern to me, was the closing of the Army Ordnance Depot at Igloo, S. Dak., and it shows in rather vivid terms what can result from what might be considered a relatively small reduction in jobs.

The installation employed 530 workers, and the community which it created had a population of about 1,700. There were 50 concessionaires, in such occupations as grocery, drug and department stores, a theater, an airfield, and a cleaning establishment.

With the closing, all of this activity ceased. Igloo, S. Dak., was terminated as a community.

In Edgemont, some 9 miles away and the home of 165 depot employees, the population declined from 1,680 to 1,440 by February of last year. There were 43 vacant homes, and $16,000 houses were selling for $4,750. The assessed evaluation of real estate dropped by $1.5 million. The county took 15 homes for taxes. The net income of some businessmen declined by 50 percent in 1967.

The postmaster of another adjacent town, Provo, described what occurred there in a letter to me:

> Today two more families moved out, one house moved and one more home boarded up, leaving only fifteen families residing here and only five children. . . . Ours was becoming a lively community and now even our grocery store and gas station has folded up the only business remaining is our small Postoffice where the few remaining people congregate. . . . We are dependent on our water supply from the Depot and it is uncertain now whether we will have water in the near future.

As to the future, the State of Connecticut is a good example. Since the beginning of World War II that State has led the Nation in defense contracts on a per capita basis.

At the end of the Vietnam war, Connecticut is expected to lose 50,000 jobs; 5,000 of those will be defense-related jobs in Hartford, and another 5,000 people will probably be thrown out of work there as a consequence of the resulting economic slowdown. With its large helicopter and munitions industries, Bridgeport will follow a similar pattern. Waterbury, New Britain, New London, New Haven, and Stamford will absorb the remainder.

A fourth enterprise which must be concerned with whether conversion can be accomplished is government, and here, again, we can envision serious problems. Hopefully, the dollars released by the war will be diverted to the urgent problems of poverty and nutrition, air and water pollution, the urban environment, housing, and others. But dollars will not be enough; we will also need specialized manpower and experts in a host of fields.

In early February, former Secretary of Health, Education, and Welfare John Gardner told the House Committee on Science and Astronautics that we need more Federal research to deal with housing problems. The president of the Franklin Institute of Science, Athelstan Spilhaus, said we need a "space program" for the cities. Other prominent witnesses testified to the need for focusing scientific attention on the problem.

Much talent will be freed by an end to the war in Vietnam. But will it be able to cope with nonmilitary programs with-

out some transitional training and new orientation? It seems quite possible that, having finally made new priorities in Federal spending a reality, we will find that we cannot put them into effect. Hence, another aspect of the conversion dilemma. The type of analysis which I have made here is by no means exhaustive, nor do I even pretend to understand all the kinds of difficulties which we are likely to confront at the war's end. These examples are, however, sufficient to indicate that anything less than a broad program, involving public and private agencies, will meet nearly as much frustration as the industries, employees, and communities would if they were left completely on their own.

SPECIFIC ACTION NEEDED

The Federal Government does have programs which are quite relevant to conversion capability. The Ackley committee suggested that Federal-State unemployment insurance systems are in point, as are job information and placement services, training and retraining programs, limited relocation assistance, help for communities such as that supplied by the Office of Economic Adjustment in the Department of Defense and the Office of Economic Impact and Conversion under the Atomic Energy Commission. Of special significance is the provision in Armed Services Procurement Regulations allowing costs of long-range conversion planning to be written into contract costs.

The National Economic Conversion Act would build on these existing capabilities, determining whether they are sufficiently authorized and funded and adopting more effective methods.

The National Economic Conversion Commission, made up of department and agency heads, and of public members, would define appropriate policies and programs to be carried out by the Federal Government, including possible schedules of civilian public and private investment and plans for education and retraining for occupational conversion.

It would consult with State officials to encourage appropriate preparation at non-Federal levels, and it would be authorized to contribute up to 50 percent of the costs of studies leading to conversion capabilities.

It would work with trade and industry associations, labor unions, and professional societies, to encourage and enlist their support for a coordinated effort.

Within 1 year after enactment, it would convene a National Conference on Industrial Conversion and Growth, looking to appropriate planning and programing by all the sectors of the economy.

Finally, it would make specific recommendations to the President and the Congress.

Section 5 of the bill is, in my view, of overriding importance. As previously noted, present regulations allow military contractors to write the costs of conversion planning into their contracts. Yet the ACDA reports and other sources disclose that this has not been sufficient to bring most defense and space industries to a realization that such planning must be done.

Because the consequences of these failures can be so serious, not just for the specific company or plant but also for the people and the communities which depend on it, section 5 of the act would require that such planning be undertaken as a condition of contract fulfillment.

The section also recognizes that no Federal agency and no centralized group can possibly deal in a detailed fashion with the myriad of differing specific conversion problems which might arise in thousands of cases across the Nation. The industries, in cooperation with labor locals, community leaders, and others on the scene, are the only groups which can compile enough knowledge, and only they can decide which opportunities are most promising. The problem is decentralized, and so must be the planning and the bulk of the action to meet it.

Preparation for economic conversion will surmount serious problems. It can also bring great opportunities.

It can give defense planners a broader degree of flexibility in weapons production and modification, by eliminating some of the economic and political pressures which complicate their decisions.

It can open the door to the development of more productive and more reliable forms of enterprise.

It can, in the long run, enhance the productive and marketing genius which characterize American industry, reducing costs of production and strengthening our position in international trade.

And it can bring the human, physical, and financial resources no longer necessary to the military into quick focus on the domestic challenges we need so desperately to meet.

We must begin without delay.

The bill (S. 1285) to establish a National Economic Conversion Commission, and for other purposes, introduced by Mr. McGOVERN (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:

EXHIBIT 1

S. 1285

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 "National Economic Conversion Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress finds and declares that the United States has during the past two decades made heavy economic, scientific and technical commitments for defense; that careful preparation and study is necessary if wise decisions on future allocations of such resources are to be possible; that the economic ability of the Nation and of management, labor and capital to adjust to changing security needs is consistent with the general welfare of the United States; and that the economic conversion and diversification required by changing defense needs presents a great challenge and opportunity to the American people.

It is the purpose of this Act to provide the means through which the United States can determine the public policies which will best allow such economic conversion.

ESTABLISHMENT OF THE COMMISSION

SEC. 3. (a) There is hereby established, in the Executive Office of the President, the National Economic Conversion Commission (hereafter referred to as the "Commission"), which shall be composed of—

(1) The Secretary of Defense;
(2) The Secretary of Agriculture;
(3) The Secretary of Interior;
(4) The Secretary of Commerce, who shall be Chairman of the Commission;
(5) The Secretary of Labor;
(6) The Secretary of Health, Education and Welfare;
(7) The Secretary of Housing and Urban Development;
(8) The Secretary of Transportation;
(9) The Chairman of the Atomic Energy Commission;
(10) The Administrator of the National Aeronautics and Space Administration;
(11) The Director of the United States Arms Control and Disarmament Agency; and
(12) The Chairman of the Council of Economic Advisers.

(b) The Secretary of Commerce shall preside over meetings of the Commission; except that in his unavoidable absence he may designate a member of the Commission to preside in his place.

(c) The Commission may invite additional persons to serve as members of the Commission, either on a temporary or permanent basis, so long as the overall size of the Commission shall in no case exceed 18 members.

(d) The Commission shall have a staff to be headed by an executive secretary who shall be appointed by the President and who shall be compensated at the rate provided for Grade 18 of the General Schedule.

(e) Members of the Commission who are officers or employees of the Federal Government shall receive no additional compensation by virtue of membership on the Commission. Other members of the Commission shall receive compensation at the rate of not to exceed $100 per diem when engaged in the performance of duties for the Commission. Each member of the Commission shall be reimbursed, as authorized by law (5 U.S.C. 73b–2), for travel and subsistence and other necessary expenses incurred by him in the performance of his duties for the Commission.

DUTIES OF THE COMMISSION

SEC. 4. It shall be the duty of the Commission to—

(a) define appropriate policies and programs to be carried out by departments and agencies of the Federal Government for economic conversion capability, which shall include possible schedules of civilian public and private investment, including education and retraining for occupational conversion, associated with various degrees of economic conversion, and the anticipated effects thereof upon income and employment, and to report to the President and the Congress on such policies and programs within one year of the enactment of this Act;

(b) convene a National Conference on Industrial Conversion and Growth, within one year after the enactment of this Act, to consider the problems arising from a conversion to a civilian economy, and to encourage appropriate planning and programming by all sectors of the economy to facilitate the Nation's economic conversion capability;

(c) consult with the Governors of the States to encourage appropriate studies and conferences at the State, local and regional level, in support of a coordinated effort to improve the Nation's economic conversion capability, and make available to the Governors of the States such funds as shall constitute not more than 50 per centum of the total costs associated with the preparation of such studies or the holding of such conferences;

(d) consult with trade and industry associations, labor unions and professional societies, to encourage and enlist their support for a coordinated effort to improve the Nation's economic conversion capability;

(e) promulgate such regulations for the appropriate departments and agencies of the Federal Government as may be necessary for

the implementation of Section 5 of this Act; and

(f) make such recommendations to the President and to the Congress as will further the purposes of this Act.

INDUSTRIAL CONVERSION CAPABILITY

SEC. 5. (a) Under such regulations as the Commission shall prescribe, each defense contract or grant hereafter entered into by the Department of Defense or any military department thereof, or by the Atomic Energy Commission, shall contain provisions effective to require the contractor to define his capability for converting manpower, facilities, and any other resources now used for specific military products or purposes, to civilian uses.

(b) The Commission shall encourage trade and industry associations, labor unions and professional organizations to make appropriate studies and plans to further the conversion capabilities of their membership.

(c) As used in this section the term "defense contract or grant" means any contract or grant to business firms, Government agencies, universities and other nonprofit organizations.

(1) which involves—

(A) the research, development, production, maintenance, or storage of any weapons systems, arms, armament, ammunition, implements of war, parts or ingredients of such articles or supplies, or plans for the use thereof; or

(B) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility which the Secretary of Defense or his designee, or the Chairman of the Atomic Energy Commission or his designee, certifies to be necessary to the national defense;

(2) which requires that the number of employees engaged in work under such defense contract or grant, together with employees engaged to work under any other such contract or grant, exceed 49 employees or 25 per centum of the total number of employees, which ever is greater, at any establishment operated by the contractor awarded such contract or grant; and

(3) which requires at least one year to complete.

POWERS OF THE COMMISSION

SEC. 6. (a) The Commission shall have the power to appoint and fix compensation of such personnel as it deems advisable in accordance with the applicable provisions of title 5, United States Code. The Commission may also procure temporary and intermittent services to the same extent as authorized for the departments by section 3109 of title 5, United States Code.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality, information, suggestions, estimates, and statistics for the purposes of this Act, and each department, bureau, agency, board, commission, office, independent establishment or instrumentality, is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission upon request made by the Chairman.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 7. Such sums as may be necessary to carry out the provisions of this Act are hereby authorized to be appropriated.

Mr. HATFIELD. Mr. President, 8 years ago when President Eisenhower left office, he warned of the dangers of a growing military industrial complex. Although he spoke from a military background, his warning was largely brushed aside and today we have a military budget which is double that of 1961.

One out of every 10 workers in this country is employed in defense work and our Department of Defense operations are so huge that they eclipse the total planned economy of nations such as France and the United Kingdom. We are faced with the prospect of our economy becoming hopelessly entangled in military activities.

Of course, a sizable portion of our present military budget is being spent on the Vietnam war. Eventually our major role in that conflict will be reduced or concluded and we must plan for that day. This bill provides an effective way to prepare for the transition from a military to a peacetime economy. It specifically calls for an industrial conversion capability on the part of Defense contractors and this provision should help assure that funds expended on Vietnam will not be shifted automatically to other military programs.

I receive considerable mail from across the country calling for increased funding for education, for housing, for new jobs, and for other pressing domestic needs. I sympathize with these requests and I try to reassure these people that the war will be concluded and military spending can be cut so that we can deal effectively with these basic needs on the homefront.

I strongly support the proposed National Economic Conversion Act as a means of achieving that objective, and I am pleased to join Senator MCGOVERN as a cosponsor.

S. 1290—INTRODUCTION OF A BILL TO INCORPORATE THE COLLEGE BENEFIT SYSTEM OF AMERICA

Mr. MCCLELLAN. Mr. President, for myself and Senators DIRKSEN, BAYH, BURDICK, EASTLAND, FULBRIGHT, HATFIELD, KENNEDY, MANSFIELD, PELL, RANDOLPH, SCOTT, TYDINGS, and WILLIAMS of New Jersey, I introduce, for appropriate reference, a bill to incorporate the college benefit system of America. I ask unanimous consent that at the conclusion of my remarks the text of the bill be made a part of the RECORD.

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

(See exhibit 1.)

Mr. MCCLELLAN. Mr. President, our educational system has evolved from the modest one-room, one-teacher schoolhouse to a system which is unparalleled in the world. Our colleges and universities are the strength of that system and of our other institutions as well. From them come the trained graduates who manage and staff our Government, our schools, our churches, our industries, and our professions.

The financial rewards of industry and the various professions have generally exceeded those of higher education at all times in our history. And, yet, retention in higher education of skilled doctors, lawyers, engineers, physicists, and other specialists to teach our young people is essential if we are able to maintain our leadership in the future.

In the early part of this century, Andrew Carnegie resolved to strengthen the higher educational system of this country. He set up a system of free retirement pensions for educators for the purpose of allowing institutions to attract and hold skilled faculties. At that time, pensions were generally a novel concept in the United States. The Federal Government did not have a pension program, neither did most State and local governments, and there were only a few industrial pension plans in existence.

To assist Mr. Carnegie in providing a means to administer the pensions, Congress incorporated the Carnegie Foundation for the Advancement of Teaching in 1906. Mr. Carnegie endowed it with a total of $26 million—$15 million personally and $11 million through the Carnegie Corp., another of his charitable foundations.

It was Mr. Carnegie's hope that earnings from that endowment would be sufficient to provide free pensions; but with the rapid growth of higher education, it became apparent by 1915 that he did not have the resources to personally provide an adequate retirement pension system for all of higher education. The solution to the problem lay in establishing a pension system based on self-help, administered to serve the needs of higher education as the educators best saw them.

Beginning in 1915 and working with a group of outstanding educators, the Carnegie Foundation for the Advancement of Teaching formulated principles for a sound self-supporting pension system for higher education. The principles that were established comprise the basic structure of the retirement system now in effect. Both the institutions of higher education and the educators contribute to the pension system. Accumulated pension reserves have no cash surrender value but remain intact until retirement to provide a lifetime income. The benefits are fully vested in the individual at all times with his ownership protected by a legally enforceable contract. And being vested in the individual, the benefits are freely transferable—portable—with the individual, even if he moves from campus to campus, or in and out of the academic community. The portability of each individual pension plan, moreover, makes it possible for participating schools to employ persons possessing the experience and skill necessary to adequately fill vacancies on their faculties, or to enlarge or create new departments of education. The principles of portability, vesting, and full funding were extremely advanced concepts at the time of their formulation.

At the instance of the Carnegie Foundation for the Advancement of Teaching, Teachers Insurance and Annuity Association—TIAA—was chartered as a nonprofit, life insurance corporation under the laws of New York in 1918, to provide tax-free contributory pensions only for the faculties and staffs of institutions of higher education, without regard to race, sex, creed, or color. The Carnegie Corp., endowed TIAA with working capital, and thus began the first pension system in the United States in which annuity pensions first are fully funded, second vest

immediately in the beneficiary; and third, are portable. Those principles guided the establishment of the Federal social security system in 1935; and it should be noted that the President's Committee on Corporate Pension Funds and Other Private Retirement and Welfare Programs recommended in 1965 that principles of vesting, portability, and full funding, which TIAA has provided for more than 50 years for higher education, be incorporated into all private pension plans for industry and labor.

After World War II, TIAA began a detailed study of the effects of inflation on fixed dollar annuities. One of the first findings was that not once during the history of the United States had the dollar remained stable over a period comprising a single individual's working and retirement years. Accordingly, at the request of TIAA working with a commission of educators from throughout the United States, the New York Legislature created college retirement equities fund—CREF—by special act in 1952 as a charitable and education membership corporation to provide variable annuity pensions without regard to race, sex, creed, or color, only for the faculties and staffs of educational institutions. Like TIAA, these pensions, first, are fully funded; second, vest immediately in the beneficiary; and third, are portable. CREF, therefore, was the first to provide a nationwide variable annuity pension system in the United States.

TIAA–CREF is the nationwide pension system for higher education in the United States. Because of its portability and vesting features, it has supplemented and in some cases, substituted for State and local government retirement programs for higher education, where the institutions and their faculties have an opportunity to elect the TIAA–CREF pension system. TIAA–CREF has more than 300,000 annuity contracts outstanding to faculty and staff members of more than 2,000 institutions of education. More than $3 billion in pension funds are represented.

The TIAA–CREF retirement system has proved to be an effective and inexpensive means of providing pensions for higher education. At its heart is a system which has been able to offer precisely equal services and benefits at equal cost to any college and to any participant in any of the 50 States. Its principles of full funding, immediate vesting, and portability between institutions make it a model for all private pension systems. The system has responded to changes in the economy and to the needs of higher education.

The portability and vesting aspects of the pension system of higher education enable faculty and staff members to carry their pensions between participating institutions without loss of benefits. There is no equivalent portability of pensions between industrial companies or between labor unions. Social Security is the only other nationwide pension system providing for full portability and vesting for its participants.

After more than 50 years of operation, the pension system of higher education is now confronted by a threat of taxation by one or more States on the periodic pension contributions of faculty and staff members and their institutions. This is attributable to the vesting and portability provisions of the pension contract. Such contracts are considered insurance products under State insurance codes and subject to multistate regulation and taxation.

It is not necessary here to recount the reasons why public policy provides tax exemption for public and private education. But it is not so well known how widely tax exemption applies to retirement plans and many other types of benefit plans in this country. Neither the Federal Government nor the State governments tax the periodic pension contributions of employers or employees in noninsured benefit plans, public and private. This nontaxed status is true of the pension plans of large national concerns such as A.T. & T., General Motors, and United States Steel—plans centrally administered and covering hundreds of thousands of people employed throughout the Nation. It is true of union-administered and negotiated health, welfare and retirement plans such as those of the United Mine Workers and the Teamsters Union. It is true of church plans. It is true of State teacher retirement systems, the pension programs of Federal civil service and the armed services, and all the other publicly administered pension plans for Federal, State, and local government employees.

Practically all Americans are now covered by private and public tax-free pension plans under which their contributions for retirement purposes are not taxed, and the pension system of higher education should be equally treated. At the present time, neither the States nor the Federal Government are taxing the contributions made to the TIAA–CREF retirement program. Thus, maintenance of the retirement program of higher education from Federal and State taxes gives the colleges and their staff members no special privileges.

Private pension systems are a major element in this Nation's total retirement program. It is the public policy of the United States to encourage the development of private pension systems through favored tax treatment and special legislation because of the important social purposes they serve.

The intent of the proposed charter is to preserve the private pension system of higher education so that it can continue to offer precisely equal services and benefits at equal cost to education in all 50 States, and to protect the principles of immediate vesting, full funding, and portability from fragmentation or unequal treatment under local law.

The proposed charter leaves with higher education the duty of self-help set for them by Andrew Carnegie in establishing their pension system, and it continues in them the responsibility for the management of their pension system as they best see it, within the structures of the proposed charter and the laws of the United States. Nothing in the charter will add to the burdens of Federal, State, or local governments.

If a Federal charter is not granted by Congress, the TIAA–CREF program will increasingly be caught up in the network of multistate insurance regulations and taxation. This would ultimately subject TIAA–CREF contracts and benefit provisions to 50 different sets of insurance laws designed for commercial company operations. It could cut much of higher education off from CREF participation because some States do not now have a category in which the CREF-type variable annuity fits. And, it would impose an unwarranted tax on the benefit plan of private and public higher education, while benefit plans covering the vast majority of working Americans are not taxed at all.

In short, State-by-State controls would destroy the uniformity that now permits effective mobility of educators among institutions throughout the country without loss or alteration of benefits. It would add needlessly to education costs at a time when adequate financing of education is a national concern.

The bill (S. 1290) to incorporate the College Benefit System of America, introduced by Mr. McCLELLAN (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.

EXHIBIT 1

S. 1290

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

CORPORATION CREATED

SECTION 1. The following persons: William C. Greenough, New York, New York, Henry T. Heald, New York, New York, Theodore M. Hesburgh, South Bend, Indiana, John W. Gardner, District of Columbia, Francis T. P. Plimpton, New York, New York, David Rockefeller, New York, New York, and Logan Wilson, District of Columbia; and their successors, are created and declared to be a body corporate under the laws of the United States of America, by the name of College Benefit System of America, and by such name shall be known and have perpetual succession and the powers, limitations and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in section 1 of this Act are authorized to complete the organization of the Corporation by the selection of officers and employees, the adoption of a constitution and by-laws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose. The constitution and by-laws shall prescribe provisions for the amendment of such constitution and by-laws and any other provisions for the management and disposition of the property and regulation of the affairs of the Corporation which may be deemed expedient.

PURPOSES OF CORPORATION

SEC. 3. (a) The purposes of the Corporation are to aid and strengthen nonproprietary and nonprofit-making colleges, universities and other educational institutions engaged primarily in teaching or research, by causing to be continued and maintained, through its associated educational corporations as hereinafter defined, a system providing retirement annuities or benefits, fixed or variable in whole or in part, and such life and health insurance benefits as the Corporation may deem appropriate, under plans or programs suited to the needs of such institutions and staff members covered thereby, and providing

counseling of such institutions and staff members concerning pension and retirement plans and other measures of security, all without profit to the Corporation or any of its associated educational corporations.

(b) In furtherance of the foregoing purposes, the Corporation—

(1) may associate with itself in the manner provided in subsection (c) the existing New York nonprofit corporations known, respectively, as Teachers Insurance and Annuity Association of America and College Retirement Equities Fund, and any other nonprofit corporation which may hereafter become successor to either of said corporations or to all or any part of their operations; and

(2) may similarly associate with itself the existing New York nonprofit corporation known as Trustees of TIAA stock, which holds the stock of said Teachers Insurance and Annuity Association of America; or may acquire said stock by transfer, by merger or consolidation of said Trustees of TIAA Stock into the Corporation as the surviving corporation, or in any other manner not in contravention of the laws of the State of New York; and may thereafter administer said stock in such manner as in the judgment of the trustees of the Corporation will best ensure the continued accomplishment of the purposes of the Corporation and said Teachers Insurance and Annuity Association of America. Such merger or consolidation may be authorized by the Board of Trustees of the Corporation with the consent of a majority of the voting members of the Corporation, and shall comply with the applicable provisions of the laws of the State of New York.

(c) Any corporation referred to in subsection (b) shall be deemed an "associated educational corporation" of the Corporation, (1) in the case of a nonprofit stock corporation, if all the stock of such corporation is held by the Corporation, or by a corporation which is itself associated with the Corporation in any manner herein provided, or (2) in the case of a nonprofit nonstock corporation, if (i) the Corporation is a voting member of such corporation, or (ii) all or a majority of the voting members of the Corporation constitute all or a majority of the voting members of such corporation. The Corporation may effect such association with each or any of said corporations in any manner aforesaid, provided the manner of effecting such association is not in contravention of the laws of the state of incorporation of the associated corporation.

(d) If hereinafter at any time deemed by the Board of Trustees of the Corporation to be necessary or expedient for the accomplishment of the purposes of the Corporation, but only if and to the extent permitted under the laws of the State of incorporation of the other corporation or corporations concerned, the Corporation may acquire any or all of the assets and assume the related liabilities of said Teachers Insurance and Annuity Association of America and said College Retirement Equities Fund, or either of them, or any successor or successors to all or any part of their operations, or may merge or consolidate with one or more of such corporations under the charter of the Corporation as the surviving corporation, and in the event of any such acquisition, merger or consolidation the Corporation may thereafter administer the assets and conduct the operations so acquired, under and subject to applicable State law as provided in section 13. Any such merger or consolidation may be authorized by the Board of Trustees of the Corporation with the consent of a majority of the voting members of the Corporation, and shall comply with the applicable provisions of the laws of the State of incorporation of the other corporation or corporations entering into such merger or consolidation. Nothing herein shall be construed to authorize the Corporation itself to issue any fixed or variable annuity or insurance contract or policy except in the event of an acquisition, merger or consolidation pursuant to this subsection.

ADDITIONAL POWERS OF CORPORATION

SEC. 4. The Corporation shall also have the power—

(1) to have succession by its corporate name;

(2) to sue and be sued, complain and defend in any court of competent jurisdiction;

(3) to adopt, use, and alter a corporate seal;

(4) to choose such officers, managers, agents, and employees as the operations of the Corporation may require;

(5) to contract and be contracted with;

(6) to take by lease, gift, purchase, grant, devise, or bequest from any corporation, association, partnership, firm or individual and to hold, invest, reinvest, dispose of or otherwise deal with any property, real, personal or mixed, necessary or convenient for attaining the objects and carrying into effect the purposes of the Corporation, subject, however, to applicable state law as provided in section 13.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The principal office of the Corporation shall be located in New York City, New York, or in such other place as may be later determined by the Board of Trustees, but the activities of the Corporation shall not be confined to that place, but may be conducted throughout the various states, territories, and possessions of the United States or elsewhere as provided in the Corporation's constitution and bylaws.

(b) The Corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the Corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the Corporation.

MEMBERSHIP: VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the Corporation and the rights, terms of office, privileges, and designation of classes of members shall, except as provided in this Act, be determined as the constitution and bylaws of the Corporation may provide.

(b) Each member of the Corporation, other than honorary, sustaining or associate members, shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the Corporation.

BOARD OF TRUSTEES; COMPOSITION; TENURE; POWERS

SEC. 7. (a) Upon enactment of this Act the membership of the initial Board of Trustees of the Corporation shall consist of the members of the Corporation as specified in section 1 of this Act.

(b) Thereafter the constitution and bylaws of the Corporation shall prescribe the number, qualifications, powers, term of office, and manner of selection of trustees; the classification of trustees into not more than seven classes so that the term of office of one class shall expire each year; and the place or places for the holding of meetings.

(c) The Board of Trustees shall manage the affairs of the Corporation.

OFFICERS OF CORPORATION; ELECTION; TENURE; DUTIES

SEC. 8. (a) The officers of the Corporation shall include a president, a secretary, and a treasurer, together with such other officers as may be determined by the constitution and bylaws.

(b) The qualifications, powers, duties, manner of election and terms of office of the officers of the Corporation shall be as determined by the constitution and bylaws.

NONDISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; PROHIBITED LOANS

SEC. 9. (a) No part of the income or assets of the Corporation shall inure to any of its members, trustees, officers or employees as such or be distributable to any of them during the life of the Corporation or upon its dissolution or liquidation; nor shall any member, trustee, officer or employee at any time have any personal interest in any property or assets of the Corporation. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation for services rendered or reimbursement of expenses incurred in its service in amounts approved by the Board of Trustees of the Corporation or benefits received as a proper beneficiary of its strictly charitable purposes. No member, trustee, officer or employee, in the absence of fraud or bad faith, shall be personally liable for the debts, obligations or liabilities of the Corporation.

(b) The Corporation shall not make loans to its members, trustees, officers or employees. Any trustee who votes for or assents to the making of a loan to a member, trustee, officer or employee of the Corporation, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the Corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The Corporation, and its trustees and officers as such, shall not contribute to or otherwise support or assist any political party or candidate for public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The Corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENTS OF DIVIDENDS

SEC. 12. The Corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

REGULATION AND TAXATION BY STATES

SEC. 13. The operations and activities of the Corporation and its associated educational corporations relating to the providing of retirement annuities or benefits described in section 3(a), and relating to the providing of group life and health insurance benefits the cost of which is borne in whole or in part by educational institutions referred to in section 3(a), and, with respect to such operations and activities, the Corporation and its associated educational corporations, shall not be subject to regulation or taxation under the laws of any state relating to the regulation and taxation of the business of insurance or fixed or variable annuities, other than, in the case of an associated corporation, its state of incorporation, and, in the case of the Corporation or an associated corporation, any State in which it maintains resident employees or maintains resident agents employed and compensated by it. As used in this section, the term "State" includes the District of Columbia, Puerto Rico, and any territory or possession of the United States, and the term "Agent" shall not include an agent for service of process, or a person who is independently engaged in the business of servicing mortgage or other investments for others and whose services are retained by the Corporation or an associated corporation for such purposes; however, nothing herein shall be construed to affect state laws with respect to real estate or real estate mortgage investments by foreign charitable corporations, nor to exempt any real property of the Corporation or any associated corporation from taxation in any state or subdivision thereof, to the same extent, if any, according to its value, as real property of other corporations organized and operated exclusively for charitable, scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder of individual.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The Corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Trustees and commit-

tees having any authority under the Board of Trustees; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the Corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

DISPOSITION OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. In the event of dissolution or liquidation of the Corporation, all of its property and assets, after payment of its liabilities and obligations, shall be distributed as the Board of Trustees may determine, to one or more corporations or institutions of the character described in section 3.

REPORT TO SECRETARY OF HEALTH, EDUCATION AND WELFARE; AUDIT OF ACCOUNTS

SEC. 16. (a) The Corporation shall report annually to the Secretary of Health, Education and Welfare concerning the proceedings and activities of the Corporation and its associated corporations for the preceding calendar year. The Secretary of Health, Education and Welfare shall communicate to Congress the whole or such report, or such portion thereof as he shall deem appropriate.

(b) The accounts of the Corporation and its associate corporations shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants and the report of each such audit shall be submitted to Congress in accordance with the provisions of the Act entitled "An Act to Provide for Audit of Accounts of Private Corporations Established under Federal Law", approved August 30, 1964 (78 Stat. 635).

RESERVATION OF RIGHT TO AMEND OR REPEAL

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved.

LONG-DISTANCE LAW

Mr. McCLELLAN. Mr. President, the increase in serious crimes continues to imperil our internal security. Daily press reports reflect an increasing number of rapes, murders, robberies, and beatings in every major city in the United States. Criminals are now preying on society as never before. Indeed, lawlessness has become a critical national problem.

There is strong public sentiment in favor of more stringent action on the part of the courts of our country. A recent Gallup poll which was released on February 16 of this year indicated that 75 percent of those persons interviewed felt that law courts in the United States are "too soft" on criminals. In comparison to that, a Gallup poll conducted in April 1965, revealed that only 48 percent of the people interviewed expressed the opinion that the courts were "too soft" on criminals. This represents a 27-percent increase in less than 4 years.

Just last year, Congress expressed its concern, as well as its discontent, with prevailing attitudes of the U.S. Supreme Court as expressed by certain decisions in the area of criminal jurisprudence. By an overwhelming majority, Congress passed the Omnibus Crime Control and Safe Streets Act, which was designed to restore the effectiveness of local police and to bring the scales of justice back into balance.

Even though the Congress has spoken and public opinion continues to mount, the Supreme Court seems bent on broadening the area of protection for criminals while further restricting law-enforcement officials in the legitimate performance of their duties.

This fact was amply illustrated just recently by the Court's decision in the case of Spinelli against United States. The Court overruled a conviction of the defendent and held that a search warrant obtained by police officers had been issued on insufficient evidence, although a report from an anonymous informer plus an independent FBI investigation had provided the basis for the issuance of the warrant.

A recent editorial in the Arkansas Democrat, dated February 7, 1969, and an accompanying article by Mr. Karr Shannon very aptly describe the critical issues presented and the effect of the Supreme Court's ruling. I ask unanimous consent that these articles be placed in the RECORD at this point:

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

[From the Arkansas Democrat, Feb. 7, 1969]

LONG-DISTANCE LAW

Largely overlooked last week in the flood of words about the Supreme Court's refusal to be drawn into denominational fights about dogma was another one of those 5 to 3 decisions that help crooks.

The court overturned the conviction of a known gambler in St. Louis because it didn't like the way the FBI went about getting a search warrant. An agent tailed the gambler-bookmaker and saw him park in front of the same apartment building four out of five days. The agent saw the man go into an apartment in the building that had two telephones with numbers that were the same as those furnished to the FBI by informants who said they had called them to place bets. The agent put all of this together in an affidavit that he submitted to a St. Louis judge, who, on the strength of it, issued a search warrant. The FBI entered the apartment and found all the evidence it needed to prove the man guilty.

But the majority of the Supreme Court said the local judge was wrong in issuing the search warrant. Justice John M. Harlan said that the affidavit was not written in sufficient detail and that the informant's reliability was not established. So the man went free.

Almost compensating for the bad decision was the tirade it produced. In what was described as a bitter and angry speech, Justice Hugo Black critized the majority opinion for 20 minutes. As he has on other occasions, he accused his fellow justices of trying to supervise local judges from "a thousand miles away." Even Justice Abe Fortas, who usually is wildly liberal on the matter of civil liberties, said that the issuance of the search was justified, as did Justice Potter Stewart.

Local judges simply have to have leeway in these matters. In the first place, if they insist on evidence of guilt, which is what the majority said the judge must have, the officers who gather it will be bound to alert the subject, who will then flee. Secondly, the local judge knows the local officers. A policeman might fool a judge once into giving him a warrant on flimsy pretext but not a second time.

Justice Byron White, who voted with the majority only to avoid a deadlock (Justice Thurgood Marshall disqualified himself), worried from the bench that this majority decision might establish a precedent. He called for the court to make a "full-scale reconsideration" before the justices use it as a guide in future search-warrant cases. We hope that local judges who might be intimidated by the decision got this word. At least some members of the Supreme Court don't believe local law enforcement can be directed from Washington, D.C.

[From the Arkansas Democrat, Feb. 7, 1969]

HIGH COURT TIGHTENS SHACKLES ON POLICE

(By Karr Shannon)

Apparently not content with rulings of recent years that shackle law enforcement while giving the breaks to criminals, the U.S. Supreme Court has tightened the shackles on police and other law-enforcement officers. In upsetting the gambling conviction of William Spinelli, and his three-year prison term and $5,000 fine, the high court, in a decision a few days ago, made it almost impossible for police to obtain search warrants.

The court never semes vitally concerned about the safety of the lawabiding; the emphasis is on the rights of the violators. And the court shows a tendency to clog the course of justice with technicalities.

The indisputable fact that, at the time of his arrest in 1965 by FBI agents, a quantity of horse racing and sports betting tabs were found in Spinelli's apartment doesn't seem to concern the five Supreme Court justices who upset the conviction.

In acting favorably on Spinelli's appeal, the high tribunal held that a search warrant obtained by police for the apartment had been issued on insufficient evidence. The majority ruled that an FBI investigation, even when supported by the word of a "reliable" underworld informant, was not enough to justify searching the apartment of a known bookie.

WHITE'S VOTE SURPRISE

The majority voting for reversal of Spinelli's conviction included, of course, Chief Justice Earl Warren. Those joining Warren were Justices William O. Douglas, William J. Brennan Jr., John M. Harlan—and—of all things!—Byron R. White.

Justice White is certainly "out of character" in this vote. Considered the most conservative of the court's membership, he has normally dissented in cases of this type. And his reason for siding with the majority in the 5-3 vote—in which Justice Thurgood Marshall did not participate—is downright ludicrous. He said he concurred with the Warren group because, among other things, to vote otherwise would have brought about a divided court.

That's one time "Whizzer" White fumbled the ball!

And here's another surprise vote: The liberal Justice Abe Fortas, usually voting with Warren, dissented with Justices Hugo Black and Potter Stewart. Maybe his recent bout with the Senate, in which he failed elevation to the chief justiceship, gave him some second-thoughts.

JUSTICE BLACK'S LOGIC

In his dissent, Justice Black clearly pointed up the dangerous precedent the court's ruling has set. He cited a 1964 decision which he said "went very far toward elevating the magistrate's hearing . . . to a full-fledged trial, where witness must be brought forward to attest personally to the facts . . . " The decision on Spinelli, he added, expands that to almost unbelievable proportions.

"In fact," Justice Black declared, "I believe the court is moving rapidly, through complex analysis and obfuscatory language, toward the holding that no magistrate can issue a warrant unless, according to some unknown standard of proof, he can be persuaded that the suspect defendant is actually guilty of a crime."

Commenting on the decision, the St. Louis Globe-Democrat said:

"Mobsters from Burbank to Boston must be loudly acclaiming the Supreme Court's latest ruling, which extends greater rights to criminals than to law-abiding citizens . . . The court's next step, conceivably, might be a decision that search warrants can be

issued only when suspected lawbreakers send police engraved invitations."

S. 1296—INTRODUCTION OF BILL TO AMEND THE MILITARY SERVICE ACT OF 1967

Mr. HART. Mr. President, for more than 20 years our Nation has used an inequitable and needlessly disruptive system to draft men into the Armed Forces.

No longer can we justify such a system merely because it succeeds in filling the manpower demands of the military.

In the past two decades the Nation has made considerable progress in extending the concept of equality and due process of law to all citizens; yet, when it comes to the draft, many young Americans are still denied those basic rights.

The case for reform is strong; the call for change clear.

Three presidential commissions, many Senators, including 23 who voted against the Military Selective Act of 1967, numerous educational officials, and citizens of all ages have supported changes to correct the shortcomings of the present draft system.

The Selective Service System should be revised as quickly as possible, first, because justice delayed is justice denied, and second, in its present form the system adds to the feeling of alienation spreading among our youth.

As long as all are not called to serve, we must strive to be as fair as possible in selecting those who are required to serve.

That is not the case today, and our youth recognize that fact.

A process of government which can require a man to disrupt his life for up to 2 years must provide the man with such basic safeguards as the right to counsel.

That is not the case today, and our youth resent that fact.

It is not surprising then that many young men, whose first contact with the Federal Government is through local draft boards, questions a government which uses an unfair and arbitrary system in the name of protecting the Nation's freedoms.

Equally disturbing, the present draft system forces draft-age men to live under a cloud of uncertainty for many years. It is difficult indeed to plan a career or educational program if a person is more vulnerable to the draft as he gets older. The Nation's and the individual's interest would be served by reducing as much as possible the disruptive uncertainty created by a selective service system.

Revision is needed, and to that end I have recently cosponsored an extensive draft revision bill introduced by the senior Senator from Massachusetts (Mr. KENNEDY), but justice also demands we move as quickly as possible to correct as many shortcomings as possible. To that end I introduce today a more limited bill than Senator KENNEDY's in the hope of speedy congressional passage.

My bill would eliminate inequities and uncertainties created by the present law by establishing a prime selection group and reversing the order of call in order to induct younger men first.

The selection group would consist of 19-year-olds who have not secured deferments, men whose deferments have expired and men between the ages of 20 and 26 who are now subject to the draft but have not been called.

Each name would remain in the prime selection group for not more than 1 year. If the selection group could not provide the manpower needed to meet the demand, additional men would be called, selecting first from younger age groups. Therefore, if a man were not called while his name was in the prime selection pool, his chance of being drafted would drop considerably with each passing year.

Men can receive educational deferments for up to 4 years, but at the end of that period are placed in the prime selection group and considered as 19-year-olds for the purposes of draft.

My bill also makes it possible for men to be selected by lottery, which is perhaps the fairest selection method when some but not all must serve.

I think that commonsense dictates such changes. My proposal allows our youth to make plans for their lives with some assurance that their plans will not be interrupted by the draft at age 24, 25, or 26. A small degree of uncertainty remains, but no longer is a man faced with equal vulnerability to the draft for 8 long years.

This part of my bill is the same as S. 3394, which I introduced in the last Congress with the Senators from Massachusetts (Mr. KENNEDY and Mr. BROOKE), the senior Senator from Texas (Mr. YARBOROUGH), and the junior Senator from Minnesota (Mr. MONDALE).

Following introduction of the bill, I sought the views of some college presidents.

Mr. President, because those views are relevant to the bill I introduce today, I ask unanimous consent that letters written by college presidents in response to my inquiry be printed at the end of my remarks.

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

(See exhibit 1.)

Mr. HART. Mr. President, but more must be done than just reversing the order of call. The whole classification and selection procedure must be examined in light of our basic concepts of due process of law. The inequities and procedural flaws in the present draft act deprive every 18-year-old male of certain basic constitutional rights.

I believe that the Selective Service System should, as Congress intended, be entirely independent of the military. Until a registrant takes the military oath, he should be treated as a civilian, subject to civilian laws and regulation. In order to preserve the independence and integrity of the Selective Service System, my bill requires the Director of the System and all State directors be civilians. I do not contend that members of the military would be unfair or would not protect the civil rights of registrants, but I believe the Nation would have more confidence in the System if civilians are responsible for calling civilians to military duty.

I further propose that the director of the system be appointed, with the consent of the Senate, for a term of 7 years and that Senate approval be required for each term. Directors more than 70 years old can be appointed for 1-year terms only, also subject to the approval of the Senate.

The National Director has a very responsible position in determining who shall be drafted when all are not needed. In recognition of the importance of his position, I recommended that the Director be paid at level III of the executive pay schedule.

I am a lawyer, as are many Members of this body. Some of you may have been surprised to learn that under present selective service regulations a registrant may not be represented by legal counsel at a personal hearing before the local board. It seems inconceivable to me, and, I believe, to anyone who adheres to the protections afforded by our Constitution, that an individual can be forced to appear before a governmental body—in particular one that can require an individual to place his life in jeopardy—without legal counsel.

Is it not asking too much to expect an 18-year-old boy at a local board hearing to know, let alone understand, the maze of selective service regulations, advisory bulletins and memos, and court decisions affecting draft procedures?

How can we expect this youth, or any layman regardless of age, to have all this material at his fingertips when he appears before the board?

There is no way he can make an effective case for a deferment or exception without having counsel at his side. No other administrative agency can deprive an individual of his constitutional and statutory rights without an attorney. Can we allow Selective Service, an agency that deals with lives and not the cost of electric power or the determination of an airline route, this exemption? The answer is no.

As long as we provide for deferments and exemptions in the statute and as long as we do not need the services of all men between the ages of 18 and 26, it is particularly important that we adhere strictly to all legal protections and benefits granted by law and the Constitution.

My bill specifically provides that every registrant may present evidence and be accompanied by legal counsel at his personal appearance before the local board.

Under present law, the registrant is required to make his own record of local board proceedings. This is unfair. How can anyone argue his case for appeal without the advice of counsel, and at the same time take accurate and detailed notes of the proceedings.

My bill would correct this injustice by requiring the local board, at its own expense, to furnish a record of its proceedings to the appeal board.

The Selective Service System indicates that legal counsel is not needed because registrants are served by the Government appeal agent. Theoretically, the Government appeal agent is available to provide advice and counsel on a registrant's rights to deferments and other

classifications. But the appeal agent, even when available, is under a duty to serve two masters.

Parenthetically, the Marshall Commission found that appeal agents are almost totally inactive, and that a great number of appeal agents have checked no files, have seen no registrants, and have made no appeals in years. The agents are not required to be attorneys and they serve without pay. Selective service regulations order the appeal agent to "be equally diligent in protecting the interests of the Government and the rights of the registrant in all matters."

This makes the ordinary attorney-client relationship impossible, and can result in cases where "confidential" conversations between an appeal agent and a registrant are revealed to a local board and used as a basis for a classification. Recently, for example, General Hershey instructed appeal agents to report men they believe are violating draft law to local boards.

My bill abolishes the Government appeal agent system and establishes the position of registrant appeal agent. The registrant appeal agent would advise each registrant of his rights and duties at the time of registration and represent the registrant within the system and on appeal to the courts if the registrant so desires. The registrant appeal agent would be responsible solely to the registrant. The appeal agent would have to be a member of the bar and would be compensated in accordance with his workload. By establishing such a system, we would assure each registrant—including indigents—the advice and representation of legal counsel.

Under present selective service law, a registrant cannot challenge a classification as erroneous unless he is a defendant in a criminal action or unless he is inducted. In other words, decisions of selective service are immune from Federal court review unless one desiring to challenge the decision accepts the stigma of being charged with a criminal violation of the draft law. This applies even if the reason for denying a registrant a deferment is for such reasons as discrimination because of race or unkempt appearance at the hearing. My bill repeals this provision.

My bill also would repeal a 1967 amendment to the law that requires the Attorney General, on the recommendation of the Director of Selector Service, to prosecute a violator of the draft law. If the Attorney General does not follow the request of the Director he must explain his refusal to Congress. This provision is unfounded, unwise, and perhaps an illegal delegation of authority. It has no place in the selective service law.

Finally, my bill would establish a Presidential commission to study the feasibility and desirability of establishing a volunteer army, the feasibility and desirability of national service as an alternative to the draft, and the feasibility and desirability of changing the length of time that volunteers and inducted men are required to serve on active duty and in the Reserves.

President Nixon has proposed elimination of the draft and the building of a volunteer army "once our involvement in the Vietnam war is behind us."

The concept of a volunteer army is an appealing one—attracting such liberals as James Farmer and John Galbraith and such conservatives as Milton Friedman and the junior Senator from Arizona (Mr. GOLDWATER).

The advantages of an all volunteer military force are substantial. Today's unpopular and inequitable draft would be ended and the threat of compulsion eliminated. Fewer recruits would be required and turnover as well as training costs would decrease. Young men could plan their future without having to worry about the disruption military service causes. Business, the professions and educational institutions could select young men on their merits, without regard to draft status.

What are the drawbacks of a voluntary army? No matter how desirable a volunteer military, the question of feasibility still persists. Advocates of draft abolition—which is not to be confused with draft reform—have a difficult burden to meet. They must do more than show the draft creates uncertainty, which it does—prevents career planning, which it does—and operates inequitably with little regard for the rights of the registrant, which it also does. Draft abolitionists must prove also that a selective service system is unnecessary and establish that substitution of a volunteer army would be an improvement. In the short run, even assuming an end to hostilities in Vietnam, I suggest volunteer army proponents will have difficulty proving our military draft unnecessary in the light of world conditions.

Over the long run, the concept of a volunteer army raises further serious issues and questions.

First, given the high rate of black military reenlistments, the volunteer army could become essentially an army of minorities, particularly Negroes. Because of educational advantages, the officer component of such a service would be primarily white. The black enlisted man inclines to make the military service a career because it makes economic sense. While an increasing number of black Americans will come along who meet the educational level for officer, it will make much less economic sense for them to become career officers. Does America at a point in time wish to have enlisted forces made up primarily of blacks and an officer corps made up primarily of white Americans?

Second, where in fact would our officer corps come from? Presently, the military looks to our colleges to provide between 80 and 90 percent of the junior officer corps. Under a volunteer army system, there would be no pressure for a college man to join an officer program to meet his military obligation. It is thus questionable whether or not the necessary numbers and quality of junior officers could be provided.

Third, would a volunteer army not also present a very inflexible military force? Would the Nation be able to meet emergency military obligations with an all volunteer army?

Fourth, do we wish to build a Military Establishment that would on the one hand become a permanent part of our society yet, on the other hand, become rather isolated from that society? Of necessity, the soldier is usually isolated from the vital social struggles of the day: strikes, sit-ins, poverty, urban unrest, and peace movements. Often his only contact with these disturbing elements is as an adversary trying to maintain "law and order"—or as the parent of one who is involved.

Fifth, the cost of an all volunteer military force could present a real problem. Defense Department estimates range from $4 to $20 billion a year. In an October 17 campaign speech, Mr. Nixon estimated that a volunteer army would cost $5 to $7 billion more a year than the present draft system.

Sixth, although our present Selective Service System is in urgent need of reform, the military draft has been the single most democratizing factor in the Armed Forces. The constant movement in and out of the military of citizen soldiers brings to the Army a broad cross-section of American society.

In addition to considering the pros and cons of a volunteer army, the Presidential commission created by title III of my bill would also consider the desirability and feasibility of "national service" as an alternative to the draft.

Why not continue to require every 18-year-old male to register? Upon registration, however, the young man is given three alternatives: First, volunteer for a 1½-year period in the Armed Forces; second, volunteer for a 3-year program of national service. After taking aptitude and qualification tests, the volunteer is allowed to choose a program outlined and approved by a national volunteer service board; or, third, do nothing.

If there are insufficient volunteers to meet our military needs, the needed manpower could be drawn by lottery from a "prime selection group"—those 19-year-old registrants who choose to do nothing. These draftees would then serve a 2½-year term in the Armed Forces. Those members of the prime selection group who were not selected in the lottery would, upon completing 1 year of maximum vulnerability in this group, be placed into a reserve pool where their chances of being drafted would be greatly reduced.

Undoubtedly many legitimate questions and issues can be raised about the whole concept of alternative national service. Could the Government, in fact, provide on a broad-scale, meaningful experience for the young people involved? Would many young people eager to get on in the world merely sit around for 3 years and mark time? What, in fact, would be the true economic cost of the type of alternative national service program just outlined? Would alternative national service have to be severely limited or discontinued during a Vietnam to prevent young men from avoiding the risks of combat?

In sum, while discussion and study of the pros and cons of the volunteer army and alternative national service is important—given the present political realities—no matter what happens in Vietnam—the draft will probably be with us for at least another 5 to 10 years. Thus immediate enactment of my bill—S. 1296—which attempts to put equity and due process into our present draft law is crucial. Mr. President, I ask unanimous

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

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

The bill (S. 1296) to amend the Military Service Act of 1967 in order to provide a more equitable system of selecting persons for induction into the Armed Forces under such act, to improve the administration of such act, to authorize a study of the alternatives to the method of providing personnel for the Armed Forces, and for other purposes, introduced by Mr. HART, 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. 1296

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 "Selective Service Amendments Act of 1969".

TITLE I—SELECTION FOR INDUCTION

PRIORITY FOR SELECTION

SEC. 101. (a) Paragraph (2) of section 5 (a) of the Military Selective Service Act of 1967 (50 App. U.S.C. 455(a)) is amended to read as follows:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in meeting any national quota of men to be inducted into the Armed Forces under this Act, selection of persons for induction to fill such quota shall be made from persons in the prime selection group, after the selection of delinquents and volunteers, to the extent that such group has a sufficient number of qualified registrants to meet such quota. Selection of persons for induction into the Armed Forces from the prime selection group shall be made in a fair and impartial manner, under such rules and regulations as the President may prescribe, and shall be made without regard to the actual age of such persons."

(b) Section 5(a) of such Act is amended by adding at the end thereof a new paragraph as follows:

"(3) As used in this section, the term 'prime selection group' means persons who are liable for training and service under this Act, who at the time of selection are registered and classified, and who are—

"(A) between the ages of nineteen and twenty and are not deferred or exempted;

"(B) between the ages of nineteen and thirty-five and, on or after the effective date of the Selective Service Amendments Act of 1969, were in a deferred status, but are no longer in such status; or

"(C) between the ages of twenty and twenty-six on the effective date of the Selective Service Amendments Act of 1969 and are not deferred or exempted.

Unless selected for induction or unless otherwise deferred from induction into the Armed Forces, a person shall remain in the prime selection group for a period of one year. Any person who is in a deferred status upon attaining the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for induction as a registrant within the prime selection group, unless he is otherwise deferred under authority of this Act. Any person who is removed from the prime selection group because of a deferment shall again become a member of the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. Nothing in this paragraph shall prohibit the President from retaining persons in the prime selection group for a period not exceeding one year past the twentieth anniversary of the dates of their respective births if he determines such action is necessary for the effective administration of this Act. In no event shall any person be placed in the prime selection group for any period or periods totaling more than one year."

(c) The last two sentences of section 6 (h)(1) of the Military Selective Service Act of 1967 are hereby repealed.

(d) The amendments made by this section shall become effective ninety days after the date of enactment of this Act.

TITLE II—SELECTIVE SERVICE SYSTEM

APPOINTMENT OF THE DIRECTOR

SEC. 201. (a) Paragraph (3) of section 10 (a) of the Military Selective Service Act of 1967 (50 App. U.S.C. 460 (a) (3)) is amended to read as follows:

"(3) The Director shall be appointed by the President, by and with the advice and consent of the Senate. The term of office for any person appointed to the office of Director shall be seven years or until such person attains 70 years of age, whichever is earlier. The term of office of any person appointed to such office after he has attained the age of 70 years shall be one year. The Director shall be a citizen of the United States. No person may serve as Director while serving on active duty with the Armed Forces."

(b) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof a new clause as follows:

"(54) Director of the Selective Service System."

(2) Section 5315 of such title is amended by striking out clause (70).

(c) The amendments made by subsections (a) and (b) of this section shall not apply in the case of the person serving as Director of the Selective Service System on the effective date of this Act.

APPOINTMENT OF STATE DIRECTORS

SEC. 202. Paragraph (2) of section 10 (b) of the Military Selective Service Act of 1967 (50 App. U.S.C. 460 (b) (2)) is amended to read as follows:

"(2) to appoint, upon recommendation of the respective governor or comparable executive official, a State Director of the Selective Service System for each headquarters in each State, Territory, and possession of the United States and for the District of Columbia, who shall represent the governor and be in immediate charge of the State headquarters of the Selective Service System. A State director must be a civilian who is a citizen of the United States; to employ such number of civilians as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System;".

LOCAL AND APPEAL BOARDS; REGISTRANT APPEAL AGENTS

SEC. 203. (a) Paragraph (3) of section 10(b) of the Military Selective Service Act of 1967 (50 App. U.S.C. 460(b)(3)) is amended as follows:

(1) The first proviso is amended to read as follows: *"Provided,* That no person shall be disqualified from serving as a counselor to registrants because of his membership in a Reserve component of the Armed Forces."

(2) By striking out the two sentences immediately preceding the second proviso and inserting in lieu thereof the following: "No member shall serve on any local board or appeal board for more than fourteen years, or after he has attained the age of seventy years. No citizen shall be denied membership on any local board or appeal board on account of race, religion, creed, color, or sex. There shall be assigned to each local board one or more Registrant Appeal Agents whose sole duty and responsibility under this Act shall be to advise each registrant upon registration regarding his rights under this Act and to provide advice and counsel to any registrant who requests it. A Registrant Appeal Agent shall be a member in good standing of the bar of the State in which the local board to which he is assigned is situated. Nothing herein shall be construed to prevent a registrant from retaining and being represented by counsel of his own choice (at his own expense). The requirement prescribed in the preceding five sentences shall be fully implemented and effective not later than January 1, 1970:".

(3) By striking out the next to the last sentence and inserting in lieu thereof the following: "in case of any appeal by a registrant to an appeal board, the local board shall furnish to the appeal board a complete record of the proceedings of the registrant's appearance before the local board. A registrant shall be entitled to have the advice and counsel of a Registrant Appeal Agent (or other person of his choice, at his own expense) in preparing a memorandum for the appeal board."

(b) Paragraph (4) of section 10(b) of such Act (50 App. U.S.C. 460(b)(4)) is amended as follows:

(1) By amending the second proviso to read as follows: *"Provided further,* That any officer on the active or retired list of the Armed Forces, or any Reserve component thereof with his consent, or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this title (except to the office of the Director; the office of State director, or to offices or positions on local boards or appeal boards, including the position of Registrant Appeal Agent, established or created pursuant to section 10(b)(3)) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Armed Forces or Reserve component thereof, or as such officer or employee in any department or agency of the United States:".

(2) by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "Any attorney employed to serve as a Registrant Appeal Agent under this section shall be paid only for the time actually spent by him in advising and counseling registrants, and in no event more than $75 per day;".

PERSONAL APPEARANCE AND THE RIGHT TO COUNSEL

SEC. 204. Section 10 of the Military Selective Service Act of 1967 (50 App. U.S.C. 460 (c)) is amended by adding at the end thereof a new subsection as follows:

"(h) Notwithstanding the provisions of section 13(b) of this Act, each individual shall be afforded the opportunity to appear in person, present testimony or other evidence, and be represented by counsel in any proceeding before the local Selective Service Board having jurisdiction over him."

REPEAL OF DIRECTOR'S POWER TO REQUIRE PROSECUTION

SEC. 205. Section 12(c) of the Military Selective Service Act of 1967 (50 App. U.S.C. 462(c)) is hereby repealed.

TITLE III—PRESIDENTIAL COMMISSION

SEC. 301. (a) The President shall establish a Commission to study and investigate the possible alternatives to the present method of providing personnel to staff the Armed Forces of the United States. The Commission shall be composed of the Secretary of Defense or his designated representative, the Secretary of Health, Education, and Welfare or his designated representative, the Secretary of Labor or his designated representative, a member of the Committee on Armed Services of the House of Representatives appointed by the Speaker of the House, a member of the Committee on Armed Services of the Senate appointed by the President of the Senate, and two citizens from private life to be appointed by the President.

(b) It shall be the duty of the Commission established by this section to investigate:

(1) the feasibility and desirability of establishing an all volunteer army;

(2) the feasibility and desirability of allowing young men to serve in a National Youth Corps as an alternative to service in the Armed Forces; and

(3) the feasibility and desirability of altering the length of time that volunteers and inducted men must serve in the Armed Forces and in the Reserve components of the Armed Forces.

(c) The President shall conduct the results of the Commission's study to the Congress, together with such recommendations as he deems appropriate within nine months after the date of enactment of this Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 302. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

The letters, presented by Mr. HART, are as follows:

EXHIBIT 1

THE JOHNS HOPKINS UNIVERSITY,
Baltimore, Md., August 13, 1968.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I very much appreciate your letter of August 5, with its enclosure on S. 3394 to amend the Selective Service Act. This is a subject which has deeply concerned all university administrators in the country for obvious reasons—and especially those of us who are deeply involved in postgraduate and professional education.

My own views on the subject are summarized in the attached article which I wrote last spring at the request of the *Baltimore Sun*. As you will see, my thinking largely coincides with yours. I do hope that you and others will be able to secure active consideration of policy changes along this line early in the 91st Congress.

With all good wishes,
Sincerely yours,

LINCOLN GORDON.

[From the Baltimore Evening Sun, Mar. 18, 1968]

THE GRADUATE SCHOOLS AND THE DRAFT

(By Lincoln Gordon)

The combined effect of the amendments to the draft law adopted by Congress last June and the administrative decisions announced in mid-February will be to concentrate the draft almost entirely, beginning this summer, on new holders of graduate degrees, present first-year graduate students, and present college seniors. Unless remedial action is taken promptly, male enrollments in first and second-year post-graduate and professional courses, except for medicine and dentistry, may be cut by as much as 50 per cent.

The results would be vastly damaging to the universities. They would reverse years of effort to build up the flow of highly trained manpower to levels which are still short of national needs. They would remove a large number of teaching assistants essential to undergraduate programs at a time when undergraduate enrollment is rising from 8 to 10 per cent a year. They would constitute a grossly unfair discrimination against one segment of our young male population.

It is no wonder that university authorities all over the country are deeply worried about this prospect. On March 5, Congresswoman Edith Green, chairman of a special subcommittee on education, read into the *Congressional Record* messages from 65 universities. Many set forth in detail the anticipated losses in graduate enrollments and teaching assistants, with crippling effects on educational programs and school finances. Others emphasize the uncertainties of the present situation, which leaves both students and schools in hopeless confusion in their efforts to plan rationally for graduate admissions, assignment of fellowships, and the manning of courses. College presidents are normally cautious in their choice of words and given to understatement, but these messages speak of "serious damage," "major impact," "incalculable loss," "disastrous consequences," "critical shortages" and even "potential national disaster."

At Johns Hopkins, we foresee the possibility of losing next year up to half of our normal complement of 800 first and second-year graduate students in arts and sciences, and over half in our School of Advanced International Studies in Washington. Teaching by graduate assistants is concentrated in the group most likely to be lost, so that we face a major problem in manning laboratory sciences and language courses for undergraduates. Our plight is neither worse nor better than that of the other few dozen universities, private and state, to whom the nation looks for the preparation of our future scientists and engineers, lawyers and business leaders, teachers and scholars, diplomats and administrators.

The reason for this crisis is an administrative anomaly for which there is no visible excuse. The crisis is *not* created by the ending of automatic deferments for graduate students. That was decided by Congress last June, and university administrators as a group support that decision. The crisis comes from the fact that along with the lifting of graduate deferments, the Administration is maintaining the old and unwise rule of drafting the oldest eligible age group (25-year olds) first; then the 24-year olds, and so on down until the numbers are enough to meet the draft calls.

At present, the average draft age is between 20 and 21, but this results from the large number of older men deferred on account of graduate studies or specialized occupations. Unless the policy is changed, there will be a brusque reversal of the situation in June. Instead of there being no graduate students, the men drafted will be almost all recent, actual or potential graduate students. This is both unfair and harmful to the national interest.

Every responsible body which has reviewed the Selective Service System in recent years has strongly advised a change in the "oldest-first" draft policy. The Burke Marshall Commission; last year's panel chaired by Gen. Mark Clark; the Department of Defense, and the House Armed Services Committee have all been in agreement on this point. And President Johnson, in his message of March 6, 1967, stated that he would issue an executive order to change this rule. Yet, for reasons not made clear, the obvious opportunity to do this last month was passed by.

It would manifestly be unfair to shift simply to a "youngest-first" policy, even though this would best meet the needs of the armed services. Like most of my fellow university presidents, I would prefer some form of national lottery treating all young men alike, but permitting them to postpone induction until they finish whatever phase of their education (high school, college, or graduate degree) they are engaged in when called. I also see great merit in a system of truly universal national service. Either of these reforms would require new legislation, and it would be foolish to expect this from a Congress preoccupied with election-year pressures.

But there are two remedies open for executive action *within the present law*. One would be to treat all newly eligible men, including new college graduates and graduate students ending their first year, *as if* they were 19, and then calling up equal proportions of these men and the actual 19-year olds. The other would be to instruct the draft boards to draw in equal proportions from each of the seven age groups within their pools. This type of action was specifically endorsed by the House Armed Services Committee last year. It would also be enormously helpful to defer the actual induction of draftees who have once been admitted to graduate studies until they have completed a full academic year, so as to avoid pulling them out in mid-term. Measures of this type would cut the drop in graduate enrollments to about one sixth, instead of one half—still a serious loss, but one which could be reasonably accommodated especially because it would enable universities to plan adequately for one full year of academic operation.

Some editorial comment has suggested that a possible reason for the failure to take such remedial action is a feeling among some members of Congress that graduate students as a group have been evading their fair share of military service and should therefore now be "punished" as a group. If this feeling does exist—and there is some basis for the charge of evasion in recent years—it surely makes no sense to "punish" the next generation of graduate students for the omissions of their older brothers.

The cost of inaction will be a blow to college as well as graduate education, and a gap in the flow of talented manpower which will take many years to overcome.

LYCOMING COLLEGE,
Williamsport, Pa., December 4, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HART: Thank you for your communication regarding Senate S. 3394, an amendment to the existing Military Selective Service Act of 1967.

In order to provide for a more equitable selective system for service in the Armed Forces, we would recommend the following:

(1) Provision for deferment of males who enter college before they are eligible for induction by reason of age until they have completed their undergraduate degrees, provided they make normal progress and complete their degree within four years of matriculation.

(2) Provision for continued deferment of graduate students only in occupations considered essential, or where an interruption in the flow of advanced degree candidates will have a significant, though delayed, effect upon the training and education of youth.

(3) A lottery provision for all physically eligible youth from a pool composed of all 19 year olds, graduates of a two or four year college, and all others deferred for occupational reasons upon the completion of one year of an occupational deferment. (The last provision would make an occupational deferment only a delay until the employer had sufficient time to find a suitable replacement. The current practice in occupational deferments makes it possible for physically qualified persons to escape service in the Armed Forces on a permanent basis).

(4) A provision to permit service of two years in the Peace Corps, VISTA, and other agencies classified as suitable alternatives to service in the Armed Forces when pay, length of service, and social desirability are the equivalent of those in the Armed Forces. This would open alternative service to all persons, regardless of their personal opposition to war.

We believe that these provisions, and any others should operate on the basically sound principle that all persons ought to be committed to the service of their nation in some constructive manner, either in the Armed Forces or through some other socially desirable service to their fellow men.

Respectfully,

JOHN G. DETWILER,
Acting President.

ST. OLAF COLLEGE,
Northfield, Minn., August 12, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for your letter of August 5 and the enclosure regarding the proposed amendments to the Selective Service Act.

I heartily concur in the amendments you have suggested. I hope they will be well received in the Senate.

The uncertainties which face young men these days are certainly difficult for the young men involved, but I think they also raise the serious questions with regard to the health of the nation in the long run. While it is necessary to provide needed military manpower, it is also necessary that we have the longer view and do not adopt policies which will make it impossible for us to supply general manpower needs in the future. This is one of my concerns with regard to the rather ruthless manner in which some young men are being taken out of graduate study at the present time. This is not only tragic for them as individuals, but it is most likely a tragedy in many cases for the country as well.

All of this reminds us, of course, that we are talking about one side of the coin. The other side is a strange and complicated circumstance which we call Viet Nam. I guess my basic position is that we should bend every effort to solve the Viet Nam problem even if it involves some loss of face for the United States, and that we should revise the Selective Service system in such a way that it will be adapted to a peace-time situation and not what we hope is a temporary wartime situation.

Thank you again for sharing your proposals with me. The thoughtful exercise of judgment by you men who bear responsibility in the Senate and the House is appreciated by those of us who observe your work and too often only give negative criticisms concerning it.

Yours sincerely,

SIDNEY A. RAND,
President.

ST. MARY'S DOMINICAN COLLEGE,
New Orleans, La., August 12, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for calling my attention to your Draft Reform Bill.

After reading it carefully, I wish to state that I concur wholeheartedly with the proposals and the reasons which prompted them. I do hope the Military Selective Service Act of 1967 will be amended accordingly.

Best wishes.

Sincerely,

SISTER MARY URSULA, O.P.,
President.

BOWDOIN COLLEGE,
Brunswick, Maine, August 14, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you very much for your letter of August 5th, in which you send us your proposal regarding the amendment of the Military Selective Service Act of 1967.

We are very much interested in this. It is certainly a subject of national concern, and one which vitally affects the colleges. It affects the colleges, not only in terms of its impact on them, but also in terms of its impact on the effective training of manpower to meet national needs.

With very best wishes,

Sincerely yours,

ATHERN P. DAGGETT,
Professor of Government,
Acting President.

ARIZONA WESTERN COLLEGE,
Yuma, Ariz., August 14, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: We are delighted with your amendment to the military Selective Service Act of 1967. The Act with your amendment presents a fair and easy-to-understand policy for our young men. We will watch the progress of this amendment with interest.

Sincerely,

GEORGE L. HALL,
President.

THE CLEVELAND STATE UNIVERSITY,
Cleveland, Ohio, August 14, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HART: I am writing with reference to Senate S. 3394 to amend the Military Selective Service Act of 1967.

As you, Senator Edward Kennedy, and many other thoughtful Americans have so often said, the present Selective Service system is arbitrary, capricious, unfair and inadequate. A number of special studies document what students, parents, teachers and observers from all walks of life already know—that the system badly needs a thorough overhauling along with fresh new leadership. The "draft" is much too sensitive an area to permit even the suggestion that it is to be used as a club to curb dissent. We must have no more such threats from any source.

The provisions of S. 3394 strike me as sensible and proper. The lottery approach fits (or ought to fit) our deepest, most profound convictions about the ultimate equality of citizens in a democratic society. A "system" that protects the wealthy, the advantaged, the clever, and asks those who have the least stake in America to make the greatest sacrifices is no longer tolerable, if indeed it ever was. Nor is there any good reason for continuing a system that exposes our young people to years of continuing "jeopardy." Your proposal would correct this by the simple measure of a defined—and brief—period of "jeopardy."

It may be that in the long haul the nation will require a volunteer army, with salaries and benefits more commensurate with risks. However, in the immediate future your proposal surely represents a long-overdue series of steps in the right direction. The widespread cynicism about the present system affords the most eloquent testimony of all that fundamental changes are essential.

I hope that you and your colleagues will continue to press for revisions along the lines of S. 3394.

Sincerely yours,

HAROLD L. ENARSON,
President.

THE UNIVERSITY OF NORTH DAKOTA,
Grand Forks, N. Dak., August 13, 1968.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for your letter of August 5 with reference to S. 3394 to amend the Military Selective Service Act of 1967.

In general I like what you propose and I believe it provides a much better system of selection than the original act. I believe, with you, that the military people would much rather get 19 year olds first. I can assure you that those of us in higher education would prefer the drawing of those to be drafted from a prime selection group such as you establish.

Thank you again for this service.

Sincerely,

GEORGE W. STARCHER,
President.

VIRGINIA MILITARY INSTITUTE,
Lexington, Va., August 14, 1968.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I appreciate your kindness in sending me a copy of S. 3394, amending the Military Selective Service Act of 1967. I have read it with much interest, particularly in regard to its relationship to college students.

While I feel that it is desirable to spread equitably the burden of the draft, it is to be hoped that no qualified young man, progressing normally in his academic effort, should be deprived of an opportunity for a college education unless full mobilization conditions exist. It is to be hoped, therefore, that these students accepted for advanced degrees will be permitted to continue into graduate school.

Thank you again for your letter.

With kind regards.

Sincerely,

GEORGE R. E. SHELL,
Major General.

SMITH COLLEGE,
Northampton, Mass., August 13, 1968.

DEAR SENATOR HART: Thank you for your note of August 5, the copy of Senate S. 3394, and your thinking thereon. Certainly your bill is a great improvement on the present unhappy situation. My only comment and hope is that somehow and soon we can move in the direction of a broadly-defined national service of which military service would be merely an important component and in which even young women might be included. Although it is difficult to establish such a policy when a shooting war is going on, there is good reason to start discussing and planning now for such a complicated move, but one which seems to me essential in the light of the idealism and concern of today's young people.

Faithfully yours,

THOMAS C. MENDENHALL.

UNIVERSITY OF MAINE,
Orono, Maine, August 12, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I have read your letter of August 5 addressed to the former President of the University on the subject of S. 3394, a bill which is intended to improve Selective Service procedures, and I wish to state that I strongly support the reforms you recommend.

I have long felt that the uncertainty in which present procedures place a young man is undesirable and, even worse, unnecessary. Your proposal reduces this uncertainty and at the same time improves fairness, as all young men would be exposed to the same risk during the year that they remain in the pool.

As a person who was born and raised in Michigan, I should like to add parenthetically that I have followed your political career with great interest. I hope that your efforts may be crowned with success in this area, as they have in others.

Sincerely yours,

JAMES M. CLARK,
Vice President for Academic Affairs.

HUNTER COLLEGE,
New York, N.Y., August 12, 1968.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for sending me your letter of August 1st., with a summary of your bill, Senate S. 3394, to amend the Selective Service Act of 1967. I think the whole Selective Service system stands in need of radical reform, and I feel

that your proposals are an intelligent and a constructive beginning.

I hope that they are given rapid and favorable consideration by both the Senate and the House.

Yours sincerely,

ROBERT D. CROSS,
President.

GEORGETOWN UNIVERSITY,
Washington, D.C., August 13, 1968.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR PHIL: Thank you for your letter of August 1st in which you notified me of Senate Bill 3394 which you introduced to amend the Military Selective Service Act of 1967. I read with great interest your letter and the accompanying excerpt from the *Congressional Record* of April 26th concerning this Bill.

I was very happy to see that you are taking leadership again in the attempt to bring about the reform of our present draft legislation. I am certain that there is need for considerable reform in this area and that the Bill which you have introduced will move us substantially forward in achieving the needed reform.

I certainly hope that the Congress will act favorably upon this Bill because the effects upon our Nation and especially upon our young people will be very substantial. I need not point out to you how important this will be in its effect upon the colleges and universities of our country.

With best personal wishes, I am

Sincerely yours,

GERARD J. CAMPBELL, S.J.,
President.

WESTMINSTER COLLEGE,
New Wilmington, Pa., August 12, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for your letter of August 5 and the enclosure.

In many ways your draft bill is a sensible reform and I shall follow it with interest.

Sincerely yours,

EARLAND I. CARLSON,
President.

WESTMINSTER COLLEGE,
Fulton, Mo., August 9, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am thoroughly in favor of your ideas on the Selective Service system.

I am sure that the colleges will be able to exist with this fair system and I would not be too concerned with the walls of the graduate schools. I speak with some feeling inasmuch as my doctoral program was delayed for four years from 1941–45 and I don't particularly have too much sympathy for those who would bemoan a year or two or pay rent to their nation.

Sincerely,

ROBERT L. D. DAVIDSON.

NORTHERN ILLINOIS UNIVERSITY,
DeKalb, Ill., August 9, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for your letter of August 5, 1968 addressed to President Rhoten A. Smith describing Senate S. 3394. Since President Smith is on vacation I am taking the liberty of replying in his stead.

We are appreciative of your effort to create a more equitable draft law and find a solution to the problems now facing graduate students.

With best wishes.

Sincerely,

JOHN B. GARDNER,
Assistant to the President.

ROCHESTER INSTITUTE OF TECHNOLOGY,
Rochester, N.Y., August 9, 1968.

Hon. PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: I appreciate very much your letter of August 5th concerning your bill to amend the Military Selective Service Act of 1967. This is a much needed revision.

Sincerely yours,

MARK ELLINGSON,
President.

UNIVERSITY OF FLORIDA,
Gainesville, Fla., August 7, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: You are to be commended for your interest and action in introducing Senate Bill 3394.

Your bill seems to be a very equitable solution to this irritating but necessary problem.

With my kindest regards, I am

Sincerely,

STEPHEN C. O'CONNELL,
President.

KENT STATE UNIVERSITY,
Kent, Ohio, August 9, 1968.

Senator PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I want to acknowledge your letter of August 5 with regard to Senate S. 3394. Taking advantage of your open door for comments, please permit me to say that in my opinion your approach as abstracted in your letter is infinitely preferable to present arrangements. I hope that you and others of like mind are successful.

Sincerely,

ROBERT I. WHITE,
President.

HAVERFORD COLLEGE,
Haverford, Pa., August 8, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for sending me further information on S. 3394. Let me just say at once that I personally support your position on those needed reforms in the Selective Service System. Your own remarks and the words you quote from Senator Edward Kennedy ("The entire draft predicament reflects utter folly") seems just right in describing the inequities that now characterize our approach to who must serve and when. I sincerely hope that you and Senator Kennedy will continue to give strong leadership on this important issue and that you will find growing agreement among your colleagues to support at least the four reforms which your bill tries to bring about.

I hope too that at some point you will give very serious consideration to a proposal such as the one outlined in the attached statement. This was drafted by some of our graduating students last spring. It was sent to our alumni for their approval. The response was overwhelming; about 850 of our 4,400 alumni responded (a remarkable response rate to any mailing!) and all but about 50 approved it. Its purpose is to persuade Congress to recognize alternative forms of service as equivalent to military service. This may require some complicated formula whereby a year of military service is the equivalent of a longer period of non-military service. Former Secretary McNamara advocated such a plan in a speech in Montreal a couple of years ago, but it does not seem to have attracted the full discussion it deserves.

If I may be helpful to you in your efforts on behalf of a fairer draft system, please call on me for that help.

Sincerely,

JOHN R. COLEMAN.

ALTERNATE SERVICE RESOLUTION

Our national leaders have often affirmed that our national goal is a society in which no man is a helpless victim of poverty, hatred or injustice. They have challenged us to fulfill our national promise through the formulation of creative programs of service to our country. We believe that there is more than one way for citizens to serve the national interest.

The situation today acutely challenges our ability to maintain our ideals and to keep all our goals before us. Riots across the nation, squalor and despair in urban ghettos, poverty in rural America and hunger in developing nations attest to the gap separating our ideals from our accomplishments. Today many young Americans believe that the resolution of these problems imposes a task as important as the resolution of the Vietnam conflict. Yet we sense that military victory in Vietnam has become so urgent a goal of our government that many crucial national goals and values are being dangerously neglected.

Cannot young Americans equally serve their country by dedicating and contributing part of their lives to problems of domestic and international poverty and social deprivation? Must military service be the only definition of national service? Should not a program of alternative national service, for an appropriate period of time, be recognized as equal to military service?

We believe that we can and must provide more voluntary opportunities for young men and women to contribute to their country through social service. We therefore urge the creation of new civilian agencies to carry out a wide range of constructive antipoverty programs including such activities as teaching, community organizing, hospital and public health work, job training, urban redevelopment and other forms of service. We urge as well the expansion of existing programs such as the Peace Corps, VISTA, and the Teachers' Corps, and we urge the recognition of such programs as voluntary alternatives to military service. While recognizing that the autonomy of independent national and international service organizations must be maintained, we urge that their programs be supported and that their expertise be utilized in the administration of new service programs.

It is a credit to this country that among its young adults, regardless of their social, economic or educational backgrounds, are many not only vitally concerned with domestic and or international social problems but also possessed of special training or insight to deal with these problems. Not to allow such people to work toward their solution constitutes a waste of vital resources.

We believe that the policy of alternative national service comes closer to the challenge of a better society which our leaders have articulated. Many Americans seek the opportunity to fulfill these ideals and to serve this nation by working toward the resolution of domestic and international problems of poverty. In an effort to serve the spirit of our nation and to reconcile ideals and reality we the undersigned firmly endorse a policy recognizing national service as an alternative for military service.

GREENSBORO COLLEGE,
Greensboro, N.C., August 9, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: Thank you for your letter of August 5, and the statement from the Congressional Record. Although Greensboro College is an undergraduate institution, as a college official I certainly see the importance of making provisions for qualified graduate students to continue to the completion of their graduate degree. It is my personal feeling that the Selective Service process should permit students to continue their

education as long as they are making adequate and reasonable progress. I think this should apply to undergraduates as well as to graduates and I think the local school officials should be given some authority in determining what adequate and satisfactory progress toward the degree means. Certainly students who are trying to lengthen their residence and those that are not making satisfactory progress academically should not continue to be deferred.

I am sure this letter does not voice any opinion that you have not heard before but I am happy to pass it on and to express appreciation for your letter.

Sincerely yours,

J. RALPH JOLLY, *President.*

LASELL JUNIOR COLLEGE,
Auburndale, Mass. August 9, 1968.

Senator PHILIP A. HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: Thank you for your letter of August 5th, concerning a more equitable system of the draft. I am not familiar with the details of either current or proposed legislation—partly because I am over age, and partly because I have been associated in recent years with women's colleges.

However, I did serve for five years in the United States Navy (1943–46 and 1950–52). I therefore tend to feel that it is important for all young men to take an active role in service to the nation.

At the same time, I agree entirely that a draft system should be *fair*, that it should apply to *all* equally, and that the elements of uncertainty should be reduced to an absolute minimum.

I do believe that you are especially correct in seeking to make the draft applicable to younger men. I entered the service at 17 years of age, and believe now that it was one of the most fruitful experiences of my life.

Good luck in your important efforts.

Sincerely,

VINCENT C. DEBAUN, *President.*

STATE UNIVERSITY OF NEW YORK,
Stony Brook, N.Y., November 26, 1968.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: I thank you very much for your letter of August 5, 1968, in which you describe the legislation you have proposed to amend the Military Selective Service Act of 1967. I certainly agree that draft reform is desirable to improve the present system.

The State University of New York has the largest enrollment of any university system in the United States. Graduate work in the arts and sciences and engineering in this system is concentrated in four University Centers, one of which is located at Stony Brook. Last December I joined with the presidents of the three other University Centers in expressing to the President of the United States our grave concern for the future of American education in light of the discontinuation of Selective Service deferments for graduate students. We asked the President to give primary emphasis in his deliberations to the vital needs for trained intelligence in the defense of our nation and the progress of our society. Those educated with Master's and Ph. D. degrees are the invaluable leaders in many major developments, and we believe that every effort must be made to defer the military service of as many able students as possible until completion of advanced degrees.

I believe that it is the obligation of each citizen to be available for his nation's service. Previously the deferment of graduate students was rightly criticized on the grounds that these deferments more often than not become exemptions from military service. However, the Military Selective Service Act of 1967 now provides that men who have been deferred during their studies shall be considered among the prime group for induction upon completion of their degrees. Thus, the law now has answered the previous objections on moral grounds to graduate deferments.

I can appreciate the reasoning behind your proposal to meet the Department of Defense's recommendations for younger men in military service. Nevertheless, the deferment of graduate as well as undergraduate students is in the interest of the military service, as well as society as a whole. Those who have completed their graduate studies are, by virtue of this training, of increased value to the military services as well as to society. Their advanced training can be utilized in the service at a truly professional level, and this post-doctoral experience advances these men in their professions while they are also being of maximum value to the nation. Indeed the military services themselves frequently assign personnel on active duty to graduate study because of the critical importance of such advanced training to the needs of the services. Thus, I believe post-doctoral (or post-Master's degree) military service best serves the needs and interests of both the armed services and our society as a whole.

There is another reason for restoration of deferments for graduate students to the national interest. We have come to rely heavily upon graduate students in all aspects of university life, especially in research and undergraduate instruction. They are essential to the program of education at all of the best universities in the nation. Undergraduate education will suffer greatly if these graduate assistants are eliminated. Only adequate rules for deferment of this group can avoid serious damage to the work of universities. Again, controls could be instituted, such as those suggested in your legislation, which would insure that graduate assistants would be eligible for induction with the prime age group upon completion of the Ph.D. degree.

In summary, I hope that your efforts to amend the Selective Service Act will indeed spread service equitably among all groups but will at the same time allow the time of service to be postponed until the student has completed any degrees toward which he has been making good academic progress. In this way the time of military service occurs at the point in the student's life when he is apt to be most useful to the nation as well as to benefit most in his own professional development. The present law recognizes the nation's needs for more professionals in health-related areas; I hope future policies will note that our nation has similar needs in other professional areas.

Sincerely,

JOHN S. TOLL,
President.

The PRESIDING OFFICER. Is there further morning business?

STILL TOO MANY HUNGRY CHILDREN: A LOOK AT THE SCHOOL LUNCH PROGRAM

Mr. YARBOROUGH. Mr. President, the Select Committee on Nutrition and Human Needs of which I am a member has held several days of hearings on the problems of hunger and malnutrition in the United States, and will have more hearings in the future. The extent to which such problems exist has been documented beyond doubt. Recent testimony before the committee has revealed some startling facts about the effectiveness of the school lunch programs.

On February 20, 1969, Mr. Paul Matthias, director of the South Carolina Council on Human Relations, pointed out to the committee that certain discrepancies exist in the administration of the program in his area. In Beaufort County, S.C., for example, less than half of the 3,987 children from poverty-level families are receiving a free lunch. Two thousand ninety poor children have to pay the full price, bring a bag lunch from home, or not eat at all—which is usually the case. Usually they have nothing.

The tragic thing is, these figures are by no means unique. The committee has heard other testimony that points to the fact that there are still too many hungry, malnourished children in the United States. Somehow, the school lunch program is not being carried out as effectively as Congress intended it to be, largely because of local opposition, local inefficiency, and local failure to cooperate.

Just last year, Congress passed an extension of the school lunch program. I voted for that extension and spoke on the Senate floor in favor of it, opposing efforts to cut out these lunches. The bill approved by the Senate provided an additional $32 million to the States to be matched with State and local funds to assure that no child goes hungry in our schools.

Last year, the Department of Agriculture estimated that there were more than 9½ million boys and girls nationally—nearly 800,000 in my home State of Texas—who must attend school with empty stomachs. Think of it, Mr. President: 9.5 million children in schools in this country every day with no food.

However, the testimony given thus far before the Select Committee on Nutrition and Human Needs indicates that the extent of real hunger and malnutrition may be even greater.

These children are not just temporarily hungry; they are constantly hungry. They are suffering from anemia, rickets, vitamin deficiencies, goiter, and various forms of severe malnutrition because they are hungry. Needless to say, their ability to learn, to grow, to lead normal, healthy lives is greatly affected by their empty stomachs and poorly nourished bodies.

There was testimony before the committee, Mr. President, that by the time a child is 4 years of age, 90 percent of his brain capacity is developed, and if he is poorly nourished or starved up until that time, he will probably be mentally retarded the rest of his life. This is a crying shame, Mr. President.

The select committee also heard testimony which documented widespread infections of intestinal parasites—such as *Ascaris*, or "round worms"—which drain the small amounts of protein and carbohydrates consumed by these children. This means that tens of thousands of diseased and malnourished children are attending our public schools, and are still not receiving the food and other assistance they need to help them build healthy bodies.

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

Mr. YARBOROUGH. I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. YARBOROUGH. Mr. President, too often it seems as if our educational system is set up to accommodate the schedule of the principals and administrators, rather than the lives of the children. In light of these findings, I think the educational establishment will have to do some searching of itself to see what is good for the children, and not merely what is convenient for the administrators.

These schools should be built and run for the benefit of the children. The schools should be run to educate the children and not to accommodate some administrators.

Mr. President, in the light of these findings, I think that the educational establishment will have to do some searching of itself to see what is good for the children and not merely convenient for the administrators.

It is my hope that the day will come when every school child in this country can have not only a free lunch, but a free breakfast as well. I look forward to the time when a program such as the one operated by School Superintendent B. P. Taylor of San Diego, Tex., will be the rule and not the exception. These children are hungry, Superintendent Taylor has demonstrated that there is no reason why they cannot be fed. He has demonstrated that where there is a will there is a way and that there is no reason why these young children cannot be fed two meals a day.

The school district of Superintendent Taylor is one of the most impoverished school districts in Texas. Yet he has had the will to do this. Every child there is getting two meals a day. And after only 2 or 3 years, the effect on these children is becoming apparent.

The select committee learned that in many cases where the funds are available to provide free lunches for needy children, but discriminatory practices on the local level denied this food to many children eligible to receive it. The committee also heard testimony that some schools were actually "punished" for their noncompliance with the civil rights laws by cutting off their funds for the school lunch program.

Mr. President, I submit that this action is outrageous. It is cruel and inhuman to deprive children of much needed food in an attempt to punish the school system for failures in other areas. In some cases, the free lunch program had been underway for less than a month when it was suddenly discontinued. These children had gotten their hopes up for food for their empty stomachs, only to have them dashed to pieces, and be forced to go hungry again.

When Congress appropriated the funds for the school lunch program, it meant for this money to feed hungry children. In too many cases, however, this money is not being used in places where the money is already available, but adequate, efficient programs are not.

I believe that Congress must continue to appropriate sufficient funds to provide free food for the many poor and hungry children in our country. But, Congress should also insist that these funds be utilized to the fullest extent to provide the nutrition and nourishment missing from the diets of these children. We should take whatever steps that are necessary to see that the school lunch program operates at its greatest potential, and we should continue to seek new ways to feed the hungry children in our country.

When we come right down to it, there is absolutely no reason why every single school child in this country cannot have at least one healthful, nourishing meal a day.

Mr. President, I say there is no reason for not having two school meals a day at least. They should have one at breakfast and one at noon. There is simply no excuse for us to continue to allow the existence of hungry, malnourished children in the United States.

The committee heard evidence relating to some cases in which the buses would pick up the children at 5:30 and 6:30 in the morning in order to get them to school on time. And the school administrators said that it would interfere with schedules if they were to give them breakfast at that time. The children had not had breakfast before they left home.

Asking pardon for a personal reference, I taught school in the rural districts for 3 years—2 years in a one-teacher school 6 miles from a highway or railroad. The grades went from the primer grades through the eighth grade. Most of the children were from the families of tenant farmers.

There is not any reason why our school administrators cannot realize that they are there to give these children a chance in life and not to make the lives of the administrators more convenient. These children should have a nourishing breakfast and lunch at school.

I am hopeful that this session of Congress will respond to what we found in the committee and will take immediate significant and long-range action, action that will extend beyond 1 year, to alleviate the problem of hunger and malnutrition in this Nation, and particularly in the case of schoolchildren.

Insuring an effective, well-managed school lunch program would be a giant step in the direction of having not only more efficient schools, but also a better America.

ORDER OF BUSINESS

Mr. MILLER. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

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

PRESIDENT NIXON'S VISIT TO EUROPE

Mr. MILLER. Mr. President, the people of the United States are thankful for the safe return of our President, Richard Nixon, from his precedent-setting visit to Europe.

We are also thankful that the trip has been widely hailed as a success in providing a better understanding and climate for future relations between the United States and its NATO allies and trading partners in Europe. Cynical predictions of failure made by a few short-sighted individuals have been shown to have been unfounded.

As the Washington Evening Star commented on its editorial page yesterday:

> President Nixon has reason to feel a deep sense of satisfaction with the mission he has accomplished in free Europe. After eight days of strenuous travel and intensive talks, he has a clearer and surer understanding now of the problems our country shares with its NATO allies. And they in turn have a better appreciation of the American position. To that extent, as the President has said, his trip has generated a new degree of mutual trust. This is all to the good.

No one, least of all the President, expected his trip to solve the problems—they are much too deep and complex for that. To use the words of the Star's editorialist:

> But a promising beginning has been made. He has impressed all the leaders—in Brussels, London, Bonn, West Berlin, Rome and Paris—with his repeated emphasis on give-and-take consultation between them and us. His assurances on that point have allayed fears in many quarters that the United States—which has been preoccupied with Asia and somewhat neglectful of its ties with Europe—might be veering toward a neo-isolationist policy and a go-it-alone approach to the Soviet Union.

For too long, now, the leadership of this country has failed to maintain confidence among our European allies. President Nixon has made a major step in restoring this confidence.

S. 1361—INTRODUCTION OF BILL TO AMEND TITLE II OF THE SOCIAL SECURITY ACT

Mr. MILLER. Mr. President, I introduce, for appropriate reference, a bill to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from the insurance benefits payable thereunder. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MILLER. Mr. President, the bill deals with the retirement test under the Social Security Act and basically does two things. It increases the annual earnings which a social security recipient may have, without suffering reductions in his benefits, from $1,680 to $1,800. It also provides for a variable exempt amount which in effect would provide a higher annual exempt amount for persons who receive low social security benefits.

Mr. President, I think that, on the whole, the retirement test has functioned adequately throughout the years. It must be remembered, however, that this test of retirement is really a compromise between the principle that social security insurance benefits should be paid only to those suffering a loss of work income and the goal that disincentives should not be created for those who wish to work. The retirement test, as it stands today, prevents the payment of benefits to people with substantial earnings from work, but does not prevent payment merely because a beneficiary has some earnings. It thus does not completely remove incentives to work.

This is not to say, however, that the retirement test cannot be improved. I think there are two areas where improvement can be made, and I have tried to cover those areas in my bill.

The annual exempt amount has been increased from $600 in 1951, when an annual exempt amount was first used, to $1,680 in 1968. Nevertheless, according to the Department of Health, Education and Welfare, since 1955 the exempt amount has not increased relative to earnings and in fact has decreased in periods between statutory increases in the amount. Those statutory increases had the effect of bringing the amount back to about 30 percent of the median earnings of male workers.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a table prepared by HEW showing the relationship between the annual exempt amount and the median annual earnings of all male workers in covered employment in 1940 and in all the years since 1951.

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

TABLE 1.—COMPARISON OF MEDIAN EARNINGS OF ALL MALE WORKERS IN COVERED EMPLOYMENT WITH EXEMPT AMOUNT OF THE RETIREMENT TEST IN SELECTED YEARS

Year	Median annual earnings of all male workers	Annual exempt amount	Exempt amount as percent of median earnings of all male workers
1940	$935	[1] $179.88	19.2
1951	2,838	600.00	21.1
1952	3,046	900.00	29.5
1953	3,275	900.00	27.5
1954	3,263	900.00	27.6
1955	3,315	1,200.00	36.2
1956	3,546	1,200.00	33.8
1957	3,538	1,200.00	33.9
1958	3,516	1,200.00	34.1
1959	3,783	1,200.00	31.7
1960	3,879	1,200.00	30.9
1961	3,936	1,200.00	30.5
1962	4,132	1,200.00	29.0
1963	4,266	1,200.00	28.1
1964	4,480	1,200.00	26.8
1965	4,680	1,200.00	25.6
1966	4,960	1,500.00	30.2
1967 [2]	[2] 5,250	1,500.00	28.6
1968	5,500	1,680.00	30.5
1969	5,720	1,680.00	29.4
1970	5,980	1,680.00	28.1
1975	7,440	1,680.00	22.6

[1] No annual exempt amount was provided before 1951. The figure shown is 12 times $14.99 the monthly exempt amount in effect through 1950.

[2] Figures for years beginning with 1967 are based on estimates of the Social Security Administration.

Mr. MILLER. Mr. President, HEW has estimated, based upon anticipated increases in earnings in 1969–70, that an increase of the annual exempt amount to $1,800 effective in 1970 would maintain the same relationship that existed in 1968 between median annual earnings and the annual exempt amount. Such an increase of 7 percent is also justified because of the nearly 5 percent increase in the cost of living during 1968 alone. HEW estimates that changing the annual exempt amount from $1,680 to $1,800 would cost 0.05 percent of taxable payroll.

As stated previously, the second part of my bill amends the retirement test by providing for a variable exempt amount. What this does, in effect, is to provide a higher annual exempt amount for people who receive low benefits. Merely increasing the amount of outside earnings a social security recipient may have in addition to social security benefits before he is cut back is not enough. Persons with high social security income do not have to earn as much in order to maintain a reasonable standard of living as do those down at the bottom of the totem pole in social security benefits. Therefore, it is important to give the social security recipient with low benefits a chance to earn more.

For example a person receiving the minimum social security benefits of $660 a year, would be permitted to earn $2,340 without having his social security benefits reduced. On the other hand, one who had $1,200 in social security benefits could earn $1,800 without having his benefits reduced.

This, I think, gets at the problem we are trying to solve by encouraging those who need to earn supplemental income to reach a reasonable level of income to do so without being penalized.

Some objections have been raised concerning this proposal on the ground that it would generally benefit those whose major employment was in noncovered work—Federal employees, for example—and who qualify for low social security benefits through part-time work. It is argued that such persons would get social security benefits, and probably other public retirement benefits, while at the same time being able to work for substantial earnings. My bill meets that objection since it requires not only earnings to be taken into consideration but also other retirement income, such as civil service retirement annuities.

Mr. President, I think that this proposal not only does equity but is aimed at the real problem—a decent level of income for our retired people. I urge early consideration and passage of this bill.

The bill (S. 1361) to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from the insurance benefits payable thereunder, introduced by Mr. MILLER, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 1361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1), (3), and (4)(B) of subsection (f) of section 203 of the Social Security Act are each amended by striking out "$140" wherever it appears therein and inserting in lieu thereof "$150".

(b) Paragraph (1)(A) of subsection (h) of section 203 of such Act is amended by striking out "$140" and inserting in lieu thereof "$150".

(c) Section 203(f) of the Social Security Act is further amended by adding at the end thereof the following new paragraph:

"(8) Notwithstanding the foregoing provisions of this subsection, no individual shall be charged with excess earnings for any month in his taxable year, if the charging of such excess earnings to such month would (because of the application of subsection (b)) result in reducing below $3,000 the total income of such individual derived, during such taxable year, from (A) his earnings and other retirement income plus (B) monthly insurance benefits to which he is entitled under this title. Whenever, because of the application of the foregoing sentence, deductions under subsection (b) are prohibited from being made in the monthly insurance benefit of an individual, no deductions under such subsection (b) may be made from the monthly insurance benefit under this title of any other person on account of the excess earnings of such individual, if the monthly insurance benefit of such other person is based upon the same record of wages and self-employment income as that upon which the monthly insurance benefit of such individual is based."

(d) The amendments made by this Act shall apply with respect to taxable years ending after December 1969.

IMPROVEMENTS IN EDUCATION

Mr. MILLER. Mr. President, education, according to Webster's, is "discipline of mind or character through study or instruction—a science dealing with the principle and practice of teaching and learning."

Random House dictionary says education is "the act or process of imparting or acquiring general knowledge, developing the powers of reasoning and judgment, and generally of preparing oneself or others intellectually for mature life."

As a student, I could recognize the wisdom of these definitions. As a teacher, I was aware that education required constant efforts to bridge the gap between theory and practice in the teaching-learning process. As a Senator, I am concerned with the educational process and education programs, in the full realization that education cannot stand still—for it is the lifeblood of our Republic.

Education involves less reliance on the status quo and more adaptability to changing concepts in a modern, complex society. This is not to say that we should ignore the traditions which have served us well in the past and which have made America great; rather it is to say that we must constantly seek to broaden the areas of the teaching-learning process in order to improve the system and to make the student a better rounded individual in the "now" generation.

I have talked to many educators and have received much correspondence from those interested in improving the educational process. While we, in Congress, can legislate programs and appropriate funds to finance these programs, it still is up to the educator, the teacher, and the administrator to improve their skills in reaching the student, to more fully develop the latent talents of the student.

Recently, I received a letter from an Iowa superintendent of schools who is a fine educator, one who is not satisfied with the status quo and who is very much concerned with the need to make improvements in education. He—Ralph C. Norris, Polk County superintendent of schools—is typical of the many outstanding educators we have in Iowa. I quote from his letter:

Briefly, we believe that the current unrest among the nation's students and our evident inability to cope with the very violent problems rampant in our land have resulted, in part, from our abject failure to cultivate the full potential of our youth.

Basically, from elementary school through the university, we have stressed the ability to memorize material and repeat it back on

test or in written reports. Research in psychology and in education has shown, in recent decades, that this approach to education is not only excruciatingly boring to most students, but that it doesn't do much good either. The reason it is such a poor approach is that memorization is a very low-order thinking skill. Much more productive, creative abilities exist in our students' intellects, and means are available to instruct children in the use of these abilities if only we are willing to change our current system.

That system, which has become more rigid and regimented than ever since Sputnik-I twelve years ago, is ignoring 75–80% of the available talent in our youth according to Dr. Calvin Taylor of the University of Iowa. Our concentration on the "academic" talents has caused us to ignore children who are potentially great decision-makers, planners, creative artists and engineers, and communicators. And Taylor has shown that, in this respect, we have deprived black and white students equally.

Superintendent Norris has put into practice his theories through an annual inservice and preservice program called Impact. Project Impact brings together 200 teachers and 2,300 students in efforts to develop the techniques and the methods to effect these changes, to bridge the gap between theory and practice.

According to a 1968 report on the progress of the program, a program, incidentally, wholeheartedly supported by the teachers and the Polk County Board of Education, Impact's major thrust evolves from two key educational concerns: First, the need to "humanize" the process of education; and, second, the need to develop innovative teaching methods which will aid productive thinking and minimize the old reliance on rate learning.

In other words, acceptance of each student as a "thinking being."

Largely through the fervor and dedication of Superintendent Norris and other like-thinking educators, the Impact idea was included as part of title III of the Elementary and Secondary Education Act of 1965. Title III makes Federal grants available to local education agencies for projects stressing the creativity-innovation concept espoused by Superintendent Norris. Additionally, the U.S. Office of Education has instituted a program called Pace—projects to advance creativity in education—to encourage local school boards to take advantage of the title III funds.

Mr. President, this program merits the continued support of the Congress, for it goes a long way to uncorking the bottle which has resulted so long in stifling the creativity of our children. I am confident that when legislation is advanced to continue the program and funding, it will receive the strongest support from the Congress.

We, as teachers—

Superintendent Norris says—

are growing rapidly in understanding how to stimulate the student's learning and improve his ability to think. Perhaps a major breakthrough can come in the next dozen years.

If Project Impact continues to receive adequate funding, I believe this major breakthrough will come about.

PRESIDENT NIXON'S EUROPEAN TRIP

Mr. ALLOTT. Mr. President, I wish to take this opportunity to add my words of tribute to President Nixon for his triumphal 8-day European tour concluded last Sunday evening. Although the President has indicated that he will give a full report to the Nation this evening, it is already clear from the elated reports we are receiving from the European capitals that this dedicated statesman has helped immeasurably to renew the long-existing feeling of trust and confidence between the United States and Western Europe.

Yesterday, in what has been described as one of the most difficult missions yet attempted, the United States celebrated the successful launch of Apollo 9 and what this mission portends for the peaceful exploration of space. In a similar way, President Nixon's European tour, acknowledged at the outset as a most delicate and difficult diplomatic voyage, has now launched us on a most hopeful mission of new trust and confidence between the peoples of this country and Western Europe.

Mr. President, Cervantes once observed:

To be prepared is half the victory.

It seems clear to me that the success of President Nixon's tour was assured not in the capitals of Europe but here in Washington prior to the President's departure. Because of the tremendous amount of preparation and hours of briefings, the President was able to take a retinue of facts rather than preconceptions with him on this trip. This kind of preparation, coupled with an eagerness to listen rather than speak, allowed the President to leave in the wake of his tour the hopeful expectancy of a new trust, which is the legacy of a statesman dedicated to a new world fit for peace.

In this regard, I wish to take this means to commend the President on what was obviously a most outstanding and statesmanlike job. The attainment of peace, like the conquest of space, requires the thoughtful energies and dedication of all of the great leaders and peoples of this country. Certainly President Nixon's tour has helped to create the proper climate of mutual trust and regard for the construction of those fragile footbridges of hope which are so essential today to span the chasms of despair and misunderstanding.

Mr. President, I join with my colleagues in the Senate as well as my fellow countrymen in paying tribute to our President for a job well done.

S. 1302—INTRODUCTION OF BILL RELATING TO FEDERAL RECORDING STATUTE FOR OIL AND GAS LEASES

Mr. ALLOTT. Mr. President, the need for a Federal recording statute has long existed and has become more acute as activity in Federal leases has increased. It is likely that recording provisions would have been made a part of the Mineral Leasing Act long ago but for the fact that the State recording statutes partially filled this loophole. There has, however, been expressed considerable dissatisfaction with the present system because only a part of the record relating to Federal leases is to be found in the county records, and because the filing requirements under the Mineral Leasing Act and the recording requirements of the State involve vast duplication of effort and additional expense.

This matter first came to my attention in July of 1959, during the hearings conducted by the Committee on Interior and Insular Affairs on S. 2181, which later became Public Law 86–294, and was directed at protecting bona fide purchasers of Federal oil and gas leases.

At that time an effort was made to include recording provisions in S. 2181, but the urgency of that bill coupled with the legal intricacies of a recording act rendered it impractical. Since that time I have introduced recording legislation for Federal oil and gas leases in each and every succeeding Congress. I, again, introduce such legislation today. It is my hope that a Federal Recording Act can become a reality in the 91st Congress.

Mr. President, the Bureau of Land Management maintains elaborate records relating to Federal oil and gas leases, but takes the position that these are only proprietary records and are therefore primarily, if not exclusively, for the benefit of the Government. In the absence of a Federal recording statute, both State and Federal courts have had to look to State recording acts to settle disputes where constructive notice was at issue.

Under present regulations, numerous instruments affecting title, royalties, and overriding royalties must be filed at the local land office. This is required for several reasons. The more obvious ones are to insure compliance with the acreage limitations, and to inform the Government as to whom it must look for performance of the conditions of the lease. However, the legal effect of filing at the land office is merely to notify your landlord with regard to certain instruments affecting title or changes in rights to the proceeds. To put the world on notice the instrument must be refiled in the county records.

Unfortunately, "putting the world on notice" may be an empty gesture, since before an assignment is effective as against the Government it must be approved by the Bureau of Land Management, and further, if the assignor has exceeded the acreage limitation, the lease may be subject to cancellation. A problem arises when a lease is sold to a bona fide purchaser whose holdings are in conformity with the Mineral Leasing Act but where the assignor's holdings may have been in violation of the act. Usually such violations arise on account of transactions not of record or if the transactions are of record, they cannot be identified by a title examiner no matter how carefully he may search. It is, therefore, impossible for the purchaser to make certain that his predecessor in title has complied with the acreage limitation, and since the lease may be subject to cancellation due to violation of the

acreage limitation, the merchantability of interests in Federal oil and gas leases must necessarily be diminished. This creates a burden on such commerce and thereby limits, to some extent, activity.

One of the objections that has been raised against a Federal Recording Act is that its enactment would require duplicate recordings, at the county recorder's office and at the nearest land office, plus the attendant payment of a duplicate filing fee. It appears to me that this is what is being done now. For example, a simple assignment of an oil and gas lease presents three alternative recording practices.

First, the assignment could be filed at the land office within the 90-day period and subsequent to BLM approval the lease would then be filed in the county office. But, under the rule of *Dame* v. *Mileski*, 340 Pac. 2d 205, there is considerable risk that an intervening assignment could be filed in the county recorder's office, cutting off your rights to the lease.

The second alternative would be to file immediately in the county recorder's office, then file with the BLM within the 90-day period, but to not refile in the county recorder's office upon receipt of the approved assignment. If one is operating under a State statute where filing is not only constructive notice of the existence of the instrument but is also constructive notice of the content of the instrument, the question may then arise as to whether the filing of an unapproved assignment would be effective as constructive notice since there is a patent defect—the lack of BLM approval—on the face of the instrument recorded.

The third alternative would be to file the assignment immediately in the county recorder's office, then file at the land office, and finally to file again in the county office when the approved assignment was received. This, of course, would be the safest technique, particularly in States where State law does not provide for judicial notice of the administrative records of the Federal Government. But, it entails triple filing fees.

Because double and perhaps triple filings are now required in the instance I have just cited, I find little merit in this objection. It is true, of course, that the number of instruments which must be filed in the land office is increased, but not substantially.

A more reasonable criticism would be that a Federal Recording Act may create the requirement to search two sets of records. Such a criticism has as its basis the belief that a Federal Recording Act would not preempt the field. The second paragraph of subsection (f) sheds some light on this subject:

> An instrument affecting title which is not filed pursuant to the provisions of this section shall not affect the rights of any person, association, or corporation acquiring an interest in oil and gas lease or leases in good faith, for a valuable consideration, and without notice of such instrument.

During the 1962 hearings, the question as to whether the language just quoted would be an improper derogation of the State recording statutes was put to the Department of the Interior. The Department responded later by letter. In Assistant Secretary Kelly's August 17, 1962, letter, he stated:

> It is our opinion, therefore, that the enactment of the provision in issue would be a proper exercise of Federal powers since thereby the Federal Government would be pre-empting unto itself the full field concerning recordation of mineral leases and related documents pertaining to the leasing of minerals on the land owned by the United States.

Secretary Kelly cited three cases upon which he based his opinion: *Utah Power and Light Company* v. *United States*, 242 U.S. 389 (1917); *Gibson* v. *Chouteau*, 13 Wall 92 (1871); and *United States* v. *Oregon*, 295 U.S. 1 (1935).

In the Utah Power case the court confirms the principle that "no person can acquire an interest in Federal lands unless the Government gives its consent." The court also held that whatever power a State has with respect to Federal lands, its jurisdiction does not extend to any matter that is not consistent with the full power of the United States to control their use and prescribe the manner by which others may acquire rights to them. Thus, the State may not tax the lands themselves or invest others with any right whatever in them.

In the Gibson case, the Court said:

> With respect to the public domain, the Constitution vests in the Congress the power of disposition and of making all needful rules and regulations. That power is subject to no limitations. Congress has the absolute right to prescribe the time, the conditions, and the mode of transferring this property, or any part of it, and to designate the persons to whom the transfer shall be made. No State Legislature can interfere with this right or embarrass its exercise . . .

This doctrine was reaffirmed in 1935 in the Oregon case, in which the Court said:

> The laws of the United States alone control the disposition of the title to its land. The States are powerless to place any limitation or restriction on that control.

From this it would appear that the Department took the position that a Federal recording act, such as I propose, would preempt the field to the United States. If this is a correct interpretation of its enactment, the necessity of duplicate filing of "instruments affecting title" to an oil and gas lease on Federal lands in the county recorder's office would be obviated.

Projecting ahead, a Federal recording act, such as proposed here, would in time supplant State recording requirements, with respect to Federal oil and gas leases, and examination of both BLM and county records would only be necessary during the transition period. Therefore, this criticism would be valid only during the initial implementation of the act, and would only apply to leases issued prior to the effective date of the act.

In the Department's report on my bill (S. 487 in the 90th Congress), the following comment is made:

> In view of the provisions of the bill relating to inspection of oil and gas leases filed by anybody, we can readily foresee that the land offices will become a hubbub of activity interfering with the normal adjudication of oil and gas leases among other types of public land cases.

It would seem to me that the implementation of Public Law 90–23, providing for publication or the availability of agency rules, opinions, orders, records, and proceedings—sometimes referred to as the Freedom of Information Act—probably renders that argument moot.

While the Department maintains that present records are adequate for proper administration of the Mineral Leasing Act, this conclusion can only be reached by viewing BLM records from the standpoint of the Government's proprietary interest. But these are public lands, and therefore the records concerning them must be public records. All my bill does, then, is merely give to those public records the appropriate status so that they will be considered public records for all purposes. Only one new record would have to be added to the already extensive records maintained by the BLM—a reception journal. In this regard, it was conceded by departmental witnesses in the 1962 hearings, that while they did not believe the reception record was needed by the BLM, it would, nevertheless, be beneficial and useful in their operations.

It seems to me to be an unjustifiable waste to permit these "public records" to continue to be something less than public records in the broader sense, a fortiori, in light of the fact that the bill requires that the system be self-sustaining through the imposition of fees.

The Department has indicated that it did not feel that the Federal recording system could be implemented within the 90-day period specified in the bill. As I pointed out in the 1962 hearings, 90 days was simply a figure arrived at as a reasonable time during discussions with interested parties. The Department suggests a 6-month period for implementation, and in the spirit of cooperation, I have appropriately amended the bill to reflect this suggestion.

Mr. President, the Government has a primary interest in the leasing of Federal lands for oil and gas, and because of this interest it requires that a large variety of instruments not only be filed in the land offices but also reserves the right to approve the purported action effected by those instruments. In other words, the Government does not relinquish its right of surveillance of a lease no matter how many hands it may pass through. By the same token, it cannot dissociate itself completely from the atmosphere which surrounds transactions which arise out of a Government lease. This atmosphere must be healthy if our oil and gas resources on public lands are to be found and developed. In light of our ever-increasing dependence upon foreign sources for petroleum, and the added pressure this dependence places on our balance-of-payments deficit posture, the maintenance of a healthy atmosphere in the field of Federal oil and gas leasing is in the national interest. In my judgment, the enactment of a Federal recording act would further enhance both the Government's mineral leasing program and the attendant atmosphere.

It is for these reasons that I again

introduce my bill providing for a Federal recording system and ask for early consideration.

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

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

The bill (S. 1302) to amend the Mineral Leasing Act of 1920 in order to provide for public records of oil and gas leases issued under such act and other instruments affecting title to such leases, and for other purposes, introduced by Mr. ALLOTT, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 1302

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437), is amended by adding thereto a new section as follows:

"SEC. 43. (a) The Secretary of the Interior shall keep and maintain in each local land office of the Bureau of Land Management the public files and records required by this section for instruments affecting title, as hereinafter defined, to oil and gas leases on lands within the respective jurisdictions of said offices, and shall perform the other duties in connection with such files and records as required by the Act.

"(b) 'Instruments affecting title' as used herein means: oil and gas leases; contracts for the purchase or sale of oil and gas leases; assignments and instruments of transfer of oil and gas leases and interests therein; assignments and instruments of transfer of overriding royalties and production payments; mortgages and other instruments encumbering oil and gas leases and interests therein, overriding royalties or production payments; releases and relinquishments of leases, mortgages and other instruments of security; options for oil and gas leases; unit agreements; cooperative agreements; communitization agreements; operating agreements; development contracts; and, any other instrument transferring or encumbering any oil and gas lease, option, or interest therein, or production therefrom.

"(c) The Secretary shall require each local land office as to lands within its jurisdiction to keep and maintain the following records and files, to make the entries therein and thereon, to keep all instruments affecting title in appropriate permanent files and to do such other things as are required by this Act:

"(1) A daily reception record upon which the local land office shall immediately upon the filing of an instrument affecting title enter the day, hour, and minute of filing, showing in such record the serial number of the oil and gas lease or leases affected, and noting on each such instrument the day, hour, and minute of filing. The date of record of such instrument shall be from the date, hours, and minute of filing.

"(2) A serial register with respect to each oil and gas lease and a separate permanent file under the same serial number as the serial register for each such lease. The local land office shall, when an instrument affecting title is filed, immediately enter on the serial register the date of filing, a description of the instrument filed. If any departmental action is taken thereon, the nature and date of such action shall be entered in the serial register when such action is taken. Any such instrument so filed shall be immediately placed in the appropriate permanent lease file; if more than one such file is affected a duplicate of such instrument or appropriate written cross reference by serial number shall be placed in each such lease file.

"(3) Each local land office shall keep and maintain an index by land description wherein the lands are identified by quarter-quarter sections, lots or similar subdivisions, showing each oil and gas lease and the serial number thereof affecting such land.

"(4) If a new oil and gas lease serial number is assigned to all or any portion of an oil and gas lease, the local land office shall make a new serial register and separate permanent file for the new number and make appropriate entry on the serial register for the prior serial number showing the new number and shall also immediately enter the new number in the index by land description.

"(d) The Secretary, after public notice in the Federal Register as to amounts and after a reasonable period of time during which interested parties may submit recommendations, shall fix and establish fees to be charged by local land offices in connection with filing and issuance of certified copies of instruments affecting title. It is the express will of Congress that this section shall be self-supporting as nearly as may be possible.

"(e) Each instrument affecting title which is filed with the local land office, and as to which the prescribed fee is tendered, shall be accepted for filing. The notations with respect thereto shall be made promptly as hereinabove provided.

"(f) Each instrument affecting title filed in accordance with the provisions of this section shall be notice of the existence and content of such instrument from the time of filing: *Provided, however,* That a person acquiring an oil or gas lease or any interest therein shall be charged with notice of only those facts apparent from the instruments affecting title, as defined herein, which are contained in the permanent file applicable to that lease.

"An instrument affecting title which is not filed pursuant to the provisions of this section shall not affect the rights of any person, association, or corporation acquiring an interest in oil and gas lease or leases in good faith, for a valuable consideration, and without notice of such instrument.

"(g) The records and files required by this section to be kept and maintained shall be public records open to inspection during office hours in the respective local land offices or at the storage center to which old, closed, and inactive files may have been sent by a local land office. Upon written request and upon payment of the prescribed fee, the local land office or storage center shall furnish, or permit to be made, an exact copy or reproduction accurately showing such instrument in all details, and the Secretary, or someone delegated by him, shall, upon request, certify that any such copy is a true and correct copy of the original instrument. Any such certified copy shall be prima facie evidence in all courts or administrative agencies but shall not be conclusive and may be rebutted or contested by competent evidence.

"(h) No local land office shall receive an instrument affecting title for filing or make any entry on the records with respect thereto, nor furnish a certified copy of any filed instrument or records pertaining thereto, unless the prescribed fee for such filing or certified copy, as the case may be, shall have first been tendered.

"(i) The provisions of this section shall be applicable to instruments affecting title to oil and gas leases on public lands and acquired lands, or interests therein, under the terms and provisions of the Mineral Leasing Act, of February 25, 1920, as amended (30 U.S.C. 181, et seq.), or under the Mineral Leasing Act for Acquired Lands, of August 7, 1947 (30 U.S.C. 351, et seq.).

"(j) The amendments made by this Act shall become effective after six months after the date of enactment, and nothing herein shall be construed as requiring any instrument affecting title which is executed prior to the effective date of this section to be filed hereunder, nor shall any right be adversely affected for failure to file such prior executed instrument pursuant to this section."

LITHUANIAN INDEPENDENCE

Mr. ALLOTT. Mr. President, two anniversaries this week are worthy of note. The first commands glory, for it is the 51st anniversary of the Declaration of Independence of the people of Lithuania.

The second is hardly cause for celebration, however, for it is 28 years this week, since the fate of Lithuania was sealed and the freedom and independence of millions of other eastern European people destroyed.

For just 23 years, the brave people of Lithuania enjoyed freedom until it was snatched from them by the Soviet Union.

Only last year, this same enemy invaded Czechoslovakia in another act of flagrant aggression.

We in the United States, who so often take freedom for granted, should heed the example of the Lithuanian people. They still cling to the hope that their land will once again be free, even though their every action toward freedom invites persecution.

At this time in our history, when the United States, herself, is locked in a deadly struggle with Communist aggression far from her shores and the same enemy took captive one of our ships off the coast of North Korea and subjected our men to innumerable cruelties, it is well for us to heed and take heart from the spirit of freedom and determination still burning in the hearts of the Lithuanian people.

Would that we could offer some immediate hope or some immediate solution to their enslavement. However, immediate or not, it should be the official policy of this Government, just as it has been the sense of Congress, to free Lithuania from the rule of tyranny. Toward that end we join with Lithuanians everywhere in the celebration of the anniversary of their independence.

PRESIDENT NIXON'S EUROPEAN TRIP

Mr. HRUSKA. Mr. President, together with all Americans I wish to express my gratitude to President Nixon for what he has achieved for all of us in the past week. He has done what he has set out to do in his historic journey to Western Europe. He has succeeded beyond all expectations.

He felt that it was necessary at the beginning of his administration to forge closer ties with our European allies, to get their views, to establish a further basis of understanding and trust as we face our common problems, as we seek

peaceful solutions in negotiations with the Soviets on a wide range of subjects. These negotiations can only be conducted from a standpoint of Western unity and Western strength.

There were those who felt that the timing of the trip was unfortunate in view of differences among our allies. But the President found that despite inevitable differences, there were common interests of overriding importance. As he said, there is a "common tradition of freedom, the common desire for progress, the common passion for peace." There is a will to solve problems faced by all in this fast-changing world of the 20th century.

Europe is not only an area of primary security interest to the United States. It is also a great reservoir of talent and ideas, wisdom and experience, on which we can draw. The President made clear that we will do just that.

The peoples and leaders of Europe responded enthusiastically to the President's call for more consultation, for greater mutual understanding. The United States and the President can now look forward with greater confidence as the urgent search for peace is pressed by all men of good will.

All Americans are gratified for a job well done.

PRESIDENT NIXON CONGRATULATED ON SUCCESSFUL EUROPEAN TRIP

Mr. MURPHY. Mr. President, I am sure I speak for Members on both sides of the aisle in congratulating President Nixon on the success of his European trip.

As a Californian, I take special pride in the President's 8-day journey. The entire world was able to witness Mr. Nixon, who has risen from his humble background in Whittier to the leadership of free men everywhere, meet Europe's statesmen with the special grace, dignity and wisdom he portrayed so clearly. Where else but in America could this happen?

Of equal import, it seems to me, based upon watching television, listening to the radio, and reading the newspapers, is that the President established a broad feeling of representing all the people of this great Nation. This is an imperative and fundamental first step in rebuilding an American image which has been so badly decimated, in rebuilding the respect, regard and repute we once enjoyed.

During his campaign, Mr. Nixon presented three objectives concerning Western Europe. He called for constructive consultation. He promised to "listen more, talk less." He said he would open communications with President de Gaulle. The President's trip has established important and meaningful steps toward each of these goals. Hopefully, too, it should serve to reveal whether President de Gaulle can serve as a building block, not a stumbling block, in the formation of a strong and united continent.

It is a tribute to Mr. Nixon's confidence that he embarked at so nearly a date on his low-key adventure in personal diplomacy. And it was important that he personally take word as to his own intentions to the people and leaders of Western Europe.

President Nixon impressed all the leaders he met, in Brussels, London, Bonn, West Berlin, Rome and Paris with his repeated emphasis on frank, give-and-take consultation. He has also impressed the people of our country who looked upon his trip as their own.

Tonight the President will speak on television further on the accomplishments of his 10,000-mile journey, and we await his comments with great interest.

I would like to ask unanimous consent that a Los Angeles Herald-Examiner editorial, which certainly seems to indicate approval of the President's trip and his actions throughout the journey, be printed in the RECORD.

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

PEACE PILGRIMAGE

If you believe the professional pessimists, President Nixon's "working" tour of Allied capitals in Europe was doomed to disappointment even before he took off for Brussels last Sunday morning. He was heading for the wrong places at the worst possible times, they said, and it was impossible for him to avoid stepping on at least one political minefield.

The President's chief risk, in the bleak view of these pundits, was the danger of increasing disunity rather than allaying it. Thus he was almost inescapably bound to become involved in the latest De Gaulle vs. Britain battle over NATO and the Common Market; was threatening to increase East-West tensions by visiting West Berlin; was adding possible further complexity to the Paris peace talks; and, finally, was inviting violent anti-American demonstrations.

There is no doubt that the tour involves political and personal risks for the President. But what the doomsayers have overlooked—or deliberately ignored—is that they are carefully calculated risks. And it is precisely because European unity is in such disarray that the President has given it such priority attention. Quite simply, he had gone forth to examine the problems first hand since the risk of not coming to grips with them as early as possible is the one risk that cannot be taken.

President Nixon, in his own words, has set the best possible tone for his journey. It is low-keyed, modest, conciliatory and even—for the moment, at least—neutral. As he summed it up in Brussels: "I have come . . . to inquire, not to insist; to consult, not convince; to listen and learn and to begin what I hope will be a continuing interchange of ideas and insights."

Such an attitude is both a shield and an invitation. It is a shield which, by its unpretentious declaration of goodwill in the search for peace and cooperation, deflects and shames the efforts of anti-American demonstrators. And it is an invitation which the Allied leaders of Europe, despite their immediate differences and hostilities, should in the long run find difficult to resist.

By personally presenting to Europe the image of a United States determined to talk with its partners instead of at them, President Nixon already has made his trip worthwhile and relegated its potential troubles to secondary importance.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Mr. MATHIAS. Mr. President, on February 25, I introduced Senate Joint Resolution 52, a joint resolution dealing with representation in Congress for the District of Columbia. At that time, the distinguished senior Senator from New York (Mr. JAVITS) was on the floor of the Senate and was a cosponsor of that joint resolution. However, through inadvertence his name does not appear.

I ask unanimous consent that at its next printing, the name of the senior Senator from New York (Mr. JAVITS) be shown as a cosponsor of Senate Joint Resolution 52.

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

Mr. MATHIAS. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from New York (Mr. GOODELL) be added as a cosponsor of Senate Joint Resolution 52.

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

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I yield to the Senator from Virginia.

THE NATIONAL DEBT

Mr. BYRD of Virginia. Mr. President, the President of the United States has recommended that the debt ceiling be increased by $17 billion. There is more to the President's proposal, however, than that. He proposes to reduce the debt ceiling, but to eliminate from the ceiling certain obligations of government. Nevertheless, the net effect is to increase the debt ceiling by $17 billion.

I wish to insert at this point in the RECORD the national debt as it has existed at various times:

April 12, 1945, $234 billion.
January 19, 1953, $267 billion.
January 19, 1961, $290 billion.
January 17, 1969, $360 billion.

Mr. President, it will be noted that the net debt of the United States increased $33 billion during the nearly 8 years of President Truman's administration; it increased $23 billion during the 8 years of President Eisenhower's administration; and it increased $70 billion during the 8 years of the Kennedy-Johnson administrations.

Also, I find it discouraging and disappointing that President Nixon at the beginning of his term should ask for such a large increase in the debt ceiling as $17 billion because I remember just 18 months ago when the Senate and the Congress, at President Johnson's request, increased the ceiling by $22 billion and as the result of that spending increased and inflation increased. I think it was a grave error, and the Senate by only one vote, or a vote of 43 to 44, rejected an amendment offered by the Senator from Virginia to reduce the size of that increase.

In connection with President Nixon's proposal, I ask unanimous consent to

have printed in the RECORD an editorial from the Chicago Tribune of February 26, 1969, entitled, "The Age of Gimmickry," and an editorial from the Wall Street Journal entitled, "Bumping the Ceiling."

Mr. President, there is one line I wish to read before having the entire text from the editorial in the Wall Street Journal printed in the RECORD. The Wall Street Journal takes the view that:

If the debt ceiling is to be useful, in other words, it should allow the government a minimum of headroom, not the wide leeway the Treasury is considering.

I agree with that statement. I think we should keep a tight rein on the debt ceiling.

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

[From the Chicago Tribune, Feb. 26, 1969]

THE AGE OF GIMMICKRY

We sort of hoped the age of gimmickry had passed with the Johnson administration. It was only last week, indeed, that we commended Mr. Nixon's Council of Economic Advisers for recognizing that we can no longer rely on "the easy way of doing things."

And yet, lo and behold, here is the Nixon administration proposing one of the most remarkable bits of fiscal legerdemain that we've encountered since Franklin Roosevelt undertook to persuade us that federal borrowing was not really borrowing because "we owe it to ourselves."

The problem Mr. Nixon faces is real enough. The national debt is now about 362 billion dollars, and it is bound to go above the present temporary debt limit of 365 billion later this year. This is not his fault. It is the result of the failure of Johnsonian gimmickry. Mr. Nixon could have blamed it on the Democrats, asked for a temporary increase in the ceiling, and promised to do better than Mr. Johnson.

But no. The Nixon administration has received a proposal made in 1967 by a commission appointed by Mr. Johnson and directed, ironically enough, by David M. Kennedy, now secretary of the treasury, and Robert P. Mayo, now director of the budget.

The proposal is to reduce [repeat, reduce] the debt limit by 65 billion dollars, making it 300 billion—but at the same time to exempt from this limit the 82 billion dollars in treasury securities held by the various trust funds, notably social security, thus reducing to 280 billion dollars the debt subject to the limit. The argument for this is reminiscent of F. D. R.: namely, that since one government agency owes it to another, it has no effect on the country's economy and should not be regarded as debt.

Reduce the debt limit to 300 billion and reduce the applicable debt to 280 billion, as this would do, and presto! You wind up not only with a lower debt, but also with a comfortable leeway of 20 billion dollars for more borrowing from the public. In addition, anything that the treasury can borrow from the social security trust fund is sheer gravy. It wouldn't even count.

Well, when it comes to easy ways of doing things, this one is hard to beat. The social security fund happens to be running a substantial surplus, at the moment, which means that the administration would have billions of dollars at its disposal without even having to admit that it was borrowing. This is precisely what the Johnson administration had discovered. By using surplus social security funds to finance deficits in operating expenses, Mr. Johnson was able to produce paper surpluses in his budgets for 1969 and 1970. The new method of budget accounting, in which all government funds are lumped together, has made it possible to show a budgetary surplus even while the national debt is going up.

Of course, this is absurd. And in a world already full of absurdities, it may seem consistent to argue that since a deficit is not a deficit, then a debt should not be a debt.

But look a little farther ahead. What happens when, as demands on the social security fund increase, either in the normal course of events or because of a business slowdown, the fund needs its money back? It would be impossible to make restitution without pushing the national debt right thru the ceiling and creating an immense deficit in current accounts. In short, this is a one way street by which the trust funds can be easily drained of their resources while at the same time making it almost impossible for them to get their money back.

Ponzi should be living today.

[From the Wall Street Journal]

BUMPING THE CEILING

As a guarantee of governmental economy, the federal debt ceiling has hardly been a total success. Congress has continued to approve administration spending requests, sometimes even raising them, and if the debt pierces the limit, well, the limit is raised.

The subject arises anew because the Nixon administration, through no fault of its own, already finds itself bumping against the debt ceiling. If something isn't done before long, the administration presumably will be forced to the tactics of some of its predecessors, such as stalling on payments due the government's creditors.

What the Treasury is considering is a plan not to merely raise the ceiling once more but to drastically remodel it. The basic idea is to exempt from the debt limit all or part of the $80 billion of Treasury securities that are held by federal trust funds. If that were done, the ceiling could even be lowered and the government still wouldn't hit it for years to come.

While the suggestion may possess a certain logic, the difficulty is that it would sacrifice whatever virtue the debt limit has. Federal debt is federal debt, after all, whether the resulting Treasury issues are sold to the public or stashed away in a trust fund's portfolio. And the only excuse for the debt limit, so far as we can see, is that it's a sporadic reminder—to Congress, the administration and the public—of just where the debt is going.

If the debt ceiling is to be useful, in other words, it should allow the government a minimum of headroom, not the wide leeway the Treasury is considering. Nobody likes bumps, but sometimes they can be educational.

ORDER OF BUSINESS

Mr. MOSS. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator from Utah for his kindness.

THE WHOLESOME MEAT ACT

Mr. HOLLAND. Mr. President, the Wholesome Meat Act was passed December 15, 1967. Subsequent to the passage of this legislation, the State commissioners of agriculture submitted a resolution, and I introduced an amendment in a form approved in writing by Secretary of Agriculture Freeman, which was adopted by the Agriculture Committee to the Wholesome Poultry Products Act, Public Law 90–492. That amendment would authorize the Secretary of Agriculture to work with State agencies to set up inspection programs to permit the interstate shipment of poultry and red meat inspected in State plants when it has been determined by the Secretary of Agriculture that State standards were equal to or better than Federal standards.

While the Agriculture Committee favorably reported the wholesome poultry products bill with my amendment attached, the amendment was defeated on the floor of the Senate. I attribute the defeat to the fact that much publicity was given to the hue and cry regarding consumer protection and the statement alleging that the adoption of my amendment would mean we in Congress did not desire wholesome meat and poultry. Mr. President, nothing could have been further from the truth. I believe every individual citizen of this Nation desires wholesome food regardless of his economic position and I proposed my amendment to the Wholesome Poultry Products Act in a form which safeguarded the public, since State inspected meat and poultry could be shipped in interstate commerce only when the Secretary of Agriculture had determined that State inspection was equal to or better than Federal inspection.

Mr. President, I bring the matter before the Senate now in order to have placed in the RECORD an article entitled "Implications of the Wholesome Meat Act" written by D. N. McDowell, secretary of the Wisconsin Department of Agriculture, which appeared in the Winter—1968 quarterly edition of State Government, published by the Council of State Governments, that I hope all Senators will read as it very clearly points up the situation as it exists today with respect to the operation of the Wholesome Meat Act.

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

IMPLICATIONS OF THE WHOLESOME MEAT ACT

(By D. N. McDowell)

The implications of the federal Wholesome Meat Act extend far beyond the interests and concerns of state agriculture and health officials. This is precedent-shattering legislation for all who are concerned about the traditional relationships of state and federal government. In a moment of chaotic emotionalism, Congress passed legislation in an area of consumer protection which affects many municipalities and state governments.

Precedent was shattered because for sixty years Congress had recognized the States' jurisdiction in controlling the inspection of meat that was consumed within state borders. Now Congress has revoked that state control, and it seems entirely logical to assume that federal control in this one area could lead to additional federal controls in other areas.

The federal Wholesome Meat Act was passed December 15, 1967 and the Wholesome Poultry Act was passed in mid-1968. To consider the implications of these two acts, a review of the events leading up to their passage is needed.

Meat inspection began in the United States in 1906 when the first federal Meat Inspection Law was passed. This law, administered by the United States Department of Agricul-

ture, continued from 1906 until 1967 and provided continuous supervision of all slaughtering and processing operation for all meat sold in interstate commerce.

During this time meat slaughtered, processed and sold exclusively within the boundaries of a State was not covered by federal inspection, but came under state jurisdiction.

By 1967 twenty-eight States had mandatory meat inspection programs for meat slaughtered, processed and sold within their borders, while twelve States had limited provisions for state meat inspection. Some of the larger cities in States without meat inspection laws provided municipal inspection programs.

During 1962 the United States Department of Agriculture conducted surveys in all state plants not covered by federal inspection and found very few hazardous plants. But publicity about a few isolated cases brought demands for stronger, more comprehensive control over the Nation's meat supply.

Although not a single hazardous plant was found in Wisconsin, the State passed a meat inspection law in June, 1966. The Wisconsin bill provided for mandatory meat inspection, administered by the State Department of Agriculture, with an effective date of January, 1968 for red meat, and January, 1969 for poultry. Many other States passed similar laws during the mid-1960's.

During 1966 and 1967, the United States Department of Agriculture again surveyed meat plants in selected areas of the Nation. Reams and reams of what many of us in state government considered "scare" publicity resulted. We felt the publicity grossly misrepresented much of the consumer protection efforts of the States involved. In any case, the USDA studies of 1966–1967 resulted in newer, stronger demands for strict federal controls.

Proponents of stronger federal controls argued that the 1960 federal act contained no provision for coordinating federal and state meat inspection efforts. They pointed out that 15 per cent of all commercially slaughtered animals are slaughtered for intrastate commerce, thus coming under state meat regulation. In addition, about one-fourth of all processed sausage meats do not cross state lines.

The result, said proponents of stronger federal controls, is that a significant amount of meat receives either no inspection or inspection that is below federal standards. Yet these products, they said, are intermingled in many retail stores with federally inspected products for sale to "an unknowing public."

They also argued that state laws were not as stringent as federal law in regard to extenders, chemicals and labeling.

Advancing technology has also complicated the inspection process, it was submitted, because adequate inspection of a complex processing line is mechanically and physically more difficult than is the visual examination of carcasses and fresh meat. The act passed sixty years ago, they said, is becoming increasingly inadequate to deal with the problems of today's modern, aggressive industry.

The point brushed aside in all these arguments was that the States were moving to improve their laws to meet current conditions, as reflected in the fact that some eighteen States considered meat inspection legislation in the year immediately preceding the passage of the new federal law in 1967.

TWO INSPECTION PROPOSALS OFFERED

But the publicity generated by the USDA surveys was difficult to combat. The result was that two meat inspection proposals with divergent philosophies were soon introduced in Congress.

One bill would have provided federal assistance to States willing to meet jointly developed federal-state standards, but authority and control would have remained under state jurisdiction. The other bill (which eventually passed) provided for full federalization if States did not conduct meat inspection programs "at least equal to" and "not different" from the federal requirements.

Under the bill which passed, federal law will supersede state authority in all aspects of meat inspection, effective December 15, 1969. One year's additional grace may be provided at the discretion of the U.S. Secretary of Agriculture. The President asked for a $71 million budget to administer the act, but some observers expect the cost to exceed that figure.

Shortly after passage of the sweeping Wholesome Meat Act, the "Talmadge-Aiken Act," designed and passed in 1962 for commodity grading of agricultural products, primarily in the fruit and vegetable area, was called forth, supposedly to ease the burden on the States. Under this act the Secretary of Agriculture was authorized to enter into a cooperative agreement with the States whereby state inspectors would provide inspection at specified plants which could meet federal requirements.

This agreement for meat and poultry inspection (or both) was unusual indeed because it called for the assignment of state employees to the performance of only federal functions at locations which are exclusively under federal jurisdiction. Furthermore it provided reimbursement to the States only up to 50 per cent of state expenditures incurred in federal meat inspection activity.

Perhaps the acceptance of some States of the Talmadge-Aiken agreement can be understood in light of the reaction of their consumers to the earlier adverse publicity, but many States found it difficult under their statutes to negotiate this unusual form of federal-state contract.

Economic pressure was severe, however, on the meat processors and slaughterers. Their retail accounts, trying to remain competitive in the wake of the adverse publicity given state inspection, wanted to advertise "U.S. Inspected and Passed" meat. Since the USDA had neither the money nor manpower sufficient to meet the inspection demands of numerous small packers and processors desperately seeking to retain their retail accounts, a real dilemma developed. Many States succumbed to these pressures and went along with the agreement even though there was no assurance that their small slaughterers would be permitted to remain in business.

ACT POSES ADMINISTRATIVE PROBLEMS

As a result of the "Wholesome Meat Act," most States, including Wisconsin, found themselves in a quandary simply because the federal law did not acknowledge a State's ability to administer a true federal-state program nor did it provide the proper incentive for progressive planning on the state level.

The requirement of "at least equal to" and "not different" means that there is absolutely no alternative under existing law to depart one iota from strict federal meat inspection requirements, even though such departure would be necessary in some areas.

A big problem facing the States' meat industries today is federal interpretation of some provisions of the Wholesome Meat Act, including "retail exemptions" and the so-called "rule of reason."

The "retail exemption" was designed to exempt traditional and usual meat processing activities at stores and restaurants selling directly to consumers, but this has never been satisfactorily clarified. The "rule of reason," which provides for administrative tolerance, a policy directed by Congress to USDA, has not been properly implemented and also needs further and specific clarification.

States also have been deeply concerned about the so-called federal-state cooperative agreements. The law says that these arrangements shall be a cooperative venture, under a federal act, but there is absolutely no place in that federal act to allow for anything different from federal standards or for the States to provide standards "at least equal to" those of the federal government.

So we in the States fail to see where a cooperative agreement is truly "cooperative" when the individual States have nothing to say about the establishment of standards or general procedures.

Under this arrangement we would be merely "glorified" inspectors, supervisors and administrators. We recognize that processors and others will find it advantageous to be able to use the USDA label, as is done under other state-federal cooperative agreements. But in this meat inspection program the interests of the processors, state administrators and others in developing and maintaining a strong program at the state level are completely disregarded. This is strictly a federal take-over, as it is now being iterpreted, and many States have given in, forfeiting completely their traditional rights, especially in intrastate matters. This precedent is dangerous.

Some States have signed cooperative agreements under duress, while others have given in because some segments of the industry felt they had to. At this writing twenty-nine States have requested the federal-state agreement, or the Talmadge-Aiken agreement, or both.

Another important factor in the overall confusion is that even if the States do come up with programs meeting all federal requirements, meat from these state-inspected plants cannot be shipped interstate. Yet foreign meat can enter this country from forty foreign nations with only thirteen U.S. employees supervising the entire foreign program. This is grossly unrealistic, and in view of the millions of dollars spent by the States for meat inspection programs, it is very discriminatory. Even if States elect to continue their own programs after December, 1969, when programs must be "at least equal to" and "not different" from the federal requirements, state-inspected meat still cannot be shipped interstate!

OTHER EFFECTS OF THE ACT

Few American citizens realize the full impact of the Wholesome Meat Act on the economy of their States. For example, most States have meat inspection laws providing periodic inspection of the meat processing plants, but federal meat inspection has traditionally provided for daily or continuous inspection. To provide continuous inspection at low volume slaughter houses is almost prohibitive in cost.

The federal program is designed for larger operations which can justify full-time inspectors. Limited funds and personnel, coupled with the supreme authority and direction given to the federal agency by the Wholesome Meat Act, could conceivably force thousands of small plants out of business. Many small slaughtering plants would not be reached for inspection due to low volume, which would preclude assignment of an inspector to the plant. The limited size of such plants makes it impossible to step up the rate of slaughter or processing to a point where an inspector could be profitably assigned.

As time goes on pressure will be applied continually to improve and upgrade physical and structural facilities in increasingly stricter compliance with federal law. This could conceivably mean major alterations of small plants with respect to such things as eleven-foot heading rails, sixteen-foot bleeding rails, doors of specified widths if used for different types of traffic, totally refrigerated facilities, etc.

The irony of this is that the strict re-

quirements of the federal program might have little bearing on the wholesomeness or quality of the meat products from these small plants.

A small plant operator, who heretofore did custom slaughtering and processing and augmented it through a small retail operation, may not, under the provisions of the new federal law, engage in any sale of meat whatsoever—if his business is to be classed as a custom plant. Custom slaughtering and processing alone will not sustain a business. The alternative under the federal Wholesome Meat Act is to have completely separated facilities which means dual facilities, something very few operators could afford.

The future of state and federal meat inspection in the United States is still very cloudy, simply because extremists, playing up the emotional aspects of "consumer protection," were able to convince the Congress, the USDA and the White House not to put confidence in States and state officials.

Food inspection laws as administered by state and municipal authorities in the United States have long been recognized worldwide for their excellence. The federal Wholesome Meat Act, as it has now developed, is the only food inspection or health program in America which has such a multitude of strings attached and which is now in such chaotic confusion.

Prior to this legislation, most U.S. citizens, including dedicated state administrators, were urging the Administration and the Congress to economize on nonessential programs. Then along came a group who used scare tactics to clamor for this meat inspection program, which was at cross purposes with States willing to cooperate on the matter of meat inspection. They simply did not recognize that the needs and requirements of each State were different.

STATE POSITION MISINTERPRETED

We at the state level have been grossly misinterpreted and have been accused of being against wholesome meat, against regulation and against any departure from the status quo. This is not true! We very much believe in effective meat inspection, but we believe there is a better way, a more practical way, under the concept of "creative federalism." We are not trying to oppose federal legislation per se. However, we see the entire matter in the light of practical, feasible administration. Even many Congressmen now know that there are facets of the federal act which are not workable, and which cannot be made workable. Let us hope the entire Congress will recognize this before it is too late to provide the necessary amendments.

We know that if the federal government takes over state programs, it will, of necessity, be forced to find some way to shut down the myriad of small operators, who simply cannot operate their businesses on a scale large enough to comply with strict federal structural requirements and operating schedules.

This means that hundreds and hundreds of small operators who have clean facilities and who have provided wholesome meat will be going out of business. As their businesses close, the impact will be felt on every Main Street and meat prices will eventually increase.

Should an important segment of this country's economy be placed in the position of allowing only the "big" to stay in business?

We don't think so, that is why so many state agricultural leaders are challenging the arbitrary demands of the federal government. We are trying to be realistic, and we are willing to sit down and develop a feasible, workable and practical program. Certainly we don't have all the answers now, but we know that these answers can be found.

In retrospect, it is easy to see why members of Congress, even though they understood some of the problems facing States, were unwilling to take a strong vocal stand against the Wholesome Meat Act. They simply were unwilling to go against the strong pressures in Washington generated by the wave of "hysteria" which swept across the Nation. This may also apply to some large meat firms which had nothing to lose by remaining silent.

We have been asked: "Have the States given up the search for realistic alternatives?"

To answer this question we must admit that some States have, especially those States with very few small operators. But the majority of the States are still searching. Many, including Wisconsin, have proposed alternatives. This is still a very vital concern to the majority of the secretaries of agriculture in the United States and we hope to find more workable alternatives as time goes on.

We believe firmly that alternative programs can be found and Congressional amendments passed before the full implementation of the Wholesome Meat Act in December, 1969. The Congress, USDA and the States surely can operate in a climate of faith, confidence and understanding, and with an ultimate assurance that the consumer will have a wholesome meat supply.

We are also concerned with the long-range effects of this legislation. We fear that it may not stop with this meat inspection program, but may be only a precedent for federal domination over other areas of state government. All of state government is vulnerable.

Convinced that there is good will at the state level, we urge all state legislators first to evaluate their state laws to assure full protection for their consumers and to provide a safe food supply, and then use the prestige and judgment of their offices to bring about any needed federal corrections or change.

If success is achieved in correcting the federal law and its administrative interpretations then the States can become true partners in meat inspection, not just federally regulated sub-bureaus.

S. 1363—INTRODUCTION OF BILL—STUDENT TEACHER CORPS ACT OF 1969

Mr. NELSON. Mr. President, I introduce a bill entitled "The Teacher Corps Act of 1969," on behalf of myself, and Senators KENNEDY, MONDALE, JAVITS, PROUTY, and Moss, and ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD at the conclusion of the Senator's remarks.

(See exhibit 1.)

Mr. NELSON. Mr. President, this legislation would establish a Student Teacher Corps, to recruit thousands of young high school pupils and college students to serve as tutors in schools in disadvantaged areas of the Nation.

The legislation could lead to the recruitment of an estimated 120,000 student volunteer tutors in the coming year, and mobilize this vast untapped reservoir of talent to help lift children out of the relentless cycle of poverty through better educational opportunity.

The legislation also is specifically designed to draw parents and other residents of the community into our local school programs, because we have learned that even the finest educational programs have little impact if they do not reach into the home and the community.

To do this job responsibly and to do it well, this legislation proposes to make the new Student Teacher Corps an integral part of the existing Teacher Corps program, established by the Congress in 1965 and now at work in some 30 cities. The Teacher Corps would provide the leadership and the national focus such a program needs if it is to be successful, but the program would be operated entirely at the State and local level.

PROBLEM IS OUTLINED

It is hardly necessary to outline the problems which many schools face in our inner cities. The Kerner commission stated flatly:

Education in the slums and ghettos is a failure.

It found that "sheer numbers can overwhelm the teacher," and that inner city children bring with them many special problems with which the schools are not prepared to cope. Because of the complex financial troubles facing our city schools, the financial resources needed to meet this educational crisis are simply not there.

Yet in almost every school system throughout the country, we have a vast resource of capable people, ready and anxious to serve. They are the pupils themselves. Better than anyone else, they understand not only the educational but the cultural and racial problems which their fellow pupils face in trying to obtain an education. And a great many of them are desperately eager to serve society in some meaningful way.

The crisis in our city schools cannot wait for 5 or 10 years while we seek a solution to the financial problems of the cities, and while we seek ways to recruit, train and pay a large new pool of professional schoolteachers. If we are to make any impact on his program right now, it seems to me that the obvious solution is to tap this great resource of young people.

Without setting up any costly and time-consuming new program, we can take these thousands of willing young workers who are already on the scene and put them to work at a job for which they are uniquely suited.

The older pupil can tutor the younger pupil. The student with an aptitude for math can help the fellow student who can't quite fathom it, aided by the fact that both tutor and pupil speak the same language, face similar problems in their educational experiences, and have similar aspirations for the future.

Under this legislation students who provide this valuable service could be paid or receive college credit or both, depending on the circumstances.

The willingness of young people to serve has already been demonstrated by the tremendous response to programs such as the Peace Corps, Teacher Corps, VISTA, and the legal aid programs which have attracted many young law students to work in slum areas.

ACT IS EXPLAINED

The Student Teacher Corps Act would authorize the establishment in every State department of education in the Nation of an office of Teacher Corps activities, reporting directly to the chief State school officer. This State office would organize the student tutor program for the State.

Federal funds would finance the cost of maintaining that office, but its control would be a State responsibility.

The structure of the Student Teacher Corps programs would be patterned after the highly successful Teacher Corps program already at work in our troubled cities. These are the essential elements in that structure:

First. Cooperative planning by the school, the community, and a nearby university.

Second. The use of a team structure, with each team supervised by an experienced teacher.

Third. A preservice training program, with a carefully developed curriculum.

Where we already have Teacher Corps teams at work, the new student tutors would be integrated into that system. Student Teacher Corps teams would also be organized in schools where the Teacher Corps programs have not been able to become established because of its limited funding.

BROAD SUPPORT CITED

The Teacher Corps program has won enthusiastic praise from the National Education Association, the President's Commission on Civil Disorders, from national news magazines such as Life, and from scores of public officials including New York's Mayor John Lindsay.

Senator EDWARD KENNEDY and I introduced the Teacher Corps legislation in the Senate on February 10, 1965. President Johnson endorsed the bill. The bill passed the Congress and was signed into law on November 8, 1965.

The appropriations problem which has plagued many new programs has prevented the Teacher Corps from making its full contribution to easing the educational crisis of this Nation, but to the extent it has been allowed to prove itself, it has won an enthusiastic reception.

EXPANSION IS URGED

The success of the program has logically led to suggestions that it be augmented in various ways.

The President's Commission on Civil Disorders had this to say of the Teacher Corps:

> The teaching of disadvantaged children requires special skills and capabilities. Teachers possessing these qualifications are in short supply. We need a national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students.
>
> The Teacher Corps program is a sound instrument for such an effort. Established by the Higher Education Act of 1965, it provides training in local colleges or universities for college graduates interested in teaching in poverty areas. Corpsmen are assigned to poverty area schools at the request of local school systems and with approval of State educational agencies. They are employed by the school system and work in teams headed by experienced teachers.
>
> The National Advisory Council on the Education of Disadvantaged Children, and the National Education Association found that the Teacher Corps succeeded in attracting dedicated young people to the teaching profession, training them to teach effectively in poverty areas, and making substantial contributions to the education of students.
>
> The impact of this highly promising program has been severely restricted by limited and late funding. There are now only 1,406 interns and 330 team leaders in the entire nation. The Teacher Corps should be expanded into a major national program.

In the last session of Congress, the Senate approved an amendment of mine to expand the Teacher Corps by adding the new position of "volunteer teaching assistant," but this new feature was lost in the Senate-House conference. These new recruits would be similar to the regular Teacher Corps men except that they would not be taking course work at a university at Government expense.

There also have been proposals made to recruit adult volunteers, to perform a variety of duties which now fall upon our overburdened and underpaid professional school teachers, and to recruit high school pupils and college undergraduates to serve as tutors. During the 1968 campaign, President Nixon endorsed the student tutor concept.

This proposal, in my opinion, fits squarely into the concept of a Teacher Corps as Senator KENNEDY and I originally developed it and as it has evolved since enactment by Congress more than 3 years ago. The Teacher Corps already has experimented with a number of tutorial programs in New York, Philadelphia, and other cities.

Experience with tutorial programs shows that carefully developed structure is crucial to the success of this concept.

A study by the National Student Association's Tutorial Assistance Center indicates that, in order to be effective, a tutorial program requires a careful selection and training process, enough formal structure to provide continuity of effort, careful coordination of the work of the tutor with the work of the school, and with the parents and the community.

It seems absolutely necessary that the Congress prescribe some basic structure for such a program, and tie it in with a successful, ongoing and closely related program such as the Teacher Corps, if any significant amount of Federal funds are to be appropriated and if the public is to be given any assurance of success.

FUNDS WERE INCREASED

The Senate's judgment of the success of the Teacher Corps was shown here last September 6 when the Senate voted to increase Teacher Corps appropriations to the full $31.2 million recommended by the administration. The bipartisan endorsement given this comparatively new program was particularly impressive, including such Senators as the distinguished Senator from California (Mr. MURPHY) and the distinguished Senator from Arizona (Mr. FANNIN).

The Teacher Corps has earned this broad spectrum political support because it has proven itself to be what it was designed to be—a truly locally controlled program with a rare ability to bring together the neighborhood community, the public school, and the university in a coordinated attack on the problem of inadequate schooling for the children of poverty.

A great deal of credit must go to the imaginative and creative director of the Teacher Corps, Mr. Richard Graham, a former official in the Peace Corps and a former resident of Wisconsin.

VETERANS IN PUBLIC SERVICE

A year ago, when the Johnson administration was developing broad legislation to ease the way for Vietnamese war veterans into public service jobs, the Teacher Corps organized a program in Philadelphia that used the Teacher Corps team structure in the Philadelphia schools and Temple University to provide an opportunity for veterans with high school degrees to study for a B.A. and teacher certification while working with Corps teams in the schools.

The program was so successful that the Office of Education devoted $600,000 to setting up similar VIPS programs in other cities with Teacher Corps teams.

In each of the cities, Chicago, Memphis, St. Louis, Detroit, Philadelphia, New York, Omaha, Miami and Cleveland, the veterans, mostly black, have provided valuable models for the children from inner city homes. The veterans not only find the work with the children satisfying, but are moving toward professional careers few of them had hoped to achieve.

The VIPS program now depends on getting money from the Bureau of Research of the Office of Education or similar pickup funding. Under the proposed legislation the veterans-in-public-service program could become a part of the expanded Teacher Corps.

The Teacher Corps also has pioneered in programs to train college graduates to teach in correctional institutions.

The Teacher Corps can carry out these innovations, successfully, because it has a proven structural system which works—a team of able young interns, working under an experienced teacher, in a program that involves the community and the expertise of the nearby university.

The Teacher Corps remains a small program today—a budget of only $20.9 million for the fiscal year 1969, and a program of about 2,000 Teacher Corpsmen.

To make the most effective use of the National Student Teacher Corps concept, we should combine it with the established Teacher Corps program to create a truly national system, and a truly significant amount of teaching power, to make a really major impact on the poverty area schools of the Nation.

At present, the current Teacher Corps program has basically three kinds of members—apart from administrative staff. It has the team leaders, who are experienced teachers; it has the Teacher Corps interns who have graduated from college and are working toward their teaching certificates and their master's

degrees, and it has undergraduate interns who are working toward teacher's certificates and bachelor's degrees.

PROGRAM IS DESCRIBED

The Student Teacher Corps Act of 1969 would add these new roles:

High school tutors: High school and junior high school pupils would be trained at Government expense and would be led by experienced team leaders, who would also be paid at Government expense. However, the high school tutors would not be paid for any work done during school hours. For work done after school hours, they could be paid by the Teacher Corps, or from Neighborhood Youth Corps funds if satisfactory local arrangements could be made.

College volunteer tutors: These would be a carefully selected group of college students, tutoring in poverty area schools. Some would work 15 hours a week or more and perhaps be paid from college work-study funds. Others could serve as little as 3 to 6 hours a week. All would be carefully trained and would work in teams led by leaders chosen cooperatively by the school systems, the university, and the community.

Instructional assistants: Similar to the "volunteer teaching assistants" which I proposed in an amendment adopted by the Senate in 1968, these assistants would be very much like regular Teacher Corps interns except they would not be taking course work at the university at Government expense—except for a brief preservice training period. They would be people of all ages, including housewives working full time, but most of them would be expected to be near college age. They would be paid the regular Teacher Corps rate of $75 a week.

Adult volunteers: Adults who volunteered could also be accepted into the training and tutorial programs. They must agree to undergo a period of training and to work as a part of the tutorial team. They could be compensated for actual expenses only.

As I mentioned earlier, where Teacher Corps teams already exist, these tutorial teams would be integrated with the existing teams. In other schools where the Teacher Corps is not already established, entirely new teams would be set up.

The Student Teacher Corps Act of 1969 provides the means to harness the energy, the idealism, and the untapped tutorial ability of thousands of high school pupils and college students, and at the same time strengthens and improves the existing Teacher Corps program which has been called the best bargain in the Federal educational system.

In its report on the Higher Education Amendments of 1968, the Labor and Public Welfare Committee expressed concern that the Teacher Corps might be treated in the U.S. Office of Education as just another teacher training program.

The committee report emphasized that the Teacher Corps must "not be an ordinary teacher education program." The report said that the Teacher Corps needed "maximum possible independence and visibility if its full potential as a recruiter of new teachers and an innovator in teacher education was to be reached."

This new legislation will help to attain that goal.

Mr. President, the Nation is deeply concerned about its young people. Let us offer them an opportunity to show us the depth of their commitment to the highest principles of citizenship, measured by their willingness to help lift their fellow young people out of the despair of poverty and ignorance. The Nation is also deeply concerned about its educational system. Let us face that problem by harnessing the great untapped potential of youthful manpower which we have all across the country.

I think we will find that we can still believe in our young people.

And I think we will find that young people believe in the ability of education to improve the quality of life in the America of the future.

The Student Teacher Corps Act of 1969 could bring together the young people of America and their parents, teachers and community leaders in a great new effort to help society as a whole. Let us seize that opportunity.

The bill (S. 1363) to provide for support by the Teacher Corps of programs in which volunteers serve as part-time tutors or full-time instructional assistants, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 1363

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 "Student Teacher Corps Act of 1969".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to encourage high school and college students, parents and other community residents to volunteer for service on a part-time or full-time basis as tutors or instructional assistants for children in disadvantaged areas and to provide support by the Teacher Corps of volunteer programs to be carried out by State and local educational agencies and institutions of higher education.

AUTHORIZATION

SEC. 3. (a) Section 511(a) of the Higher Education Act of 1965 is amended by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas."

(b) Section 511(b) of such Act is amended by striking out "$56,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971" and inserting in lieu thereof "$80,000,000 for the fiscal year ending June 30, 1970, and $100,000,000 for the fiscal year ending June 30, 1971".

TUTORS AND INSTRUCTIONAL ASSISTANTS IN TEACHER CORPS

SEC. 4. (a) Paragraph (1) of section 513(a) of such Act is amended by inserting before the semicolon at the end thereof a comma and the following: "and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants."

(b) Section 513(a) of such Act is further amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) enter into contracts or other arrangements—

"(A) with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (i) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve in teams as part-time tutors or full-time instructional assistants, under the guidance of team leaders, but not in excess of 90 per centum of the cost of compensation for such volunteers may be paid from Federal funds, and (ii) to provide appropriate training to prepare tutors, instructional assistants, and team leaders for service in such programs; and

"(B) for payment of the reasonable and necessary expenses of the State educational agency in assisting local educational agencies and institutions of higher education in planning, developing, and implementing such programs;".

COMPENSATION OF TUTORS AND INSTRUCTIONAL ASSISTANTS

SEC. 5. Section 514(a) of such Act is amended by inserting after "paragraph (3) of section 513(a)" a comma and the following: "or an arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513(a),". Such subsection is further amended by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) a tutor or instructional assistant shall be compensated at a rate agreed to by the local educational agency or institution of higher education carrying out a volunteer program and the Commissioner."

Mr. KENNEDY. Mr. President, I am pleased to cosponsor the Student Teacher Corps Act ot 1969, and to join with the distinguished Senator from Wisconsin on this expansion of the Teacher Corps program which we developed originally in 1965.

The legislation which has been introduced today is a logical and constructive extension of the Teacher Corps concept. It will utilize the talents of a responsible and committed group of citizens—including high school students, college volunteer tutors, and adult tutors—to assist in elementary and secondary education. It will enable these persons to participate in one of the most important enterprises of our society, the education of our youth. And it will be incorporated into an existing administrative structure which has proven to be tremendously effective.

Last year, the President's Commission on Civil Disorders noted:

We need a national effort to attract to the teaching profession well-qualified and highly motivated young people and to equip them to work effectively with disadvantaged students.

It went on to say:

The Teacher Corps program is a sound instrument for such an effort.

Unfortunately, like so many recommendations of the Commission, full expansion of the Teacher Corps has not taken place. The recent publication by Urban America and The Urban Coalition, "One Year Later," points out:

The Teacher Corps, which the Commission recommended be strengthened and expanded into a "major national program," remains hampered by late and inadequate funding.

There is great potential for expansion of the Teacher Corps, both with its present programs and with the additional tutoring programs envisioned under the legislation introduced today.

The concept of student tutoring is not new, and for the most part it has been extremely successful. It has benefited both the students who receive tutoring, and those who tutor.

Under the homework helper program in New York City, for example, pupils from high schools in the slums, most of them poor readers and slow learners, have been used as instructors for slow learners in grade schools.

Study of the program a few years back revealed startling and encouraging results. Pupils who participated showed a 6.2-month gain in their reading levels after 5 months. A control group that had no tutoring showed the more usual slum school rate, a 3.5-month gain in the same period.

Surprisingly, perhaps, the tutors improved even more than their pupils. In a 7-month period their mean gain in reading level over their control group was a year and 7 months.

In the development of the Student Teacher Corps, then, I think that it is important to explore further how this can be used not just to attract highly qualified students into teaching, but perhaps also how it can be used to upgrade the skills and the interests of disadvantaged students, including high school dropouts.

In this regard, I would like to note the conclusion of Prof. Robert D. Cloward in his article "Studies in Tutoring," an evaluation of the New York City program which appeared in the Journal of Experimental Education in 1967:

Clearly, the major impact of the tutorial experience was on the tutors themselves. This finding has implications both for education and for youth employment. Tutorial programs not only can provide older youth in a low income area with gainful employment but can serve to upgrade their academic skills as well. Indeed, the high reading gains made by tutors, many of whom were reading far below grade level at the beginning of the study, raise the intriguing question of whether high school dropouts might be successfully employed as tutors, not just to help underachieving elementary school pupils, but to improve their own academic skills. Attempts to remedy the dropouts' educational deficiencies by placing them in pre-employment training programs have not been notably successful. Having experienced failure and humiliation in the classroom and being alienated from school, these youngsters tend to rebel against learning situations in which they are cast in the role of a student. Assigning tutorial roles to such adolescents might help to make learning enjoyable and profitable for them. Obviously, youngsters who are functionally illiterate cannot be employed as tutors. However, many early-school-leavers read well enough to perform simple tutorial tasks under expert supervision. To the degree that serving as a tutor helps these youngsters improve their own academic skills, many could be rescued from the certainty of a bleak future.

The proposed expansion of the Teacher Corps is consistent with the original conception of the program as developed by Senator NELSON and myself, and I hope that Congress will act swiftly and favorably.

SENATE JOINT RESOLUTION 69—INTRODUCTION OF JOINT RESOLUTION—CONSTITUTIONAL AMENDMENT ON NOMINATING PROCEDURES

Mr. MOSS. Mr. President, events of the past year have served to remind us all of the imperfections of our system of nominating and electing the President and Vice President of the United States. Skilled observers of the American political scene warned repeatedly that the inadequacies of the electoral college provisions of the Constitution could propitiate a major constitutional crisis in the autumn of 1968. That we were spared this ordeal in no way detracts from the necessity of improving the machinery by which we elect our highest executive officers. I commend Senator BAYH and the other members of the Subcommittee on Constitutional Amendments which he leads for their earnestness in studying the election procedures. The record will show that I have contributed recommendations to the subcommittee which I hope will lead to the adoption of measures improving the operation of the Electoral College and the elimination of the hazards now associated with that institution.

PROPOSAL FOR NOMINATING THE PRESIDENT AND VICE PRESIDENT

It is my purpose today, Mr. President, to direct the attention of the Senate to the process by which we nominate candidates for the Presidency and Vice Presidency and to ask this body to consider a proposal which I am now introducing to amend the U.S. Constitution to establish a new nominating system. In the following remarks, I will first indicate the nature of my proposal, and then discuss my reasons for believing that this approach offers benefits to our country which other reform proposals fail to provide.

My proposal for a constitutional amendment dealing with presidential and vice presidential nominations would bring this process within the protection and guidance of the Constitution for the first time. A function which is now conducted solely upon the basis of custom would henceforth be guided by the fundamental law of the land.

The amendment requires each of the major parties to meet in national convention and to select two persons, as well as vice-presidential running mates for each of them, to run for the presidential nomination in a subsequent national primary. Each presidential contender and his vice-presidential running mate would run for the nominations as a ticket in the primary, which would be held for each party by all the States on a single day, specified as the second Tuesday in September of each presidential election year.

A new or minor party could gain access to the primary ballot by presenting petitions bearing the signatures of not less than one-tenth of 1 percent of the total number of votes cast in the prior presidential election.

The candidates receiving the highest number of votes within each party's primary contest would become the nominees for the Presidency and Vice Presidency.

Each State would count the votes cast in its primary election, and would formally submit the results to the Administrator of General Services or other officer designated by the Congress, who in turn would determine the aggregate totals and officially announce the results.

The amendment also provides constitutional guidance in the event of a death, resignation, or disability of one of the candidates either before or after the primary election. In any such situation the national committee of the party would be empowered to select a replacement, with each State's delegation in the committee having one vote.

Mr. President, the basic strength of this approach is that it combines national party conventions and a decisive national primary, thereby bringing into the process of selection both the leadership of our active party workers and the voices of millions of our citizens. Furthermore, the success of this approach has been demonstrated by its effective implementation in the State of Utah. Provisions similar to those which I propose for national use were adopted in my State after it had utilized both the pure convention and pure primary methods of nominating public officials. There is widespread agreement within the State that this hybrid system is a much more satisfactory means of fulfilling this vital political task. I have every reason to believe that it offers even greater benefits to our country.

COUNTRY WANTS REFORM

Mr. President, the need to reform our nominating procedures is not a creature of my imagination; the concern of which I speak today is broadly felt throughout American society. The frustration that many of our citizens voiced last fall over the nominating process was as deep and alarming as the expression of dissatisfaction with the electoral college. Even though the two major party candidates, Richard Nixon and Hubert Humphrey, were the overwhelming choices of the delegates to the Republican and Democratic Conventions respectively, their nominations were challenged by many persons on the basis that neither of these men was the choice of the rank-and-file voters of the country. Partisans of Senator EUGENE MCCARTHY and Gov. Nelson Rockefeller persistently maintained that had a national primary system been in effect, their men would have become the standard bearers of the two parties.

An indication of the depth of dissatis-

faction with the nominating process was revealed in the results of a Gallup poll, published on September 22, 1968. The findings showed that 76 percent of the persons interviewed favored substitution of a nationwide primary election for the current convention system; 14 percent expressed opposition to such a substitution, and 11 percent voiced no opinion. Sentiment of this nature apparently persisted through election day; the relatively mild voter turnout rate has been commonly interpreted as a reflection of voter apathy toward our political process. The recent action of the Democratic Party in appointing committees headed by the distinguished Senator from South Dakota (Mr. McGOVERN), and the distinguished Congressman from Michigan (Mr. O'HARA), to examine its own nominating procedures is further evidence of the seriousness of the problem before us.

In considering a possible modification of our nominating procedures we should bear in mind that the current system was not established by the Founding Fathers or by any other single body of men working deliberately and rationally to devise a nominating process of maximum suitability to the needs of our society. Rather, our system has evolved over the years through usage, in conjunction with the continuing development of our political parties. Thus, we should understand that undertaking change in this process is completely consistent with our traditional character of political development; the history of the nominating process is a story of continuing change, of which the foremost characteristic has been the expansion of democratic spirit.

HISTORY OF NOMINATING PROCESS

The first nominating process employed in this country was the congressional caucus, utilized from the 1790's through the election of 1824. The congressional caucus was the first major manifestation of partisan division in the young country, and its initiation of presidential nominations represented a desire of Members of the Congress to extend their influence outside of the Halls of the legislative branch. The use of the caucus as a vehicle for making presidential nominations ceased for a number of reasons, including the fact that this practice was a violation of the fundamental theory of separation of powers. Underlying all of the weaknesses of this procedure was the absence of participation by anyone other than public officials. The only manner in which the general public was represented in the process was indirect, through representation in Congress.

The second period in the history of presidential nominations stretches from 1831 to shortly after the turn of this century. In 1831, a minor party popularly known as the Anti-Masons met in convention to nominate a candidate for the Presidency. Lacking congressional membership, the party logically turned to the convention as a means of presenting a candidate to the country. In the following year the Democrats also held a national convention, and throughout the remainder of that decade and the 1840's, as political parties grew in strength across the country, the national nominating convention acquired its form and procedures.

The convention was viewed as an instrument of democracy, for it removed control of the nominations from members of the Congress and gave it to citizens actively concerned with the work of their respective parties. To exercise influence in the selection of presidential and vice-presidential candidates, a person had only to involve himself in the functions of his party and obtain either a position within its convention membership or a representation of his views within that body.

The third step in the continuing development of presidential nominating procedure occurred soon after the turn of the 20th century, as party leaders began dominating national conventions, leaving little apparent opportunity for rank-and-file citizens to exercise influence. In order to offset the power of the party leaders, primary elections were developed within some of the States for use in nominating candidates for State and local offices as well as for selecting delegates to national conventions and expressing public attitude regarding various potential presidential candidates. Since that time about one-third of the States have held primary elections in conjunction with nominations for the Presidency, in some cases using the primary to choose their convention delegates, in other instances providing the public with an opportunity to express its views on presidential contenders, and in some cases achieving both of these objectives.

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

Mr. MOSS. Mr. President, it is significant to note that a thread which runs throughout the chronicle of development of our nominating system is the theme of expanding democracy, an increasing opportunity for the influential expression of public opinion on potential nominees. That same intent now underlies contemporary interest in again modifying our nominating process. Virtually all current efforts to amend the Constitution to provide for some new method of nominating our highest executive officers are founded in the strongest and most vital element of the American political conscience—the desire for individual citizen participation in the public affairs of our country.

INADEQUACY OF EXISTING NOMINATING SYSTEM

Let us briefly examine the reasons why people today commonly feel that the current nominating process inadequately involves the general public. First, critics of the existing process often assert that the presidential primaries now held by various States put an excessive emphasis upon fame and fortune as attributes of serious presidential contenders. In order for an aspirant for our highest public office to demonstrate that he has strong popular support, it is now frequently necessary for him to make a successful run through a series of these primaries. Success in the primary route in turn puts a premium upon achieving a high level of public visibility, something which commonly can be acquired only through the expenditure of great sums of campaign money over a prolonged period of time. Few are the effective substitutes for fortune in contending for the Presidency by way of the primary system.

A more serious indictment of the present primary system, however, is the ambiguity of the primaries' results. For any one of a number of reasons, the outcome of a primary election in a State may be totally unique to that particular State. One of the participants may have been extraordinarily well known in that locality, even though he was relatively obscure nationally. Or perhaps only minor contenders for the nomination may have involved themselves in the contest, making its results virtually inconsequential in the final decision-making. In addition, frequently primaries in two or three States are held on the same day, preventing candidates from devoting the desired time and effort to one because of deep involvement in one or two other States. When such circumstances exist, as they commonly do, the results of a particular primary election are of dubious value. Nonetheless, the primary may have required the expenditure of a significant sum of money both by the State in administering the primary election and by the candidates in contesting it.

Perhaps the most serious weakness of our current nominating system is that the public's direct participation ceases before the final decisions are made. Whenever a candidate demonstrates through the primaries that he possesses significant support within our society for the Presidency, but subsequently reveals a paucity of strength within the national convention, widespread disillusionment with the nominating process is an inevitable result. Highly disturbing to me is the fact that in such circumstances the public is apt to be quite skeptical about the real legitimacy of the convention's choice.

The fundamental deficiency of our current nominating process is that it purports to give the general citizen influence on the nomination, and then fails visibly to fulfill that promise. There is little value in whipping up public interest in the nominations through a few presidential primaries if in the end the public is going to feel alienated from the results of the nominating process.

The task before us, Mr. President, is to devise a national nominating process which is fully in accord with the prevailing democratic character of American life. It is to meet that objective that the distinguished majority leader (Mr. MANSFIELD) and the distinguished Senator from Vermont (Mr. AIKEN), as well as other Members of this body in the past, have submitted proposals to establish a national primary election by constitutional amendment. Their concern is a worthy one, and I congratulate them for presenting proposals to the

Senate for consideration. But if our work is to be of maximum value to our country, we must consider a number of alternative approaches to solving the challenge which is before us. I would like to explain at this point in my address my reasons for believing that the proposal which I am submitting will best fulfill our Nation's needs.

WEAKNESSES OF NATIONAL PRIMARY PROPOSAL

I am concerned that many people in this country may be advocating the adoption of a national primary simply because on impulse that system would appear to provide the greatest possible measure of democracy. Superficially, it seems as though the primary would fulfill the Nation's needs and eliminate the weaknesses of current procedure. A careful appraisal of the many proposals for a national primary, however, leads me to believe that use of a primary alone would introduce other, but equally disturbing, difficulties into our political process.

To begin with, the national primary very conceivably could lead to a proliferation in the numbers of candidates for the Presidency. In order to avoid having a nominee chosen who received, for example, only 30 percent of the votes cast in a race involving four or five candidates, the advocates of the national primary, including Senators MANSFIELD and AIKEN, suggest that provisions be made for a runoff primary featuring the two highest vote getters among the original candidates. The Mansfield-Aiken proposal calls for a runoff if no candidate obtains 40 percent of the votes cast in the national primary. A serious question arises in my mind, as to the financing of these primary elections. The costs of national politics would increase considerably if candidates were obliged to campaign nationwide in a primary, a runoff primary, and a general election. Added to those expenses, under some proposals for a national primary—not including the Mansfield-Aiken resolution—would be the expenses incurred in a national petition drive to obtain a spot on the ballot.

My greatest concern, however, is that a national primary might threaten the stability of our two-party system, which I believe to be one of the major sources of strength in our political system. I fear, for example, that a profusion of primary candidates would encourage the development of factionalism within the parties; turning American politics ever more than it has become, thus far into a politics of personality. Personality politics is divisive politics marked by bitterness not easily overcome.

Another weakness of the national primary is that it might lead to rampant instability in the followings of the two major parties.

Experience has shown that primary elections at the State level have undermined party followings, as voters have registered in heavy proportions in the stronger of the two parties in order to obtain access to the most significant primary contests. When persons withdraw from the weaker of the two parties, that party is immediately weakened further, and in the long run the overall effectiveness of the party system is reduced as the role of the "loyal opposition" is severely restricted.

Another problem is that the elimination of the national convention, or the removal from it of the selection of the presidential nominee, would imperil the effectiveness of the instruments through which we now formulate and adopt national party platforms. The platforms of our parties have greater value for our system than some people appear to realize. The meetings of the platform committees, both at the convention site and in other cities across the country, provide interested groups with a significant opportunity to present their views on public policy matters to our political leaders. This is the kind of public participation within our parties which we should be trying to facilitate and encourage, not downgrade or abolish. Furthermore, these quadrennial statements of party philosophy and program contribute a great deal to the meaningfulness of our national party activities as viewed by concerned citizens.

Of perhaps greater seriousness is the likelihood that elimination or downgrading of the national convention would virtually deprive the parties of that institution which personifies them to the American people. We know that our national parties even now are undisciplined combinations of State and local party organizations. The only evidence of their existence in national form, that is appreciated and understood by the people, is the national convention. In the absence of the conventions, or in wake of their downgrading, the parties might come to mean little more to the average citizen than labels on ballots and voting machines.

There is also the possibility that a national primary would be an invitation to extremists to enter the race for the Presidency. Such candidates, unrestrained by the normal allegience of a candidate to a permanent party organization, would be free to seize upon the strains and tensions of the times and to offer highly emotional appeals to the public. In a primary featuring multiple candidacies of perhaps 5 to 6 or more citizens, an extremist candidate could gain a sufficient proportion of the votes to win a place in the runoff, or at least to play a very harmful, divisive role.

Mr. President, I am confident that we all agree that we should not take any step in reforming the nominating system in a way which would in turn threaten the continuing vitality of the two-party system. The present party system has been a stabilizing influence upon our politics for more than 100 years. Its contribution to the successful governing of our society has been immeasurably great. The parties have served to shape the electorate, providing it with guidance and leadership, qualities which are essential to the effectiveness of democratic processes in a burgeoning, complex society.

Two eminent political scientists, Nelson W. Polsby and Aaron B. Wildavsky, have made this point succintly in their volume, "Presidential Elections: Strategies of American Electoral Politics":

> Responsible political analysts and advocates must face the fact that party identification for most people provides the safe cognitive anchorage around which political preferences are organized. Set adrift from this anchorage, most voters have little or nothing to guide their choices. Chance familiarity with a famous name, or stray feelings of ethic kinship under these circumstances seem to provide many voters with the only clues to choice. Given the conditions of popular interest and participation which prevail, we would question throwing the future of the party system entirely and precipitously into the hands of primary electorates.

UTAH EXPERIENCE

The experience of the State of Utah with the primary system provides clear evidence of the accuracy of the aforementioned general observations. For many years, Utah political parties determined their nominations solely through conventions. But gradually people came to the conclusion that while this procedure facilitated the exercise of leadership by persons active in the party organizations, it did not allow for sufficient expression of the views of the general citizenry. Accordingly, shortly prior to 1940, Utah adopted the double primary election as a means of making nominations for State office and for seats in the U.S. Congress. Advocates of the primary hoped, thereby, to provide a greater opportunity for meaningful participation by the people in the nominating process. The State discovered rather quickly that the primary approach failed to yield the intended result.

The fundamental difficulty with the primary arose out of the customary American desire to nominate candidates who had established that they were the choices of a majority of the party followers. Because of the likelihood that a race featuring multiple candidacies for a single nomination would fail to provide any candidate with a majority, a runoff election was incorporated within the primary election law. The State's experience with the runoff was unimpressive. There was the possibility that a rather weak candidate, supported only by a small but active minority of people, perhaps motivated by a regional interest or some other type of special interest, could garner enough support in the initial contest to gain access to the runoff. In a runoff featuring two such candidates, each of whom was basically a special-interest candidate, even the runoff failed to provide the people with the broad and meaningful choice which they hoped to obtain in the primary system.

Another problem was that frequently only a few races, perhaps only one contest, required a runoff; in the others, someone receives a majority in the first primary. The result of such a situation was a runoff election of little interest to the voters in general; such runoffs were apt to be decided by special interests in the electorate, such as friends and close supporters of the candidates, interest group activists, or professional politi-

cians. Furthermore, the runoff lost its prestige, and voter participation in this election dwindled, creating grounds for suspicion that runoff results were rarely embodiments of the general will of the electorate. In addition, the runoffs, regardless of the number of offices involved, represented a considerable State expense, but in no demonstrable way contributed to the meaningfulness of the democratic process or to the quality of government.

Utah's experience with a statewide primary thus provided convincing evidence that the primary system does not necessarily yield the most democratic results. Due to the combined factors of the proliferation of candidates in the initial election, the entry of candidates having little claim to broad, statewide support, and low voter participation in the runoff contest, the primaries rarely produced candidates who truly had obtained the support of a majority of the entire electorate. In short, the primary system of nominating candidates for public office delivered less than it appeared to promise to the people.

Convinced of the double primary's weakness, the State of Utah rather quickly abandoned this nominating procedure, in its place devising a hybrid system combining the strengths of party conventions and party primary elections. Conventions held by each party designate two persons to be candidates for nomination to a public office in a subsequent primary election. The voters then have the opportunity of participating in the contest of the party of their choice, determining which of the two persons suggested by the convention for the nomination should receive it. Hence, the hybrid Utah system brings together into one nominating process the leadership of the organized party and the decisionmaking of the voters. It is a system whose results have fulfilled their promise.

CONVENTION-PRIMARY SYSTEM BEST

Mr. President, the general criticisms which I have pointed out previously, together with the illustrative experience of the State of Utah under the primary system, lead me to conclude that proposals to abolish the national nominating conventions and replace them with a national primary election would introduce undesirable characteristics into our national political process. On the surface the national primary unquestionably offers to many people the appearance of a completely democratic nominating system. My own examination of this question leads me to the view that such a confidence in the performance of the primary system is misplaced, and that the Nation would be better served by the adoption of a nominating system which, while granting greater voice to the public, simultaneously provides the public with the leadership of the national party convention.

Mr. President, one of the important prerequisites to the effective evaluation of any nominating system is the determination of the criteria to be employed in the analysis. Professors Polsby and Wildavsky, in their study of presidential nominations, provide us with a set of standards upon which I am sure we would all agree. They assert:

Any method for nominating Presidents should 1) aid in preserving the two-party system; 2) help secure vigorous competition between the parties; 3) maintain some degree of cohesion and agreement within the parties; 4) produce candidates who have a likelihood of winning voter support; 5) lead to the choice of good men; 6) result in the acceptance of candidates as legitimate.

Submitting my proposal to analysis under these standards, I believe that my recommendation of a primary featuring competition between two candidates chosen by each national party convention to compete for the public's support for the nominations, holds the greatest promise for fulfilling the needs of our country.

I believe that the national convention is too vital to the effective functioning of our political parties to permit it to be discarded. My proposal would pass these six tests precisely because it would retain the conventions and the benefits which accrue to the country through that forum. Specifically, the chief form of identity of the parties would be continued, and its significance undiminished. In addition, party cohesion would be fostered, for conventions represent an opportunity for the party to recover from factional fights, and to rediscover the common purposes and objectives of those persons who cling together under a party banner. By encouraging cohesiveness in the parties, the conventions would continue to serve as a bulwark for the two-party system. And furthermore, the continued involvement of the conventions in the nominating process would serve as a screen, filtering out fringe or extremist candidates who had obtained broad support of the party leaders.

The postconvention primary, as projected in my proposal, would represent a major improvement over our existing procedure because it would introduce into the nominating process a truly meaningful opportunity for popular participation. This structured national primary contest of two men within each party would constitute an equitable proving ground of the candidates' national popular support. Their electibility would therefore be genuinely tested, in a fashion whose advantages are unapproached by our current primaries. And above all, this postconvention primary would increase the people's feeling of the legitimacy of the eventual nominees of each party, and thereby bolster the allegiance of the people to our major parties.

Mr. President, I respectfully urge that the Senate give serious consideration to the improvement of our nominating process. Now is the time to act, while the experience of the past year is still fresh in the minds of the people. The selection of Presidential and Vice Presidential candidates is the first half of the most important democratic exercise in this country. It is the responsibility of the Congress to direct its wisdom and effort so as to maximize the effectiveness of our national nominating process. I am therefore pleased to offer this plan for the consideration of the Congress.

Mr. President, I introduce for appropriate reference a joint resolution proposing an amendment to the Constitution of the United States in the manner I have described.

I ask unanimous consent that the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 69) proposing an amendment to the Constitution of the United States providing for the nomination of candidates of political parties for President and Vice President introduced by Mr. MOSS, 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. 69

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 when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The official candidates of a political party for President and Vice President shall be chosen as provided in this article if the candidates of such political party for President and Vice President, or electors representing such candidates, received at least 10 per centum of the total number of votes cast throughout the United States for all candidates for President and Vice President, or electors representing such candidates, in the most recent previous presidential election.

"SEC. 2. Each political party whose candidates for President and Vice President are required to be chosen in accordance with this article shall nominate two candidacies, each consisting of a candidate for President and a candidate for Vice President, at a national convention convened for that purpose not later than July 1 of each year immediately preceding a year in which terms of President and Vice President expire. Within five days following the final adjournment of any such convention the presiding officer of the convention shall certify to the Administrator of General Services, or such other officer as the Congress shall by law provide, the names of the candidates for President and Vice President comprising the candidacies so nominated.

"SEC. 3. The Administrator of General Services, or other officer provided by the Congress, shall promptly transmit to the chief executive of each State and the District of Columbia (a) the names of the candidates for President and Vice President comprising the two candidacies certified to him by each political party whose candidates are required to be chosen in accordance with this article, and (b) the names of the candidates for President and Vice President comprising the two candidacies chosen by a political party, other than a political party whose candidates are required to be chosen in accordance with this article, at a national convention convened for that purpose, certified to him not later than July 31 of the year immediately preceding a year in which terms of President and Vice President expire, and accompanied by a petition or petitions bearing the signatures of a number of qualified voters equal to at least one-tenth of one per centum of the total num-

ber of votes cast throughout the United States for all candidates for President and Vice President or for electors for President and Vice President, in the most recent previous presidential election, and expressing the intention of such voters to support the candidates for President and Vice President of such party.

"SEC. 4. There shall be held in each State and the District of Columbia on the second Tuesday in September of each year immediately preceding a year in which terms of President and Vice President expire a primary election for the purpose of choosing the official candidates of political parties for President and Vice President. The places and manner of holding such primary election shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations. The ballots in such primary shall contain only the names of the candidates for President and Vice President comprising the two candidacies of each party transmitted by the Administrator of General Services, or other officer provided by the Congress, under section 3 of this article. Voters in such primary election in each State shall have the qualifications requisite for electors of the most numerous branch of the legislature of such State, and in the District of Columbia such qualifications as shall be prescribed by the Congress, but shall be eligible to vote only for the candidates of the party of their registered affiliation.

"SEC. 5. Within fifteen days after any such primary election, the chief executive of each State and the District of Columbia shall prepare distinct lists showing the number of votes received by the persons comprising each of the two candidacies of each party for President and Vice President, which lists shall be signed, certified, and transmitted under the seal of such State or District to the Administrator of General Services, or other officer provided by the Congress, who shall forthwith open all certificates and ascertain the aggregate number of votes cast for each person by the voters of the party of which he is a candidate. The persons comprising the candidacy which shall have received the greatest number of votes for candidate of a political party for President and Vice President shall be the official candidates of that party for President and Vice President throughout the United States. In the event of a tie vote, the winning candidacy shall be determined by lot.

"SEC. 6. Immediately upon the ascertainment of the names of the official candidates of each political party for President and Vice President, the Administrator of General Services, or other officer provided by the Congress, shall certify the names of such candidates and party to the chief executive of each State and the District of Columbia.

"SEC. 7. In the event of the death, resignation, or disability of a person chosen by a political party to run in a primary election held under this article, or a person determined pursuant to a primary election held under this article to be an official candidate of a party, a national committee of such party shall designate a person to run in such primary election or as the official candiate of such party, as the case may be. For such purpose, the vote of such committee shall be taken by States, the delegation from each State having one vote. A quorum for such purpose shall consist of a delegate or delegates from two-thirds of the States, and a majority of the States shall be necessary to a choice. The District of Columbia shall be considered to be a State for the purposes of this section.

"SEC. 8. This article shall take effect on the 30th day of January following its ratification.

"SEC. 9. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

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

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

STUDY OF THE METRIC SYSTEM LONG OVERDUE

Mr. PELL. Mr. President, Congress last year finally gave its approval to the metric study bill Congressman MILLER and I had been proposing for several Congresses. The bill directed the Secretary of Commerce to conduct a comprehensive 3-year study of the advantages and disadvantages of increased use of the metric system of measurements in the United States.

A thorough study of this question, I believe, is long overdue, and I was delighted that the Congress recognized the need by adopting metric study legislation in the 90th Congress.

But, if the directive of Congress is to be followed out, and if the study is to be a meaningful one that can serve as the basis for congressional consideration of future policies, the study must be appropriately funded.

As originally introduced in the Senate by myself and in the other body by Representative GEORGE P. MILLER in the 90th Congress, the metric study bill would have authorized adequate appropriations for the 3-year study. At this point I would like to extend full credit to Senator GRIFFIN whose interest and effort helped so much to secure the enactment of this bill. Because of the very strong demands for fiscal restraint during the last Congress, however, the act was amended in the other body to require the Secretary of Commerce to finance the study during fiscal 1969 from funds otherwise appropriated for the Department, deleting authority for any additional appropriation.

It is therefore necessary, if the study is to go forward, to authorize an appropriation. The administration has requested such legislation, and the chairman of the Commerce Committee, the senior Senator from Washington, has today introduced a bill to authorize appropriation of up to $2,500,000 for the entire study. I am very pleased indeed to be a cosponsor of that bill.

I would emphasize, as I did during consideration of the metric study bill last year, that this study does not commit the United States to increased use of the metric system. We are, however, confronted with the fact that about 90 percent of the people in the world live in countries using the metric system, and the fact that about 75 percent of world trade is carried on in metric units. We also are confronted with a worldwide trend toward increased use of the metric system. Great Britain is now in the process of converting from the English foot-pound system to metric units. We may soon find ourselves as the only major industrial nation not using the metric system.

We should know what implications these developments have for our foreign trade, and what advantages and disadvantages increased use of metric measurements would have within our own country. The study, if properly funded, will provide answers to these questions. The Congress has directed the Commerce Department to provide answers to these difficult questions; we should now give the Department adequate resources to carry out the directive.

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.

S. 1366—INTRODUCTION OF A BILL RELATING TO RELEASE OF CERTAIN CONDITIONS OF A DEED CONVEYED BY THE UNITED STATES TO THE SALT LAKE CITY CORP.

Mr. MOSS. Mr. President, approximately 50 years ago a large concrete "U" was erected on a hillside overlooking Salt Lake City. The U stands for the University of Utah, my alma mater, and I believe it was one of the first such initials put up to symbolize a university.

The Alumni Association of the University of Utah now wishes to reconstruct the U and to light it, but such activity is being blocked because of the fact that—in 1961—this property was conveyed to Salt Lake City Corp. by an instrument of transfer providing for the use of the property only for public park and recreational purposes.

To enable the desired work to be done on this block U, I am today introducing a bill which relates to only about 3.73 acres of this land. The bill releases the terms and conditions in the instrument of transfer which provided for a reversion of title to the United States under specified circumstances. And its passage will give Salt Lake City Corp. a clear fee title to this small portion of the land, thus permitting reconstruction and lighting of the U.

I have carried out rather lengthy negotiations with the Bureau of Outdoor Recreation on this matter seeking to gain the approval of the Federal Government for reconstruction and lighting of the U. The Bureau has been most cooperative but believes that, under the terms of the instrument of transfer, the agency has no authority to approve such use. Unfortunately, no provision was made in the approved program for maintenance of the block U. The U had been there for such a long time that apparently no one paid any attention to the problem at the time the land was transferred.

Salt Lake City Corp. has expressed its willingness to cooperate with the alumni association so that lighting and renovating the block U may be carried forward. I urge the Senate to speedily approve this bill, so that any question about the future of this traditional symbol of my alma mater may be removed.

Mr. President, I send the bill to the desk, to be appropriately referred; and I ask unanimous consent that it be printed in the RECORD.

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

The bill (S. 1366) to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp., introduced by Mr. Moss, 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. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that notwithstanding the provisions of the Surplus Property Act of 1944, as amended (50 U.S.C. 1622 (h)), the terms and conditions in the instrument of transfer issued by the United States on November 15, 1961, to the Salt Lake City Corporation, providing for a reversion of title to the United States under specified circumstances, are hereby released only with respect to the following described tract in section 33, Township 1 North, Range 1 East, Salt Lake Meridian, Utah, which contains a large concrete "U" (an emblem of the University of Utah) and which comprises approximately 3.73 acres, more or less:

Beginning at a point N.0°00'40"E., 999.41 ft. and S.89°59'57"E., 3,265.67 ft. from U.S. Military Reservation Monument No. 13, said monument marking the southwest property corner of the Shriners Hospital for Crippled Children, thence:

S.89°59'57"E., 500 ft. along the northerly boundary of Fort Douglas Military Reservation, said boundary being between U.S. Monuments 14 and 15 to the point of intersection of the northerly extension of the westerly boundary between U.S. Monuments 11 and 12; thence 1.0°02'40"E., 325 ft. along the northerly extension of the westerly boundary of the Fort Douglas Military Reservation between U.S. Monuments 11 and 12; thence N.89°59'57"W., 500 ft. along a protracted line parallel with the north boundary of Fort Douglas Military Reservation, said boundary being between U.S. Monuments 14 and 15; thence N.0°02'40"W., 325 ft., along a protracted line parallel with the northerly extension of the westerly boundary of the Fort Douglas Military Reservation, between U.S. Monuments 11 and 12 to the point of beginning.

ROBERTS IN VIETNAM

Mr. MANSFIELD. Mr. President, for almost a year, Michael D. Roberts was in Vietnam as the correspondent of the Plain Dealer. At the end of his assignment Mr. Roberts summed up his conclusions in an article entitled "Vietnam, 1968, Is a Time for Anger."

In blunt language, Mr. Roberts sets forth the reasons for his anger. In brief, his article tells of the futility and frustration of the many in the pursuit of impossible dreams of the few. It is a story of an immense effort on the part of military and civilian agents of this Nation in Vietnam which, despite highlights of gallantry and noble purpose, has not been able to emerge from the quicksands of self-delusion and deception in Saigon.

The year 1968 is, indeed, a time for anger. It is a time that is also tinged with sadness, for the tens of thousands of American and Vietnamese lives which have been forfeited in this barbarous war. In retrospect, so too was 1967 a time for anger and regret, and 1966 and 1965.

What appalls most, Mr. President, is that what Mr. Roberts has concluded at the end of 1968 was concluded in substance by predecessor correspondents in Saigon in preceding years. Indeed, if there is a reassuring link to reason in this sorry situation, it has been the essential accuracy with which a long line of resident American correspondents have perceived the actual state of affairs in Vietnam over the years. One can only hope that Mr. Roberts will be read with greater care and attention than his predecessors.

I ask unanimous consent that the summary article on Vietnam by Michael D. Roberts be printed in the RECORD.

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

VIETNAM, 1968, IS TIME FOR ANGER

(NOTE.—Michael D. Roberts, Plain Dealer correspondent, sums up in this dispatch the overall conclusions he has drawn from nearly a year's service in Vietnam.)

(By Michael D. Roberts)

SAIGON.—It is difficult to feel sadness on leaving Vietnam. All the sadness you could muster has long been expended—uselessly, you might add.

The thing you can do is lament the dead and those who are going to die in this place of confused torment.

The feeling most prevalent, though, is anger—not an anger derived from a political philosophy or a fervid moral movement, but an anger based on realism.

This anger is directed at the Vietnamese and American governments and those who represent each in their particular endeavors in the orchestrated mess called the Vietnam war.

And the others—the Vietnamese people and the American soldiers—well, they really have no control over what happens to them, and need an element of luck to duck at the right moment. You can sympathize with them, admire them and wish them luck. After they are dead you may lament them.

A new president will now confront the cursed ways of this war, and if he is not deceived perhaps he can help bring peace to the countryside and joy to the people.

But to do this he must be tough and wise and stop playing "let's pretend" with the South Vietnamese Government (GVN) and recognize what it is and what it has not done.

In many ways the GVN, masked behind its democratic drapery, is as much of a hindrance as the Viet Cong when it comes to joy and freedom for the people.

It is neither responsive to the people it represents nor viable enough to stand on its own. Directed largely by military personalities, the GVN goes its own way and in a carefully masked drama gives us the impression of being democratic. It is a hollow impression.

Most knowledgeable Vietnamese who care enough to be interested will tell you about the great election we forced the GVN to hold in the fall of 1967.

"The election was the biggest fraud," said one student. "It is common knowledge among the people that many soldiers voted twice. That many people long dead had cast ballots is quite amusing to many of us."

But since the election and the writing of a constitution, Americans here have looked upon the evolution of democracy in almost a reverent manner.

"Why, I'm not worried about a coup," said an American adviser in Vung Tau. "They have a constitution now. After the election why should there be a coup? It is a practicing, living democracy now."

The fact that the GVN is a thinly disguised tyranny that closes newspapers with flimsy explanations, harasses those who would dare to speak out in public, and takes from the people in the form of corruption is usually overlooked.

Outwardly, the GVN appears to be laboring to develop a war-torn nation, but inwardly its officials, products of a system that has become part of this nation's blood, continue to grow wealthy from the ways of war, corruption and the American dollar.

LEAVING VIETNAM, GRIEF IS SPENT—ANGER REMAINS

Given peace tomorrow, the GVN would only have to face another armed group preparing to rid the land of oppression.

The oppression comes first, rebellion follows and the Communists fill the vacuum and provide an added spirit, eventually taking the leadership of the entire movement and making it theirs. This is a possible pattern of insurrection.

As long as the GVN continues to treat the people in the present manner communism will always have a point from which to commence.

Legions of naive, ambitious and plainly stupid Americans have unwittingly aided the GVN. Our government attempted a revolution here which was of such magnitude that it became an impossibility from the start because of the character of the people and the nature of the GVN.

Our government, under the impression that American money and men could eventually transform this land into a democratic society, gave the GVN its head. Because of the United States, the GVN had power and we really had no control over this power, which, of course, was ours from the beginning.

Never before has our government fought such a war. In response, it has sent American civilians and leaders of such naive quality that one's teeth grate in frustration.

U.S. AID employes, people who are asked to function in important jobs—jobs that require immense skill and understanding—arrive daily to collect substantial salaries and live in air-conditioned comfort. They arrive without skill or understanding.

Some go to the district and provincial capitals to serve in various advisory roles. Many who are sent to advise are recent college graduates who previously never held jobs and are avoiding military service. Others are former military men, usually retired, who were passed over on the promotion lists.

This is not to say that the civilians who serve as advisers are all inadequate, for there are some outstanding people here, but even they are stymied by the atmosphere and events that take place around them.

One adviser, a young man who is capable and knowledgeable, blames the military for many ills and refuses to mingle with the rest of the men on the advisory team who are all military.

His attitude is one of disgust toward the Army—disgust because the Army seems indifferent toward the Vietnamese people.

"I have as little as possible to do with the military," this adviser explained.

Whether he knows it or not, this adviser is dulling the effectiveness of his particular team. True enough, the military does not exhibit the same zeal as the young adviser, but he refuses to see reality and try to make the team work.

On the other hand, the military often manifests contemps for the civilians, who are sometimes viewed as "do-gooders" with no business to be cluttering up a war zone.

Since the job of fighting this type of struggle is complex, the experience and knowledge of those who have mastered a small part of it is invaluable. But by and large, many of these people give up in disgust at the leadership, which tends to give in to the Vietnamese pressures at nearly every turn.

The matter of corruption alone is of such staggering magnitude that the mind reels when it confronts only a small part of it.

And the Vietnamese people laugh—oh, how they laugh!—at the Americans who are innocent of the corruption that surrounds them. The Vietnamese people know all and see all. They are the last to be fooled by the stories of improvement and progress that we praise the GVN for making. Obviously, we are the first to be fooled.

We have done so much for the Vietnamese that they have simply stopped functioning. We advise on everything, we finance most things and we do the heaviest fighting. The Vietnamese government spends its time talking about how it is not going to talk to the National Liberation Front, a confrontation that will have to take place if there is to be peace.

While South Vietnam's large and questionable army moves about the countryside deploying in maneuvers of eluding and engaging, our military is expected to do more than fight.

The truth is that the military has been asked to do too much in Vietnam. Soldiers are expected to be politicians, good humor men, development specialists, doctors, psychologists and just about everything short of the good fairy.

If you have ever had anything to do with an infantry unit that has seen combat day in and day out, you can understand the ridiculousness of this. Men tense and tired from combat are apt to look upon any Vietnamese with suspicion and ill feeling.

However, the military in Vietnam cannot go uncriticized. Gen. William C. Westmoreland with his vocal optimism, his search-and-destroy methods and his massive use of firepower left the military effort open to the attacks of skeptics.

But in many ways the military has done its primary job in Vietnam. It has killed Viet Cong and North Vietnamese soldiers. It is even getting better at the job. What else does a military do?

The longer you are here, however, and the more closely you examine the enemy and the politics, it becomes increasingly evident that the military operations are superfluous because the "other war" is being fought like a delay-and-withdraw action. Because of the ineptness of the GVN, Viet Cong are manufactured daily.

Our participation in the "other war" has been less than brilliant.

Men were assigned to Vietnam as leaders in this program and came to build personal empires of such bureaucratic magnitude that it took elaborate charts to find out who was responsible for what.

Robert W. Komer, now U.S. ambassador to Turkey and a former Central Intelligence Agency man, came to head up our efforts in this area.

On paper, the way Komer likes things, he had great qualifications. He had good schools behind him, good experience and was generally considered a good administrator. Fine.

But Komer did not listen to his people in the field, many of whom he classified as malcontents when they complained of failures. He would urge them to "get on the team."

A cheery, ebullient sort, Komer told his people to listen to the GVN and do it their way. After all, it was their country.

Komer was fair game for the press which constantly attempted to put him on the defensive at his news briefings. These were almost always concerned with his evaluation system for pacification, a computerized system that analyzed security in the countryside.

"It is the only measurement," he would say in defense. Yes, it was the only measurement that could be worked out on the computer, but there was always the feeling that advisers' reports never quite made it to the final input. Things may not be so good out in the districts, yet by the time Saigon produced the final reports they looked good on paper.

And what about the U.S. advisory system, which has worked so long and so hard with the Vietnamese military and civilian forces?

Despite all the cheering and applause from many American advisers, who must rely upon good efficiency reports for promotion, progress among the Vietnamese armed forces is largely hope and a supply of better American arms.

Since almost all advisers, be they civilian or military, have rather limited tours of duty in specific assignments, their Vietnamese counterparts have gone through a dozen or so.

In many instances the adviser does not advise at all. He sometimes asks, sometimes begs, sometimes cons and most times functions as a line of supply or a communications clerk.

Many Vietnamese commanders, district chiefs and province chiefs have served in the environment of war for so long that it seems impossible that an American officer with no command of the language or, in many cases, no previous combat experience is really going to advise them.

Advisers do not even have the power to control American goods and materials that are sent to help the war-stricken people.

The advisory effort in name has dwindled to the static stage. Vietnamese counterparts have learned to rely too much on U.S. support as provided by an adviser who thinks that he is doing his job by making the aid available. Vietnamese leadership, as bad as it generally is, needs to regain personal initiative.

No one fools the Vietnamese people. When they are helped they know where the help comes from, and our help does not make them view their government with any more respect.

The advisory program needs re-evaluation. It would be the first step in making the Vietnamese realize that the "other war" must be fought by themselves for it is a war in which we are altogether too ineffective.

The problem of the South Vietnamese military is one that will tax the minds of our leadership for some time. The Vietnamese soldier sees how the American fights. He sees the artillery, air strikes and massive helicopter support. He is not interested in fighting without these and where, after we withdraw, is he going to get them?

Westmoreland tried to make the war as easy as possible on the GI. He always said let machines do the job to save men's lives, which was admirable enough. But the South Vietnamese are men, too. Where does their future lie?

The naive Americans are perhaps the most dangerous. They truly believe because they cannot see. The adviser in one seacoast town was oblivious of the fact that the yearly budget was being held back and lent out at a high rate of interest and then, suddenly, spent at a terrific pace at the end of the fiscal year.

"I don't know why they've spent only 20% of the budget in 10 months," he explained to a reporter. "I think it's because they have been having a difficult time getting the books straightened out."

His assistant, younger and more alert, explained later: "It is being lent out at as much as 50% interest on a loan that has to be paid back in 10 months."

"Why didn't you tell your boss?"

"I've told him a couple of times and he refuses to believe me. He says we have to listen to the Vietnamese."

A Saigon official laughed over the lending incident. "At least they are not stealing it," he said.

Americans are naive in other ways.

In a province west of Saigon, an area heavily infested with Viet Cong, the American advisers are quick to extol the virtues of the province chief, who is better than most but still is not beyond applying the con.

Several nights a month, the province chief, buttoned up in his armored car, travels with a musical band to a hamlet where the people are brought together to listen to entertainment and a speech from their leader.

The American leadership views this as quite wholesome. It is just the kind of thing Bob Komer would have in his backyard. The province chief gains prestige through this action because the Americans like it and in turn the GVN is impressed because the United States is much easier to deal with in this particular province.

So on the face of it the rice paddy variety shows are very good. The province chief displays his contempt for the VC by spending the night in the village. On paper it is a brave and bold gesture.

Since most Americans cannot speak Vietnamese, however, they do not realize one thing. The people in that particular hamlet are terrified.

Even though the province chief, who appears to be quite unconcerned about the VC, has set up night ambushes and defensive positions around the hamlet with nearly a battalion, the people fear that his foolishness is simply inviting a Viet Cong attack.

"I have talked with some people from one hamlet," a Vietnamese friend said. "The mothers fear for their babies when the musical show comes. All the people are cold with fright. They wish the colonel would stop trying to impress the Americans."

If you are sitting in Saigon reading reports and evaluating this activity, all would appear quite progressive. The province chief is attempting to pacify his province; he is out showing the flag and he is working. His counterpart seems to be doing well, too.

No one evaluates the people's feelings. Did you ever have a good time while waiting for a mortar attack? This never occurs to the Saigon officials, whose secretaries often enjoy salaries and benefits equal to those of a company commander.

The game goes on.

Most Americans in Vietnam see our effort for what it is, most recognize the GVN as despotic. To discuss this with them in Saigon is old hat; you give an example and they can give you two back.

Westmoreland could never understand the press in Vietnam. He tried to be friends, tried to use public relations to win their understanding.

Westmoreland did not lie. But what he faced in the press corps was an independent agency that could go anywhere in the country and see anything it wanted to and talk to anyone who cared to comment.

The difference between the press and the government was that the press listened to

what everyone had to say. It was not that U.S. officials did not tell the truth. It was just that they did not know any differently themselves so they took the word of the GVN or of whoever could identify progress.

But when these same people who talked to the press tried to talk with the government, people like Bob Komer did not always have time to listen. Ambassador Komer wanted to listen only to those things that told of progress. To speak otherwise meant that you were not doing your job.

Barry Zorthian, the former leader of the Joint U.S. Press Mission, another bureaucratic empire of questionable worth, returned home after a long tour in Vietnam and criticized the irresponsibility of the press.

To a degree Zorthian was right. Some poor reporting is coming out of Vietnam. But the U.S. Government accredits as a journalist just about anyone who would like to attend a war.

These persons flock in without any previous journalistic experience. They are accredited as free-lancers.

"Oh, this is my first writing effort," a young man said the other day. "I'm just here to make some money and see a little war."

A beautiful school operator came over to film a documentary, Red Cross girls return to become journalists and even a matronly woman with nothing other to do was accredited. She asked meekly:

"Please can you tell me when the tour is going out to the war?"

And strangely enough, when the free-lancers find out, as most eventually do, that a war does not necessarily make you an Ernest Hemingway and that it takes money to live even in Saigon they can get an assignment from our government that will pay them a few hundred dollars.

They are paid well to write insipid feature stories that neither will see print nor represent good propaganda. Our conception of propaganda is air-dropped leaflets that the Vietnamese use for toilet paper or peanut wrappers.

Yes, Barry Zorthian is right. There is a problem with the press, largely because the government was too timid to keep Vietnam from being a playground for would-be writers.

A lot of good is to be found in Vietnam, mostly good people. Outstanding Americans and equally outstanding Vietnamese labor daily together, endure the hardships and dangers and build binding friendships and mutual respect through their toils.

The men who extend for more duty deserve credit for they discount the odds that are made by the Viet Cong and the politicians. Not enough can ever be said about these people.

Often it is best not to mention the good Vietnamese for their government does not like to hear what they have to say. But they are the victims of politics and the times and they are the ones who suffer the most.

Both governments, reigned over by the single-mindedness of their leaderships, struggle on. The Americans look for progress during their tour so they can come home to a promotion while the GVN leaders immerse themselves in the joys of new-found power, unwilling to face reality.

That the writer has been unfair in his portrayal is acknowledged. He is unfair because he does not have the answers to these agonies, but apparently neither does any of those in power.

But first we have to acknowledge our mistakes before we can correct them. The question is whether our leadership is ready to do so.

That is why anger overcomes sadness in Vietnam.

SENATOR RICHARD B. RUSSELL

Mr. GRAVEL. Mr. President, the National Observer of Monday, February 17, 1969, contains an article entitled "Senator RUSSELL: A One-Man Court Over the Nation's Defense Policies."

As the title implies, the article touches upon the distinguished and influential career of our knowledgeable colleague and dean, the distinguished senior Senator from Georgia (Mr. RUSSELL). It includes many sensitive insights into the feelings of a man whose advice and counsel on matters of national defense have been sought by occupants of the White House for more than two decades. This is no less true today, Mr. President.

The observations of Senator RUSSELL, evolving as they have from his years as a leader in the Senate, have an obvious relevance to the questions facing Congress this year: the nonproliferation treaty, antiballistic missiles, nuclear inspection systems, military expenditures, and our relations with the Communist world.

Mr. President, I ask unanimous consent that the article be printed in the RECORD, in the hope that Senators may profit, as I did, from reading this unusually perceptive story about Senator RUSSELL.

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

SENATOR RUSSELL: A ONE-MAN COURT OVER THE NATION'S DEFENSE POLICIES

WASHINGTON, D.C.—Sen. Richard Russell, now 71 and at the zenith of his power and influence in Congress, rides to work every morning in the front seat of his chauffeur-driven Lincoln Continental limousine. In the evening, he eats alone in a Howard Johnson restaurant near his apartment.

The limousine and chauffeur are provided by the Government because the Georgia Democrat this year succeeded Carl Hayden as president *pro tempore* of the Senate. He is now third in line of succession to the Presidency after the Vice President and Speaker of the House. The solitary dinners, sometimes at O'Donnell's Sea Food Grill, are standard because Mr. Russell likes his quiet bachelor life, doesn't care for small talk and crowds, and years ago had his fill of the Capital cocktail circuit.

Does he feel more powerful now than he did a year ago? "Well, I get that big automobile now," he smiles. "The doorman at my apartment never paid much attention to me, but he is really impressed with the length of that car. The driver is an impressive looking fellow too."

The senator seemed to be only half joking. He has been the Senate's most influential member for so many years that he barely notices another increment in the substance of his powers. But how important, he seemed to be jesting, can a political figure be if his doorman ignores him, no matter how carefully the White House weighs his judgment and advice?

A ONE-MAN SUPREME COURT

And President Nixon surely heeds the senator's judgment as seriously as President Johnson did. As president pro tem, dean of the Senate, chairman of the Appropriations Committee, ranking Democrat of the Armed Services Committee, which he chaired for 16 years, and unofficial spokesman for the Southern senators, Mr. Russell sits almost as a one-man Supreme Court over the nation's foreign and defense policies.

His qualified support of Lyndon Johnson's Vietnam policy was so crucial, some Senate insiders insist, that if he had withdrawn it in 1965 or later, Mr. Johnson would have had no choice but to fold the war. If President Nixon is now going to lead the United States into an era of negotiations with the Communist powers, the way would be rough indeed without Richard Russell's blessing.

Fortunately, for Mr. Nixon, that blessing should not be difficult to get for a variety of reasons. First, Mr. Russell, as an old-fashioned patriot in the Southern tradition, has always supported a bipartisan foreign policy with the White House in the lead. In the Democratic Congresses of the 1950s, it was Mr. Russell who restrained his Senate colleagues from challenging President Eisenhower's foreign policy—always warning of serious global ramifications if Capitol Hill and the White House split on foreign affairs. Senate Majority Leader Lyndon Johnson was one of those whom Mr. Russell sat on at the time.

Secondly, there is a surprisingly pragmatic cast to the senator's anti-Communist outlook. He vigorously defended the U.S. intervention in the Dominican Republic in 1965, but was among those early opposed to U.S. involvement in Vietnam—supporting Mr. Johnson only because "our flag is committed, our national honor is committed, our prestige is committed, and our whole power for the maintenance of world peace and avoidance of a nuclear war is laid squarely on the line in Vietnam today," he said more than three years ago.

A "CREDIT CARD"—WITH LIMITS

He isn't altogether sanguine about the prospect that the "era of confrontation" with Moscow is ending, as Mr. Nixon suggests. "I wouldn't buy too much on that credit card," the senator observes mildly. "You know, the Cold War has a way of heating up at times."

But sitting at his battered old desk in his cavernous Senate office, the cold afternoon sunlight at his back, the senator yearns for an end to the Cold War. "The people of this earth everywhere are praying for peace and disarmament," he says quietly. "This heavy burden of arms is heavier now than it has ever been in history.

"But it's a paradox. While people everywhere want to avoid any war, the ambitions, the miscalculations, the erroneous judgments of the world's political leaders pose a constant threat to peace."

A light on his telephone blinked at the senator; motioning his visitor to remain seated, he took the call. It lasted only a minute, Mr. Russell listening without expression.

"That was Admiral Moorer," the senator sighed. "He's very enthusiastic about the new Navy plane (the F-14A). He says it's going to be a good one."

A SMALL, SAD SMILE

The news from Admiral Moorer, chief of naval operations, brought a small, sad smile to the senator's mien, coming as it did as a footnote to his remarks about the burden of arms. But after all, Mr. Russell has been getting such calls for 30 years. The admirals, the generals—the Defense Secretaries change—each running a brief sprint in the endless arms race, announcing a new airplane, a bigger bomb, a better submarine or missile.

By this time, though, Mr. Russell has acquired the perspective and the wariness of a long-distance runner, one who senses the futility of an endless race.

"Look, I'm in favor of negotiations. I'm in favor of disarmament," he says, almost rising from his seat. "I'm willing to negotiate to drastic disarmament—not all the way down, but drastically. But only if I know that any potential adversary will do the same."

He waves his arm brusquely over his desk:

"I'm willing to let the Russians come in and inspect my office. I'm willing to open the White House pantry to them if they think they'll find any weapons there. But we must also have the right of observation in their country, either ourselves or by a genuinely neutral group."

A PROSPECT THAT FRIGHTENS HIM

"But," he shakes his head, "I'm truly frightened at the prospect of unilateral disarmament. . . . And from what I understand there is increasing pressure now from the unilateral disarmers. . . . Oh, we'll do business with Russia, finally, somewhere along the line. But we can't negotiate an effective disarmament agreement without inspection that will protect the interest and the security of the United States."

The senator doesn't insist that the United States be "superior" in military strength to the Russians. "We have to have the military strength to enter arms negotiations at least as equals, and maybe in the position that our opponents would have a *suspicion* that we were stronger," he says.

While he has no illusions about the prospects of disarmament in the near future, he accepts the notion that the Soviet Union is gradually being driven to a more responsible position in the community of nations. "The Russian people got a taste of liberty under Khrushchev," he suggests. He spent a month in Russia in the mid-1950s and recalls that "the people were hungering and thirsting for the good things of life that the Free World is enjoying. . . . Khrushchev made a definite effort to appease that demand."

Mr. Russell's views on Communist China have also mellowed to a degree, although he still seems flustered over the commotion he created with his offhand remarks on Dec. 31 to an Atlanta television interviewer. "I think it would be a step for the welfare of this country and the world if we could have some kind of intercourse or exchange with them on some kind of level, even if it was just a minister to China and they had one here," he said then. The Senator now says he "merely reached the conclusion that it would be well for us to have direct means of communication with Red China," backing away from the idea that there should be official diplomatic recognition of Peking.

It's important to President Nixon, though, that Mr. Russell is leaning toward an improvement in Sino-American relations. If and when Mr. Nixon chooses to move that way, he knows the senator will be flexible. In fact, Mr. Nixon knows Mr. Russell to be flexible on most issues. On Vietnam and the Paris talks, for example, the senator is "perfectly willing to accept several solutions less than a complete military victory," even if the ultimate result, following some form of self-determination in South Vietnam, "was not in our own best interests."

This flexibility from the dean of the Senate will be critical to the Nixon Administration in the formulation of fresh foreign and defense policies, certainly as important as the co-operation of Chairman Wilbur Mills of House Ways and Means Committee in designing fresh domestic policies. Says one Nixon adviser about Mr. Russell's Capitol Hill influence: "If he had to, the President could probably run over Russell on any given issue—if he had to. But let's hope he doesn't have to. Russell's reservoir of credit runs so deep that it would cost plenty to match him."

—JUDE WANNISKI.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. JORDAN of Idaho. Mr. President, the highly successful 8-day European trip concluded Sunday by President Nixon must be regarded as one of the more promising beginnings accomplished by a new Chief Executive. I think we must go further than to simply evaluate this trip in terms of the abundance of goodwill which was created, although this was certainly an outstanding quality of the journey. Even more significant, however, was the impression of quiet confidence, of willing consultation, of desire for harmony and peace, which President Nixon conveyed to the leaders in Brussels, London, Bonn, West Berlin, Rome, and Paris.

While it is too early to appreciate the full importance of President Nixon's meetings with Charles de Gaulle, it would appear safe to observe that the lines of communication with one of our oldest allies have been revitalized to an extent not witnessed in many years.

It is necessary, also, to reaffirm to our NATO allies our various European commitments and this President Nixon has most effectively done.

Perhaps we are no closer today to the goal of world peace than we were a month ago or a year ago. But President Nixon's European trip is dramatic evidence that world peace remains this Nation's primary consideration and that the neglected art of personal discussion with our NATO allies is reopened in a constructive manner.

MEDICAID

Mr. JACKSON. Mr. President, Mr. Ludwig Lobe, of Seattle, Wash., is a distinguished citizen, a certified public accountant, and a leading expert in my State in the field of medical care.

Mr. Lobe is chairman of the Washington State Medical Care Advisory Committee, a member of the advisory committee of the State's department of public assistance, a member of the Comprehensive Health Planning Advisory Council of Washington and a member of the Governor's Task Force on Vendor Rates.

Recently, Mr. Lobe submitted a statement on the subject of "Medicaid" at a hearing conducted by the Department of Health, Education, and Welfare's San Francisco Regional Office.

Mr. President, I believe Mr. Lobe made some forceful points on the difficulty States are encountering concerning medicaid.

Mr. Lobe, in a letter to me, stated:

It is unfortunate that the Federal Government starts programs and then asks the states to carry on financially. As you well know, the State of Washington has not the money to effectively pursue a medicaid program for the people on welfare and for those who through sickness become cases in need of help.

His statement is most pertinent to current questions being raised relative to Federal-State relationship. I ask unanimous consent that it be printed in the RECORD so that Members of Congress might be cognizant of the thought given to this complicated subject by such a contributing citizen of our society as Mr. Lobe.

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

STATEMENT CONCERNING MEDICAID

I make this statement as a concerned citizen who, as a Certified Public Accountant and as a member of health oriented public and private agencies, would like to offer some observations and suggestions.

(1) PRINCIPLES OF REIMBURSEMENT FOR PROVIDER COSTS

HEW has promulgated guidelines and procedures concerning reimbursement of "reasonable costs" as required by sections 1814(b) and 1861(v) of the Social Security Act. It has been stated that the formulation of the governing regulations was based on the alleged intent of Congress that principles applied by national organizations and established prepayment programs should be considered. In doing so it seems that the reasonableness has been weighted in favor of the vendors and providers to the possible detriment of the tax paying citizens.

In applying the Medicare principles to Medicaid, the states are faced with expenses which in many instances may violate the states' requirements of "acceptable and reasonable" costs. The principles established for Medicare-Medicaid costs are based in some instances on fictitious amounts:

(a) *Depreciation based on asset costs*

Any depreciation at acceptable rates based on actual costs to the provider is a justified expense.

But a depreciation allowance on fully depreciated assets or on assets paid for by private or public funds—in other words—on donated assets, constitutes a violation of the "actual cost principle" which is used in most, if not all, sound business transactions. To grant such depreciation allowance on a "fiction" results in effect in double payment by the governmental agencies or the taxpayers: *Once* when a deduction was taken by the donor in cases of donated assets or when public funds (tax funds) were used or in the case of fully depreciated items when such cost was recovered by prior charges by the provider; the *second* time, when the depreciation reappears as a cost reimbursement in Medicare or Medicaid. If one were to apply the aforementioned principles of depreciation allowance in the preparation of income tax returns, showing part of a fully depreciated as a depreciation expense, the Treasury Department would no doubt consider possible fraud action.

The often-heard statement that depreciation on a fictitious asset amount (which as a depreciated or donated item has a zero basis) secures replacement value cannot be considered seriously. Very few cases are known where the provider has established and used a special fund for this purpose. In most cases the actual monies are used for other purposes than replacement or repairs. When the time of replacement comes along, gifts and grants are usually required together with mortgage loans to effectuate the needed modernization and replacement. These in turn are then again part of the added costs.

I believe that the principles of actual cost established by the Treasury Department and in the accounting of funds will be a true cost reimbursement principle as far as depreciation allowances are concerned.

(b) *Interest expense*

There is no logical reason why interest earned on unmingled endowments, gifts and grants and on funded depreciation should not be considered as an offset against expense or as income to be considered in the same relationship as income from services.

(c) *Grants, gifts, and income from endowment*

Unrestricted grants, etc., are not now deductions from operating costs regardless of their uses. It stands to reason that this procedure will not raise costs, but it is unex-

plained why these unrestricted funds should not be used to lower costs; it is equally difficult to understand why a donor must specifically order a restriction that money grants, etc., should be used for operation purposes.

(d) Allowance in lieu of specific other cost recognition

This item should be eliminated now since two years have passed and hospitals and other health providers should have established an acceptable costing system. In most cases it is nothing else than a profit allowance. Such profit allowance is in direct contradiction to the charitable principles under which tax-exempt institutions work and a covered-up additional profit for the profit-making hospitals.

All the mentioned items of reimbursed cost: fictitious asset values, unused interest, grants, gifts not taken into consideration in computing costs appear as surplus or are being used for unnecessary assets or expenses which may have prestige value. Medicaid should not be forced to pay for any assets or expenses which are not necessary when considered objectively. Medicaid is part of welfare and welfare cannot be more than acceptable minimum.

(2) THE WELFARE GROSS RCC METHOD

The ratio of charges to cost method would be acceptable if reasonable standards in all detail of gross costs would be assured. The objections submitted before apply to this RCC method, too. To put it another way, as long as the costing of care is within acceptable, reasonable, and necessary limits, there is no reason to deny the use of the RCC or any other method. Unfortunately, the very fact that most institutions work on a noncompetitive basis, practically setting charges in a uniform way within districts creates an inclination *not* to cut corners, *not* to use modern business methods, *not* to try to find out how services can be rendered cheaper and better.

(3) COOPERATION AND PLANNING IN THE HEALTH FIELD

(a) Cooperation or the lack of it

The obvious lack of cooperation between hospitals among themselves and between all other health service vendors and providers is one other reason for the rising costs of all health care and, worse, for the lack of adequate, if any, health care. Dr. Dwight Wilbur, President of the AMA, confirmed in Miami that there is such lack of care for twenty million citizens. Until hospitals, extended care facilities, nursing homes get together and plan toward a better, easier and through this a less expensive way, costs will go up and up ahead of any other cost of living.

The health care providers have to think of the user and not of themselves. They should be accommodating the citizens and not the physicians, the boards, the hospital, the profit system and their own needs for prestige.

(b) The planning for changes

There seems to be a slow awakening that new ways of care have to be found, that certain hospital functions could be merged: accounting, laundry, laboratories, pooling of labor and others. Business mergers and pools to drive prices down; health care services can do it, too, by accepting some planning in all its detail functions.

There is increased need for health service outside hospitals. Ways can be found to cut costs by having ambulatory patients eat in cafeterias and dining rooms, dismiss them to boarding homes if their own homes are not equipped to take care of them; for instance, single persons living alone who need very little if any actual nursing care. The outpatient service could have physicians (interns) and/or nurses visit patients rather than keep them in hospitals or nursing homes. Meals on wheels have been tried successfully, etc.

(c) The managerial and executive knowhow

There is a belief among health service providers that only medical men know how to plan and run health service institutions. Nothing in a physician's education prepares him to a managerial or planning role, as hospital administrator with business and executive acumen, unless he puts in a lot of time and a concentrated willingness to learn the ropes of management and planning to the exclusion of his medical profession. There is also a belief that you have to have medical knowledge to plan health services or to manage health institutions.

The good planner, the good executive of any organization knows how to surround himself with experts; I am not sure that this is done in the health field too often.

There is also a disregard of the wishes and needs of the public, of the citizen who, after all, pays the bill of health care through taxes and fees.

I should add that this behavior holds true in many professions which arrogantly believe themselves to be the anointed ones in that field.

It is imperative that everybody becomes interested in public life, including in-health service provision and helps in planning for the need of today and tomorrow.

(4) OVERUTILIZATION OF HOSPITALS

Costs go up for Medicare-Medicaid whenever a patient's stay in a hospital is longer than necessary. Often patients under Medicaid will have to be kept under hospital care by their physicians because their homes are ill-equipped to take care of their needs, which may not even involve nursing or medical care. Rather than chance neglect, the patient stays on. As stated previously, ways can and must be found to change this procedure which is being applied for humane reasons.

Extended care facilities and nursing homes may be too expensive for this kind of patient care and boarding homes or health care on wheels may be the answer.

(5) UNDERUTILIZATION OF ASSETS

Too often hospitals purchase equipment and other assets in order to provide "their" physicians with all services. Modern equipment is complicated and expensive. The depreciation expense based on asset-life is excessive if such asset is only used ten percent of the asset-life time. Much equipment could be used in more than eight hours a day if hospitals and other health services would get together and determine need and assign specialties to the different health care institutions. This holds true especially in big cities with many hospitals, extended care facilities, and clinics.

(6) THE MANPOWER MISUSE

Whenever the suggestion is made that para-medical personnel could be used in clinics, hospitals, etc., the objection is heard that nobody wants to be treated by non-physicians. Yet, it is true that the medical manpower shortage is extreme and para-medical treatment under the supervision of physicians, is better than nothing. It is equally true that the military has successfully used such personnel not only for battle casualties but in its hospitals and sick call facilities. Voluntary and paid, but little qualified, labor is used in hospitals and nursing homes; qualified well-trained para-medical technicians could be used in many circumstances in hospitals, nursing homes, clinics and physicians' offices. The use of these technicians could conceivably have a major impact on cost of care.

(7) PREVENTATIVE HEALTH CARE

There is not enough emphasis on preventive health care. It is cheaper and more successful to prevent sickness by all known means than to treat sick people. Yet, neither Medicare nor Medicaid have set up a system which would make preventive measures known, easily attainable and available. Much more monies and education of the public and the health provider are needed to render this least expensive health service. Medicaid could well be the provider of preventive health care by larger matching.

(8) THE FEDERAL-STATE RELATIONSHIP

"The Federal Government giveth and taketh away." That should be the leitmotiv of the relationship between the Federal and state governments. Too often well-meaning laws to help the citizens are promulgated, put into effect with Federal funds and a promise by the Federal agencies to provide money, service, and manpower. After a relatively short time of expectation, the initial Federal matching funds become less and the states are forced to take over more of the financial burden in order not to lose Federal funds and not to forfeit the confidence of their constituents. This is exactly what seems to be happening with Medicaid.

A way must be found to distribute the load of funding of health services in all respects in such a way that states can carry the load within their limited taxing power.

Uniform standards for the whole country should be adopted and the Federal Government must provide the greatest part of the funds needed to secure the extension of Medicaid to all those in need. If this Federal cooperation and financial help is not forthcoming, very few, if any, states will be able to provide Medicaid by 1975 as promised to one and all.

In conclusion, let me emphasize that the cost of health care to the individual, to the states, and to the Federal Government must be reasonable if we want to avoid a catastrophic breakdown in our health care. As a nation which prides itself of its riches, its benevolence towards the less fortunate, and its unlimited progress in all spheres of its national life, we cannot afford such a breakdown.

YOUNG WATERFOWLER TRAINING PROGRAM

Mr. BOGGS. Mr. President, James E. Miller, a newspaperman in Delaware, has found great value in the Young Waterfowler training program.

Mr. Miller, executive editor of the Delaware State News in Dover, recently wrote:

The future life of each young waterfowler will be enriched through participation in this unique program.

Historically, man has found the hunting of wildlife to be a necessity and a source of recreation. In recent years hunting has become more a sport, and the weapons employed have been improved and better suited for the pursuit of wildlife. Unfortunately, an increase in the number of people who hunt has also resulted in tragic injuries being inflicted upon fellow hunters by those who are unskilled in riflery, or are ignorant of regulations imposed upon hunters.

Last year in Delaware, the Department of Interior's Fish and Wildlife Service, in conjunction with the Delaware Wildlife Federation, undertook the Young Waterfowler program of safety training for young hunters. It can be judged as an excellent effort to instill proper hunting

habits in youth between the ages of 10 and 16 years.

Almost 200 young people participated in the summer sessions at Bombay Hook Wildlife Refuge. Each weeklong session included not only field training, but classroom work as well. Each student was instructed not only in safety, but was taught conservation and animal identification. The participants were required to pass a written examination.

This program, which comes under the supervision of Interior's Bureau of Sport Fisheries and Wildlife, presently has counterparts in only two other States, New Jersey and Massachusetts.

This attempt to avoid unfortunate accidents, and therefore make the sport more enjoyable, was accomplished in Delaware with a minimum of expense. Instructors for the program were 70 experienced and knowledgeable hunters—all volunteers. With so many benefits and so little expense, I hope this type of program will be expanded to include all the States. I highly commend the endeavors of the Bureau of Sport Fisheries and Wildlife and all those connected with the present program. I eagerly await this program on a national scale.

DR. GODDARD SPEAKS OUT ON THE DRUG ESTABLISHMENT

Mr. PROXMIRE. Mr. President, when Dr. James L. Goddard retired from Federal service last July, many Members of Congress shared with me the sad feeling that this frank, dedicated individual was lost to the public.

Dr. Goddard was an outstanding Commissioner of the Food and Drug Administration from January 1966 to July 1968. He appeared before Senator NELSON'S Monopoly Subcommittee on many occasions, during its investigations of the drug industry. At all times he was completely candid, sharing with the subcommittee, with the press, and with the Nation whatever knowledge he had that might help us in the Congress advance the health and welfare of our country.

His willingness to go on record with what he believed was right, I am unhappy to say is not as common in Government as we would wish. That one quality alone would have kept him well remembered by all of us. But Dr. Goddard based his personal beliefs on as much information—facts and figures—as he could absorb and he had a great deal of information about many things.

Following his retirement from the U.S. Public Health Service, Dr. Goddard moved to Atlanta, Ga., to be the vice president for Health Sciences with EDP Technology, Inc., a Washington firm, and has visited this city a number of times on business. It was thought that the "Goddard voice" and all that it could contribute to public awareness was effectively muffled. I am pleased to report that Dr. Goddard remains a public champion, even though he is now in the private sector.

The March 1969 issue of Esquire magazine contains an article entitled "The Drug Establishment," written by Dr. Goddard. I believe this is the first time that anyone has set down in black and white just what the drug industry is all about, who its friends and foes are, and how it gets along with the medical profession and with Government as well.

The article effectively uncovers the inner workings of the drug industry and its relations with the professions and the public. Dr. Goddard also describes the persistent and lonely efforts of my colleague from Wisconsin (Mr. NELSON), to protect the public against price gouging and unsafe drugs.

It is a great pleasure for me to 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:

THE DRUG ESTABLISHMENT: THE MAKERS OF PRESCRIPTION DRUGS ARE CONCERNED WITH A VERY IMPORTANT MATTER: HEALTH (THEIRS)

(By James L. Goddard)

An American buying prescription drugs is like no other American at any other counter of any other store in the country. He does not question the high price of the drug; he does not shop around for a cheaper variety; he does not wait for a sale (because there never are any); and he is usually unaware of the name of the drug he is buying, let alone the name of the manufacturer.

Although he is the consumer, he is not the shopper: he buys (on faith) what his doctor has prescribed. He is like a child who goes to the store with his mother's shopping list, which he cannot even read. He is totally unsophisticated as to the workings of the $5,000,000,000 industry to which he is contributing and which his tax money is already helping to support. The consumer of drugs pays up and takes his medicine. And the Drug Establishment, about which he knows nothing, scores again.

The Drug Establishment is a close-knit, self-perpetuating power structure consisting of drug manufacturers, government agencies and select members of the medical profession. There are connecting links between all of the Establishment's flanks, which keep it thriving and well-protected. And a yawning gulf of ignorance separates the whole Establishment from the public at large.

The Drug Establishment savors its detached position, for it creates an ideal climate in which its members can go about their business—making money—while preserving the myth that they are public-spirited saviors of mankind. Drug companies earn an average eighteen percent return on invested capital compared with eight or nine percent for some three dozen other major industries. Nobody questions the great contribution that the drug companies have made to the nation's health over the years, but a number of people, myself included, have begun to question the justification for the enormous price tag they place on their products.

For example, very few people are aware that, aside from manufacturing and distribution, the cost of their prescription includes a share of the industry's annual $800,000,000 advertising and promotion bill; a portion of the $430,000,000 that major companies claim to spend on research and development (much of which is of questionable value); the fees of a battalion of high-priced lawyers who work to find loopholes in federal drug regulations; as well as such incidentals as political campaigns, including the unsuccessful effort (reportedly $95,000 worth) to unseat the Establishment's lonely foe, Senator Gaylord Nelson.

Even fewer people realize that very often they pay for their drugs twice—once at the drugstore and again at tax time. Part of that tax money is used to pay for government-sponsored research (the results of which are often available free to the drug manufacturers) and to buy drugs for use in government health facilities operated by the Armed Services, the Veterans Administration, and the U.S. Public Health Service.

Heading up the Establishment is the Washington-based Pharmaceutical Manufacturers Association, which represents the 135 big money-makers who claim to produce ninety-five percent of the prescription drugs in the marketplace today. Of these 135 companies, fewer than eighty are major corporations: and of these, about thirty-five set the tone for the whole industry. These include such blue-chip companies as Merck & Co.; Chas. Pfizer & Co.; Eli Lilly and Company; Abbott Laboratories; the Schering Corporation; Smith Kline & French Laboratories; Parke, Davis & Co.; The Upjohn Company; G. D. Searle & Co.; and E. R. Squibb & Sons. Operating on an undisclosed, multimillion-dollar budget in dues paid by the companies (who pass the cost on to you) the P.M.A. is able to present a united front to protect the Establishment's business interests against forays by the public, Congress, or any of the federal regulatory agencies.

An offshoot of the P.M.A. is the National Pharmaceutical Council, a splinter group made up of twenty-eight major manufacturers devoted to the maintenance of the brand-name system, which is basic to the aims—and the success—of the Drug Establishment. Mainly a propaganda organization, the N.P.C. issues policy statements on the importance of doctors' prescribing brand-name drugs in order to eliminate any unnecessary risk for themselves. Use of a catchy, easily remembered brand name in journal advertising directly affects the physician's prescribing habits, and obscures the fact that less costly versions may be available under the generic name of the drug.

The second major group within the Establishment is the scientific and medical community. Theoretically, this should include 300,000 physicians, 96,000 dentists, 120,000 pharmacists, 40,000 medical laboratory technologists, and 89,500 health-related research and development professionals. But it doesn't. In fact, there are only a few thousand Establishment figures to be found throughout the professions, with less than a thousand key medical spokesmen, strategically located researchers, and administrators of medicine and research—who spend most of their efforts maintaining the cordial relationships between industry and government.

The third element, strangely enough, is the government, which supports the Establishment by such devices as using taxpayers' money to buy back from the manufacturers drugs that taxpayers' money helped to develop.

Opposing the Establishment we have Senator Gaylord Nelson (D.-Wis.)—and that's about all. Senator Russell B. Long (D.-La.) is also trying to change the system, but his approach (advocating the inclusion of a drug benefit under Medicare) is different, and he has not been carrying on the same kind of one-man war currently being waged in Senator Nelson's Monopoly Subcommittee. For almost two years now, Nelson—flanked by his legislative aide William Cherkasky and subcommittee economist Benjamin Gordon—has been conducting an investigation into the pricing policies of the Drug Establishment. His efforts have produced some useful headlines, but his subcommittee is investigative, not legislative, his resources are limited (Gordon works practically alone), and the dents that his crusading lance has made in the Establishment's armor are relatively small. One of Nelson's greatest problems is that he is championing the cause of a public

that doesn't really know how much it needs a champion.

But the Establishment is always concerned when someone takes an interest in its activities. Ranks are closed, the drawbridge is hauled up, and the vast machinery of defense hums smoothly into operation. Press releases pour out of P.M.A.'s Washington headquarters by the thousand, answering, point by point, the testimony of witnesses critical of the industry (often before the witness has completed his testimony), P.M.A.'s erudite president, C. Joseph Stetler, travels the country defending American business against intrusion by "Big Government," as represented by Nelson's "biased" hearings, telling the "real" story of the pharmaceutical industry's contribution to medical care, and how drug prices have actually gone down despite the enormous funds that the companies pour into research and development. And at each session of the hearings, the majority of the public seats in the huge Caucus Room of the Old Senate Office Building are occupied by Establishment lawyers and company representatives.

The cost of this defense is passed on to you.

The Food and Drug Administration is not, strictly speaking, an opponent of the Establishment, but it functions rather in the capacity of a public "watchdog." Besides approving drugs for marketing on the basis of their safety and efficacy, F.D.A. also inspects marketed drugs for purity and safety and enforces regulations designed to prevent companies from making false and misleading advertising claims. When regulations are breached, the agency's "ultimate weapon" (short of criminal action, brought through the Department of Justice) is the recall. In cases where a product is found to be impure, the compound can be ordered off the market until the matter is cleared up.

Recalls involving impurity or mislabeling are relatively simple, but advertising is the Establishment's shop window to the physician, and any attempt at "tampering" is met with massive resistance. P.M.A. lawyers descended like locusts on the latest F.D.A. proposal to revise the ad regulations, and arguments—both legal and semantic—flew back and forth for months (at your expense).

Keeping a close eye on the F.D.A. is Representative L. H. Fountain (D.–N.C.), chairman of the Intergovernmental Relations Subcommittee of the House Committee on Government Operations. With the aid of two extremely able investigators, W. Donald Gray and Dr. Delphis C. Goldberg, Representative Fountain's task is to make sure the F.D.A. really does work in the public interest. Like the Nelson subcommittee, however, the Fountain subcommittee's role is purely investigative. It does not possess the same powerful sanctions as the appropriations or legislative committees dealing with health matters. The real source of its power is exposure and coercion through the press and public opinion.

The Drug Establishment functions with all the smoothness of an intricate Swiss watch. To find out how it works, and why your prescription costs so much, let us trace the path of a mythical drug through the expensive maze that leads to your medicine cabinet. We shall call it *blythophrene*. It has an airy, genial, "in" sound—just right for an Establishment model.

Blythophrene may first appear at any one of a number of places within the Establishment. It may be a promising chemical entity discovered in a company basic-research project. In this case there are no problems; the company merely patents the compound, informs the F.D.A. that it is an Investigational New Drug and that they plan to follow certain steps to explore its potential, and they are off and running. In another case, it may be the result of research carried out by an independent investigator who makes a deal with the company for the patent rights. From this point, the company's action is the same as before. In a third instance, blythophrene may be the product of government-sponsored research—in which case the process becomes a little more complicated.

To begin with, drug companies own the vast majority of screening and testing facilities that are vital to defining the potential uses of promising compounds—which gives them a virtual stranglehold on the development of drugs in this country. Prior to 1962, the companies routinely made tests on drugs developed by government-sponsored investigators in return for certain rights to the development and marketing of promising drugs.

But in 1962 the Department of Health, Education, and Welfare—in a move designed to prevent the exploitation of publicly funded inventions for private gain—changed its patent policy. All inventions involving federal funds were to be reported to the Surgeon General of H.E.W., who would then decide on the disposition of the patent rights.

The new system broke down, however, partly because of administrative difficulties, but more importantly because the Establishment suddenly closed the door to its screening and testing facilities. John Conner, then president of Merck, Sharpe & Dohme and later Secretary of Commerce, told a 1962 meeting at Johns Hopkins University that the companies would refuse to cooperate in producing drugs developed from government research unless the patent policy was changed to allow them to patent the drugs in the latter stages of their development.

The blockade was so effective that in 1967 H.E.W. was forced to back off somewhat and allow the testing company to patent "new" uses of compounds which it may discover at its own expense without the participation of the government investigator, even "where such new use is within the field of research work supported by the grant."

This is an important loophole, because not all the potential uses of a drug can be determined prior to the screening and testing procedure. For example, if early research indicated that blythophrene might have limited use in the treatment of schizophrenia, but the company, through the screening procedure, discovered that it would also be extremely valuable as a tranquilizer, then blythrophrene could be patented by the company for that purpose.

P.M.A.'s president, C. Joseph Stetler, hailed the move as "a much needed improvement . . . a progressive measure," and there was a sudden upswing in the number of agreements signed between government grantees and pharmaceutical companies.

Problems still exist, however, particularly with compounds of limited uses. Last year, U.S. Comptroller General Elmer B. Staats was called on to evaluate the usefulness of the $53,000,000 public investment in basic drug research between 1962 and 1967, and found that the loss of industry screening services had seriously limited the usefulness of government-sponsored research. He noted the improvement since the 1967 revision and urged the Secretary of H.E.W. to take further steps to resolve the remaining problems.

The result may be that the government will have to back down further and allow the Establishment to reap even larger profits by selling back to the public the results of research that was paid for primarily with public funds.

But let us assume that blythophrene has been born in a manufacturer's lab. That means it is safe in the hands of the Establishment, which now has to consider its future. There is a long period of research and development ahead before blythophrene can make its contribution to the company's profit margin. To save itself a great deal of money, the company tries to interest one of the federal drug-research programs which, if all goes well, will then undertake to do all the research free for the company at taxpayers' expense.

For the purpose of illustration, blythophrene is a catecholamine—a substance that plays an important role in treatment of psychiatric illness. Psychopharmacology is a fashionable field at the moment, and our compound is of great interest to the National Institute of Mental Health, through which most of the government's contribution to psychopharmacological research funds are channeled.

Blythophrene, therefore, finds its way to the New Senate Office Building, and the mahogany-and-leather-appointed hearing room of the Labor-H.E.W., and Related Agencies Subcommittee of the Senate Committee on Appropriations. Here, until the end of 1968, Senator Lister Hill (D.-Ala.) presided with dignity, charm, and an anecdotal memory.

The records show that proper presentation by government witnesses before the subcommittee will pay off, and blythophrene will be a good bet for inclusion in one of the Institute's important programs. The drug company gets a windfall. But it is not alone.

N.I.M.H. is not the only unit within H.E.W.'s Public Health Service that does drug research. Every one of the eight National Institutes of Health, the Division of Biologics Standards (where vaccines, serums, and derivatives of human blood are approved) and the N.I.H. Clinical Center in Bethesda, Maryland, with four thousand inpatients and three thousand outpatients a year, carry out large-scale drug research with public funds. The Department of Defense, the Veterans Administration, and the Public Health Service also conduct research programs that benefit the Establishment.

It is difficult to establish exactly how much of the $1,400,000,000 annual budget appropriated for N.I.H. is used for drug research, but a good example of the kind of service that your government provides for the Drug Establishment with your money is the National Heart Institute's new Coronary Drug Study.

Heart disease is the nation's major killer, claiming a million lives each year. An important cause of the disease is the high fat content of the American diet. The high fat intake is thought to increase the blood levels of a substance called cholesterol, which gradually forms deposits on the artery walls, reducing the flow of blood and resulting, eventually, in a heart attack.

Four compounds that reduce cholesterol levels in the blood are already on the market, and N.H.I. has designed a project to learn whether they can effectively prevent heart attacks. One of the drugs—nicotinic acid—is widely available, but the other three, Premarin, Clofibrate, and Choloxin, are the exclusive property of two Establishment drug firms.

Premarin and Clofibrate are marketed by Ayerst Laboratories, Division of American Home Products Corporation, and Choloxin by Travenol Laboratories, a division of Baxter Laboratories.

Some fifty-five clinics have already joined the National Heart Institute's project, and some 8500 people will ultimately be enrolled. The estimated total cost is $40,000,000, and the results—if positive—will mean vastly increased sales of those drugs.

The companies' contribution? They merely provide the investigators with free supplies of the drugs.

You may be wondering just what the pharmaceutical manufacturers do with the huge sums they claim to set aside for research and development each year. So did the late Senator Estes Kefauver, who couldn't find out when he conducted his famous hearings in 1961 and 1962, and Senator Nelson has had little more success during the two years of his investigation. Much of the industry's

own research has to be secret, of course, but Establishment bookkeeping procedures apparently are so circuitous that some company presidents themselves claim not to be able to provide even a generalized breakdown.

Only the Establishment knows for sure how much of its own research makes a genuine contribution to drug development—and its members aren't telling. The Establishment is aware of the interest, however, and in its annual report for 1967 the P.M.A. made an effort to appease the questioners.

The report said that seventy-eight P.M.A. members—the ones that accomplish most of the industry's research—had budgeted $430,900,000 for "R&D Expenditures for Human-use Drugs" during 1967. It even went so far as to define "R&D Expenditures" as "the total cost incurred for all pharmaceutical and medical research and development activity. These figures include the cost of direct salaries, other direct costs, services, routine supplies, and supporting costs, plus a fair share of overhead (administration, depreciation, space charges, rent, etc.) for pharmaceutical research and development."

The report went on to say that of the $430,900,000 total, $374,100,000 was to be spent inside the firms, and $56,800,000 outside.

Of this latter portion, $16,600,000 goes to other companies, private laboratories, and foreign countries. And since as a rule no pharmaceutical company has, on its own premises or as part of its corporation, a clinic or hospital for the human testing on new drugs, this means that only $40,200,000 is available for this most important purpose. Representing a mere 8.9 percent of the Establishment's "research" investment, this pays for research carried out by private practitioners and consultants, and by investigators in medical schools, hospitals, and clinics.

Now, if we take another Establishment claim—that "industry has invested $7,000,000 in research and development costs for every new and significant drug that has reached the public during the past decade"—we find that the 8.9 percent of it that went into human testing comes to $623,000. Compare that to the N.H.I. project just mentioned in which you are spending $10,000,000 on human testing on each of three Establishment drugs. Then remember that if the drugs do perform their function, you will have to pay for them all over again at the drugstore.

The disposition of the bulk of the Establishment's R&D expenditures is impossible to determine. We know that some of the research carried out by pharmaceutical companies is both important and valuable—but we don't know how much. In their efforts to find new drugs, the companies collected thousands of soil samples and plants from all over the world and ran them through a complex screening process for any sign of chemical activity that might be turned into a useful drug. This was a long and costly procedure, and sometimes important new compounds were discovered as a result. However, with up to seventy-eight companies doing this screening, much of it had to be duplicative, and, therefore, wasteful.

Testing new compounds in animals is another important contribution made by the pharmaceutical manufacturers, but again, we do not know what proportion of the overall research figure is allocated for this purpose. And, as I shall explain later, some of this is wasteful.

For the rest, we do not know how much is spent on the salaries of men whose job it is to comb the scientific literature for clues on what the competition is up to. Some of these "clues" can lead to another important activity performed by drug-company chemists. It is known as "molecular manipulation," and it is a means of circumventing competitors' patents.

Let us say that Company A has obtained a patent on a compound with an extremely promising future. Company B (and possibly others) spots the compound's chemical formula in the literature and, not wanting to be left out in the cold, sets to work to come up with something similar. Company B chemists take the chemical formula and attempt to change its structure in such a way that it will perform essentially the same function, but at the same time will not infringe Company A's patent rights. In a few cases, this molecular manipulation will result in an improved drug, but for the most part what comes on to the market is just another "me-too" drug that makes no contribution to medical science at all.

Then there is "phony" research, performed purely for advertising and promotional purposes. This particularly involves the animal studies, and I saw many instances of it while I was F.D.A. Commissioner. In these cases, company scientists carry out "testing" on animals, the results of which can be predicted in advance, merely to flesh out the supporting bibliography that the law states must accompany any promotional or advertising literature in which therapeutic claims are made for the drug. On the surface, these "studies" look genuine, but many of them are performed well after other research has defined the uses of the compound under study.

Useful or not, industry research and development is a legitimate business expense and therefore tax deductible. Besides, by the time blythophrene reaches the marketplace, you can be sure it has absorbed its share of these costs.

Before we get blythophrene into the drugstore, however, there is another element that should be mentioned as an illustration of the way in which the Drug Establishment is self-perpetuating. This is the National Academy of Sciences-National Research Council's Drug Research Board, which maintains "broad surveillance of therapeutic research in all its phases and provides a forum in which the interests and responsibilities of investigative medicine, industry, and government may be reconciled."

The Academy was established by Congress in 1863 as an adviser to the federal government on matters concerning science, engineering, and technology. Like its counterparts in other fields within the Academy, the Drug Research Board is available "for advice to agencies of government and to private organizations with responsibilities related to research on drugs," and its opinions carry great weight in the determination of public policy.

The concept of the Board is an admirable one. Around its meeting tables can be gathered together the best thinking in government, industry, and science. The objective is to produce the optimum opinions about drugs for the health of the nation. The Board has certainly dealt with some fundamental issues in the drug area. Nevertheless, when we move from concept to reality, we see that the Board is composed of the same individuals who work elsewhere in the marketplace. The Board represents not only the best of government, industry, and science; it is, by its very membership, a limited forum in which consensus is developed for the Establishment, and in which the consensus prevails. One illustration comes quickly to mind:

While still Commissioner of the F.D.A., I advocated the publication of a national Drug Compendium that would provide, for the nation's physicians, a single source of information (including prices) on all drugs currently on the market. The listing would include important prescribing information, not only for the brand names marketed by the big Establishment companies, but also the cheaper equivalents that are put out by lesser-known non-Establishment manufacturers, of which there are several hundred. There is no such source available to physicians currently, aside from the Physicians' Desk Reference, which is published annually by Medical Economics. This is far from complete and lists only those drugs whose manufacturers are willing to pay for the inclusion of their products. The companies represented are mainly Establishment companies.

When the Compendium was first discussed with the N.A.S.–N.R.C. Drug Research Board, it met with a degree of acceptance—but not enough to overcome the Establishment's opposition to having its products listed on an equal basis with those of non-Establishment companies. The lack of the Board's unqualified support was a factor in the failure of Congress to act on a bill to establish the Compendium.

In the case of a single drug such as blythophrene, the Board's role is relatively simple. They may be asked, by N.I.H. or the developing company, to evaluate the early research on the compound and provide an assessment of its potential value to medical science. If they decide it has little promise, they will simply say so. If their opinon of blythophrene's potential is high, however, this will be an important factor in the allocation of public funds to blythophrene investigators.

If blythophrene is the product of government research alone, the Board's opinion will arouse the interest of industry in developing a patentable product from the compound.

It's time to get blythophrene to market. And this is where the Establishment comes face to face with the Food and Drug Administration; for, in order to obtain F.D.A. approval, the company that developed the drug must file a New Drug Application that proves that blythophrene is both safe and effective in the treatment of those conditions for which they claim it may be prescribed.

In an effort to impress the F.D.A. with overwhelming evidence that blythophrene should be made available to the public immediately, the company puts together a grab bag containing every scrap of research with human beings that has been done, whether by government researchers, investigators in academic institutions or hospital centers, or industry-supported private physicians who want to do some "research" and who use their private patients as volunteers. Often, as many as forty cartons of "evidence" on a single drug will arrive at the F.D.A.'s Bureau of Medicine. The Bureau is staffed by two hundred physicians, as well as pharmacists and other professional and administrative personnel, whose job it is to sift through this mountain of paper and reach a decision on the drug's future.

Unfortunately, with the emphasis on quantity rather than quality, this is sometimes difficult to do. Time and taxpayers' money are often wasted while the Bureau personnel examine the evidence only to find that important data are missing. The company is then asked to provide the missing information. While Commissioner, I found that too much of the evidence submitted by the companies in support of their New Drug Applications consisted of poorly conceived and badly controlled "clinical studies" that added nothing to the data on the drug's safety and efficacy. I said many times, both publicly and in private discussions with manufacturers, I would prefer to see a few, well-controlled studies, performed by experienced investigators, than hundreds of minor studies, performed on a few patients by private practitioners who are not really suited to that kind of work.

If my suggestion were to be adopted, F.D.A. personnel would be involved in less

paper work, they would be provided with all the data necessary to make a speedy, scientific decision—and the drug would reach the public sooner. However, as can be seen by the National Heart Institute's Coronary Drug Project, such studies can be both time-consuming and costly—and the Drug Establishment prefers to leave that kind of risk-taking to the government. At any rate, submissions to F.D.A. based on my suggested concept were very few and far between.

If blythophrene is safe and effective, F.D.A. will approve it for marketing. But while this decision is being made, another battle is being fought on another front. This concerns the wording of the "package insert"—the descriptive material that accompanies each package of blythophrene to the drugstore, outlining the recommended dosages, indications for use, side effects, and contraindications. This, along with the wording of the claims that may be made in advertising material, is also the responsibility of the Food and Drug Administration.

This is extremely important to the pharmaceutical companies, because this is where the money is. They have to convince the physician that this is the best possible product in its field. F.D.A. on the other hand, must make sure that the advertising claims remain within the bounds of scientific evidence.

High-priced lawyers will spend hours in conference with F.D.A. officials, haggling over the wording of promotional material, engaging in semantic arguments as to whether a certain section of government regulations does or does not give F.D.A. the right to limit the company's "freedom" in a certain area. Eventually, at your expense, agreement is reached, and the company is ready to launch blythophrene with a gigantic advertising compaign aimed at the physicians who, they hope, will prescribe the drug freely.

The Drug Establishment's advertising campaigns are among the most impressive in all media. The advertising and promotional budget has been estimated at approximately $800,000,000 per year—or about $3,000 for each physician in the U.S.

The campaigns embrace not only professional journal advertisements (the *Journal* of the American Medical Association leads the field with an income hitting close to $10,500,000 per year), but also convention exhibits, seminars, workshops, closed-circuit television, FM radio, motion pictures, slide shows, golf tournaments, dinners, annual awards, and "detailing." (The detail man is a personal salesman who goes from doctor's office to doctor's office, spending an average of six minutes extolling the virtues of his company's newest or most trusted product, disparaging competitive products, leaving behind free samples, calendars, pens, and other memorabilia.) One company traditionally hands out to every new medical-school graduate a brand-new stethoscope for his very own.

With large sums at their disposal, the advertising agencies that handle pharmaceuticals are among the elite of the advertising and promotion business. Among the most prominent are L. W. Frohlich & Company, who has handled Parke, Davis & Company for years; Donald F. Fitzsimmons, Inc.; William Douglas McAdams, Inc., who shares offices with Medical Tribune and Hospital Tribune; Sudler & Hennessey, Inc.; Paul Klemtner & Company, Inc.; William Esty Company, Inc.; and Robert E. Wilson, Inc. Except for Fitzsimmons and Esty, all are associate members members of the Pharmaceutical Manufacturers Association.

Liberally sprinkled with drug ads that often run to eight four-color pages, the various professional and semiprofessional journals have been willing carriers of the message of the Drug Establishment. Naturally, they find it hard to agree with almost anything said by federal regulatory agencies. This is understandable. The Establishment holds together very well at this point. For example, Dr. John Adriani, chairman of the A.M.A.'s Council on Drugs and one-time adviser to the F.D.A., is a good friend of Dr. Arthur Sackler, eminent New York psychiatrist and former chairman of the board of the William Douglas McAdams advertising agency. Dr. Adriani serves on the Editorial Advisory Board of Medical Tribune. Dr. Morris Fishbein, former A.M.A. president and editor of its Journal, is editor of Medical World News, McGraw-Hill's leader in "mass-circulation" news magazines aimed at physicians and second in advertising revenue.

The Establishment's powerful grip on the physician's reading material is important, not only as a means of putting across its own sales pitch, but also because very often it is the only source of drug information that the doctor has. By assaulting his eyes with thousands of colorful "brand-name" ads, the Establishment can blind him to the fact that, in many instances, cheaper versions of the same drug are available from lesser-known manufacturers.

Establishment propaganda holds that only those drugs produced by "research-oriented, quality-conscious" drug companies can be said to be safe and effective. Anything else—particularly anything made by the smaller, non-Establishment companies—is potentially dangerous.

The facts speak differently, however, because all drugs, whether sold under brand names or generic names, have to meet certain chemical standards set by two national agencies, the U.S. Pharmacopeia and the National Formulary. These standards cannot guarantee equivalency, but they do ensure that the drugs are pure and potent.

In addition, the cheaper "generics" appear to be good enough to pass the rigorous tests laid down by federal agencies, such as the Department of Defense, which form the major part of the smaller firms' market, buying large quantities of drugs on a bid basis. The small companies, with lower production and distribution costs and no advertising or research overhead, often outbid the Establishment firms for such contracts.

There are exceptions, and the F.D.A. is spending additional tax dollars on research to find out whether the costly brand-name products really are better than their cheaper counterparts. But on the basis of the available evidence it can reasonably be said that two drugs, which contain the same active ingredients and meet the same chemical standards required before marketing approval can be given, will act the same way in the human body.

However, when I tried to list brand-name drugs and their so-called "generic equivalents" together in our proposed Drug Compendium, the Drug Research Board balked at the idea. Their opinion—which coincided with the Drug Establishment's view—is that the generic drugs have yet to be proved as good as brand names.

The lengths to which Establishment figures will go to protect the myth of brand-name superiority is perhaps best illustrated by Senator Nelson's confrontation with W. H. Conzen, president of Schering Corporation.

Nelson was particularly interested in the pricing structure of Meticorten, Schering's brand of prednisone, an important anti-inflammatory agent used in the treatment of chronic arthritis, allergies, and skin and eye inflammation. Many versions of the drug are available, and the prices range from Schering's $170 per thousand to $4.53 per thousand for a version manufactured by Upjohn. Many non-Establishment companies have prednisone available in the Upjohn price range.

Mr. Conzen was asked whether the Defense Supply Agency—"which is supplying Walter Reed, where Presidents, Congressmen, and generals are treated"—was getting an inferior product when it accepted the lower-priced prednisone.

"I cannot say whether it is therapeutically equivalent," Mr. Conzen said. "I can say that they are definitely buying a first-class drug which, complies with and meets the tests and standards of the agency, which are very exact."

Yes, but "what is there about Meticorten that makes it worth $170 a thousand, when the government is buying it for $4.50 [and] New York City is buying it for $4.58 a thousand?" Senator Nelson asked.

"Several points," Mr. Conzen said. "One the overwhelming clinical evidence as to the efficacy of our brand unmatched by any other brand or make of prednisone. Second, our continuing research and the contributions which the sale of Meticorten make to enable us to continue to compete in this business as a research-oriented company, which strives for innovation, and plays its part in bringing benefits to the public, which, in terms of health and anything else, are unsurpassed anywhere in the world."

Mr. Conzen, also in his testimony, spoke of Schering's discovery of prednisone in 1954 and the research that his company puts into new drugs of that kind. Actually, between 1953 and 1967,the National Institutes of Health invested a total of $16,498,-144 in grants for research on prednisone and its cousin prednisolone. (With annual sales of $1,000,000, one-third of the total U.S. prednisone market, it is unlikely Schering's investment in research is near this figure.)

The government-sponsored research really paid off for Schering. Shortly before the drug was approved for marketing, the results of an important study carried out at the N.I.H. Clinical Center were reported to a meeting of the American Rheumatism Society. This assured the immediate success of Meticorten. The prestige of the National Institutes of Health was put behind the drug; physicians responded by making it the leading seller in the field.

The stock market also responded, and Schering's stock rose from $11 per share to $80.

Mr. Conzen was merely following the Establishment line, memorized and repeated by all Establishment figures when confronted with bothersome questions concerning the high cost of their drugs. Harold Burrows, former president of Parke, Davis & Co., told Senator Nelson: "Our sales policy has to be such as, hopefully, to produce an economic climate in which we will be inspired and encouraged to spend money for research, if the health and well-being of this country and of the world is to be advanced. I think that the ethical pharmaceutical industry, including Parke, Davis, has made a significant contribution in that field and we hope to continue to do so."

The climate is healthy enough; no one will dispute that. Annual reports for 1967 for just a few Establishment companies reveal the state of the industry's health: Merck & Co. had sales of $528,000,000, a net profit of $89,000,000 on an investment of 25.4 percent; Smith Kline & French had sales of $260,000,-000, a net profit of $42,000,000 and a return of 26.9 percent; Eli Lilly & Co. had sales of $408,000,000, a net profit of $54,000,000, and a return of 19.2 percent; and G. D. Searle had sales of $133,000,000, a net profit of $27,000,-000, and a return of 28.5 percent.

The question arises, therefore: With the nation irrevocably committed to providing broader and better health care for all its citizens, and committed as well to build drugs into that guaranteed health-care system, is it reasonable for this small group of compa-

nies to charge prices that return such extravagant profits—especially when the public investment is overwhelming at the beginning (during the research and development stage) and at the end (at the time of purchase for defense and civilian medical-care programs)?

I think that the answer should be No. But the Establishment is firmly entrenched, supported by an unknowing public and a captive medical profession. Until there is strong, organized opposition, the Drug Establishment is safe.

This lack of organization is the major reason for the failure of opponents of the Establishment to make any real headway. Too often we find the various branches of government, which should be looking out for the public interest, fighting among themselves.

There are many examples, but the worst that I can recall during my term as Commissioner involved a dispute between the F.D.A. and Senator Edward V. Long (D.-Mo.). Senator Long, champion of the right to privacy, assigned a staff consultant, Miles Hadley Robinson, M.D., to investigate the F.D.A. Between March and October, 1967, Robinson—quite properly while he was a Senate employee—made several thousand copies of secret F.D.A. documents—with particular emphasis on those concerning a drug called Cothyrobal, submitted for approval by the Vascular Pharmaceutical Co.

Robinson resigned from Long's staff on April 12, 1968. Four days later he appeared at F.D.A. with Louis Mishell, both representing Vascular Pharmaceutical, and requested "a fair decision by F.D.A. on the Cothyrobal application"—meaning approval for marketing.

This was one of the most open examples of conflict of interest that I had ever known, and while Robinson's investigation was going on, Senator Long was making speeches harshly critical of the F.D.A., in the Senate, to the press, and in his home state.

The F.D.A. survived, and Senator Long was retired by the Missouri voters, but this kind of dangerous and unnecessary backbiting is typical of the problems that must be overcome if we are to counterbalance the enormous power of the Drug Establishment If you undermine the public's confidence in its "watchdog," you destroy your main weapon.

The public investment in development of drugs is too large to permit the continuation of a system under which a few companies are allowed to make huge profits at public expense. As we move closer to our aim for quality health care for all Americans, public attention will focus more and more on the Drug Establishment and they will see the need for change. Drugs are a vital health commodity and they must be freely available to all who need them—not just those who can afford them.

The necessary changes could be made within the present system, if the Establishment were willing to cooperate reasonably and rationally. By trimming advertising costs, eliminating unnecessary research, and cooperating, rather than competing, with the government in the development of new drugs, the pharmaceutical industry could deliver drugs to the public at much lower prices—and still make a reasonable profit.

If the Establishment insists on following its present course, however, an awakened public will have no alternative but to demand a system of governmental control.

Under the American system, the likelihood of nationalization is remote—but it is conceivable that as the public investment in the health industry grows larger, the Drug Establishment may well find itself in the position of explaining to Congress why it should not be made into a public utility.

HOPEFUL REPORT THAT COMMON MARKET SOYBEAN TAX WILL NOT BE IMPOSED

Mr. SYMINGTON. Mr. President, farmers in Missouri and throughout the Nation have been deeply concerned about the proposed Common Market tax on soybeans. As presented to the Senate in a talk on February 7, appearing on page 3226 of the CONGRESSIONAL RECORD for that day, such a tax would be a severe blow to the income of the American farmer.

For this reason, I was glad to get a report from the Honorable George V. Hansen, formerly a member of Congress from Idaho and now Deputy Under Secretary for the Department of Agriculture, reporting that the latest information received by the administration "is that the Council of Ministers is not likely to act on the proposal in its present form. Final action, if any, is not expected to be taken in the immediate future."

We hope that the firm stand taken by the administration and by the Members of the Congress in opposition to this proposed tax will continue to be effective and that our farmers will indeed have access to the Common Market countries for sale of soybeans and soybean oils.

I ask unanimous consent that Mr. Hansen's letter be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 28, 1969.

Hon. STUART SYMINGTON,
U.S. Senate.

DEAR SENATOR SYMINGTON: This is with respect to the concern which you have expressed over the European Community's proposal to place a consumption tax on oilseeds and oilseed products.

As you may know, on December 19, 1968, the Commission of the European Community submitted to the Council of Ministers (the Community's Executive Body) its long awaited policy program to reform the agricultural sector, including specific provisions relating to fats and oils. The Commission proposes to introduce a tax of $60 per metric ton on vegetable and marine oils and $30 per ton on meals and to take the initiative in launching negotiations for an international arrangement for fats and oils. Such measures ostensibly designed to stabilize the edible fats and oils market, particularly butter, are in fact designed to plug the hole in the otherwise highly protective wall of their Common Agricultural Policy through which oilseeds and high-protein meals enter duty free without restriction.

We consider this to be the most important trade problem that has arisen in agriculture between the United States and European Community because of the magnitude of our trade in oilseeds and oilseed products—nearly $500 million in 1967/68 and expanding. Impairment of our access to the important European market would have a serious impact on farm incomes and on the U.S. balance of payments. In addition, it is another example of the Community's policy of shifting most of the burden of supply adjustment to third countries through intensification of import restrictions and export aids. We have, therefore, taken an extremely strong position in opposition to the tax.

The U.S. Government has continuously and forcefully warned the European Community that their proposed tax would sharply reduce the Community's imports of oilseeds and oilseed products and would result in a massive impairment of the present access available to American exporters. We made it clear that we could not agree to any action or subscribe to any arrangement which would limit our export opportunities, or deny to us the benefit of concessions negotiated under GATT. We also made it clear that such action would leave us no choice but to retaliate promptly to restore the balance of concessions. You may have seen in newspaper stories the thought that our retaliation might include such important exports as European automobiles, typewriters, office equipment, wines, and similar items that Americans buy from them in large amounts.

What we, in fact, are saying to the European Community is that the enactment of a consumption tax on oilseed products could lead to the most serious trade policy confrontation between the Community and the United States with commercial and political implications extending beyond agriculture.

We will continue to make representations to the Community through all available channels to keep unimpaired our access to Community markets for our oilseeds and oilseed products.

Our latest information is that the Council of Ministers is not likely to act on the proposal in its present form. Final action, if any, is not expected to be taken in the immediate future.

Please let me know if I may be of further assistance to you.

Sincerely,

GEORGE V. HANSEN,
Deputy Under Secretary.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. SCHWEIKER. Mr. President, I wish to pay tribute, on behalf of myself and my Pennsylvania constituents, to President Richard M. Nixon on the successful completion of a most valuable trip to Europe.

In an era when international tensions and misunderstandings have created countless crises and endangered international peace, and when the threat of armed conflict looms in many trouble spots around the globe, it is reassuring to know that our President has bridged an important gap of friendship and understanding with our allies in Europe.

Although America and some European nations had some differences over specific policies and actions, we were running the risk of allowing these differences to erode the important bonds of mutual understanding between the nations of the free world. President Nixon has achieved significant advances by recementing this friendship and opening the doors for many mutual discussions on the important issues of our times. As a result of the message of trust and understanding that President Nixon carried to the capitals of Europe, we can look forward to working closer with our European allies on all levels of government, and to widening our channels of communication with them.

The cause of world peace has been furthered by the President, and the praise coming in from around the world to him is well deserved.

TRIBUTE TO SENATOR BARTLETT

Mr. MOSS. Mr. President, the death of a Member of the Senate always saddens us, but our grief is especially great when we lose a Bob Bartlett—a colleague with whom we walked in singular admiration and respect.

Bob Bartlett dedicated his life to two things—helping all people but especially helping Alaskans.

Probably his most outstanding quality was his compassion. He was a warm, generous, and understanding person. When anyone was in trouble, he took those troubles deeply to himself. His efforts to help were unceasing, endless. He made friends as easily as some people make enemies. Bob kept his friends for life.

In his dedication to Alaska, Bob Bartlett built an enduring monument. He spent most of the last quarter century of his life in a drive to win statehood for Alaska, and in helping to guide it through its first 10 transitional years when it changed from a territory to a full-fledged, first-class member of the family of American States.

I think it no exaggeration to say that Alaskan statehood, and the flourishing, progressive place that Alaska has become, are as much due to the dedication of Bob Bartlett as to any other single force or effort.

And ever with Bob as his companion and counselor, devoted to him and to his work and his ideals, was his wife, Vide. She, too, is loved and revered by all who know her.

I have never been more impressed with home-State editorials about the passing of a Member of the Senate than with those on Senator Bartlett. Alaska newspapers speak of the "outpouring of grief" of his Arctic frontier constituency and call him their "most beloved citizen." They say no one was ever as trusted and revered as was he. They refer to their "plateau of devotion" for him and consider him a "man to match the State's mountains."

Those of us who knew him well here in the Senate can understand.

We knew it was a privilege to call him friend and to work with him. He was a sound legislator, and he was solid as a man. He had loyalty, courage, and integrity.

We shall miss him—we shall always remember him. Phyllis joins with me in expressing our deep sympathy to his devoted wife, Vide, and his daughers, Doris Ann and Sue. They can walk with his memory in singular pride.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. BOGGS. Mr. President, tonight President Nixon reports to the Nation on his tour of Europe, a journey that I am confident returned a missing dimension to the foreign policy of this country.

The President's reception in the capitals of Western Europe was universally warm. While the predictable disturbances were evident in some places, the crowds surrounding the President gave him enthusiastic responses.

The President went to Europe at a trying time, a time of intramural disagreement and a time of surging tension between East and West over Berlin.

Yet his itinerary included apparently agreeable and productive talks with the leaders of the nations he visited, talks which demonstrated a renewed American interest in our oldest alliance.

Mr. President, I believe the President is to be congratulated on his good works in Europe.

A CHILD'S VIEW OF POLLUTION

Mr. TYDINGS. Mr. President, few concerns of mankind today are as important as the preservation of the quality of the environment.

The average American is not fully aware of the gravity of our pollution problem. Not enough people realize that every river system in this country is polluted.

Mrs. Susan Fridy, a teacher at the Catonsville Elementary School, has set a good example for us all in making our pollution problem real for her students. I commend her for her part in the important task of educating our citizenry, young and old, about the serious spoilage of our environment.

A child is often more appreciative of the beauties of nature and more affected by its spoilage, as he loses rivers in which to swim and parks in which to play. I ask unanimous consent that the essays I received from Mrs. Fridy's fourth-grade students be printed in the RECORD. I hope that they will remind us all of the damaging effects of our polluted environment.

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

I AM A FISH IN POLLUTED WATER

This water I'm in is polluted. Do you know what polluted water can do? Why it can kill fish, birds, seaweed and other water plants. All kinds of life. Even you maybe. So help stop water pollution. Please!!!

The end.

ROBERT POLK.

FISH IN A POLLUTED RIVER

I'm a fish living in a polluted river. People dump many things in here. They put in oil, soap, rubbish and chemicals that harm fish. Many fish die because of that. Many people are trying to stop it. You can help too!

JAMES PUSEY.

MR. POLLUTION

One day I was having a terrible time taking my afternoon swim. No one told me to look out for Mr. Pollution. So I didn't think about him. But I didn't think about him. But that was my mistake. And the next thing I knew was Mr. Pollution was after me.

Help!! I yelled no answer. Help! He's got me. And just then a human came to my rescue and killed him. And all the fish and me were saved.

ROBERT EMERY.

Ew! Look at this gooey mess! Wonder what I can do about it? Looks like I'll have to go to the Chesapeake Bay.

(4 Days later):

Well, here I am. Oh no it's polluted too. Looks like I'll have to go to the Atlantic Ocean.

(2 days later):

Good. I got away from that mess. The people pollute like crazy. Hope they don't come here.

CHRIS F. ———.

A FISH LIVING IN A POLLUTED RIVER

Hello! My name is Seamore and I'm a fish living in dirty water ah! Its so terrible. I'll tell you what its like.

One day I was sleeping peacefully and all of the sudden this nasty smell came to me. I stepped out of the water a bit and I saw plain ordinary people throwing things into my river. Why of all the nasty no-rotten things I yelled at them but they wouldn't listen.

I thought it would be nice to go up to them but then I felt dizzy. I tried to swim I—floated. This is the end—dead—dead—dead.

Bye-Bye cruel world!

RHONDA ROHRS.

IF I WERE A FISH IN A POLLUTED RIVER

I was swimming peacefully in front of the two rusty old pipes hanging over the waters edge. My Grandad once told me dirt and grimy trash came out of the two pipes, I always believe my grandad but this time I don't know what to believe.

I was still swimming when out came dirt and grimy trash just like my grandad told me! Now someday I can tell the story of the polluted river to my grandchildren.

SUZY L. ———.

BONNIE AND CLYDE FISH

Hello! My name is Bonnie, Bonnie Fish. My-aaaaachooooooo! What was that?

"A puff of oil, dirt and dust, Bonnie."

Oh thank you, Clyde honey. Now as I started to say, my boyfriend is Clyde Fish. Oh, oh, here I go again, Aaaaachooooo! Same thing, Clyde?

Yes same thing Bonnie. Oh, by the way—should we call off the wedding; move, and then get married?"

Yes, I was thinking of that too.

So we moved and got married. The pollution hasn't reached us yet. Will it be long?

By,

JUDITH SCHNEIDER.

CANDY

One day I was swimming home and sitting down to lunch when suddenly a tire fell down. My baby sister was all right so was the rest of the family.

My daddy took a close look—it was a tire but who did that. We made a playpen out of it for my baby sister. A few days later my daddy decided that some kids were doing it. Someone must stop them. Well my daddy had to go to work. My sister was too young. My brother was a scared cat. My mother had to take care of us. So I was left.

I could not go till I was 6 I was 5. My birthday came soon. We were glad we had had a few clunks. The day came I said "Good bye" and gave myself a big jump. I was on a big rock.

Some kids were throwing some things, I said "Stop" and told my story. They promised never to do it again so I left. When I went back my sister was hurt. I told my story, and my parents told theirs. My sister got better and we lived happily ever after.

LORAN MOTE.

GRAZING RIGHTS OF CERTAIN RESIDENTS OF ARIZONA

Mr. FANNIN. Mr. President, on February 25 I introduced for myself and my colleague from Arizona (Mr. GOLDWATER) a bill authorizing the Secretary of the Interior to recognize the grazing rights of Henry Gray, Jack Gray, and Robert Louis Gray.

I ask unanimous consent that there be printed in the RECORD Arizona Senate Joint Memorial 1, urging the President and the Congress to so recognize these grazing rights.

There being no objection, the memo-

rial was ordered to be printed in the RECORD, as follows:

SENATE JOINT MEMORIAL 1

Joint memorial urging the President and the Congress of the United States to recognize the grazing rights of Henry Gray, Jack Gray and Robert Louis Gray, doing business as Gray Partners, on the Organ Pipe Cactus National Monument by either ratifying and confirming their right to a lifetime grazing permit on the monument or compensating them for the cancellation of their grazing permit

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, during the year 1917 Bob Gray and his family moved from Texas into what is now known as the Organ Pipe Cactus National Monument, and there purchased range rights, water rights and improvements from persons then living and grazing cattle in the area, all in accordance with the recognized customs, practices and laws of the United States and the State of Arizona at that time, and all of which grazing land at that time was open range and remained so until the passage of the Taylor Grazing Act in 1934 which Act specifically recognized such grazing rights; and

Whereas, the Organ Pipe Cactus National Monument was established by Executive Order of April 13, 1937 (50 Stat. 1827); and

Whereas, under the provisions of such Executive Order the lands withdrawn were subject to vested rights which, insofar as surviving members of the Gray family, by then doing business as the Gray Partners, were concerned, consisted of water rights, homestead rights and their range rights and improvements as recognized by the Taylor Grazing Act; and

Whereas, after considerable negotiations and discussions between Senator Carl Hayden of Arizona and Secretary of the Interior Harold L. Ickes, a firm commitment was made by Secretary Ickes to Senator Hayden that in lieu of condemning their grazing rights or compenstaing the Gray Partners for their vested rights in the Monument that their grazing and water rights would continue to be recognized by the issuance of grazing permits through the lifetime of the last surviving Gray Partner, which agreement has been recognized and honored throughout the years and grazing permits have been issued by the National Park Service of the Department of the Interior down to and including December 31, 1968; and

Whereas, in 1966, the Department of the Interior, acting through its Under Secretary John A. Carver, made a firm commitment to the Gray Partners to purchase all of their rights within the Organ Pipe Cactus National Monument, consisting of approximately one hundred sixty acres of fee land, two sections of State of Arizona leased grazing land together with all their improvements, water rights and grazing permit on such public lands for a total consideration of three hundred sixty thousand dollars, which offer was accepted by the Gray Partners by the execution of an Option and Contract dated August 30, 1966. Attempts were made by the Department of the Interior from the date of such option to July, 1968, to obtain the approval of the Senate and House Subcommittees on Appropriations and National Parks, which approval was granted by the Senate Subcommittee but withheld by the House Subcommittee. The aforesaid option has been extended from time to time by the Gray Partners and they have at all times acted in good faith in their dealings with the National Park Service and the Department of the Interior and relied upon the firm commitment to purchase their rights made by Under Secretary Carver; and

Whereas, notwithstanding these facts, the Assistant Secretary of the Interior under date of July 12, 1968 advised the Gray Partners that their grazing permit on the Organ Pipe Cactus National Monument would expire on December 31, 1968 and would not be continued and that their cattle grazing upon the Monument would have to be removed from the Monument lands by January 1, 1969; and

Whereas, as a result of this arbitrary action by the Department of the Interior, Senator Carl Hayden introduced in the Senate of the United States S. 3837 authorizing and directing the Treasurer of the United States to pay the Gray Partners the sum of two hundred ninety-two thousand dollars as damages or compensation for the cancellation of their grazing permit; and

Whereas, it is the considered opinion of the Legislature of the State of Arizona that the Gray Partners have been unjustly, arbitrarily and cruelly treated by the Department of the Interior and the arbitrary cancellation of their grazing permit on the Organ Pipe Cactus National Monument violates firm commitments made by the Secretary of the Interior to Senator Carl Hayden and more recently to other members of the Arizona Congressional Delegation; and

Whereas, the Legislature of the State of Arizona believes that this unjust and arbitrary action should be rectified and corrected by the President and the Congress of the United States by legislation which would either ratify and confirm the lifetime grazing permit of the Gray Partners or compensate them for the loss of their grazing privileges and property rights on the Monument.

Wherefore your memorialist, the Legislature of the State of Arizona prays:

1. That the Congress of the United States enact and the President sign into Law legislation which will either ratify and confirm the liftetime grazing permits of Henry Gray, Jack Gray and Robert Louis Gray, doing business as the Gray Partners, on the public lands within the Organ Pipe Cactus National Monument, or fully compensate them for the loss of their grazing privileges and rights.

2. That the Secretary of State of the State of Arizona be directed to transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional delegation.

WEST VIRGINIAN CHAIRMAN OF INTERSTATE COMMERCE COMMISSION

Mr. BYRD of West Virginia. Mr. President, West Virginians are proud of the fact that a West Virginian, Virginia Mae Brown, is Chairman of the Interstate Commerce Commission.

She is the first woman to be a member of the Commission, the first woman to be its Chairman, and the first West Virginian to hold the position.

An excellent feature article about this capable and charming lady appeared in the Washington Sunday Star, headlined "In Transportation—A Peach of a Gal."

I read this article with interest and with pride. It is an excellent word picture of a woman who has held many positions of public responsibility and who has discharged her duties with distinction.

I ask unanimous consent that the article about Mrs. Brown be printed in the RECORD.

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

IN TRANSPORTATION—A PEACH OF A GAL

(By Donnie Radcliffe)

CHARLESTON, W. VA.—The flight from Washington lasts only an hour but it is long enough to polish a speech or study a report before the plane begins its descent on that precipitous 982-foot high mountaintop runway.

Other passengers cinch their seatbelts until the discomfort forces their minds aloft. Below is the dreaded 300-foot ravine that is a pilot's final hurdle before wheels can touch ground.

A good-looking, preoccupied brunette in her mid 40s sits near the front engrossed in her thoughts, never noticing the buildings of Kanawha Airport growing nearer.

She has come to West Virginia on the average of every other weekend for the past five years and today, unlike any of those other times, she has come to address the West Virginia Senate.

Usually she has come as Mrs. James V. Brown—"Ginny Mae" to the widowed mother she visits at Pliny, the tiny town some 35 miles from Charleston where the ancestral home sits on 600 acres planted in corn and tobacco.

Always she has come as "Peaches" Brown, the vivacious, brainy West Virginia University law school graduate whose classmates, many of them now among the state's rising politicians, gave her the nickname because "she was a peach of a gal."

And often she has come as Virginia Mae Brown, member of the Interstate Commerce Commission whose business concerns the complex problem of transporting people and goods from one place to another.

"Transportation was always a problem," she muses while strolling to a waiting car, recalling a girlhood in the country.

"But I never thought I'd be in it."

Today, Mrs. Brown is in it like no other woman before her ever has been. On Jan. 1, she moved up to become chairman for one year of the 82-year-old federal agency which regulates the unfeminine industries of railroads, trucking and barge lines, bus companies and pipelines.

They are industries with combined yearly revenues estimated at $25 billion and, in the vernacular of many who work in them, they "ain't no place for a lady."

The $40,000-a-year chairman's job (Congress last month raised the salary from $29,500 and that of the other 10 commissioners from $28,000 to $38,000) means she is the one who will testify before Congress, be the commission's voice, handle its conference and channel its course.

She has no housewifely notions of new brooms or political visions of clean sweeps.

"Our problems don't move or go away in one year," she says with the patience of one who sat through two years and three months of hearings on the largest railroad merger case ever filed with the ICC, the Rock Island merger.

There are, instead, what she calls "a great multitude of areas" and the consumer area dealing with passenger train service and household moving problems is one of her special concerns.

"We've worked very hard in these areas at the ICC and there are problems. So it isn't just a thing for my chairmanship."

Nor is she critical of the one-year term ICC chairmen traditionally serve.

"I've had busy days and nights," she says of the two months since she became chairman, "and it kind of sounds like maybe a year's a-plenty."

There are shortcomings under every system and she has worked them all. But in the years since she left law school to embark on a career of legal and regulatory work, she has found "if you've got good people who want to do the job, actually you can do it."

That career has been a remarkably successful one in which she admits "everything worked along in sequence without me ever applying for a job yet."

President Johnson summoned her to Washington on a March day in 1964 when,

as first woman chairman of West Virginia's Public Service Commission, she was "right in the middle of a whole lot of families being without gas—people ill and with babies who were going to end up out in the cold."

She had not wanted to be disturbed, she remembers, but was brought out of that meeting in a hurry.

"The President said 'would you and your husband come to my office tomorrow morning at 10 o'clock'. The answer was 'yes, sir'."

The then 40-year-old mother of two small daughters was one of nearly 1,000 women Johnson appointed to jobs from GS–12 up in his first six months as president.

But her appointment was one which male observers watched with particular interest. Never before had a woman sat on this oldest of all federal regulatory agencies and many wondered whether her sex might work against her in a realm heretofore dominated by men.

"It never seemed to bother her," says her confidential assistant Hildred Hersman who has been near or by her side since Mrs. Brown was legal counsel to former West Virginia Gov. W. W. Baron.

"The fact that she is a woman made her a novelty in this field, sure, but she can see the problems," says her successor on the Public Service Commission, Chairman Boyce Griffith.

As far as Mrs. Brown can see, her sex may have worked to her advantage in at least one instance. She used her feminine eye to coordinate decor in an otherwise government-grim ICC office and completed the job in record time.

"You always got your drapes, your carpets and your walls painted a year or two apart. I said if it couldn't be done together to please pass me by."

Today she wears gay, feminine clothes to match her bright, feminine but tailored office where walls are off-white, carpets red, drapes a combination of both colors and furniture is covered in white imitation leather.

Her home in Alexandria, which she and her attorney-husband recently bought, is equally gay and a welcome change from apartment-living for their active and gregarious daughters Vicki, 13, and Pam, 9.

"I've moved 10 times in my life," Mrs. Brown says, "and I've never had any problems. But that doesn't mean other people haven't."

She knows there are hangups in the moving industry and says the ICC is working to improve them. But she also credits the industry itself with making proposals to help tighten rules.

"You can't do anything by not talking to industry."

Talking, says her mother Mrs. Felix M. Brown, is one thing Ginny Mae has always been especially good at.

"She's just like my father," her mother continues, watching her daughter in an animated conversation with several West Virginia senators. "He could talk forever."

NO FAVORITES

Mrs. Brown, president of The Buffalo Bank at Eleanor, W. Va., is proud of her daughter "but I'm proud of all my children." And she was delighted when Ginny Mae married a law school sweetheart in 1955 with the same last name.

"It made it easier for me not to give her up."

The tall, pleasant, tastefully dressed elder Mrs. Brown kids her daughter about her minihems, threatens "to face all those hems" the next time Ginny Mae goes to Pliny.

She would like to see her daughter back on home ground permanently, says "I'm sure she'll come back some day. But I don't want her to take my job. I'm not ready for the shelf yet."

With Chairman Brown's ICC term due to expire Dec. 31, 1970, there is still enough time to consider the next move.

And this year she probably will be busier than she has ever been as she steers the ICC through what some see as its most hazardous course yet.

A reflective woman who chooses her words but often omits commas and periods, she is apt to detour around hard-pavement stands on whether the ICC, an arm of Congress, should have more policymaking power.

"I think about a whole lot of things about air service and I'm not regulating the air service but to me if you are going to sit as part of transportation you can't block out of your mind what belongs where."

Working with the chairmen of the Federal Maritime Commission and the Civil Aeronautics Board, she says they go over mutual problems that work their way into each agency.

"There was a time when you ran your own agency, but in this day and time we think about problems we don't even have to answer."

One of them is what she calls "coordinated transportation" where train, bus and plane arrival and departure points would be drawn together so travelers could use them with ease instead of harassment.

Transportation, she philosophizes, has been a key to America's growth as a cohesive, powerful nation. Where an individual's transportation was limited, so was his world.

"They've written many songs about living a whole lifetime and never seeing the other side of the mountain. And the basis of that was true, though it isn't now."

Her more immediate concerns, however, are in areas where most women would be lost.

She sees the role of the ICC as one of economic regulation "a role this country needs badly." It fits, she says, with the Department of Transportation's work on planning and research in matters involving safety.

Is she fearful that the Department of Transportation will encroach upon ICC jurisdiction, as some critics fear?

"The ICC supported the legislation, the enactment of a Department of Transportation," she says without hesitation.

"We realized what we were doing. We gave up 432 people in the field of safety and did it in the honest belief that safety had become such a problem in this country in all areas of transportation that the best thing we could do was to consolidate it."

ONLY HINTS

She only hints at any potential threat the department might pose.

"I suppose that every agency watches its own jurisdiction. We're an arm of Congress, they're a member of the Executive Branch and there isn't any problem now. I won't say there never will be, but we're trying to do our job and they're doing their best to get started."

Her legal training was invaluable though not a requisite for her ICC appointment. And transportation, she likes to say, is "a pretty good living" that more people should know about.

Whenever possible she does her part to promote it, encouraging universities and colleges to give transportation courses on a year-round basis.

Former associates in Charleston watch her Washington career closely and teasingly call her "that Washington lady" to which she retorts "I'm that Pliny lady."

A few see her as a future candidate for elected office while others are not so sure.

"She'd be very promising in the political area if she were inclined that way," says Boyce Griffith, "but I think her interest is more in agency work than state politics."

Her mother says Ginny Mae has been approached several times to run for office "but I'm against it. It's what she'd have to go through, you know. Did you ever know a politician that didn't have his name slung in the dirt?"

Chairman Brown remains noncommittal though hails old friends in State House corridors with the zest of a seasoned campaigner.

"When anyone calls me Peaches," she quips, "I know the time of my life it refers to. At the ICC no one calls me Peaches, at least to my face."

At the U.S. Senate Commerce Committee they call her "a fresh viewpoint, not just a good lawyer and a smart woman."

"We're not fooled by the fact that she's a woman.

And at home in West Virginia where she was assistant attorney general of the state for eight years, then the state's first woman insurance commissioner and finally a member and chairman of the Public Service Commission, they aren't fooled by the fact that she is a woman, either.

"I really haven't had time to think about running for an office too much," she says of her career after the expiration of her ICC term in 1970.

"If I'm not busy at the ICC, I'm going to be busy someplace else. And I'm going to be busy all my life."

STRONG CASE FOR RATIFICATION OF FORCED LABOR TREATY—XXII

Mr. PROXMIRE. Mr. President, I believe there is every reason why the Senate should ratify the Human Rights Convention on the Abolition of Forced Labor. The case for ratification of all the human rights conventions is strong but the case for ratification of the Forced Labor Convention is beyond dispute.

There may be some who say that this raises the question of constitutionality. After all, the convention contains a provision outlawing forced labor as a punishment for participation in strikes. Is this not dealing with an area reserved for State regulation? No. As former Secretary of Labor Wirtz has said:

> Just as there is neither Federal nor State power validly to impose forced labor as a punishment for holding and discussing political views in a lawful manner, by reason of the Federal Constitution, there is neither Federal nor State power validly to impose forced labor as a punishment for a legal strike.

In other words, the Convention on the Abolition of Forced Labor demands nothing more than is already guaranteed under the 13th amendment to the Constitution.

Finally, there are those who cynically suppose that conventions such as these do no good. I direct such men to the list of the countries which have ratified this treaty. The name of the Soviet Union will not be found on this list. Of course not, for the Soviets have for years been operating forced labor camps.

Tragically, the name of the United States along with that of the Soviet Union is absent from the list of nations which have ratified this treaty. Mr. President, we know why the Soviet Union cannot ratify this convention. But there is no good reason why the United States cannot. Let us take that course of action. Let us ratify the Convention on Forced Labor now.

DEATH OF PRIME MINISTER LEVI ESHKOL

Mr. SCOTT. Mr. President, the State of Israel lost a valiant leader with the death of Prime Minister Levi Eshkol. I ask unanimous consent that my remarks of February 26, 1969, mourning the passing of the Prime Minister be printed in the RECORD.

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

STATEMENT OF MR. SCOTT

The world today mourns the passing of Prime Minister Levi Eshkol of Israel, one of the pioneer builders of the Jewish homeland.

A member of the Israeli government since its establishment as an independent State in 1948, Prime Minister Eshkol long served the people of that valiant Nation. While continually realizing the need to strengthen Israel's deterrent capacity, the Prime Minister has been unrelenting in his efforts to secure the peace that we knew would benefit all in the Middle East and all mankind.

On a recent visit to the United States, Prime Minister Eshkol conveyed to former President Johnson his central concern for peace in his country and for the area of the world in which he lived. He closed his remarks with the Biblical phrase "Peace be to him that is far, and to him that is near."

These are beautiful sentiments coming from one who has long yearned for a true peace for his people. We can only hope that Prime Minister Eshkol will now find the peace he so richly deserves.

RESPONSIBILITY IN SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, statements attributed to Richard Nixon and some of his supporters during and since his successful campaign for the Presidency led many school officials and other observers of the school desegregation program to believe that less would be required under a Nixon administration than had been true during the preceding administration. I hope I am correct in interpreting the comments recently by the President and Secretary Finch to mean that there will not be any backsliding or equivocation in the school desegregation program authorized by title VI of the Civil Rights Act of 1964.

An article published in the Atlanta Constitution of February 15, 1969, makes clear the great importance of the Nixon administration carrying out the title VI school desegregation program firmly and fairly, as I believe it has been conducted in the past. The article was written by Mr. Reg Murphy, and it makes a great deal of sense. Persons who have been elected to office should have no difficulty understanding the point Mr. Murphy makes in the article—that unless the President and Secretary Finch are firm in their administration of the title VI program, they will "create an untenable political situation for local superintendents, principals, teachers, and moderates who must continue to live in the community."

Mr. President, the article by Mr. Murphy emphasizes a point which is often overlooked in the discussion of the school desegregation program. I hope Members of Congress will take time to read the article, which I ask unanimous consent to have printed in the RECORD.

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

PRESIDENT, HEW MUST BE FIRM

(By Reg Murphy)

"If they are wishy-washy now, they will destroy everything we have worked for in this community," a worried Georgia county school superintendent said.

"Our school board and a majority of our people pretty well accepted the fact they would have to desegregate the school for real. They lost in the district court, and then we lost some money from the schools," the superintendent added.

"After Nixon won, the board members got some new hope. Then they went to a Georgia school boards meeting the other night and heard Gov. Maddox talk about the need to change the decisions in education, and they got real excited. Now they think some kind of lightning is going to strike and they won't really have to desegregate."

As the superintendent talked, it was obvious that he has been under great strain. Trying to guide his schools toward integration, and working with a board which has resisted every step of the way, has been exceedingly difficult. He needs help—the kind of help that only the Nixon Administration and the department of Health, Education and Welfare can give.

The superintendent went on to say that his lawyers have advised there is no way to win the appeal. The lawyers have advised it would take $6,000 of school money to pursue the case to the U.S. Fifth Circuit Court of Appeals in New Orleans and that much more to go to the U.S. Supreme Court.

"We can't afford that—and it would be a waste of money anyway," the superintendent said. "But if these people keep getting new hope we will find ourselves appealing the case."

What worries him more than money, however, is the fact that the community once was resigned to accepting desegregation but now feels it may have another chance to rebel.

"You know," he said, "it's unhealthy for a community to go through this. We need firm help. If they are wishy-washy now, they will destroy everything we have worked for in this community."

The school man's talk sounded very much like the words of the restaurant operators a few years ago. They were ready to desegregate, but needed an outside agency's help. When the public accommodations law was passed by Congress, they had the firm backing they needed. Then they served food to just about everybody who came.

Only in cases where the superintendent can lean on some outside agency can he afford to move for desegregation. As a public official in a Southern county, he would have no future unless he could point to pressure in moving to desegregate the schools.

The job of President Richard Nixon and HEW Secretary Robert Finch becomes clear, then. They must insist that the law of the land be obeyed promptly. They must have firm guidelines which will tell school districts precisely what to expect. And they must cut off funds precisely when they say they will.

Otherwise they create an untenable political situation for local superintendents, principals, teachers and moderates who must continue to live in the community.

It appears that Nixon and Finch have understood only partially their responsibility. They talk about sweet reason. To be sure, that is essential.

They also must be very firm indeed, or they will bring on the political death of a vast number of men who are trying to do the right thing.

ABM AND THE ARMS RACE

Mr. PERCY. Mr. President, the board of directors of Congregation Solel in Highland Park, Ill., has adopted a statement of concern about the ABM program and the nuclear arms race. Because of its eloquence and logic, I ask unanimous consent that it be presented in the RECORD.

I congratulate the board of Congregation Solel, their rabbi, Arnold Jacob Wolf, and their president, Irving A. Hanig.

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

In the few short years since Hiroshima, we have watched nuclear armaments multiply and re-multiply to even farther and more awesome limits of destructiveness. It is hard to believe that in so little time the arms race could have already reached the state it has, and that we now find ourselves actually considering whether missiles armed with hydrogen bomb warheads should be placed directly into our community in an attempt to achieve some kind of protection.

Supporters of the "thin" antiballistic missile program which is now being proposed admit that it would not be adequate to protect against a massive attack. They do contend that such a system would nevertheless provide protection against a lesser attack. This view is not shared by many who believe that a determined aggressor with enough capability to produce the type of weapon against which the system is designed would also be able to circumvent the system by attacking in other ways.

In the face of the grave dangers of an inflated economy, we are deeply concerned about making vast expenditures in a program which may well contribute little or nothing to our country's security. The initial cost alone would be $5 billion and if the system is expanded as some have proposed the cost has been projected to from $40 billion to $100 billion. With our nation torn by the crisis of racial conflict, our human and material resources in such tremendous amounts must not be diverted from the urgent domestic needs of our society.

We are deeply concerned about the possibility of an accidental explosion. Despite the reassurance that every conceivable precaution would be taken, the horrible loss of life, which would result if an accident should somehow nevertheless occur, remains a terrifying prospect.

On the basis of our religious and moral convictions, we feel that mankind must bring a halt to the senseless nuclear arms race. We pray that people and their leaders in all nations may be granted the will and wisdom to seek out ways of creating a world safe from nuclear holocaust. Man has reached a stage where in a few months he will walk on the moon for the first time. We pray that he may also be granted the dignity to learn how to walk on the earth as a man.

CONSERVATION QUESTIONS FACING THE NATION

Mr. METCALF. Mr. President, I believe that Americans are becoming increasingly aware that a gross national product defined simply in terms of output is a meaningless concept, that if we are destroying our environment in order to produce this output, then the annual increase in GNP is not a figure of which to be proud, but, rather is a measure of our shameful destructiveness.

I say that I believe Americans are becoming increasingly aware of this ele-

mentary truth because I think this has been the case during the Kennedy and Johnson administrations. However, the Nixon administration is still largely an unknown quantity with regard to the urgent conservation questions which face the Nation.

For this reason, I am very much interested in the 34th annual meeting of the North American Wildlife and Natural Resources Conference which opened yesterday in Washington, D.C. Each year this conference is a "watershed" for natural resource experts from all over the North American Continent. This is even more the case this year, as conservationists wait to see what the Nixon administration will do in the areas which so vitally concern them and the Nation. The President, during his campaign and since, and Secretary of the Interior Hickel, at confirmation hearings, have given a great deal of generalized assent to the conservation needs of the Nation. But whether actions will follow words is yet to be determined.

Dr. Ira N. Gabrielson, president of the Wildlife Management Institute and one of the deans of American conservation, defined the dimensions of the problems facing the new administration very clearly in a speech which opened the conference. Dr. Gabrielson urged the new administration "to accept the recent national outpouring of conservation concern as a directive for progress in overcoming the ills that afflict our land."

His speech clearly outlined the problems facing the growing number of Americans sincerely concerned about our natural resources. It will be a checklist for our performance this year. I ask unanimous consent that Dr. Gabrielson's speech be printed in the RECORD.

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

CONSERVATIONISTS MUST DO THE JOB

(By Ira N. Gabrielson, president, Wildlife Management Institute, at the 34th North American Wildlife and Natural Resources Conference, Washington, D.C., March 3, 1969)

In his inaugural address, President Nixon remarked that the orderly transfer of authority between Administrations offers proof of democracy's enduring quality. Certainly, in contrast to world headlines about repression of fellow humans, free men can be proud that their people-directed systems of government work as they do.

They work well, no doubt, because free men can express their opinions about national matters. They have every right to expect their government to be responsive to their desires.

Many interesting incidents coincided with the passing of power from the old Administration to the new this year, and I trust that the profound significance of one of them did not elude you.

That incident was the spontaneous national outcry about the future of essential conservation programs. Never before, in my experience, has such strong concern been expressed about necessary efforts to restore and protect the quality of the environment. Those political leaders who apparently did not know or care before should know now that many people have a deep concern about their native land.

All the conservation articles and editorials during the past weeks demonstrate that the communications media are alert to—if not publicly committed to—the necessity of conservation. Do you remember how difficult it was only a decade ago to interest more than a handful of dedicated writers and commentators in conservation?

Times change, and we know for sure now that the public can receive a cram course in conservation in a matter of only a few days. Everyone has learned that conservation is an important governmental responsibility—a concept to be followed, a goal to be achieved. Because of this national conservation interest, the Secretary of the Interior, almost overnight, became the best known member of the President's Cabinet.

This conservation awareness did not develop accidentally. It has matured slowly, and it has been broadened progressively in the past decade, by the enactment of fundamental conservation programs.

It is difficult and perhaps unfair to designate turning points, but credit is due former Secretary of the Interior Fred Seaton, who succeeded in shining a light into his predecessor's dark tunnel of conservation despair. And since then, much appreciation is due to President Kennedy, to President and Mrs. Johnson, to Secretaries Udall and Freeman, and to skilled and conscientious men on both sides of the aisle in the United States Congress.

From this talented leadership and capable support there emerged a vastly improved water pollution control program, certainly one of the most urgent and fundamental of all conservation undertakings. There followed an air quality program, an attack on another environmental problem of far-reaching importance.

The Land and Water Conservation Fund gave impetus to outdoor recreation and land acquisition and development. It encourages agencies to think in terms of where they are going instead of where they have been. It has helped Congress to realize that conservation progress requires both authorizations and appropriations. It is pointless to create new programs if funds are not forthcoming to sustain them.

Approval of the all-important Wilderness Act firmly set forth national policy that the selective dedication of unexploited public lands for the enjoyment and study of their natural character is in the country's best interest. The newer concepts of a wild and scenic rivers system and of national trails follow in the same tradition. So, too, in my opinion, do the recent and largely untested enactments that call for an inventory of the pollution of estuaries and recommendations to assure that their great resource potentials will not be destroyed.

This past decade saw the enactment of other basic conservation programs. One is the imperative probing into the implications of the widespread use of pesticides on fish, wildlife, and other of nature's creatures. The sobering scientific facts uncovered by this research are raising serious questions about the well-being of mankind itself. Unlike a decade ago, when there was more apprehension and speculation than fact, there now is no question that some of the chemicals in common use pose grave threats to animal life.

These past few years have seen a commendable growth of man's interest in the welfare of the creatures that inhabit the earth. The Endangered Species Act set protective actions in motion in this country, and the pending legislation dealing with rare animals throughout the world can lead to even greater accomplishments.

Another basic enactment is the Classification and Multiple Use Act, the nearest thing to an organic act for the Bureau of Land Management, the agency responsible for hundreds of millions of acres of public lands and the immeasurable resources they contain. Unlike the Internal Revenue Service, which collects revenue rather than generating it, the BLM has an unmatched record of developing new income for our national treasury. Yet previous Administrations and the Congress have forced the BLM to operate on a shoestring.

During this period of political transition there is apprehension and curiosity about the conservation philosophy and attitude of the new Administration. Not many personal commitments were made to conservation in the campaign, and party platforms invariably offer more rhetoric than substance.

It is on the conservation successes and failures of past Administrations that I urge the new Administration to build its conservation program. I urge it to pursue a truly national and balanced program, not merely a program based on the erroneous notion that the Department of the Interior is a western agency or that only one or two of its activities are of transcending importance.

The same applies to the important conservation programs administered in the Department of Agriculture by the U.S. Forest Service, Soil Conservation Service, and others. The serious business of protecting and improving the quality of the environment should not be shackled by parochial judgment.

I urge the new Administration to accept the recent national outpouring of conservation concern as a directive for progress in overcoming the environmental ills that afflict our land. I urge it to support those basic programs already underway and to develop new ones to meet demonstration need. I urge the Administration to capitalize on the conservation momentum that already exists.

The federal water pollution control program should be supported without reservation. It should be expanded to deal with oil and thermal pollutants, to regulate discharges from ships and recreational vessels, and to attack acid mine drainage and lake eutrophication. The crucial sewage treatment plant construction grants program, sapped by spending for a tragic and wasteful war and the extravagances of space exploration, operates at only a fraction of its authorized financial horsepower. This program already is a matter of law, but sufficient funds are not being requested to carry it out. Construction costs rise and the unserviced backlog grows more severe. Only a small part of the $33 billion spent for space projects in this past decade, if invested in sewage plant construction, would have overcome this correctable environmental threat.

There are other areas in which to build a responsive and responsible conservation program. Both Congress and the Administration should insist that wilderness designations catch up to the time schedule of the 1964 Act.

The Wilderness Act should be amended so that consideration can be given to unspoiled areas on lands administered by the Bureau of Land Management. It is short-sighted indeed to insist that wilderness exists only on national forests, parks, and wildlife refuges. BLM should be authorized to administer all wilderness and national recreation and other special areas created on its lands.

The Administration and the Congress should seek to make the Bureau of Land Management a resources agency in fact as well as in name. The Administration should reject suggestions that BLM's activities be suspended until the Congress considers the report of the Public Land Law Review Commission. Resource problems on BLM lands need immediate attention. Their correction has been delayed too long already, and public land management should not be frustrated further during the years the Commission's recommendations will be under consideration.

An example of this is the Mining Act of 1872, the antiquated law that surrenders the surface resources of our public land in repayment for the minor scratching that con-

stitutes an acceptable search for sub-surface minerals. That law wastes public resources for the benefit of a few. It interferes with essential resource programs. This hangover from the last century should be replaced by a leasing system that encourages the development of public land mineral resources without impairing other values that are involved.

The new Administration can do many things to construct a positive conservation program. It can require that the various activities of federal agencies be considered with an eye to their impact on private and public land and water resources. The federal highway program exemplifies an activity that can destroy the environment in which people must live and work. While the straight-line concept of highway routing may be less expensive in terms of construction, the cost may be prohibitive in terms of environmental erosion.

Late last year, a recommendation was made to invoke a two-part hearing process so that the public would have an opportunity to comment on highway locations and designs. Highway interests were appalled at the prospect of the people who pay the bills having a voice in determining road location and design. Governors and state road officials saw it as a damper to future highway hopes. Even the incoming Secretary of Transportation, himself a highway man, called the plan an impediment to progress. The changes were approved as policy—not as regulations—on January 17, and I urge the Administration to uphold them.

The conservation challenge of the 1970's does not affect the new Administration alone. Congress also is involved, because only Congress can correct its own deficiencies in organization that frustrate conservation and environmental goals. Committees have overlapping and contradictory functions, and an action by one sometimes offsets the work of another.

The Committees on Public Works, for example, have little understanding of the havoc highway construction can have on human and other resources. The Committees on Agriculture appear insensitive to the effects of stream channeling and drainage on water tables, flood water retardation, and fish, wildlife, and recreation. The Interior and Insular Affairs Committees that pass on national park matters give only passing attention to the national forest programs that occupy the attention of sister committees. The Committee on Merchant Marine and Fisheries authorizes the expenditure of millions for preserving wetlands for migratory waterfowl, and the Agriculture Committees recommend still more millions for wetlands drainage.

New mechanisms and possible new alignments are needed in both the Executive and Legislative Branches to assure that federal and federally assisted programs meet the test of what is best for the environment. At the same time, it is not enough to say that conservationists stand for something good. We must define environmental goals and measure progress toward achieving them. We must be prepared to act, rather than merely to react.

We lack such a yardstick now, but we must have one if we are to keep pace with the tremendous energies for change and development that persist in this country. We need the help of both the Administration and the Congress to achieve this end. We need a national policy stating that environmental restoration and protection is a desirable objective, an objective that warrants uniform efforts of attainment.

I do not suggest a policy calling futilely for the preservation of a few small areas, but a policy calling for the broadest application of conservation ideals, of which preservation is a part, but not a substitute for conservation. Above all we need a coordination of land and water use. We need assurance that development will be orderly rather than disorderly, that it will be compatible with other resource values, and that what is done contributes to, rather than detracts from, the attainment of a pleasing and productive environment for man.

These are the short term and the long range objectives I see for conservationists. One way or another, all of us are engaged in a continuing confrontation with the challenges of population increase, undirected development and massive alteration of the environment. In a collective sense, we are the only conservation army in the field, and we had better recognize this and battle to attain the high ground that must be won.

HUMANITARIAN WORK OF 8TH ARTILLERY BATTALION IN OSAKA, JAPAN

Mr. INOUYE. Mr. President, at a time when the attention of our Nation is focused so intensely on our position in Asia, I feel it is particularly fitting to congratulate the officers and men of the 1st and 2d Battalion, 27th Infantry, and 1st Battalion, 8th Artillery for their humanitarian work with the orphans of Osaka, Japan.

These men have seen fit to support the Holy Family Home in Osaka, an orphanage for abandoned children, with generous monthly donations. For the last 20 years, they have provided hundreds of children with happy lives and the priceless knowledge that someone loves and cares for them.

We can be proud of the humanitarian work the members of these units are doing.

EDWARD WEINBERG, DEDICATED GOVERNMENT LAWYER

Mr. JACKSON. Mr. President, as often happens when there is a change in administrations, some extremely able and dedicated public officers end their Government careers. This is the case with Mr. Edward Weinberg, the former Solicitor of the Department of the Interior. Mr. Weinberg recently left the Federal Government after more than a quarter century of highly constructive and resourceful public service.

A native of Wisconsin, Mr. Weinberg joined the legal staff of the Bureau of Reclamation in 1944. He became Assistant Solicitor for the power branch in 1954 and rose through the ranks to become Associate Solicitor, Deputy Solicitor, and then in 1968, he was appointed Solicitor by President Johnson.

This brief sketch does not reflect the quality of Mr. Weinberg's contribution to the Federal Government over the past quarter century. During his period of service, the Department of the Interior developed from primarily a western-oriented agency into a national department of Government with responsibilities in every State of the Union. These responsibilities affect the daily lives and the future well-being of each of our citizens.

During his service with the Federal Government, Mr. Weinberg performed a highly significant role in complex negotiations between our Western States on water resource problems and legislation over the past decade. Mr. Weinberg made important and constructive contributions to the Lower Colorado River Basin Act, the Columbia River Treaty with Canada, the Hanford project, and the intertie legislation by which the Pacific Northwest and the Pacific Southwest can share in each other's power resources.

Senators will be interested to know that Mr. Weinberg is entering the private practice of law in association with our former colleague, Senator Thomas H. Kuchel, of California. Senator Kuchel has become a partner in the law firm of Wyman, Bautzer, Finell, Rothman & Kuchel. Senator Kuchel and Mr. Weinberg will be associated in the Washington office of that firm.

On behalf of the members of the Committee on Interior and Insular Affairs with whom Mr. Weinberg worked so closely over the years, I extend hearty good wishes both to Senator Kuchel, a former member of the committee, and to Mr. Weinberg.

POLITICS AND POLICY: THE EISENHOWER, KENNEDY, AND JOHNSON YEARS

Mr. PERCY. Mr. President, occasionally a book is published that provides unusual insight into the political process in general, and into the workings of the U.S. Senate in particular. I desire to invite the attention of Senators to such a book. It is entitled "Politics and Policy: the Eisenhower, Kennedy, and Johnson Years," and was written by a former Senate staff assistant, James L. Sundquist. It has just been published by the Brookings Institution.

The volume presents detailed case studies of the conflicts over major domestic legislative policies and how those conflicts were resolved during the administrations of three Presidents—Eisenhower, Kennedy, and Johnson—from 1953 through 1966. Mr. Sundquist follows the case studies with chapters analyzing the response of the two major parties to the issues, the influence of the issues on public opinion and the elections of 1954, 1958, and 1960, Executive relationships, and the internal procedures of the two Houses of the Congress.

As some Senators may remember, Mr. Sundquist served first as legislative assistant and later as administrative assistant to former Senator Clark, of Pennsylvania, from 1957 through 1962.

I ask unanimous consent to have printed in the RECORD reviews of "Politics and Policy" that were published in the Baltimore Sun and the Washington Evening Star.

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

[From the Washington (D.C.) Evening Star, Nov. 25, 1968]

A BOOK FOR TODAY: SURVEYING THREE ADMINISTRATIONS

(Note.—"Politics and Policy": The Eisenhower, Kennedy and Johnson Years. The Brookings Institution, 1968. By James L. Sundquist. 560 pages.)

In this thoughtful, comprehensive, and scholarly book, James L. Sundquist of the Brookings Institution surveys and analyzes the legislative performance of the Eisen-

hower, Kennedy and Johnson administrations in light of the institutional realities of the American political system.

Its appearance at this juncture on the eve of a new administration in Washington is certainly timely, and it is likely to be placed on the reading list of many government officials who must deal with the complex and difficult issues, which are considered here.

The book is divided into two distinct sections. In Part I, Mr. Sundquist presents lengthy detailed and somewhat tedious case histories of the federal government's approach to what he considers the six major domestic issues of the period from 1953 to 1966: unemployment, poverty, education, civil rights, medicare, and the outdoor environment.

In Part II, which is definitely the better half of the book, he provides an excellent synthesis of his findings and a skillful analysis of the two-party system, the electoral process, and the respective roles of the President and Congress in legislative transactions.

The author is fascinated by the cyclical nature of federal legislative activity. He investigates and explains the phenomenon of alternating periods of legislative dynamism and comparative quiescence, which have characterized our political history, with the past 15 years providing a good example. The period began with the Republican party in the ascendancy, witnessed its defeat in the election of 1960, followed by eight years of Democratic dominance, which now seems to be coming to an end.

The Republicans, in keeping with their generally more conservative philosophy, did not care to initiate the kinds of major changes in policy advocated by the Democratic "activists," which reached their apex in 1964–65 in what the author feels were "Triumphs of responsive government."

Sundquist asserts that the voters gave a "mandate to the Democratic party in 1960" for massive federal legislation on various issues. In light of the extreme closeness of the election it is questionable that the election established any such mandate. Nevertheless, during the past eight years in each of the fields under consideration, bold new policies were advocated, vigorously debated, and after various maneuvers and compromises, finally adopted.

Each piece of social welfare legislation had to endure "a long and tortuous course" before it was ultimately enacted. While the author is critical of the slowness of the federal government's response to certain questions, there are other authorities who contend that it is a basic strength of our system that major changes in national policy are considered very thoroughly and deliberately before they are made.

Each of the issues dealt with in the case histories has its interesting facets, but the discussion of the war on poverty is the most intriguing, perhaps because the measure is the most controversial. Unlike many significant national programs, the war on poverty was not the result of strong public demand.

Although primarily associated with the current occupant of the White House, perhaps because it was "peculiarly suited to the personality of Lyndon Johnson," the program had its genesis in the Kennedy administration. Its legislative merits have been seriously questioned, but one must agree with the author that "the political merits of the war on poverty in 1964 can not be denied."

Since that time its popularity seems to have greatly receded and the question now seems to be whether a program which "falls so far short of the presidential rhetoric that launched it will not add the disillusionment of its supporters to the strength of its opponents."

While the author discusses many reasons for the alternating tempo of action on social welfare legislation, his basic thesis, which is hardly new or original, is that there is simply a fundamental dichotomy between "activists" (a word which he prefers to "liberal" since he feels it suggests "both their temper and their pragmatism") and conservatives.

Heretofore each party has had both, with the Democrats having more of the former and the Republicans of the latter, with consequent effects upon the approach of the parties to legislation. He sees, and in fact welcomes, a continuing polarization of the parties, until the Democratic party having purged its conservative (primarily southern) wing will be almost exclusively activist and thus better able to enact new legislation speedily when it attains power.

The result of this would be an approximation of the European parliamentary system, with some vestiges of our present methods, hopefully yielding "the best of both parliamentary and presidential worlds." Although our present system has its defects, we cannot be sure that the polarization which Sundquist envisions and desires would necessarily be successful or in the best interest of the nation.

[From the Baltimore (Md.) Sun, Oct. 27, 1968]

WHY THE FRUITFUL YEARS?

(By Rodney Crowther)

(NOTE.—"Politics and Policy": The Eisenhower, Kennedy and Johnson Years. By James L. Sundquist. 537 pages. The Brookings Institution.)

When the first session of the Eighty-ninth Congress ended in October, 1965, Speaker McCormack called it "the Congress of accomplished hopes." Something had happened in Congress, and in America, that had not happened since the famous Hundred Days of the Early New Deal.

There had been, in fact, an outpouring of social legislation unprecented in scope—a ban on racial discrimination, Federal aid to education, steps to fight poverty, health care for the aged, programs to help the jobless get jobs, clean air and rivers plans and programs to protect and beautify man's natural surroundings.

Some of these things had been urged as far back as Franklin Roosevelt. President Truman had made specific proposals for aid to education, national health insurance, a comprehensive civil rights program. But all had been defeated in Congress.

How did it happen then that in the next three administrations—those of Eisenhower, Kennedy and Johnson—Congress sloughed its indifference to the public welfare and enacted social legislation that had long been only the dream of liberals?

INSIDE VIEW

The answer to how it was achieved is the subject of this lucid, scholarly and competently researched volume by one who participated in many of the legislative struggles which he chronicles.

James L. Sundquist was a staff aide on Capitol Hill during the Eisenhower era, an official in the executive department under Kennedy and Johnson. He writes as one who knows from personal experience how congressional and national politics work. He also writes well: he is one scholar whose sentences are clear, cogent and a delight to read.

The author chose to examine in depth the legislative contests through which Congress moved from a posture of resistance to social and economic change to an out-pouring of programs to deal with long-neglected domestic issues.

He examines the contests during fourteen years from 1953 through 1966 in which the Federal Government for the first time—and on a massive scale—turned its attention to jobs for the unemployed; opportunity for the poor; schools for the young; civil rights for the minorities; health care for the aged; protection and enhancement of the outdoor environment.

MAJOR CONTESTANTS

The first half of his study is devoted to these domestic issues in eight separate chapters. In these we meet the major contestants—the conservatives and the moss-backs who continued to resist change and Federal venture into welfare matters and the "activists" of both parties who pressed relentlessly in Congress and in their party organizations for action.

We meet a parade of conservatives in the Eisenhower years—George Humphrey, treasury secretary, and Maurice Stans, budget director, bent almost solely on reducing spending. On the other hand, there was Arthur Flemming, Secretary of Health, Education and Welfare who battled in the Administration for welfare programs.

The author recounts what happened to the economy in the Eisenhower years, the battle which brought John F. Kennedy to the White House, the slim margin of five votes in the House which stood as his sole majority and stymied his legislative dreams, the shock of the assassination, the subsequent change in the mood of Congress, and the landslide victory of Lyndon Johnson in 1964.

All of this is a fascinating story, and particularly the struggles when Speaker Rayburn and Senator Johnson as Senate majority leader at times resisted and at other times compromised with the "activists"—the men in and out of Congress who pressed for liberal legislation.

The author examines the workings of our political system with a keen eye for the human aspects of the struggles and the arduous work by which social advances are made.

WHAT WAS SOLVED

The second half of his book is devoted to an assessment and description of our political institutions, of the parties' reactions to new ideas and new programs, and the role that public opinion plays in elections.

But did the achievements of the fourteen years ending in 1965 really solve the major social problems of the times? In a brief final word, the author sees the nation once more amid a struggle which is essentially how to make the programs work. The eternal enigma which faced our cavemen ancestors in emergencies—"what to do"—still faces America—what to do about the crises of race and poverty and violence.

"The triumphs of responsive government in 1964 and 1965 leave the need for responsive institutions only more compelling than before," he concludes.

U.S. CIVIL RIGHTS COMMISSION SUPPORTS S. 5, FULL OPPORTUNITY ACT

Mr. MONDALE. Mr. President, the acting staff director of the U.S. Commission on Civil Rights, Mr. Howard A. Glickstein, recently informed me by letter of the Commission's continuing support for S. 5, my proposed Full Opportunity Act.

The Commission's strong, ongoing support, as expressed in Mr. Glickstein's letter, is characteristic of the response brought by reintroduction of the Full Opportunity Act in the 91st Congress. I ask unanimous consent that Mr. Glickstein's letter to me be printed in the RECORD.

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

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C., February 17, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is in response to your recent letter to former Deputy Staff

Director, M. Carl Holman, concerning your reintroduction of S. 5, the proposed Full Opportunity Act.

You will recall that in 1967, the Commission's Staff Director testified before the Subcommittee on Government Research of the Senate Committee on Government Operations in support of the earlier version of this bill, "The Full Opportunity and Social Accounting Act." As the Commission indicated then, this legislation would prove helpful in several ways: First, in determining the kinds of data needed to judge accurately the social and economic status of minority groups; and second, in enabling us to make better use of data that are available, to answer basic questions concerning social and economic status.

Through the collection and analysis of these data, we would be in a position both to identify more accurately the social and economic needs that currently are unmet and to establish clearer national goals toward which Federal program and policy should be directed.

The Commission continues to support this bill and considers it needed legislation.

Sincerely yours,

HOWARD A. GLICKSTEIN,
Acting.

U.S. MILITARY COMMITMENT TO THAILAND

Mr. McGEE. Mr. President, recently the Washington Post published an exchange between the editors and Mr. Ernest K. Lindley, former special assistant to the Secretary of State, regarding America's military commitment to Thailand. This exchange needs some amplification, because it was left where the public might be confused to the point of believing that many American military men have been committed to Thailand to actively battle insurgents there without a determination that an actual armed attack had taken place. Indeed, the Post wrote that "the Johnson administration acted as if there had been an armed attack without any showing of such a fact."

Mr. President, Mr. Lindley has written another letter to the newspaper, simply stating the facts. He makes it clear that some 50,000 U.S. military men in Thailand are not there for the purpose of assisting Thailand to deal with an insurgency, even though it is incontrovertible that the insurgency is externally directed and supported. Thailand is itself dealing with this insurgency, though a small portion of the U.S. military force there is involved in engineering and logistical support of an ally. The bulk of our forces, however, are in the Air Force and are housed there as part of Thailand's contribution to the defense of South Vietnam.

I ask unanimous consent that a Post editorial answering Mr. Lindley's first letter, along with that letter, be printed in the RECORD. I further ask unanimous consent that the second letter from Mr. Lindley to the newspaper, which has not appeared in print, also be printed in the RECORD.

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

[From the Washington (D.C.) Post, Feb. 13, 1969]

COMMITMENT TO THAILAND

We are pleased to print elsewhere on this page Mr. Ernest K. Lindley's defense of the Johnson Administration's commitment to Thailand. Our editorial of Feb. 6 did contain an unintentional inaccuracy. We said that "Under the Southeast Asia Treaty, the United States has an obligation to consult with other SEATO members if any one of them should be attacked." We should not have used the word "attacked" in that context. But this does not go to the point of the editorial which was that the stationing of some 50,000 American military men in Thailand has in fact changed the nature of our commitment to that country, and that the right of the Administration to do this under SEATO or any other treaty or agreement is highly dubious.

The SEATO treaty does, as Mr. Lindley points out, contain two separate and distinct sections. Section 1 requires each signatory, in the event of an armed attack, "to meet the common danger in accordance with its constitutional processes." Section 2 deals with subversion—threats "other than by armed attack"—and when such a threat arises the parties are bound to "consult immediately."

Mr. Lindley does not say that Thailand has been attacked in a way that would bring Section 1 into play, although some parts of his letter seem to imply it. What he does say is that "Thailand is the target of externally-directed and supported insurgency." He cites the SEATO Council's concern about the "threat of subversion" in Thailand. But all this clearly points to action under Section 2 which calls for consultation on the measures to be taken.

In other words, Mr. Lindley's own statement of the case seems to us to indicate that the Administration should have acted under the "consultation" part of the treaty. He cites no evidence of an armed attack that would call for the United States to "act" in a way that would involve its armed forces. The grave danger in the situation, as we see it, is that the Johnson Administration acted as if there had been an armed attack without any showing of such a fact.

Mr. Lindley also neglected to mention that former Secretary of State John Foster Dulles, the chief architect of SEATO, did not see in it any obligation for the United States to act single-handedly to save Thailand from subversion. In the hearings on the treaty before the Senate Foreign Relations Committee, Senator Green asked if it would commit the United States to help put down a revolution in Southeast Asia. Mr. Dulles replied:

No. If there is a revolutionary movement in Vietnam or Thailand, we could consult together as to what to do about it, because if that were a subversive movement that was in fact propagated by communism, it would be a very grave threat to us. But we have no undertaking to put it down; all we have in an undertaking to consult together as to what to do about it.

Ignoring this sensible limitation which Mr. Dulles placed on his own treaty, the Johnson Administration virtually married the defense systems of the United States and Thailand by building immense bases in that country and stationing some 50,000 Americans in uniform there in advance of any attack having been launched and without any approval from Congress. It is this highly questionable use of executive power to change the nature of our military commitments abroad that has aroused grave concern in Congress, and we hope that the Fulbright Committee will give it a thorough airing.

THAILAND: OUR TREATY, OUR COMMITMENT

Your editorial, "Foreign Commitment Review," of Feb. 6, contains—is indeed based on—an important mis-statement of fact.

You speak of the "strange" U.S. commitment to Thailand and go on to say that: "under the Southeast Asia Treaty, the United States has an obligation to consult with other SEATO members if any one of them should be attacked. Thailand is a member of SEATO."

The U.S. commitment to Thailand does, in fact, arise from the Southeast Asia Collective Defense Treaty, which was signed at Manila in September 1954 and approved by the Senate by a vote of 82–1. But there is nothing "strange about it, nor is it an obligation merely to consult." On the contrary, Article IV (1) of the Treaty says: "Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes."

Neither "consult" nor any word of similar meaning appears in Article IV (1). There is an obligation, set forth in paragraph 2 of the same Article to "consult immediately" in the event of a threat to any of the Parties in the treaty area "in any way other than by armed attack." Further, in an understanding set forth in the Treaty, the U.S. limited its obligation to act under Article IV (1) to Communist aggression, but "affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2."

At present, Thailand is the target of externally directed and supported insurgency. The SEATO Council of Ministers have expressed repeatedly their concern with the continuing "serious threat of subversion to the Asian member countries"—to Thailand, in particular. And they have reiterated "their determination to do whatever is necessary to assist their ally to eliminate this threat." Should the assault on Thailand become "aggression by means of armed attack," the obligation of the U.S., beyond doubt, would be to "act to meet the common dangers." The obligation does not depend on what is done, or not done, by other signatories to the Treaty. This has been made plain on various occasions, including the joint communique of Secretary of State Rusk and Foreign Minister Thanat Khoman of Thailand on March 6, 1962. The Treaty obligation "is individual as well as collective." And it is similar to our commitments under our other mutual defense treaties in the Pacific and East Asia.

In the event of "aggression by means of armed attack" against Thailand, the nature and scope of the action taken by the United States would, of course, be determined by the U.S. Government. However, our clear obligation under the Treaty would be to take adequate action.

The commitments undertaken by the United States under the Southeast Asia Treaty were understood by the Foreign Relations Committee in 1955 when it urged the Senate to give its advice and consent. In concluding its Report it said:

"The committee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interests. There are greater hazards in not advising a potential enemy of what he can expect of us, and in failing to disabuse him of assumptions which might lead to a miscalculation of our intentions."

Under the Eisenhower, Kennedy, and Johnson Administrations there were repeated statements that the U.S. would act in the full spirit of Article IV (1). Many of these antedate the introduction of any significant U.S. forces into Thailand. I doubt that the military tail has wagged the policy dog in this case, but I am prepared to leave that to the Senate investigation and to your own further researchers in the light of this letter.

ERNEST K. LINDLEY.

WASHINGTON, D.C., *February 17, 1969.*
MR. PHILLIP L. GEYELIN,
The Washington Post,
Washington, D.C.

DEAR MR. GEYELIN: Thank you for publishing my letter about your editorial of February 6 on the U.S. commitment to Thailand and for correcting an important inaccuracy in that editorial. However, your further comment in your editorial of February 13 seems to me to reflect a basic misconception.

You write that "the Johnson Administration acted as if there had been an armed attack (on Thailand) without any showing of such a fact." You say that instead of acting the Johnson Administration should have consulted, in accordance with the paragraph of the Southeast Asia Collective Defense Treaty which applies to subversion. In line with those statements you imply that some 50,000 U.S. military men now in Thailand are there for the purpose of assisting Thailand to deal with insurgency. That is not so.

Although the fact that this insurgency is "externally-directed and supported" has been attested even by Chen Yi, Foreign Minister of Communist China, neither the Thai Government nor our own has ever regarded it as the "aggression by means of armed attack" which would justify a request by Thailand to its SEATO allies to "act to meet the common danger." And I certainly intended no implication that Thailand is now being attacked in a way which would bring into play that obligation under the first section of Article One of the Southeast Asia Treaty.

Most of the U.S. military men in Thailand are in the Air Force. The Army has there a substantial number of engineering and logistical support personnel but no combat units. I am informed that our MAAG personnel—military advisers to the Thai armed forces—number less than one-half of one percent of all our uniformed men in Thailand, and that none has taken part in combat against the insurgency in Thailand.

The Thai Government has repeatedly affirmed that dealing with the insurgency is a Thai responsibility. The statement of May 9, 1968, on the Thai Prime Minister's talks with President Johnson in Washington said that the Prime Minister "also noted that while welcoming foreign assistance in the form of training, equipment, and advice, the Royal Thai Government regarded defeating the insurgency as a Thai responsibility to be carried out by its own forces."

U.S. assistance to Thailand in dealing with insurgency has been limited to training, equipment, and advice. The Thai Government permits U.S. Air Force planes to operate out of Thailand not to combat insurgency in Thailand but as part of its contribution to the defense of the Republic of Viet-Nam and the treaty area generally, pursuant to the obligations which both Thailand and the U.S. undertook when they adhered to the Southeast Asia Treaty.

Sincerely,

ERNEST K. LINDLEY.

HE LISTENED, TOO

Mr. HANSEN. Mr. President, it is appropriate that Senators recognize the efforts of President Nixon to seek greater unity among our European allies, and to give thanks for his safe return from his journey.

Mr. Nixon made this trip without the fanfare normally associated with a trip of this magnitude by a President of the United States. No summit conferences were occasioned by the Nixon trip. Mr. Nixon went to Europe to work. He listened, too—which is an important part of understanding.

All of us hope the President's research, study and discussions with the heads of other states can move us closer to both immediate and long-range goals.

Work can be performed with great publicity. It also can be accomplished quietly. Most of our college students today proceed quietly to studies. A few do not. It is highly possible the quiet ones will have a better effect on the future of the world than will those who destroy and get notoriety in the news.

We can hope that Mr. Nixon's relatively quiet trip will result in the long-range good we expect from the quiet students. We cannot see today how long Mr. Nixon's trip will be remembered. But we can recall some words of a great President of the past, who said:

The world will little note, nor long remember what we say here.

That was a miscalculation at Gettysburg, and we would do well here to refrain from snap judgments as to the success of Mr. Nixon's European journey.

Much of the mail I have received from constituents in Wyoming, and from other States, in the past few weeks has had a new tone. It reflects a new confidence in the Federal Government. There is a feeling that a calm is spreading across our land. Mr. Nixon's quiet and efficient manner has improved the climate, and it is commendable that he proceeded in this manner through the capitals of Europe.

ST. PAUL DISPATCH SUPPORTS SENATOR MONDALE'S FULL OPPORTUNITY ACT

Mr. MONDALE. Mr. President, I was pleased to read recently in the St. Paul Dispatch an editorial entitled "Poverty War Super Board?" The editorial pointed to something which I, myself, have long been committed to: The need for social accounting as a basis for social planning.

It is indeed difficult for me to understand how we seem to be willing to spend vast sums of money to improve the quality of every American's life; yet, simultaneously seem to have so little interest in analyzing the outcome of our efforts. As the editorial notes: "We haven't developed an overall social planning program to coordinate the efforts" of HEW and HUD. When the funds allocated to these agencies are already critically short, we certainly cannot afford the luxury of overlapping or worse still conflicting programs. Some sense of order and logic is plainly needed.

As John Gardner has remarked, we have the unfortunate tradition of "stumbling into the future." It should be obvious to all of us that if we are to win the war on poverty and realize the goal of full opportunity for every American then it is imperative that we develop a coordinated social plan. This social plan could be embodied in the Presidential Social Report which is outlined in the Full Opportunity Act, S. 5, which I introduced last month.

To formulate such a social report a set of social indicators would be needed. These social indicators would be used to critically and precisely evaluate the quality of American life and thereby enable us to know whether or not we are in reality closing the gap between present programs and urgent social needs. The President, the Congress, and the entire Nation would then be in a position to determine how successful we all were in realizing consciously selected social goals.

The Full Opportunity Act of 1969 cannot guarantee that we will realize our social goals. It is not a panacea. One can say, however, that without the enactment of the Full Opportunity Act we will be forever "stumbling into the future."

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

POVERTY WAR SUPER BOARD?

A central weakness in the national war on poverty has been the failure to establish a command headquarters to plan the numerous attacks we're making on social problems.

More specifically, while we wage massive assaults on poverty through both the Department of Health, Education and Welfare, and the Department of Housing and Urban Development, we haven't developed an overall social planning program to coordinate the efforts of these large departments.

To meet this lack of overall planning, Sen. Walter Mondale has introduced a bill to create a social advisory council comparable in purpose to the Council of Economic Advisers. That is to say, the social advisory council would strive to present the governmental agencies with an overall view of social trends and needed adjustments, much as the Economic Council advises the government on shifts in the economy and necessary actions to meet them.

Substantiating the need for such a council, Mondale points out that the nation today lacks "a comprehensive and consistent information base upon which major decisions in social affairs may be made."

While numerous organizations are involved in studying social problems, Mondale argues that "neither the information measured nor the measurers themselves have been sufficiently precise, consistent or systematic to allow rational judgment about the gaps between present programs and urgent social needs, or even to measure satisfactorily the impact of those programs."

It might be argued that either HEW or HUD has the resources now to create such an agency. It might be said also that the newly created Council of Urban Affairs, headed by Daniel P. Moynihan, could serve as an overall social planning agency.

This might be possible, but there is something to be said for striving for a more objective approach through an independent advisory council without direct ties with the operating agencies.

Such a planning and analytical organization above the bureaus could perhaps serve a worthwhile purpose. At least the idea deserves consideration by the Administration and by Congress.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. MUNDT. Mr. President, the return of President Nixon to this country on Sunday night concludes the first chapter of a new era of relations with our friends of Europe. It is not a new era because the President made the trip, nor because, suddenly, as a result of the trip, there is an important change in handling our relationships with the nations of Europe.

It is a new era because the relation-

ship today of this country with Europe is considerably different from the two decades immediately following the end of World War II.

And I think the President demonstrated, before he went to Europe, as well as while in Europe judging by the press reports, that he has long been aware of the changes which have taken place and that it was necessary for this country's leader to reestablish a dialog with the leaders of European nations.

This he has now done—admirably, in my viewpoint. He has set in motion the apparatus for this country to strengthen our ties with the European nations, not on the formula of the past in which these ties rested—in the main, on our strength to aid them in their protection—but in working together in the many, many areas in which we share the common aspiration of success, progress and liberty for our respective peoples.

The President's trip was particularly worthwhile in this latter respect in that it tends to turn our focus of attention on the positive points of our relationship with Europe and to direct our thinking to closer cooperation, to greater contacts and to a stronger association with Europe.

A number of our Presidents have visited Europe and have left with the people of those nations impressions of what our country is like on the basis of what our leaders are like.

We can all be exceedingly proud of this latest trip by an American President. I am confident that the European estimate of the character and substance of our people is immeasurably higher today as a result of President Nixon's historic visit to the European Continent.

TOWARD A SOCIAL REPORT: OUR PHYSICAL ENVIRONMENT

Mr. MONDALE. Mr. President, you have heard me speak often about the qaulity of American life in connection with the Full Opportunity Act of 1969—S. 5—which I introduced on January 15. It is unfortunate that so vital a matter is so difficult to talk about in a precise manner.

This, of course, points to the urgent need to develop a set of "social indicators" so we cannot only talk meaningfully about the quality of American life but also evaluate our social programs which are designed to improve that quality. Social indicators are also necessary if we are to formulate future social plans. Surely, the quality of American life can be improved faster by intelligently planning for the future rather than blindly stumbling into the future.

While it is difficult to talk about some of the factors associated with a better life, there are other factors which are relatively easy to talk about. The third chapter of "Toward a Social Report," dealing with the physical environment, isolated some of these factors. Specifically, the chapter deals with the pollution of our natural environment and the inadequacies of our manmade environment.

We now have developed, for instance, an air pollution index. We know, for example, that New York has the worst air pollution problem in the country. Merely knowing this, of course, is no help to the asthmatic who must live and work in New York City. If we are to improve the quality of his life we must begin now to act on our present knowledge. Certainly, we can all agree that the quality of this asthmatic man's life will be improved by cleaner air.

Senators need not even look as far as New York City to see the adverse effects of pollution. Today, we do not need the social report to tell us that due to water pollution our very Potomac River is unsafe even for boating 70 percent of the time. It will not be long before we will be able to smell the effects of water pollution without so much as leaving this very Chamber. I am convinced that this would not have been allowed to happen had there been an annual social report even 20 years ago.

Mr. President, "Toward a Social Report" notes that in connection with our manmade environment there is a "more encouraging trend." Whereas in 1960, 84 percent of the housing in this country had been defined as "structurally sound," in 1966, 90 percent of the housing was considered "structurally sound." New and increased housing construction has meant better housing for most Americans.

The social report, however, points to what I consider to be an intolerable situation. I quote from the report:

> Even though the housing stock is improving, racial segregation and other barriers keep many Americans from moving into the housing that is being built or vacated. . . .

Many of our citizens—mostly black—are thus denied a "full share in the benefits of the improvement in the Nation's housing supply." Again we can all agree that structurally sound housing is a necessary condition for a better life. I am sure we can all also agree that we must concentrate our efforts on the eradication of this intolerable situation of racial segregation in housing.

If full opportunity is a birthright of every American, then this effort is imperative. Future social reports can evaluate our present efforts and redirect us where necessary.

Mr. President, I ask unanimous consent that the third chapter of "Toward a Social Report" entitled "Our Physical Environment" be printed in the RECORD.

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

CHAPTER III. OUR PHYSICAL ENVIRONMENT

ARE CONDITIONS IMPROVING?

In this chapter we are concerned with our physical surroundings: with the air we breathe, the water we use, the housing we occupy, the landscapes we see, and the transportation systems and urban patterns that determine the spatial dimensions of our lives.

THE NATURAL ENVIRONMENT

The natural environment is different for each community. In one community the air is polluted, but the water is reasonably clean; in another the reverse may be true. In a third place solid wastes—expanding graveyards of abandoned cars, or piles of trash—may be the most serious problems. In one place problems are getting worse; in another they are getting better. Programs designed to deal with pollution are as diverse as the problems themselves. Air, water, and land pollution are treated as separate and independent problems; the two Federal agencies with primary responsibilities for air and water pollution are in separate cabinet departments. Many State and local agencies also deal with one pollution problem or another.

To summarize the vast variety of environmental problems and policies we need to consider the interdependence of air, water, and land pollution, and the level and composition of the National Income. The "materials balance" framework provides an approach which can enable us to do this.

The materials balance framework

We start with the fact that the total weight of materials taken into the economy from nature must ultimately equal the total weight of the wastes discharged, plus any materials recycled. This means that a reduction in any one kind of waste, such as particulate matter into the atmosphere, must be accompanied by an increase in some other kind of waste, such as dry solids or solids discharged into waterways, or else by a continual recycling of this material. Except for respiratory carbon dioxide and water, it is technologically possible to stop most of the present discharge of wastes into the air and watersheds. But the result would be an accumulation of solid wastes that might be equally objectionable.

The economy uses almost 1.5 billion tons of fuel each year.[1] The main products of combustion are gaseous oxides or carbon, hydrogen, sulfur, and nitrogen. These plus a portion of the solid ash are normally discharged into the atmosphere. The economy also takes in about another billion tons of minerals and food and forest products. Consumers use these goods in the form they receive them, or further transform them (e.g., by eating), but must sooner or later dispose of the end product, whether it be empty tin cans, "throw-away" bottles, worn-out refrigerators, plastic toys or human excreta.

Thus we can see that the pollution problem will probably increase as the economy grows. If, for example, industrial production tends to grow at 4½ percent per year, it will have increased fourfold by the year 2000 and almost tenfold by 2020. Unless there are changes in technology or the composition of output, the total weight of materials going through the economy, and the wastes generated, will have increased by a like amount. Surely this will not be allowed to happen. The society must continuously recycle more of the materials it uses, or reduce pollution in some other way. Still, this hypothetical projection alerts us to the fact that a new type of natural resource scarcity is emerging.

Since Malthus' time, the possibility of resource scarcity has held the attention of economists and laymen alike. Available evidence today suggests, however, that resource scarcity has not posed a threat to American economic growth over the last 60 years, nor is it likely to over the next 50 years.

The same cannot be said of the new type of scarcity: nature's limited capacity to absorb wastes. The present levels of pollution are serious enough. But unless we develop new technologies of recycling, they could become much worse.

We cannot draw any direct lines from the amount of wastes discharged in an area to the damage done by pollution. Some wastes, such as carbon dioxide, are not usually considered pollutants. In some areas, especially rural areas, the level of pollution may be be-

[1] This and the following estimates are from Ayres and Kneese, "Environmental Pollution," *Federal Programs for the Development of Human Resources*, A Compendium of Papers Submitted to the Subcommittee on Economic Progress of the Joint Economic Committee, Congress of the United States, 1968.

low the threshold at which it begins to do damage. It is also possible that some parts of the environment can specialize as receivers of waste. Certain land areas and rivers could be loaded with wastes almost without limit, and other areas and rivers kept in good condition for other uses. We must therefore look at each type of pollution in turn, along with its sources, effects, and geographic dispersion.

Air pollution

In most of our large cities today more wastes are being discharged into the atmosphere than can be dissipated. The result is air pollution. Polluted air can contribute to sickness, disability, and premature death; it can soil and damage buildings and materials of all kinds; it can injure and destroy farm crops and other vegetation; and it can blight our cities and degrade the quality of our lives. In addition, the more distant future holds the ominous possibility of radical changes in climatic conditions.

a. Major Pollutants and Their Adverse Effects

Carbon monoxide is the most important air pollutant in terms of weight emitted into the atmosphere. Generated principally from transport vehicles and combustion processes, it can cause physical and mental impairment, and death.

Oxides of nitrogen and hydrocarbons (from autos and industrial sources) photochemically react to produce photochemical smog, the most irritating effect of which is eye irritation. Smog makes breathing more difficult, especially for those with respiratory diseases, and it has been known to cause serious plant damage.

Sulfur dioxide, from burning of coal and oil, damages vegetation, affects the lungs adversely, and has been associated with an increase in respiratory death rates and cardiovascular ailments among older persons. Sulfur trioxide, from the same source, converts to sulfuric acid in the air and causes corrosion and deterioration of certain fabrics and of steel and stone structures.

Particulate matter, such as lead from auto exhausts, may be directly harmful to human beings. Other particulates may magnify the adverse effects of other pollutants on the lungs, and soil structures and materials. Major sources are ash products of combustion in electric power and industrial production.

b. Air Pollution Levels

Are the levels of air pollution high enough in major American cities to create serious problems? Some idea of the significance of the air pollution problem can be obtained by comparing the actual levels of each type of pollutant in various cities with some standards for air quality, to see if air pollution exceeds an acceptable level.

It should be emphasized here that the best presently available information on air pollution problems is incomplete—hence the tentative nature of the goals. Because of the dire consequences of continued increases in pollution we have to take precautionary measures in the face of information which is not only insufficient but subject to change as our knowledge grows.

Two different sets of tentative air quality goals have been adopted. If the "tentative short range goals" were achieved, most of the undesirable effects now understood would be eliminated. The long range goals set more rigorous standards, since not all of the effects of air pollutants are known, and there is evidence which suggests that still lower levels must be reached to eliminate all of their detrimental effects.

An index of air pollution can be obtained by comparing a city's maximum pollution levels to the tentative air quality standards. There are six major American cities for which the index exists. None of the six cities meets even the tentative short range standards, suggesting that the air pollution problem is quite significant. A comparison of the maximum air pollution levels of the six cities with the long range standards indicates an even worse situation.

TABLE 1.—*Air Pollution Index (1 is barely adequate air; the higher the number the greater the pollution)*

	Based on tentative short range standards
Chicago	2.7
Los Angeles	2.2
Philadelphia	2.2
Washington	1.6
Cincinnati	1.6
San Francisco	1.1

On the basis of less detailed information, the National Center for Air Pollution Control (NCAPC) has ranked 65 metropolitan areas in order of the seriousness of their air pollution problems. The ten with the most serious problems are, in order:

1. New York.
2. Chicago.
3. Philadelphia.
4. LA–Long Beach.
5. Cleveland.
6. Pittsburgh.
7. Boston.
8. Newark.
9. Detroit.
10. St. Louis.

A glance at the major sources of air pollution makes it evident that substantial reductions in air pollution will not be easy. The NCAPC has estimated that energy conversion in the transportation system is the source of nearly 60 percent of all the major air pollutants, and 90 percent of the carbon monoxide. This suggests that a major reduction in the extent of air pollution would require either a substantial limitation in the use of the automobile, or else a type of automobile (like a steam or electric car) capable of generating less pollution.

Less radical and costly changes—such as smaller cars or more extensive use of trains—could, however, make a significant contribution. So would more emission control measures in industry and public utilities. Industrial sources account for 18 percent of all pollutants, and utilities and other energy conversion for another 21 percent. In the case of particulate matter resulting from electric power generation, for example, it has been estimated that rates of emission could be reduced by 80 percent by the year 2000 at a cost of $11 million per year, which is quite small in relation to total production cost.

Water pollution

Water, like air, is often used as a waste receptacle. The accumulation of wastes that cannot be dissipated leads to pollution. The uses of water are more numerous and the relationships more complex than for air. Water which is too polluted to swim in may not be too polluted for fish. Water too polluted for fish may still be suitable for sailing or hydro-electric power generation. The uses of water must accordingly be taken into account before the severity of water pollution can be judged.

In recent years the use of water for recreational purposes has become more important. But the dumping of industrial wastes and municipal sewage into the Nation's waterways has diminished their ability to serve the rising demand for recreational facilities, which require higher water quality. It is necessary, therefore, not simply to maintain but to raise water quality.

The most common standard by which the quality of water is judged is the quantity of dissolved oxygen (d.o.) in it. When considerable quantities of organic materials are dumped into a river, the oxygen-using bacteria in these wastes draw down the level of dissolved oxygen. Since oxygen is necessary to support all forms of animal life, plankton and higher orders of animal life in the food chain, including fish, disappear. The depletion of oxygen also ultimately keeps the oxygen-using bacteria from decomposing the organic substances in the water into their basic chemical constituents, and a septic situation develops. Anerobic or non-oxygen using processes continue to bring about some decomposition of wastes, but these processes produce foul smelling gases.

Though they do not usually cause disease themselves, the presence of those forms of coliform bacteria normally found in the feces of warmblooded animals, including humans, indicates that there is a serious danger of harmful organisms in water. Thus the concentration of fecal coliforms, which normally come from municipal sewage, is another measure of water quality. So is the concentration of synthetic organic compound (from detergents), toxic substances (from herbicides and pesticides), plant nutrients, and specific industrial wastes, such as sediment, dissolved solids, and radioactivity. Industrial processes, and especially the generation of nuclear power, can also cause "thermal pollution" by heating the water and thereby harming fish. The acid drainages resulting from coal mining also make water unsuitable for fish or drinking, yet may make water clearer and more attractive and enhances its usefulness for some industrial purposes.

Some standards for water quality have been determined by a Technical Advisory Committee convened in 1967 to advise the Secretary of the Interior. This committee took account of both recreational and industrial uses, and the danger of polluted water to health. It established different standards of quality for different water uses.

These criteria can be compared with actual measurements of quality to determine where and how often water pollution forecloses certain uses of water. A sample of 25 stations in the Federal surveillance system was drawn, and the levels of dissolved oxygen and fecal coliform observed. Seventeen of the stations reported at least one reading below the dissolved oxygen standard needed for fish and wildlife, and nine stations experienced such a condition more than 5 percent of the time. All of the stations observed had maximum coliform counts above the standard for general recreation use and public water supplies, and 10 had average counts above this standard. The Missouri-Mississippi Basin and the Cuyahoga, Sacramento, Delaware, and Potomac Rivers were unsafe even for boating more than 70 percent of the time. Thus, it appears that many major rivers are in appalling condition much of the time. On the other hand many rivers, particularly in the West, are relatively free of pollution.

The primary sources of water pollution are municipal and industrial wastes. The households of about 125 million people, or almost 90 per cent of the urban population, are connected to sewer systems. Manufacturing wastes are also discharged through the same sewers and produce an organic waste load three times as great as households. Industrial wastes are probably responsible for a substantial part of the water pollution problem.

The extent of treatment of manufacturing wastes is not known, but we do know that sewer systems serving about 104 million people treat the wastes before they are discharged. About three-fifths of these, in turn, have both "primary" and "secondary" treatment, which removes at least 85 percent of the biological oxygen demand of the wastes.

If all municipal wastes were treated and if the effectiveness of treatment were raised to 85 percent, on average, actual municipal discharges into rivers would still be greater in 1980 than they were in 1962, and would have doubled by 2020. If, on the other hand, we raised the effectiveness of all treatment to 95 percent, municipal waste discharges into rivers would probably decline over the next 60 years. But 95 percent treatment goes

to the outer limits of present technology, and would perhaps triple or quadruple treatment costs.

One estimate puts the costs of building and operating treatment plants that would remove at least 85 percent of the organic wastes from both municipal and industrial effluents by 1973 at over $20 billion, or $4 to $6 billion a year.

Pollution of the land

Solid wastes are increasing both in variety and in volume. They include, in addition to garbage and ashes, considerable quantities of industrial wastes, old appliances, construction refuse, junked cars, agricultural chemicals, "throw away" cans, bottles, or plastic containers, and even radioactive materials. In an earlier period solid wastes were mainly organic materials that would be degraded over time, but they are now about 65 percent inorganic solids.

In 1966, the Nation disposed of an estimated 165 million tons of solid wastes. This total is expected to grow to about 265 million tons in 1976. Household wastes alone are considerable. Data in the late fifties showed that several cities collected close to four pounds of refuse per capita per day, and this level has since increased. In 1965, the Nation also disposed of about 6 to 6½ million motor vehicles. The burden of junked automobiles is, however, lessened by the fact that much of the material can be profitably reused; in 1965, about 15 percent of the rubber, and at least 90 percent of the steel was recovered from junked automobiles.

The accumulation of solid wastes has almost exhausted convenient landfills in many urban areas.[2] Solid wastes can be transported to rural areas, though at increasing cost. Landfills can also be used to reclaim swamps and marshes for urban uses, although there is evidence that this may have adverse effects on marine life. Filling coastal marshlands also appears to have an impact on fisheries which is not yet properly understood or measured.

Solid wastes also can be (and often are) incinerated, composed, or barged to the sea. This can increase air and water pollution. Indeed, the incineration of certain types of plastics found in solid wastes (especially Teflon, and fluorinated and vinyl plastics) produces chemical contaminants whose physiological effects may be similar to those of phosgene gas, a severe respiratory irritant used in World War I.

The costs of disposing of solid wastes are often considerable. Ayres and Kneese estimated that local governments spend about a billion and a half dollars on collecting and disposing of such wastes. Schools and roads are the only items on which local governments spend more. These costs vary considerably with the level of service provided. A study of refuse collection in St. Louis showed that changing the pickups from the curb to the house doubled costs, and that an increase from two to three pickups a week increased costs by almost a third.[3]

The costs of different methods of disposal and locations for dumps are particularly crucial. Even with present technology, it is possible to prevent great damage to the quality of the environment, if only by hauling the wastes to uninhabited areas. But measures that completely protect the quality of the environment may be so costly they are not worthwhile. A wise policy concerning solid wastes must therefore be based on informed judgments about the benefits and costs of the relevant alternatives in each local situation.

Other environmental hazards

Some problems of the natural environment cannot be described in terms of the flow of materials through the economy. This is true of floods, droughts, erosion, hurricanes, and other natural hazards. Increased meteorological knowledge, better transportation and communication, new dams, irrigation work and drainage systems, and better housing have greatly eased the problem of such natural disasters. Because of these and other protective measures, more people are able to live in disaster-prone areas. However, this tends to increase the population at risk to natural disasters.

Another environmental problem is noise. Noise is not only unpleasant and disruptive, but can also be a threat to health. Clinical evidence shows conclusively that noise can damage hearing. It has been estimated that more than 6 million Americans are subjected to hazardous noise levels at their jobs. Current levels of electronic amplification of music have also been shown to lead to at least temporary impairment of hearing. With increased crowding, electronic amplification of sound, use of machinery, sonic booms and other noises from the transportation system, the average noise level rises each year.

Outdoor recreation

The natural environment is a source of esthetic satisfaction and the setting for outdoor recreation. Vast rural areas are almost totally unspoiled, and even some areas with significant pollution problems can be used for outdoor recreation.

Outdoor recreation is accordingly enjoyed on a wide scale. The Bureau of Outdoor Recreation has estimated the total number of "occasions" of outdoor recreation at 6.5 billion in 1965, or up 50 per cent from 1960. This figure is expected to rise to 10 billion by 1980. The forms of outdoor activity that attract the greatest number of people are walking for pleasure, swimming, picnics, and pleasure driving.

In 1965 there were some 345 million acres of designated rural recreation lands administered by Federal, State, and local agencies, or about 1.8 acres per capita. The Mountain States have 20,000 acres of such land per person, but New Jersey has only .06 acre per person.

The Bureau of Outdoor Recreation has indicated that outdoor recreation rises with income. This suggests that the extremely unequal distribution of public recreation land is a problem, and that the demand for outdoor recreation can be expected to increase as incomes rise.

THE MANMADE ENVIRONMENT

The quality of life obviously depends on the places we live in—our homes and communities.

a. The quantity and quality of housing

When high- or middle-income families build new homes at a faster rate than that at which the population grows, this tends to improve housing for low income people as well. The housing that is vacated by those who move into the new housing is usually sold or rented to families with lower incomes, and the housing these families occupied is usually then taken up by families with still lower incomes. We shall see that this process has led to better housing for Americans at all income levels, but that some Americans have been denied the full benefits of the increase in the housing supply.

The quality of housing has improved substantially in recent years. The 1950 census revealed that 39 percent of the Nation's occupied housing failed to meet minimum standards, in the sense that it was either "dilapidated" or "deteriorating," or lacked adequate plumbing facilities. By 1960 only 16 percent, and by 1966 only 10 percent, of the Nation's housing failed to meet those standards.

Suburban areas had the lowest percentage of inadequate units with center cities second and nonmetropolitan areas the highest. The reduction in the amount of unsatisfactory housing was greatest in nonmetropolitan areas, next greatest in city centers, and least in the suburbs. The improvement, in other words, was greatest in the areas where the need was greatest.

The proportion of overcrowded housing has also declined. In 1950, 16 percent of the housing units were overcrowded, i.e., contained 1.01 or more persons per room. In 1960 the percentage of overcrowded units by this standard had fallen to 12 percent.

Admittedly, the change in the proportion of Americans with substandard or overcrowded housing is in some respects misleading. The minimal standards are too low to have any meaning for the average American, whose housing has exceeded the standards for some time. The unchanging standards also ignore the rising expectations that accompany the Nation's rising standard of living. Still, they do fairly reveal a substantial absolute improvement in the quality of housing for most of those who have lived in the poorest housing.

b. Causes of the improvement

The principal reason for improvement is the constuction of new housing, most of which has apparently been built for middle and upper income families. Between 1960 and 1967, 11.5 million new housing units were started in the United States. Of these, 98 percent were privately owned and 2 percent publicly owned. As was pointed out earlier, new housing construction has helped to elevate the quality of housing available to all.

Urban renewal has provided better housing for some poor families, but its effect has been slight. From the inception of the 1949 housing act through fiscal 1967, urban renewal provided only 107,000 new and 75,000 rehabilitated housing units. Urban renewal projects usually take from 6 to 9 years to complete.[4] As of July 1967, the urban renewal program had demolished 383,000 dwelling units, or more than it had built and rehabilitated. This is due in part to the fact that new construction in many of the urban renewal areas is not yet complete. Urban renewal efforts have not, in any case, been generally designed to add to the housing of the very poor. Of the new units built in urban renewal projects, only 10 percent were low rent public housing. Most of the 636,000 low rent federally administered housing units in existence at the end of 1966 were outside of urban renewal projects. These 636,000 housing units, though dwarfed by the size of the increase in new private housing, have nonetheless made a very important contribution to the housing of the poor.

c. Barriers and inequities in the housing market

Unnecessary barriers and inequities have denied many Americans a fair share of the gain from the increase in the supply of good housing. A lack of access to credit, ignorance of available housing, zoning laws, and above all racial segregation have put many Americans at a disadvantage in the housing market, and limited the extent to which the construction of new housing has added to the housing available to them. Racial segre-

[2] *A Strategy for a Livable Environment.* Report to the Secretary of HEW by the Task Force on Environmental Health and Related Problems, June 1967.

[3] Werner Hirsch, "Cost Functions of an Urban Government; Refuse Collection," *The Review of Economics and Statistics* (1965).

[4] This estimate was made by staff members of the National Commission on Urban Problems. See Anthony Downs, "Moving Toward Realistic Housing Goals," in *Agenda for the Nation*, Kermit Gordon, ed. (Washington: The Brookings Institution, 1968), pp. 141–178.

gation in housing, for example, makes it difficult for Negroes to obtain new houses in the suburbs or even the housing vacated by others within the city. Most of the increased housing supply is reversed for white, and blacks are left to compete for such housing as exists in the ghetto. Zoning laws which prohibit apartments, or houses on small lots, can similarly restrict the supply of housing of a kind that the poor can afford.

The importance of these barriers in the case of the Negro is clear. There is an almost total segregation of Negroes in most American cities. Table 2 shows that more than 85 percent of the Negroes in 109 cities would have to move from the block in which they live in order to achieve a random distribution of Negroes and whites over the entire metropolitan area.

The extent of segregation, moreover, is apparently not decreasing. As table 2 reveals, segregation has probably even increased from 1950 to 1960, because of the considerable increase in urban segregation in the South. The exact extent of housing segregation since the 1960 census is not known, but studies conducted since then suggest than there has been little progress since 1960.[5]

TABLE 2.—AVERAGE INDEXES OF RESIDENTIAL SEGREGATION OF THE WHITE AND NONWHITE POPULATION, FOR 109 CITIES, 1940 TO 1960

Year	Total	North and West	South
1940	85.2	85.5	84.9
1950	87.3	86.3	88.5
1960	86.1	82.8	90.7

Source: Karl E. Taeuber and Alma F. Taeuber, "Negroes in Cities," Chicago, Aldine Publishing Co., 1965, table 5, p. 44.

The different income levels of whites and Negroes contribute to the segregated pattern in housing. But race is a far better predictor of where a person will live than is income—or any other attribute. For example, a disproportionate number of Negroes with incomes high enough to afford to live in more prosperous neighborhoods nonetheless live in poverty areas. In 1960 only 12 percent of whites with incomes above the poverty level were living in poverty areas, but two-thirds of all Negroes who had incomes above the poverty line lived in poverty areas. The tendency for Negroes with middle-level incomes to be confined to poverty areas may also help explain the fact, noted in the chapter on "Social Mobility," that middle class Negroes are less likely to be able to pass their status on to their sons than middle class whites.

Racial segregation in housing not only has "social" costs of the sort just described, but also operates as a barrier in the housing market which sometimes denies Negroes their share of the benefits from the increase in the Nation's housing supply. The extent and rigidity of racial segregation in housing suggest that Negroes cannot move into white residential areas without considerable difficulty. To the extent this is true, they are denied access to most of the Nation's housing supply. This in turn would imply that Negroes would have to pay higher rents for comparable housing than whites.

There is evidence that this is often the case. As table 3 shows, in three of the places studied, rents are much higher in mainly Negro neighborhoods than in mainly white neighborhoods with the same percentage of "sound" housing (housing with adequate plumbing, and neither deteriorating nor dilapidated) and the same number of rooms per dwelling. In four other cities, there was probably no meaningful difference in the rent for housing of comparable quality.

[5] Reynolds Farley and Karl E. Taeuber, "Population Trends and Residential Segregation Since 1960," *Science* (March, 1969), p. 955.

TABLE 3.—RENTS PAID BY NEGROES AND WHITES FOR COMPARABLE HOUSING

City	Average monthly rent in median Negro census tract	Average monthly rent in white census tract with comparable housing	Negro rent minus white rent for comparable housing
Atlanta	$37	$38	−1
Baltimore	66	55	11
Detroit	61	60	1
Los Angeles	58	56	2
New York:			
Manhattan	59	61	−2
Brooklyn	60	51	9
Philadelphia	49	40	9

Note: This estimate was provided by Prof. Barbara Bergmann of the Department of Economics at the University of Maryland.

Though the complexity of this problem and the limitations of the data call for caution, these results tend to strengthen the logical presumption that practices which exclude Negroes from most of the housing supply will mean that the pressure of increasing demand by Negroes will force up the prices of the housing they are allowed to occupy. The barrier of residential segregation is particularly important when the Nation's housing supply grows faster than the population: it limits the process by which new housing for the well-to-do can open up better housing for the poor. Since this process is the main source of better housing for the poor, segregation, along with credit, zoning, and other barriers which limit the access of the poor to available housing, are outstandingly important.

CITY SPACE AND URBAN AMENITIES

Most Americans now live in cities or suburbs. Thus the manmade physical environment includes not only the house or apartment, but also that complex of structures, streets, and services we call the city—or the metropolitan area. The geography of the city, and the transportation system that lets the resident move within it or escape outside it, are therefore important parts of our physical environment.

The metropolitan environment is infintely varied. But there is a common problem that links the lives of all the residents of a metropolitan area. This problem is the scarcity of urban space, for which all the residents of a metropolis compete, whether they are buying homes or looking for a place to park.

a. Population and urban space

As we argued earlier, Malthus' dismal prediction that population tends to grow faster than food production has lost its credibility, at least for the economically developed nations. But population growth in the United States is posing new kinds of problems, different from those that were expected. One of these is the scarcity of urban space. The growth and increasing concentration of our population deny us privacy and elbow room. Our increasingly congested cities are already depriving many people of the satisfaction of open space. As cities continue to grow, it will be even more difficult to find a quiet park, an open space, or a secluded beach. This problem may already be serious in such areas as Harlem, which has a sardine-can density of 67,000 persons per square mile.

It is not possible to say for certain whether such crowding degrades the quality of life significantly for very many people. Perhaps only a minority want privacy or open space, or can experience claustrophobia. It is evident from any number of parks and beaches that, just as a few seek secluded spots, so many others congregate wherever the most people are.

Animal experiments have shown, however, that severe congestion tend to increase agresive behavior, to break down normal mating, nesting, and maternal activity, and to contribute to higher rates of illness and death. There may also be a limit to the congestion that human beings can tolerate.

The number of persons that can be accommodated per square mile without serious crowding depends in part on what might be called the "technology" of urban space. It is possible to build more living space on each acre, by building up rather than out, providing communal landscaping and recreational space, using underground transportation, and the like. There are undoubtedly limitations to the number of people who can live satisfactorily in each square mile—the amount of open space with access to sunlight is inherently limited—but a great deal can be done, through imaginative city planning, to make a congested environment congenial.

b. Urban transportation and space

The scarcity of urban space can also be eased by more extensive use of transportation. The people of a metropolis can have more space simply by traveling farther out, and that is what many Americans have been doing. They have "traded off" the time and money spent in commuting for the open space available in the suburbs. The move to suburban, single family homes on separate lots suggests that many Americans value space and privacy very highly. There are also, of course, other factors that draw many people to the suburbs. This move has to some extent been subsidized by public policy, encouraged by the desire for better schools, and even hurried at times by prejudice against the groups in the central city.

There is an important, if implicit, subsidy for the move to the suburbs in the tax advantages given homeowners. Homeownership is most common where single family dwellings are common, as in the suburbs, and homeowners pay no income tax on the imputed rent (the extra money they would have had to earn and pay in rent to have the same standard of living with an equivalent rented dwelling) on an owner-occupied dwelling. Homeownership is also subsidized through FHA loans and government loans to veterans. Subsidies to rapid transit systems, though not usually so regarded, sometimes also subsidize the flight to the suburbs. The fact that the central city government must provide services to those who work in the city, yet cannot tax their property in the suburbs, has a similar effect.

The patterns of segregation, and even some zoning laws, suggest that a desire to exclude low income and low status groups also accounts for some movement to the suburbs. This exclusion also creates a further monetary incentive for emigration to the suburbs, since the central city must assume the burden of dealing with poverty and other social problems. The suburbanite often enjoys both better schooling for his children and lower taxes as well.

The desire for space and privacy, along with the inducements to suburbanization, have led to "urban sprawl." Metropolitan areas will tend to expand to the point where they grow together. The vision of one sprawling megalopolis reaching from Boston to Washington, comes closer to reality each year.

The collision of metropolitan areas shows the undeniable reality of the problem of urban space. But even then the cities can grow in other directions. If the technology of commuter transportation can be made to improve fast enough, and the quality of city planning and land use can be increased fast enough, the sprawling metropolis can still provide a wholesome environment for man.

UNDERSTANDING: THE KEY TO BUSINESS-GOVERNMENT COOPERATION

Mr. PERCY. Mr. President, on December 12, 1968, Mr. J. M. Roche, chairman of General Motors, made a speech before the Illinois Manufacturers Association on the subject of business-Government cooperation.

The Illinois Manufacturers Association has been a progresive force in the State and, indeed, throughout the Nation for contributing to better business understanding of Government and better Government understanding of business. The forum it provided for Mr. Roche to make his speech is just another example of the association contributing to public understanding of important problems.

Mr. Roche in his excellent address made the central point that with the Nation's challenges so great today, business and Government cannot afford to be adversaries but must rather work together to solve problems. He pinpoints as the vital question: Can free Government and free business work together to serve our Nation's greater interest?

His discussion of that question and other insights he brings to bear on the subject of Government-business cooperation are of great interest and importance and, I think, most worthy of further dissemination.

I ask unanimous consent that the address be printed in the RECORD.

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

UNDERSTANDING: THE KEY TO BUSINESS-GOVERNMENT COOPERATION

(By J. M. Roche, chairman of General Motors)

I count it as a distinct honor to meet with you tonight, to congratulate the Illinois Manufacturers Association upon your 75th Anniversary.

I am always glad to come to your State because it is my State as well. I was born in Elgin, Illinois, and began my business career in this city. Another reason I am glad to come to Illinois is because General Motors' share of passenger car sales is higher here than in any other State. I like to be among people with that kind of discernment.

Organizations such as yours render important service to both the business community and the nation. You provide an effective means for thousands of businessmen to make themselves heard and help shape the patterns of our national life. I am sure all who value the voice of responsible businessmen join me in wishing you many happy returns.

THE TIME OF TRANSITION

We meet today at the midpoint of transition in the American government—halfway between Election Day and Inauguration Day. In Washington and around our country, it is a time of new thinking, of reassessment, of mustering and reviewing the forces of a free society for the challenges of the coming years.

One item on the agenda of reassessment concerns us most directly: the attitude of the new administration and the new Congress toward business. At the same time it would be well for us in the business community to examine *our* attitude toward government. We can explore what we can do to achieve better understanding that will lead to a more constructive relationship between business and government.

These two important segments of our society—perhaps more than any others—will determine the future of the United States. What they do will surely affect the economic well-being of our people, and our country's position as a leader and stabilizer of the world economy.

ALLIES NOT ADVERSARIES

Business and government can ill afford to be adversaries. So mutual are our interests, so formidable are our challenges, that our times demand our strengthened alliance. The success of each largely depends upon the other.

Today, business and government are each becoming more involved in the affairs of the other.

No businessman today—neither the manager of a large corporation nor the corner druggist—can operate without consideration of government restrictions and regulations. A bill passed in a distant capitol can affect his business as much as a drop in sales or a decision made in his front office. S.E.C., F.T.C., H.E.W. are more than letters of the alphabet to the businessman. Their policies and directives, along with the problems of interlocking directorships, taxes, inspections, government standards and guidelines, and legislative hearings are all part of his business. Moreover, the businessman is now encountering new interest—at all levels of government—in the rights of the consumer, in how much the businessman asks for his products and how much he pays his employes.

It is understandable that the businessman should long for a return to simpler days, to the uncomplicated world of buy and sell we used to know. But the clock of history does not turn back. Government involvement in business today is a fact of life and in appropriate amount it is necessary to the nation's progress.

It is important, therefore, that business begin with an understanding of this fact, and cooperate in all areas where cooperation can help further the nation's interest.

There are many areas, however, in which the responsibilities of government and business are better left separate. We both have an obligation to recognize those areas and to respect them.

It is worth noting that business and government are already working together toward national goals. Business is taking a hand in affairs which were once the exclusive province of local, State, or Federal government.

Talk about effective cooperation between business and government is giving way to action. Only recently we have begun to join in efforts to alleviate urban and social ills which bedevil our society and contradict our prosperity. Business is training and hiring the hard-core unemployed, helping to give minorities a better economic break. Business, with government, is helping to restore, renew, and rebuild our cities and our countryside. We work together to shape our national policy, and to fulfill our public purpose. And there is much, much more for us to do together.

As the challenges to our nation intensify and multiply, we can expect—and should encourage—business and government to draw even closer together. Both the business community and our country stand to gain if we work together—if we come together, not as adversaries, but as allies.

After all, we share many common objectives. We both want a flourishing economy and a prosperous citizenry. We both want a better America with more equal justice and broader opportunities. We both want to maintain honesty in the marketplace: government wants it because it is in the best interest of the consumer, and business because its success depends on satisfied customers.

Business and government have an obligation to communicate and exchange views. We must build an atmosphere of mutual trust and confidence, with each respecting the rights and opinions of the other, so that we may make our free competitive system satisfy the legitimate needs of our people. We should not expect that we will always agree. But we can hope to achieve better understanding.

America's high standard of living is in large part a tribute to American business, and we must maintain public confidence in the practices and products of business. We must strike a proper balance between business activities and constructive government programs.

BUILDING FREE ENTERPRISE

There is much business and government can do together. We can build upon three essentials of free enterprise: incentive, a free market, and management efficiency.

Opportunity for profit is the basic incentive of business—and businessmen need make no apology for seeking it. When we earn a profit, we need not be defensive about it. The reward of profit is the prime reason for being in business.

But every businessman knows there are other incentives. We have all felt, for example, the pride of accomplishment, the satisfaction of helping community and country, of providing opportunities for young people and watching them develop, and the continuing excitement of growing, of doing more, of contributing more. Our incentives are to contribute as well as to earn. These incentives of free enterprise—profit and the less tangible rewards—have achieved the best utilization of man's energy and brains. The government can make a great contribution by keeping these incentives as free as possible from cumbersome restrictions.

If such incentives are the carrot of free enterprise, competition in a free market is the stick. A free market is one where goods can be produced and sold competitively, where success is earned on the basis of customer choice—on merit not presumption—and where the ultimate test of a product is that its value to the customer be greater than its cost.

Government can both increase incentive and improve market conditions if it will simplify regulations, eliminate unnecessary restrictions, develop sensible tax laws, and free industry from political harassment. Government must provide a climate of minimum restraint and maximum freedom consistent with the national interest.

Operating in a free market, with incentives, business must provide the third essential of free enterprise, management efficiency. Competition for profits in a free market demands a high degree of management skill and efficiency. Management efficiency, in turn, assures more and better products, lower prices, higher wages, and greater profits and dividends—all fundamentals of a healthy, growing economy.

Conversely, no economy nor society can long afford management inefficiency, whether it stems from ineptness, lack of incentive, or unnecessary government interference.

GROWTH IN FREEDOM

The United States was born free, wholly new, a young energetic force in the world. For almost two centuries, we have affirmed the value of freedom. We have grown, in freedom, to international greatness. Our manpower, resources, and technology—combined with a reasonable political climate and a free competitive economic system—have made us the envy of every other country.

Yet, the American concept of free enterprise is sometimes questioned at home and often challenged abroad.

Here at home, some men question if this "old-fashioned" system is still what the better-educated, more sophisticated, more financially sufficient society of today really wants. Or can some other system do a better job?

At the same time, throughout the world, other nations, with other systems, aspire to our affluence. Dreaming of a better world, they seek to raise their standards of living. Some are making substantial economic progress. In the markets of the world, America is aggressively challenged by new, vigorous, determined, and capable competition.

This developing challenge is seen in the great growth of imports into the United States. These are in fields where our country was long impregnable, such as steel, automobiles, electronics and electrical equipment. The challenge is also evident in the increasing competition our exports are meeting in

world markets. These competitive developments have seriously reduced our favorable balance of trade.

THE VITAL QUESTION

The question upon which depends so much of America's future is this: Can free government and free business—each faithful to its purpose—work together to serve our nation's greater interest. Can we make free enterprise equal to these new challenges?

We can, if we as a people have the will, the unity of purpose, and the determination that has carried our nation through other great challenges.

We must retain what is good in our system, and improve it where possible. We must be ready to throw out what may be bad, but we must take care that we not sacrifice the achievements of almost two centuries of free enterprise. We must not trade proven values for mythical goals—some of which could destroy our system and frustrate the national objectives toward which we aspire.

We businessmen must be prepared to do our part. We start with the firm conviction that free enterprise, not a controlled economy, is our best answer to economic challenge.

We must give freely of our energies, experience, and management skills. We must develop the social awareness and flexibility needed to meet fast-changing situations. Shifting social values and pressures should stimulate—not reduce—our response and summon the finest leadership of which we are capable.

We must bring to the task the same qualities that spell business success—integrity, experience, precision, knowledge responsibility, honesty, and dedication. There is no short-cut; no slap-dash way. The challenges are not short-term. The stakes are no less than the continued improvement of our standard of living and the preservation of American leadership in the world.

As we approach these tasks, perhaps our greatest need is for understanding. We must develop more effective communication among all segments of our society, between labor and management, teachers and parents, business and the consumer, and—in the area that concerns us tonight—between government and business.

UNDERSTANDING—THE KEY TO COOPERATION

The key to cooperation is understanding—of business by government and of government by business. In some respects, the two come together as virtual strangers. And not without reason. American businessmen have grown up in a tradition of non-interference, a tradition now undergoing scrutiny and change.

Once it was not unusual for a government official to take office with a good knowledge of business, often drawn from his own experience. Today young men select their fields early in life and pursue increasingly narrow, more specialized careers in government or in business. With different standards of success, those in one field tend to grow more apart from those in the other.

Misunderstanding is an inevitable consequence of separateness. And many areas of misunderstanding stand between government and business. Tonight, I would mention two examples. One is the imperfect understanding and consequent distrust of bigness in business. The other is the assumption that productivity advance is automatic and a surefire corrective for policies which produce inflation.

THE BUGABOO OF BIGNESS

Bigness—per se—is not bad, as some would have us think. On the contrary, it is constructive and has made possible much of our national economic progress.

We are a big country. We live in a big world. We have big government, big unions, and big business. But some people seem to talk most about—and worry most about—the bigness of business.

Many who deplore the bigness of business mistake economic competition for the predatory life of the jungle, where the big grow bigger as the small grow fewer. This is not the case. The growth of big business has not occurred at the expense of small businesses. As the head of the Small Business Administration has pointed out, a century ago about 300,000 businesses—nearly all small by today's standards—served a population of 29 million. Today 4.8 million serve a population of 200 million. So, while population has grown seven-fold, the number of businesses has multiplied 16 times.

Big and small businesses are mutually dependent. The critics of bigness forget this, overlooking that the big company is also a big customer. General Motors, for example, spends nearly half of its income for the goods and services of more than 37,000 smaller businesses—over three-quarters of whom employ fewer than 100 people. Then, to sell its products, General Motors depends on tens of thousands of additional small businesses—on 14,000 vehicle dealerships and 128,000 other retail outlets.

Big and small business aid and support each other to the benefit of the nation's economy and the individual customer. Small business is frequently the source of new products and new methods. Small business offers imaginative entrepreneurs a range of opportunity for individual initiative. And small business is well able to offer the personal service, special attention, and flexible operation required to meet the increasingly varied demands of the consumer.

BIGNESS AND COMPETITION

Moreover, bigness is often misunderstood as prima facie evidence of monopoly power. But the proof of monopoly is not the size of firms, nor the fewness of firms in an industry. Rather, it is the absence of competition that identifies monopoly.

In the automobile business, for example, competition is the central fact of life. Auto manufacturers compete in product innovations, price, and marketing techniques. The four major domestic companies offer 382 models, and foreign companies offer scores more in the American market.

Yet even the smallest automobile manufacturer is a big company. Automobiles, because of their sheer size and complexity, need large capital investments if they are to be produced in the volume essential to low cost. Their design demands large research and development organizations. Their manufacture calls for extensive facilities and large and skilled labor forces. Their sale and servicing requires a nationwide network of showrooms, service centers, and parts warehouses.

Big companies also exist in many other fields that are highly competitive. In Illinois alone are headquartered 57 of the 500 largest industrial corporations in America. You can be proud of the important contributions they have made to our nation's economic growth.

Those who decry the bigness of private industry fail to consider the unwelcome alternatives.

When government takes over an industry, responsibility only shifts to other hands, to managers bound by political strings and slow to respond to consumer needs. Or when a number of smaller companies are artifically sustained in business, prices tend to rise and value to the consumer drops.

The glum prophets of doom have always predicted—and some still do—that the growth of corporate business must inevitably lead to a massive takeover of power. They envision our country transformed into a corporate state, where the private corporation is dominant. Nothing could be further from the truth. If you question this, just ask some of us who are asked to "visit Washington" regularly.

Both the bigness in American business and the progress of our economy result from our historic freedom to compete. The company that does the best job gives progress to our country. And the people, in turn, by buying its products, give the company its size. America must always have a place for big business if our country is to compete successfully in the widening markets of the world.

PRODUCTIVITY, WAGES AND PRICES

In addition to the myth of dangerous bigness, there is also serious misunderstanding of the concept of productivity and how it applies to wages and prices.

Productivity is a popular word at the bargaining table. And it has a place there. In fact, twenty years ago, General Motors helped give historic recognition to the truth that continuing technological improvement is essential to the progress of all. In 1948, for the first time, our union agreements had a provision for relating wage improvement to the increasing productivity of the country as a whole.

Expanding markets, efficient management, and technological innovation have helped American industry achieve a startling increase in productivity.

But, unfortunately, many people have come to take annual productivity increases for granted, to accept them with the certainty of Christmas coming every December. Surely, the popular logic goes, since productivity never fails to go up every year, a company can afford to lower its prices, or increase wages, or both.

But popular logic fails to remember that the much-discussed annual gain in productivity is only an average. In some years, there is a higher productvity gain throughout the economy; in other years productivity falls short. Some industries achieve more, but others less.

In any case, a fixed increase—whether 3.2% or 2.8% or whatever figure you want to use—is only an average. Much like the size of the average family, 3.7 persons, it is a figure so exact that no parent has ever been able to achieve it. The three is easy. It is that seven-tenths of a person that is hard.

THE ELUSIVE OBJECTIVE

An annual increase in productivity is not automatic, but must be earned, and re-earned, every year. Management each year must take off from a higher base. Each year we must work as hard as we can to be as efficient as we can. Then we must be even more efficient the next year. It is never easy to improve on your best—and do it every year.

Productivity can be adversely affected by many factors: unnecessary work stoppages, resistance to improved technology, low-quality workmanship, absenteeism and poor employe morale—just to mention a few.

Moreover, increased productivity is predicated, not on speed-up, but upon the expectation of a fair day's work from every employe. The objective of technological improvement is to increase the output of the labor force while still maintaining the principle of a fair day's work from every employe.

The illusion that the annual increase in productivity is automatic underlies many hasty and hostile reactions to wage and price decisions.

We cannot have balanced economic growth if inflation is allowed to continue at its current rate. Price stability, equitable wages, and technological innovation are essential to continued economic progress. Our nation enjoyed remarkable growth from 1961 through 1964, with good balance between wages and productivity. But imbalance since then, combined with excessive growth in demand, have produced the inflationary tendencies which now imperil our economy. We have seen our world balance of trade deteriorate in the past few years as we have priced ourselves out of competition in many different lines. We cannot eliminate our balance-of-payments prob-

lem, nor long preserve the value of the dollar, unless we balance wages with productivity.

We must find ways to draw the public's attention to excessive wage demands and their implications on prices as vigorously as price changes are emphasized. And we must do so before the fact—not after the wage contract is signed, and its impact on prices becomes inevitable.

These two myths—of increased productivity that is automatic and bigness that is dangerous—are typical of the misunderstandings that better communication can clear up as government and business work more closely together.

THE TASK WE FACE TOGETHER

The constant objective of our concerted efforts should be to protect and preserve the system of free enterprise that is the distinctive hallmark of our national economic life.

Our American system—the profit system, or free enterprise, or capitalism, call it what you will—has produced a far better social product than any other system the world has ever known. It has not achieved a perfect social order, but our constant mission as Americans is to improve it, not to weaken it. History has cast us as builders and not destroyers.

Management's obligation to its stockholders is, of course, clear and primary. Those who own a business expect to earn a profit on their investment. But profits and progress do not compete. Rather, each produces the other.

Mismanaged industry can neither make a profit nor build a nation. Profit provides the funds for growth and progress; growth that in America has underwritten our unmatched system of individual security, opportunity and dignity.

So government's concern with social progress finds an ally, not an adversary, in business. The job of business is to provide the consumer with goods and services at the lowest economic cost. To do this, business innovates, it grows, it creates more economic opportunities. In short, it gives progress to the nation.

Government can and should promote a better business climate—not for the sake of the businessman, not for the sake of the stockholder, nor the worker, nor even the consumer—but for the sake of the nation as a whole. Business wants a better understanding with government, and will continue to work cooperatively to assure our continued progress as a nation.

Americans must always be free to criticize. Criticize, yes, that is our right. But serve also, that is our duty.

A PART FOR EACH, A PART FOR ALL

The better America we must help build summons from each of us a dedication, a compassion, an effort, and a sacrifice. Every American must try to serve by involving himself in the daily work of our society. We must make sure that the legacy of our America is not lost or diminished by our inaction, our indifference, our intolerance, or our indolence.

We must be willing to face the hard facts of what we must do. America grew great because its people were characterized by energy and industry. We had a willingness to work—and a determination to earn.

We live in a challenging age where much can be accomplished—and quickly. We must make the most of our opportunities for creative change. Material progress has given us more leisure time, more time to think, to concern ourselves with things outside our own jobs, our own communities.

Perhaps, to some extent, this has stimulated the discontent that is so evident in our world today. More people want to participate, to involve themselves, to shape events with their own hands.

If we are to be creators of constructive change, we need not only to be involved ourselves, but must be aware of what others are doing. We must see for ourselves, come out of isolation.

The means of communication have never been more available. Never have we had more ways and opportunities to assure the continued confidence of our customers, suppliers, employes, stockholders, the public, and government.

IN SERVICE TO FREEDOM

Tonight, we consider what we can do, with government, to preserve free enterprise. We might keep in mind what Edward Gibbon wrote of the people of ancient Athens:

"In the end, more than they wanted freedom, they wanted security. They wanted a comfortable life and they lost it all—security, comfort and freedom. When the Athenians finally wanted not to give to society, but for society to give to them, when the freedom they wished for most was freedom from responsibility, then Athens ceased to be free . . . ."

Let us, by our service to our society, assure that no future historian shall ever write that of America. Rather, let him say that America remained free, free because its people so valued their freedom that they gave themselves fully to its service.

RESTORATION OF FORT LARAMIE

Mr. McGEE. Mr. President, Wyoming is proud of its heritage in the history of America, and proud of the landmarks which record the progress of the westering which took place across our prairies and mountains. Among these, the outpost known as Fort Laramie stands out, for it was a trading center, a fort to protect settlers and travelers, and the scene of peace parleys.

Under the direction of the National Park Service, Fort Laramie is being restored and stands today as a significant monument to our past. Last week, the Christian Science Monitor featured Fort Laramie and the historic ride of Portugee Phillips for assistance for the imperiled garrison of Fort Phil Kearny in 1866. Because the article by Charles W. E. Morris tells us much about our Western heritage, I ask unanimous consent that it be printed in the RECORD.

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

[From the Christian Science Monitor, Feb. 26, 1969]

WEST RIDES AGAIN AT FORT LARAMIE, WYO.

(By Charles W. E. Morris)

Lying within a big bend of Wyoming's Laramie River near the junction of the North Platte, is old Fort Laramie, one of the West's most famous frontier outposts.

The first fort on this site was established in 1834 by fur trappers and traders and named Fort William. Enlarged some 15 years later and renamed Fort Laramie, it offered protection to the pioneer settlers during the western migration of the wagon trains over the Oregon Trail. It also served as a relay station for the Pony Express and the Overland Stage.

During the years of fighting with the plains Indians, it was also an important base of operations and later the scene of several peace parleys. The western migration had begun a few years earlier following the Louisiana Purchase of 1803. In the spring of 1804 President Jefferson had commissioned Capt. Meriwether Lewis and Capt. William Clark to explore the newly acquired Northwest Territory.

After spending a winter near the mouth of the Missouri, the young explorers and their company, numbering about 40, began the ascent of the river. They wintered in North Dakota, crossed the Rocky Mountains, and descended the Columbia River, and in November, 1806, they reached the Pacific.

After wintering on the coast they began their return journey, reaching St. Louis in September, 1807. In 2½ years they had traversed some 9,000 miles of wilderness. The glowing reports which they brought back spurred the onrush of homesteaders and prospecters, but most of the way led through Indian territory, a fact which was to have violent repercussions.

Located in a prominent spot alongside the access road leading from the highway to the fort is an unusual memorial tablet—a memorial to a horse. It commemorates the amazing feat of endurance of a truly magnificent animal in carrying its rider from Fort Phil Kearny to Fort Laramie, a distance of 236 miles through heavy snowdrifts in subzero weather. It may well be history's greatest ride to seek help.

Fort Phil Kearny, an advanced outpost, was built in 1866 to protect the increasing number of settlers and prospectors moving into the region. The building of the fort in violation of a treaty with the Indians, and the invasion of their traditional hunting grounds, together with the increasing slaughter of the buffalo and game animals, had been watched by the Sioux, Cheyenne, and Arapahoes with growing alarm and anger. Led by their great war chiefs, Red Cloud and Crazy Horse, they had taken to the warpath in an effort to drive the white man from their land.

Woodcutting parties from Fort Phil Kearny that had to drive their wagons some seven miles to the timber were constantly attacked by the Indians, and troops frequently had to make sorties from the fort to rescue them. As the tribes concentrated in the area in ever increasing numbers, their attacks on the isolated homesteads and wagon trains became more frequent.

On Dec. 21, 1866, a woodcutting detachment was attacked on its way to the timber. A force of 81 men under the command of Captain William Fetterman set out to rescue them. His orders, both written and oral, from the fort commander, Colonel Carrington, were terse and explicit. "Relieve the wood train. Under no circumstances pursue the Indians beyond Long Trail Ridge." Fetterman, a brave but impetuous officer, had openly voiced his contempt for the Indians. Disregarding his orders, he pursued a number of retreating warriors, but was led into an ambush where some 2,000 braves were lying in wait. The ensuing fight was desperate but of short duration. Of the relief force there were no survivors.

With his depleted manpower, Carrington could scarcely hope to hold the fort for long against the Sioux and their allies. It was decided to try and get a message through to Fort Laramie. A civilian scout and experienced frontiersman, John 'Portugee' Phillips volunteered to make the attempt. Carrington gave him his own horse, a fine thoroughbred animal, and about midnight, Phillips, bundled in his great buffalo coat, set out in a howling blizzard.

Some miles from the fort he ran into a party of Indians, but was able to shoot his way out of the trap. He reached a way station where he had hoped to get help in sending a message through. But finding no help available, he continued on his desperate journey. Shortly before midnight on Christmas Eve he reached Fort Laramie. On the parade ground the gallant horse sank into the snow and expired.

Phillips staggered into "Old Bedlam" where a gay party was in progress and gasped out the news of the disaster at Fort Phil Kearny before collapsing. In a short time a relief column was on its way to the beleaguered garrison. When they arrived they found that because of the severity of the storm, the

Indians had remained in their tents and had not attacked the undermanned fort.

Today, as a national monument, Fort Laramie is under the jurisdiction of the National Park Service. A number of its buildings have been restored to their former condition, notably "Old Bedlam," former officers quarters and the scene of most social activities the Cavalry Barracks, Sutlers' Store, and a number of others. Plans call for the ultimate restoration of many more of the buildings and the furnishings of them in accordance with the period of the 1860's.

Somehow the simple memorial tablet to a horse serves to dramatically remind us that man in his conquest of the West had to depend in large measure on his four-footed partner, whose courage, stamina, and devotion made these achievements possible.

PLACE THE BLAME WHERE IT IS DUE

Mr. HANSEN. Mr. President, ever since the crew members of the U.S.S. *Pueblo* were returned to this country, I have been receiving mail from Wyoming citizens concerned about the welfare of these men.

Wyoming people, and indeed citizens everywhere, have been deeply touched by the disclosure of the physical and mental toture these men suffered at the hands of their North Korean captors.

To my knowledge, no charges have been filed against any *Pueblo* crew member. The people of the United States and all of us in the Senate want to insure that the Navy continues to treat these men fairly.

Wyomingites feel that if blame must be fixed on the part of the United States for the seizure of the *Pueblo* and its crew, it must be shared by all in our Government who had anything to do with the *Pueblo*'s presence in the waters off North Korea, with her mission there, and with her apparent inability to defend herself from being pirated by the North Koreans.

Among those who share this view is the distinguished and able Senator from Colorado (Mr. DOMINICK), who is a member of the Committee on Armed Services. Senator DOMINICK's statements regarding the responsibility for the *Pueblo* incident were the subject of a recent editorial written by Editor James Flinchum, of the Wyoming State Tribute, at Cheyenne.

I agree with Mr. Flinchum's observation that commendation is due Senator DOMINICK for his willingness to publicly raise some pertinent questions regarding the *Pueblo* incident. These deserve a response from our Government.

I ask unanimous consent that Mr. Flinchum's editorial be printed in the RECORD.

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

[From the Cheyenne (Wyo.) State Tribune, Jan. 25, 1969]

LET THE SENATE INVESTIGATE

A public service merit badge is due Sen. Peter Dominick, a World War II fighter pilot and holder of the Distinguished Flying Cross and Air Medal with cluster. The Colorado Republican said yesterday if the Navy persists in persecuting Cmdr. Lloyd Bucher, skipper of the Pueblo, then the Navy's brass ought to be summoned for interrogation by the Senate Armed Services Committee, of which he is a member.

Senator Dominick, who served in the Air Force said: "It appears that the Navy is trying to fix responsibility on the commander (of the Pueblo) for not having fought his way out of an untenable position."

As Dominick made his statements in Washington, in effect accusing the Navy of prolonging the agony this unfortunate officer already has undergone, it was revealed in New York that a three-star Air Force general made the decision against sending U.S. fighter planes to aid the Pueblo while it was under attack by the North Koreans off Wonson just a year ago on the same date.

The Long Island newspaper Newsday said the decision against sending fighters to aid the Pueblo was made by Lt. Gen. Seth J. McKee, commanding general of the U.S. Fifth Air Force in Japan. Newsday said a subsequent review of McKee's decision by then Defense Secretary Robert S. McNamara concluded that the Air Force general had acted wisely.

Despite this, the Navy is persisting in not only formally investigating Commander Bucher, but doing so under circumstances that suggest it considers he did wrong in surrendering the Pueblo. As this newspaper has said previously, how can the Navy pursue such a course when it was apparent that the Pueblo, armed with little more than .50 caliber machineguns, could have resisted only suicidally?

Despite what was reported about General McKee's decision not to send Air Force fighters to assist the Pueblo, the five-admiral Navy court of inquiry which is patently trying Bucher, announced yesterday that it would call no Air Force witnesses at the court of inquiry now underway at Coronado, Calif., because "the court considers it can fulfill its charge without doing so."

As a matter of ordinary fairness, however, if the Navy is to proceed on this matter it ought to summon not only General McKee but also Defense Secretary McNamara and any and all other witnesses whose testimony might have some bearing on his case.

In the meantime it is apparent that the people of America and many of their representatives in Congress are highly disturbed over the Navy's callous treatment of Commander Bucher.

"It's my feeling" said Senator Dominick yesterday "that we should have a hearing before the (Senate) Armed Services Committee to try and fix responsibility on the persons responsible for turning down his (Bucher's) request for equipment and for failing to adopt contingency plans to take him out of a spot into which he had been ordered by the U.S. Navy and the U.S. Government."

The Armed Services Committee not only should investigate the failure to protect the Pueblo when it called for help but also why the Navy is seeking to make Commander Bucher the fall-guy for a tragic occurrence that should not have been allowed to occur—simply because nobody made plans in advance to help this helpless little ship on a most hazardous mission. Is this a cover-up to try and shield those really at fault?

WISE WORDS FROM ENGLAND

Mr. YOUNG of Ohio. Mr. President, it is noteworthy that leading parliamentarians of the United Kingdom including Alistair MacDonald, Stanley Orme, Frank Allaun, and Norman Atkinson, all distinguished Members of the House of Commons, recently issued a statement expressing their hopes in the following language:

Now that a new American President has been installed millions of British people are hoping he will act to end the terrible and continuing war in Vietnam.

The parliamentarians added:

We warmly welcome the reopening of the Paris talks and urge the United States to start the withdrawal of her troops from Vietnam and recognize the National Liberation Front as steps most likely to secure peace. As Labour Members of Parliament we would like to pay tribute to all those in your country who have struggled so persistently and courageously to end that war. This seems to us the greatest antiwar movement in this generation. If the fighting stops it will lay the basis for further relaxation of tensions between East and West: in Europe, the Middle East and elsewhere. Vast savings in arms spending could be devoted to other and better purposes. This is something worth working for, both by your people and by ours.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. BAKER. Mr. President, I wish to speak in appreciation of the manner and the spirit in which President Nixon conducted himself on his just-completed trip to Europe.

The world is waiting anxiously now for the first signs of progress toward understanding and the building of friendship among people and of confidence among nations.

All of our Presidents before him have journeyed far and wide in search of peace, so this role is not unique to Mr. Nixon. But today is a time for success in this role because the people of the world are wary of conflict and the manner in which the problem is approached is critical.

I point this out because the hopes of men of good will everywhere have been dramatically heightened in the past week. What seemed so distant only a few months ago glimmers today in light of the President's efforts to reunify relations with our European allies.

First of all, Mr. Nixon thoroughly prepared himself by studying the sources of contention that have separated us from our friends.

His approach to our allies was one of candor which expressed concern and compassion for their problems and for their point of view. He was never an adversary placing demands on the table.

It is refreshing to note the response he received from this method of diplomacy. Friends who were cautious before are now sparked with renewed determination. Those who were contemptuous are now speaking of a new day.

And from these relationships President Nixon has laid the foundation for what will be the greatest task of his administration—emerging as the peacemaker.

He is off to a good start.

CONTRIBUTION OF MOBILE, ALA., BANKS TO INTERNATIONAL TRADE RECOGNIZED BY PRESIDENTIAL "E" AWARDS

Mr. SPARKMAN. Mr. President, it was gratifying to learn that two banks in Mobile, Ala., received the Presidential Export "E" Award on January 8, 1969. On that day, Mr. Monroe Kimbrell, of the Federal Reserve Bank of Atlanta, presented the Export "E" Emblem to Mr. Robert Bacon, president of the First

National Bank, and Mr. E. Ward Faulk, president of the Merchants National Bank, at a ceremony at the new International Trade Center in the Port of Mobile "in recognition of outstanding contributions to the increase of U.S. trade abroad."

The many and continuing contributions that occasioned these awards are contained in an article in the Port of Mobile magazine for January. I ask unanimous consent that the article be printed in the RECORD following my remarks. I might add to the list, from my personal knowledge, the cooperation rendered to the Senate Small Business Committee in its regional export expansion inquiry by the banking community of Mobile. An expression of this is found in the testimony of Mr. J. W. Oliphant, vice president of the Merchants National Bank, who keynoted the public hearings in Mobile on November 10, 1967. This kind of leadership, provided by these banks in international trade, is an intangible quality which is significant to the progress of the port in many ways.

Winning the Export "E" is a considerable honor, because it is awarded for service beyond the call of duty to customers of a city and region and also to the national interest in strengthening the balance of payments. As I recall, the "E" awards program originated during World War II when it was given for production achievements. It was reactaivated for the export field in 1961 by President John F. Kennedy and Gov. Luther Hodges, of North Carolina, who was serving as Secretary of Commerce at the time. See Executive Order No. 10978 of December 5, 1961.

The names of the two recipient banks convey the fact that they are national in character. The awards confirm that they have now become truly international.

I wish to bring this to the attention of the Senate not only to add my congratulations for a job well done, but to indicate what is happening across the gulf coast and throughout the South. We have great opportunities and a great need to rebuild the prowess of the United States as a trading Nation. We are particularly proud, of course, of the part being played by our region, our State, the Port of Mobile, and the First National and Merchants National Banks in this endeavor.

I shall continue to do all I can to advance these efforts, and to bring the benefits of increasing world commerce to small and large business, and to the positive side of our Nation's balance of payments.

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

MOBILE BANKS RECEIVE "E" AWARDS

The First National Bank of Mobile and the Merchants National Bank of Mobile were awarded on January 8, 1969—at a ceremony at the International Trade Club at the Port of Mobile—the President of the United States' "E" Award "in recognition of outstanding contributions to the increase of U.S. trade abroad."

Mr. Monroe Kimbrell, president of the Federal Reserve Bank of Atlanta, representing the President, made the awards to Mr. Robert Bacon, president of the First National, and Mr. E. Ward Faulk, president of the Merchants National.

On hand was Mr. Houston H. Feaster, Director of the Alabama State Docks, who received the "E" Award for the Alabama State Docks in 1965, and Mobile's only previous recipient, witnessed the ceremony. The Docks Director added his congratulations to those of the Secretary of Commerce of the United States, the Honorable C. R. Smith, who announced the award earlier in the month.

Both banks have been active in offering foreign banking services since the Port of Mobile was primarily a cotton and lumber port, long before the 40-year-old Alabama State Docks or the Presidential "E" award was ever dreamed of, Mr. Feaster said.

President Eisenhower re-instituted the award for service contributions to the National Export Expansion Program, and in his proclamation reviving the wartime big "E" symbol, the President said in part:

"The 'E' flag that once flew over plants making notable records in war production . . . now will fly over factories contributing significantly to the goals of international peace and prosperity. The United States must, in the best traditions of American competitiveness and ingenuity, push forward with the development and sale of goods in all the markets of the world. An increased level of exports is absolutely essential for a healthy situation in our international balance of payments. Such a healthy situation in turn will enable us to carry out international responsibilities for preservation or freedom. More exports will mean a stronger America; a more prosperous America; and greater assurance of a free world."

The award recognizes the contributions of the two Mobile banks to the growth and development of the Port of Mobile and the flow of Alabama and American Goods and products to overseas markets.

Both banks have gone far beyond the simple financing of exports. They have furnished information that ranged from helping to find overseas markets to the receipt of final payment. Through their network of bank correspondents overseas, they have secured and relayed important information to the exporter, including (1) dependable credit information on foreign firms (2) overseas demands for particular products (3) usual terms of selling or buying and the methods of obtaining payment without undue risk.

They have uncovered the names of responsible firms or individuals who are interested in representing (or acting as agents) American firms.

The Mobile banks' contribution to foreign trade varies from direct loans to exporters and manufacturers to financing secured by documents on particular shipments. They collect funds from abroad directly from overseas banks. They offer acceptance financing to exporters. They forward letters of credit issued by foreign banks to the exporter promptly.

The international banking departments of both banks have been expanded over the years. Each is always eager to work with the exporters, large or small, no matter whether the exporters are only beginning to seek foreign markets or have been long-established in the export trade.

Both banks have had representatives on the Regional Export Expansion Council of Altanta, and later on the Council in Alabama after it was established in 1963. They have encouraged their personnel to participate in the Council's sponsorship of trade forums, seminars and meetings throughout the State and in trade missions abroad, all in the interest of increasing the export of Alabama products.

The First National and Merchants National Banks have always supported the activities of the port and the various service organizations. Their officers and personnel have served as directors and officers of the following organizations: Mobile Port Traffic Bureau, Propeller Club of the United States, Mobile Traffic and Transportation Club, International Trade Club, World Trade Committee of the Mobile Area Chamber of Commerce, Alabama World Trade Club of Birmingham, and the National Defense Transportation Association. The banks are members and are active in the Banker's Association of Foreign Trade, a national banking association consisting of over one hundred forty banks in the United States offering foreign banking services. In addition, a number of foreign banks with offices in this country are members. In this association the Mobile banks have served as directors and officers. The banks are also represented at the National Foreign Trade Council Convention held in New York each year. In addition, the banks hold memberships in the International House, New Orleans, Mississippi Valley World Trade Council, and various world trade associations throughout the south and mid-west.

Foreign trade could hardly be accomplished without the part that commercial banks play. Shippers through the Port of Mobile know this.

REFORM OF ELECTORAL SYSTEM

Mr. MUSKIE. Mr. President, the Subcommittee on Constitutional Amendments of the Committee on the Judiciary is currently holding hearings on the reform of the electoral system. As a cosponsor of Senate Joint Resolution 1, the proposal offered by Senator BIRCH BAYH to substitute the direct election of the President for the electoral college system, I have felt that one of the most significant arguments in its favor is its recognition of the importance of the right to cast an effective vote. This right is now denied all those voters who do not cast their ballot for the candidate who carries their particular State.

However, the right to cast an effective vote—the right to equal representation—will not be completely insured by the substitution of the direct election of the President. For even in this case, those voters who cast their ballots for the losing candidate find themselves without representation in the executive branch of our Government.

The power of the executive branch has grown so much that the opposition representation in the Congress may not be a sufficient check.

Mr. David Fromkin, a New York City lawyer, has raised these questions and suggested a possible answer in a recent issue of Interplay magazine. His proposal for a formal structure of the opposition is worthy of study. 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:

LEADER OF THE OPPOSITION: AN AMERICAN LACUNA

(By David Fromkin)

"Only in America . . . ," the familiar phrase begins, but in this case it must read: "Only in America or, if you used a different set of numbers, in Gaullist France." For in no other Western democracy could the candidate of 31,770,231 voters receive supreme power while the candidate of 31,270,533 voters receives no power at all. In theory, the

elected President represents all of us. But in years like 1960 and 1968 he really represents less than half the electorate, and the other 30-plus million voters have no one to speak for them in the high places of government: their leader vanishes. For another four years, half the nation has no voice.

The British, in the course of a long constitutional development, have created a role for the leader of the defeated party, a position in which he, too, can contribute on a continuing basis to the thinking and leadership of his country and the shaping of its policies. We, on the other hand, have no use for such a leader. In the United States he raises funds to make up the campaign deficit; then, more often than not, we send him home.

Quite apart from its unfairness—that one man passes into the pages of history and the other out, by the margin of one-half of one percent—ours is a wasteful system. To the extent that our parties fulfill the obligation to nominate their best men for national office, we are wasting the judgment, talent, knowledge and experience that the candidates of the losing party can contribute to public life. Among my personal examples are Wendell Willkie and Adlai Stevenson; everyone will, of course, have his own.

The defeated candidate who decides to resist the tendency of the system—who decides that, even without another political position such as Senator or Governor, he will remain in public life—must support himself and his staff by private means. He goes to a private foundation. He administers a university. He heads a large corporation. He joins a law firm. Whichever alternative he chooses, he is retained by some private interest. His political program must take account of the needs and desires of his employers, clients or donors. His future political availability is limited by the "conflict of interest": was there a single freewheeling client of his law firm who was not dredged up against Richard Nixon in the campaign? The viciousness is in the system itself. We force the leader of the losing party to serve private interests when we should be requiring him to serve the public interest.

The chief defect of the way in which we treat the losing candidate, however, lies in its effect upon the victorious candidate. Ours is the only country in the Anglo-Saxon world whose Head of Government is not checked, balanced and limited by an adversary, a Leader of the Opposition, with whom he is locked in continuous public debate. One reason is that our Head of Government is also Head of State. As the symbol of the nation as a whole, he is to that extent lifted above the leader of the opposite party. This only makes matters worse, for it cloaks him in an immunity that he should not have. The important things the President does nowadays are the life-and-death things done as leader of party and government, the very areas in which he should face constant challenge. In comparison, ceremonial functions of the presidency matter relatively little, although their existence adds to the aura and influence of the office of the presidency and can be misused.

The excessive growth of executive power has been observed throughout the world and almost universally deplored. One need not go far as de Riencourt in *The Coming Caesars* to view with apprehension the growing accumulation of overwhelming power in the hands of one man. There is no one to question the President of the United States, except the newspapermen who do so at his pleasure. He does not submit to congressional inquiry. He may subtly commit us to foreign or domestic conflicts, without our being aware until they and their consequences are upon us. He dominates the media of communication. When he chooses to argue his case to the people, there is no one to argue the case against him: no one equally known, with equal access to communications facilities, with equal prestige, whose job and interest it is to clarify the choices before us, uncover the commitments in process of being made, expose the shortcomings of the President's program, and propose better alternatives.

A GAP IN THE SYSTEM

In the American system of government, there is a gaping hole where there ought to be a Leader of the Opposition.

The congressional leadership of the opposition party cannot fill the need; indeed, it misleads the electorate if it attempts to do so, because the alternative to the President was and will be the nominee of the party in Convention, which often has a different viewpoint from the party in Congress. Moreover, few congressional leaders have the motive or desire to challenge the President, or the national prestige to do so. Nor have they the appropriate status: the adversary of the Minority Leader of the Senate is the Majority Leader of the Senate, not the President. Most important, the congressional leadership does not dominate the news media, as the President does, and cannot argue the case against him to the people. The congressional leadership can neither question nor debate with the President.

On an *ad hoc* basis, as titular head of the Democratic party, Hubert Humphrey apparently hopes to supply some of the needed opposition leadership in the four years to come. As his friend and his countryman, I wish him well. But he cannot supply for himself what the law of the land withholds from him: public recognition, public funds, and a public role. Above all, he cannot compel the President (as the British system compels the Prime Minister) to answer his questions in open debate.

Three steps are necessary in order to fill the gap.

The first necessity is legislation defining the position of Leader of the Opposition (perhaps: "that losing candidate for the Presidency who receives the highest number of popular votes"), providing for his replacement upon death or disability, and establishing appropriate pay and allowances.

Analagous British legislation was enacted 32 years ago. As a Member of Parliament, the Opposition's Leader already received a parliamentary salary. In 1937, the position of Leader of the Opposition was constitutionally recognized for the first time and, for the first time, the Leader of the Opposition was given a salary as such. ("He had supported the constitution in 1936. In return the constitution formally recognized him." A. J. P. Taylor in English History 1914–1945.)

The salary might perhaps be equivalent to the salary of a US Senator. In addition, there would be the expenses of a staff, for without one no political figure can play a major public role. A minimum effective political staff is comprised of: an administrative assistant; a press secretary; a researcher and a speechwriter; and a chief advance man. Also, there would be office rental, secretarial and other clerical expenses.

The second necessity is a forum. Today this means, in effect, frequent access to prime television time. Appropriate legislation should provide for this.

The third and final necessity is an opportunity to publicly question and debate with the President on a regular basis. It is no objection to say we do not have a parliamentary framework for such debate, as do the British. Even in Britain the effective confrontation now occurs on television. The position of the Leader of the Opposition, which developed as a function of the parliamentary system, has transcended that system in this respect.

Therefore legislation enabling—and eventually, a constitutional amendment requiring—a mutual questioning and debate between President and Leader of the Opposition, on television, would round out the new public position of Leader of the Opposition. (Lest this be misunderstood as an anti-Nixon proposal, the amendment would be effective commencing with the next President, not with him.) Perhaps once a year, in early January, the two leaders would question and debate with one another before the assembled nation, clarifying in all due solemnity the state of the nation and the choices before us.

Clearly there are aspects of the British system that we cannot copy. Our Leader of the Opposition is not always, nor necessarily ever, the alternative Head of Government. He need not be, in order to fulfill his most significant function. In Britain there is a dialogue at the pinnacle of power. In America there is only a monologue; this is what should and can be changed. This would enable us to form wiser judgments on public matters, and to bring into play the full range of our private and public institutions (most especially, the Congress) to influence executive decisions conformable to the will and desire of the people as a whole.

The means of accomplishing this would be the means we have used, and used successfully, before. For instance, our solution to the many problems of the securities markets was called the "Truth-in-Securities" Bill, requiring full public disclosure of all pertinent data concerning securities issues, as well as extensive exposition and clarification of the risks inherent in investing in them. Similarly the proposals above might be termed the "Truth-in-Politics" Bill, the idea being to more fully inform the public of the nature and risks of political decisions that are (or are not) being made.

The mechanism is the basic one of Anglo-American jurisprudence: the adversary system. Centuries of experience have taught us that the best way to uncover the truth is to empower a man with a strong personal motive—and adversary—to cross-examine, by right of law. That is why the British have found some counterpoise to an overly-powerful chief executive in an adversary leader, entitled to question him, equally equipped to appeal to the mass of the people, able to uncover the truth where hidden, and with an interest in doing so.

PHILOSOPHICAL FOUNDATIONS

Indeed, the philosophy from which this proposal springs—the proposal to establish a Leader of the Opposition—is the philosophy of the authors of the Constitution of the United States, which in turn derived from the British Constitution as interpreted by Montesquieu (*The Federalist*, No. 47). The authors of the Constitution regarded the accumulation of all powers in one set of hands as tyranny (*Ibid.*), which we in the United States would prevent ". . . by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places" (*The Federalist*, No. 51). Following Montesquieu, who wrote that ". . . power should be a check to power (*The Spirit of Laws*, Book 11, Chapter 6), they believed that "Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place" (*The Federalist*, No. 51).

Why, then, did they fail to create a constitutional place for one whose interests counterbalanced those of the head of the executive department? They created checks and balances everywhere else, playing off the states against the federal government, the branches (executive, legislative and judicial) against one another, and, within the legislative branch, House against Senate. Of course, they knew that in the ancient world a double (which is to say, divided) executive had frequently been tried and found wanting, and that Montesquieu had written that "Two kings were tolerable nowhere but at Sparta" (*The Spirit of Laws*, Book II, Chapter 6), but

there were balancing mechanisms and methods that could have been employed other than direct division of the executive power.

The answer is that they believed that power threatened to accumulate only in the legislative, not the executive, branch. They believed that ". . . the tendency of republican governments is to an aggrandizement of the legislative at the expense of other departments" (*The Federalist*, No. 49). Their solution was to divide the legislative into rival bodies, House and Senate (*The Federalist*, No. 51). Indeed—and it is amusing to read this after all that has in fact happened—so acute an observer as Tocqueville felt that "The Americans have not been able to counteract the tendency which legislative assemblies have to get possession of the government" (*Democracy in America*, Volume I, Chapter 8).

Had it struck the authors of the Constitution that the executive might come to dominate the government, they would surely have established a counter-executive. Indeed, they very nearly did so anyway. As originally adopted, the Constitution provided that the candidate receiving the second largest number of electoral votes for the office of President (in 1968, for example, Hubert Humphrey) would become Vice President. This would have given the President's chief political rival and adversary the second position in the executive branch of the government. The Constitution was in this respect frustrated by the unforeseen organization of political parties, and was amended.

In the light of history and the unexpected growth of executive power, adoption of the proposal to establish a Leader of the Opposition would complete and perfect our constitutional system of government as originally contemplated by its authors.

It would place the President and his policies in perspective.

It would more fully inform the Congress of the President's plans and procedures, enabling it to better perform its constitutional function as a balance to the executive department.

It would more fully inform all of us as citizens and enable us to make our views known at the time decisions are actually being made, rather than later, when it is too late to change them.

It would enable us to better judge and evaluate the Leader of the Opposition and decide whether he deserved a second nomination, for he would have to come out in the open and would have to formulate constructive alternatives. He would tell us at each stage what he would do as President. His role could not be simply a negative one, nor could he wait for four years to then mouth a policy based on hindsight.

It would lead to a more responsible congressional opposition, because the congressional leaders of his party would inevitably be influenced by the Opposition Leader in this respect.

Best of all, it would convert the electoral process into what Adlai Stevenson, following Jefferson, hoped it would become: an educational process. Hopefully, through it, we would become better citizens and make wiser decisions. Continuous dialogue, continuous clarification, continuous information and exchange of ideas would bring us closer to realizing the goals of those who wrote our Constitution.

The time has come to fill the Constitutional void with a Leader of the Opposition.

LET UNCLE SAM DO IT, REALLY?

Mr. HARTKE. Mr. President, our system of government constantly involves the problem of defining who has responsibility for policymaking. We have divided authority between State and Federal Government. And we have divided Federal authority among various departments of Government. These divided authorities sometimes work in competition.

In recent years some State authorities have maintained that policymaking powers have increasingly been taken from their hands by Federal authorities.

A February 25 editorial broadcast by the WFBM stations in Indianapolis, Ind., dealt in specifics with this issue. The editorial directs our attention to how State authorities too easily forfeit their opportunities in policymaking, letting decisions pass to the Federal Government.

I ask unanimous consent that the editorial, entitled "Let Uncle Sam Do It, Really?" be printed in the RECORD.

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

LET UNCLE SAM DO IT, REALLY?

Some Hoosier politicians delight in condemning the federal government as if it were the agent for a subversive power. We saw a bit of this during the recent General Assembly debate on the Medicaid bill.

But apparently they don't object as much as it might seem to federal involvement in Indiana. Evidence: The fact that legislative leaders have killed the bill to establish a state uniform consumer credit code.

The consumer credit code would have replaced the existing hodge-podge of state laws regarding the granting and collection of consumer credit with a modern, unified code drafted after four years of study by the National Conference of Commissioners on Uniform State Laws. It was endorsed by the Indiana Retail Council, the Indiana State Bar Association, and others concerned about the problems of consumer credit.

The death of this bill is unfortunate. But the thing that really strikes us about this situation is the legislators' reaction to the state and federal relationship involved.

When Congress passed the federal truth-in-lending bill last year, it provided an exemption from federal regulation and control for any state where the Federal Reserve Board determined that state laws were substantially similar to this federal law on consumer credit.

In other words, the federal government would leave alone those states that were willing to do the jobs themselves.

Supporters of the uniform consumer credit code bill believe its passage would have given Indiana the necessary legislation to handle its own affairs in the consumer credit field.

In view of some of the things that have been said about the federal government by members of the present Indiana General Assembly, you might think these legislators would stand up and fight for the uniform consumer credit code.

But not so. And Indiana, therefore, will come under another federal regulation because—and *only* because—it was unwilling to do the job at the state level. Ironic, isn't it?

PRESIDENT NIXON'S SUCCESSFUL TOUR OF EUROPE

Mr. BROOKE. Mr. President, the President of the United States has just returned from a most useful and important European tour. I rise today to commend him for his efforts and his initiative, and to comment briefly on some of the more helpful aspects of his journey.

Upon assuming the Office of the Presidency, Mr. Nixon rightly perceived that our relations with our closest allies were sorely in need of repair. Mr. Nixon's trip was designed, in large part, to indicate to our allies that this Nation understands their concerns and will actively seek their counsel and advice on matters of mutual interest. I believe that this message was made preeminently clear, and was received with confidence by the leaders and peoples of Europe.

But Mr. Nixon's trip must also be seen as an important prelude to substantive discussions with the Soviet Union. No one would deny that many grave issues are outstanding between our two countries, and are in urgent need of resolution. The desirability of limiting the deployment of nuclear weapons without endangering the security of either side is, of course, a primary consideration. But critical tensions in Europe and the Middle East may also be resolved, or at least lessened, through consultations with our allies and the U.S.S.R. The war in Vietnam, too, is a legitimate subject for great power talks.

Mr. Nixon's trip to Europe has laid a solid foundation upon which substantive discussions can now be built. Our Nation, and indeed the entire world, can be grateful for this demonstration of deep commitment on the part of our Chief Executive to the overriding cause of world peace.

PHILIP N. BROWNSTEIN

Mr. MONDALE. Mr. President, there are times when the departure of an individual from Government service should not go unnoticed. Such a departure occurred recently when Philip N. Brownstein resigned his post as Assistant Secretary for Mortgage Credit of the Department of Housing and Urban Development, in which he served as Commissioner of the Federal Housing Administration, to enter the private practice of law.

Phil Brownstein was a career Federal employee, the type of individual we in Congress tend to take for granted. He began his Government career in 1935 with the FHA, studying for a law degree in his spare time. After his discharge from the Marine Corps in 1946, he began a 17-year period of service in the Veterans' Administration. He became Chief Benefits Director of the VA in 1961. In March 1963, he was named FHA Commissioner, and assumed additional responsiblilities when he was appointed Assistant Secretary in the new Department of Housing and Urban Development in 1966.

His service as Commissioner of the Federal Housing Administration and as an Assistant Secretary was simply outstanding. There are several basic characteristics of this service which I think should be emphasized. To begin with, rarely has a public official worked so efficiently with and been so well liked by business, other Government agencies, and Congress. To get along as well as Phil did with these often disparate groups, while always maintaining their respect, is no mean feat.

Furthermore, few high level public officials have had the kind of intimate knowledge of his programs as did Phil Brownstein. This is no reflection on the ability of other high level officials; rather, it is remarkable that a man who

must make major policy decisions can know the details of the various programs for which he is responsible. This is especially true when the programs are as complex as those under the jurisdiction of the FHA. But Phil was not just a policymaker; he was an acknowledged expert in the programs he administered.

Even without these other attributes, Phil would have won my unqualified support and respect for the way in which he vigorously fought for low and moderate income housing. When he became the Commissioner of the Federal Housing Administration, the agency had a reputation for only being concerned about suburban housing; when he left, that image had drastically changed, and it was clear that the FHA was extremely concerned with the development of adequate housing for low and moderate income families.

During his tenure as Commissioner, the FHA attempted to coordinate its activities with the VA and other Government agencies. In addition, every effort was made to cut redtape and expedite various housing programs. Accelerated multifamily processing and accelerated subdivision processing are examples of the methods employed by the FHA under Phil Brownstein to accomplish this result.

I suppose the action which best illustrates Phil Brownstein's philosophy is the speech he gave to FHA directors after his appointment as Assistant Secretary. In response to charges that the FHA was indifferent to the housing problems of low- and moderate-income people, he called for calculated risk taking on the part of these officials. He made it clear to them that they have an obligation to contribute to the development of adequate housing in the inner city. And he in effect told them that they should not remain in their jobs if they could not accept such a philosophy.

I will miss Phil Brownstein and so will those who are concerned with the housing situation in this country. I wish him great success in his new career.

THE ROLE OF CONGRESS IN CONSERVATION

Mr. MUNDT. Mr. President, this afternoon I had the opportunity to address the members of the Whooping Crane Conservation Association which is meeting in Washington in connection with the North American Wildlife and Natural Resources annual conference.

As the congressional sponsor of legislative amendments providing for expansion of studies on the whooping crane and the establishment of the endangered species research facility at the Patuxent Wildlife Center, Laurel, Md., I discussed with the association the progress being made at the center.

In addition, I reviewed what I believe is the companion role of the conservation organizations, such as the Whooping Crane Conservation Association, in working with Congress in achieving the many important conservation goals which are of national concern.

Mr. President, since this address relates of the legislative activities conservation and may be of interest to Members of Congress as well as to others who receive the RECORD, I ask unanimous consent that the address be printed in the RECORD.

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

Mr. Chairman, fellow members of the Whooping Crane Conservation Association, and fellow conservationists—it is a real pleasure for me to join with you this afternoon to discuss with you "the role of Congress in conservation." Through the years I have corresponded with many members of the association and other conservation leaders of the United States and countries around the world. These meetings this week in Washington have given me my first opportunity to discuss some of our goals and aspirations with you.

Conservation decisions made during this session of Congress will be extremely crucial in determining our natural environment for decades to come. These decisions cannot be put off much longer. In the past it has been a matter of conserving water, conserving land, conserving birds, or conserving animals. Now it is also a matter of conserving people who are faced with a fight for survival.

Events of the last few years have aroused not only conservationsts but the entire populace. Many of our citizens, who have long thought that ducks and other game birds were only for hunting, and lakes only for fishing, have noted the deterioration of these great natural resources and have joined the conservation cause.

Herein lies our greatest challenge. It is the duty of conservationists to supervise, coordinate and guide these new recruits. The luxury of an occasional speech—an occasional letter—an occasional paper—an occasional article—belongs to the past. Unless we devote every bit of time and energy possible to conservation, we may end up with nothing to conserve.

To those who keep saying "there ought to be a law!" and think that getting legislation through Congress and approved by the President is like falling off a log, it should be pointed out that such is not the case.

There's a lot of hard work and give and take attached to it. One example is the measure which allows compatible public recreation at national wildlife refuges and national fish hatcheries without interference or damage to primary project objectives. The idea was developed by the Bureau of Sport Fisheries and Wildlife, Members of Congress, and the Secretary of the Interior's advisory committee on fish and wildlife, which consisted of heads of national conservation organizations. The legislative process involved in consideration of the bill took about four years, and it became the "refuges and hatcheries recreation act."

Getting a bill through to establish certain refuges in the Klamath basin, Oregon-California, took over five years after the first bill was introduced. Some of the groundwork for the 1964 Act was laid as far back as 1953. The endangered species preservation act of 1966 had its beginning in an interior legislative proposal dating back to 1958.

In 1968 the role of Congress in conservation included such diverse measures as the Redwood National Park, the Wild and Scenic Rivers Act, a national trail system, and major water resource legislation including the National Water Commission Act.

Please forgive me if I illustrate the role of Congress with a personal experience.

It was back in March of 1963 that I was finally successful in interesting some of my colleagues in the Senate in "The Role of Congress in Conservation of the Whooping Crane." The story is simple—the Bureau of Sport Fisheries and Wildlife had requested $37,000 for propagation studies with sandhill cranes at the Monte Vista National Wildlife Refuge in Colorado. These studies had been considered by the whooping crane advisory committee. The aim was to develop propagation techniques with the relatively abundant sandhill crane for use in a hoped-for-program to bolster the population of the whooping crane.

The House of Representatives, in a tight budget year, and because the only advocate of the cause was the Bureau of Sport Fisheries and Wildlife, cut out the funds. This was the situation when members of the Senate and House Appropriations Committees met in the old supreme court room at the Capitol for the conference on the Interior Department appropriations bill.

Believe it or not, not one letter was received by any member of the House or Senate committee commenting on the possible disastrous results of this cut.

The Bureau was walking the trail alone until I was able to point up to the committee members the results of their ill-considered efforts to save $37,000, and finally the program, meager as it was, was allowed to move forward.

The next year it was not only conservationists who were conspicuous by their lack of interest but some of the staff of the Bureau itself. Anyone familiar with the desperate plight of the whooping crane, or other endangered species, would have been as amazed as I was when, after asking Bureau witnesses at our appropriations hearing, "Is there anything this committee should do about the whooping crane this year?" The response was:

"I would say what we have in our budget should take care of what we are able to."

An answer such as this, indicating that, in the opinion of the Bureau, everything was going well, points up that the role of Congress in conservation is most important.

If the Congress had taken the Bureau at its word, many of the advances made over the past years would not have been possible.

The Congress did not take the Bureau at its word. It continued support for the program by instructing the wildlife service, in report language which I wrote, to "do everything possible to further this work." A year later, Congress accepted my funding amendment of nearly a half million dollars to expand the endangered species program.

As a result, and in spite of that unfortunate response by the bureau witness that everything was all right when it wasn't, we have at the Patuxent Wildlife Center at Laurel, Maryland, the world's leading endangered wildlife species research center.

I am proud of the progress made there by the team assembled by Director John Gottschalk and under the direction of Dr. Ray Erickson. They are on the verge of breakthroughs in many areas which have long baffled scientists, both private and government. We have started down the long road which we hope will someday see the restoration of increasingly large flocks or bands of our most threatened endangered species to the wild.

This much has been accomplished. I feel good when I review our situation today and can see the progress we have made. I feel bad when I review our situation today and think of what might have been.

But for the response I received to my "What can this committee do" plea in 1964, our task would be much easier now.

But for that response, we would have adequate personnel at Patuxent so that we could handle more threatened species.

But for that response, we would have a much needed laboratory, for which plans are already drawn, at Patuxent.

But for that response, we would have had funds to acquire additional, much-needed land at Patuxent.

Why do I point out and stress these facts to members of the whooping crane conservation association and their fellow conserva-

tionists? I do so because of my conviction, based on my own experiences, that everyone in this room can contribute to the legislative process, whether you realize it or not, and can help "the role of Congress in conservation."

Department of Interior appropriations hearings in the House and Senate have been or will soon be scheduled. The committees of the two houses will conduct their hearings, weigh the evidence, and make decisions on funding for various conservation programs.

I don't want to imply that I feel that the Patuxent endangered species program is the only, or the most important conservation program to be considered this year. Water pollution, highway construction, additional refuge lands, importation of endangered species from abroad, creation of new parks and, need I add, oil pollution, are but a few of the conservation related issues in which Congress will play a major role this year.

I say to you today, please join with the Congress as never before in the resolution of these issues and problems. Let us, as President Nixon has said, go forward together.

Please devote more time and more effort to the cause. Let your Congressmen and your Senators know what you think the role of Congress in conservation really is.

Don't threaten, but lead the horse to water, and then watch him drink.

I can tell you from personal knowledge that the ranks of the conservationists in Congress is increasing. They will be responsive to reasonable requests. With united efforts from conservationists, the Department of Interior, the Congress, and new recruits among the people at large, we will go forward together.

Many of you, I know, have toured the facility at Patuxent since you have been in Washington. Therefore, I will try to be brief but I refuse to let this opportunity go by without pointing up some of the exciting advancements which have been made since the facility was established.

First, the whooping crane.

We all rejoice in the all-time high census total of 50 wild cranes wintering at the Aransas refuge as contrasted with the record low of 15 whooping cranes some years ago. Forty-four white birds and six young of the year are at the refuge. This record total comes on the heels of two years of successful egg pickups in the northwest territories which have also brought the captive population to a record-high 18 birds.

This is, indeed, a signal accomplishment. However, of more interest to this group, and to us today, is the fact that using sandhill cranes as experimental birds, the Patuxent group has solved bothersome leg problem which has long been a source of trouble in crane propagation. It turns out to be mainly a nutritional matter.

Work is going forward on various breeding experiments. Lights are being used to lengthen the day in one promising series of tests now underway. In addition, great strides are being made in efforts to propagate wild cranes by artificial insemination.

Even more encouraging is the masked bobwhite quail situation.

The stock raised from the four pairs of birds donated to the project by the Levy brothers of Arizona, now totals 31 birds. In addition, 36 birds captured in Mexico are now at the station to enhance genetic values of the production unit. Also, I can report that a problem with internal parasites appears to have been solved.

With any kind of luck, we will be reading of a release of masked bobwhites to the wild and restored range in Arizona in the spring of 1970.

One of the brightest spots is the flock of Aleutian Canada geese. We have now a total of 59 at Patuxent and eight in the hands of private propagators. With a potential of 12 to 15 breeding pairs this year, things look increasingly good for this most threatened species.

Again I can report, that if all goes well, 24 geese reared at Patuxent in 1968 will be released on one or two still undetermined islands in the Aleutians in the spring of 1970 and which we hope will be the nucleus of a new wild breeding flock.

The South American snail kites are doing well.

Nests were built last year and it is hoped that young will be raised this year. There are no disease problems. The Patuxent nutritionist is now working on a diet to substitute for the expensive Florida snails now fed.

Likewise, the Andean condors are doing very well. Facts are beginning to emerge which should be of great help in management of the *California condor* when and if needed.

The seven Federal biologists in the field—two in Hawaii, one in California, one in my home State of South Dakota, one in Arizona, one in Florida, and one in Puerto Rico, are adding materially to knowledge of endangered species.

We are moving into the breeding season for the birds at Patuxent. We are moving into a new era of conservation.

We move forward with full knowledge that the goal we have set for ourselves can be accomplished.

And we can move forward toward the development of a conservation ethic in this Nation that will bring *all citizens to recognize our stake in resource care* as against short-term economic considerations that *too frequently have* governed many of the answers to conservation matters.

This is the crucial test. For if we fail to enlist all of the citizenry, through the example of both leadership and accomplishment, in the great cause of conservation now—when we still have the opportunity to firmly harness the great principles of preserving our resource heritage to the galloping growth that is the population explosion—we may well have written the death notice for presently endangered wildlife species and started down an irreversible trail of destruction and devastation of many of our valued resources, including those upon which life itself is dependent.

Tomorrow's generation is hopeful of having its "finest hour"—the good life of a happy, productive, and progressive society which found that this generation gave more than it got, preserving and enhancing that which we have.

Will today's generation measure up to tomorrow's expectations, by truly experiencing its "finest hour" as the greatest conservationist-minded society in world history?

That is our challenge. I think we can measure up to that challenge. I know that you share with me the conviction that this challenge of our age can be met, and must be met. For conservation today means not only preservation of some species, it represents survival for all.

Do we dare fail this crucial test?

URBAN TEACHERS

Mr. RIBICOFF. Mr. President, it seems of late that any mention of our Nation's colleges and universities is coupled with the fact of the recent student disturbances on some of their campuses. Recognition of the positive, constructive activities being carried on by many of these institutions appears to have faded in the glare of the more spectacular actions of dissidents on campus.

That is why it is particularly encouraging to learn that the 1969 American Association of Colleges for Teacher Education Distinguished Achievement Award for Excellence in Teacher Education has been awarded to the University of Connecticut for the development of a program to educate teachers especially for a city environment.

This program is twofold. A major portion of the student's time is spent in the ghetto area where he observes, interviews, discusses, and teaches. A formal seminar completes the education process. Among the unique features of the program are the following:

Full-time, qualified lecturers representative of the ghetto's informal power structure, who introduce and translate to students the sociological and psychological realities of the ghetto and who serve to articulate and interpret the styles, perceptions, and reactions of the families and people to the students;

Cooperative investments of time and money by local school districts, the State department of education, and the university without outside funding precipitated by the ultimate benefits to innercity education;

Contact with the innercity way of thinking, achieved by onsite residence during the entire program under the general supervision of a housemother-counselor who is a ghetto resident, and a program characterized by discussion and analysis of in-the-street education with inner city leaders and representatives of community organizations, homes, and neighborhood establishments; and

Replacement of the traditional lecture-text-examples approach to methods instruction in the campus classroom by onsite methods instruction dealing with real people, real problems, real materials, and real situations.

I join the American Association of Colleges for Teacher Education in recognizing the University of Connecticut's efforts to make the urban teacher's skills more relevant to the special environment of the inner city. It is my hope that this program will be a guide for a great many more teacher education programs throughout the Nation.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. MATHIAS. Mr. President, when a President of the United States travels, he carries in his luggage not only the power and prestige of the Presidency, but also the confidence and the hopes of the American people. At no other time are the American people more unified in support of a President than when he stands on foreign soil as the ambassador, not only of his government, but of his people.

This is particularly true in the case of President Nixon's trip to Europe. A large measure of apprehension has been existing between the nations of Europe and the United States. In fact, much of it has been unnecessary apprehension, for the basic natural interests of Europe and America are little changed.

But the mutuality of interest has been obscured to a serious degree, and it took a major stroke to dispel the clouds and mist. The President has delivered that stroke, and the American people should be grateful to him for it.

The trip was a necessity and a duty to be performed. But over and above the

discharge of duty, the trip may have substantial dividends that seem subjective now, but which will materialize as time passes. Not only the development of our policy, but the assessment of our policies by others and the response made by foreign powers will all benefit from the climate of mutual consideration and respect that was created by the Presidential trip.

The American people welcome their President home. We are not only grateful for his safe return; we are deeply appreciative of his efforts in the national interest and in the search for peace.

HIGHWAY ROBBERY

Mr. DODD. Mr. President, an area which has long cried out for our attention as legislators is the protection of the American consumer, for this era of easy credit plans and mammoth marketing networks has left him confused and exposed to devastating abuse.

In an excellent article in the January issue of McCall's magazine, Selwyn Raab clearly identifies one aspect of the consumer's difficulties; namely, the problems which an individual can encounter when he attempts to move his belongings from one location to another.

Abuses in the moving industry are many and diverse, ranging from ignored damage claims to gross underestimates.

The McCall's article asserts that statistics and specific cases cited in Interstate Commerce Commission files will show that a family changing residence is almost entirely at the far-from-tender mercies of a vast and complex industry.

The magnitude of this issue is illustrated by an estimate that one out of every four families which employ a moving company later registers a serious complaint.

We must not tolerate such a deplorable situation. Its persistence is inexcusable and unnecessary.

It seems to me, therefore, that it is our clear-cut duty to the American consumer to investigate the situation in the hope that equitable remedies can be found.

As the article suggests, the customer who has been given a serious underestimate should be allowed time to pay the difference and prevent his belongings being placed in storage.

Compensation should be made to the customer for inordinately late delivery.

And perhaps most importantly, some organ for the arbitration of disputes and claims should be established.

I plan to introduce legislation in the very near future, which I hope will serve as a focal point for an in-depth investigation of the moving industry.

In the meantime, I congratulate Selwyn Raab and the editors of McCall's for bringing this significant problem to the attention of the public, and 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:

HIGHWAY ROBBERY

(By Selwyn Raab)

The agent assured the housewife that her family's possessions could be moved ninety miles from San Francisco to Stockton, California, for $144. He even gave her a written estimate. Instead, when the housewife and her husband arrived at their new home, they were presented with a cash-on-delivery demand for $334. Before the mover would unload the couple's belongings, the husband spent three frantic hours digging up $200 in cash in a strange town. "Don't blame us, lady," the van driver said. "It's the system. It happens to everyone."

A doctor and his wife entrusted their furniture and clothing to a major van line when they moved last summer from Cheyenne, Wyoming, to the West Coast. En route, a fire in the van destroyed or damaged most of the shipment. But the moving company rejected the couple's claim for financial settlement, with the countercharge that the fire originated in a carton "packed by the owner." The only way the doctor and his wife could recoup their loss was through a lengthy lawsuit.

Transferred by his company from Philadelphia to Memphis, a marketing executive thought his family's moving problems were safely in the hands of a nationally known firm. Last July 8, two moving men packed everything in his home, preparing for the move the next day. They never came back. One week later—after a score of frustrating telephone calls to the agent who had booked the move—the executive gave up and hired another company, at a premium price, to complete the move. He was a week late at his new job, and the delay cost him $320 in motel bills.

In Honolulu, the moving-company salesman was polite and seemingly efficient. He estimated that his company could move the household goods of a family of four from Hawaii to New York for $1,909. When the shipment arrived, two weeks late, it had suffered water damage and the C.O.D. bill had soared to $3,378. Because the family refused to pay the unexpectedly high charge the goods were carted off to a warehouse and $67.50, for storage fees, was tacked on the bill.

A New Jersey teacher waited five hours before an overdue moving truck lumbered to a halt in front of his new home. Not only was the driver late and without a helper; he was also drunk. The teacher himself unloaded the van as the driver sat idly in the cab. The job done, the driver handed the startled teacher a ten-dollar bill and roared off.

These stories are not uncommon. About twelve million families (forty million persons) will change homes this year; according to conservative Interstate Commerce Commission studies, one of every four families will have one of these serious complaints:

1. A moving-company agent will underestimate charges to attract business, later demanding higher C.O.D. payment.

2. If there is a dispute over shipping costs, possessions will be rerouted to a warehouse, with storage fees added to the bill.

3. Pickup and delivery will be made at the mover's convenience, not the customer's.

4. During the peak summer moving season, the mover will abandon his customer without notification.

5. Part-time, unskilled laborers will be used instead of experienced moving men.

6. Justifiable claims for lost or damaged property will be ignored.

Most consumer troubles stem from collisions with the van lines' complex system. These lines, the heart of the interstate and long-distance moving business, grossed $700 million of the industry's total $1 billion income in 1968. Though movers are supervised by the Interstate Commerce Commission, they generate more complaints than does any other segment of the industry.

Slick brochures, distributed by the van lines, imply that each is a separate company with a fleet of sanitized, glittering trucks crisscrossing the country. In fact, the lines are networks of cooperatives, rather than giant national concerns. They usually are made up of booking agents and local moving companies, who represent the line in a specific area. (Allied Van Lines, for example, does not own a single piece of moving equipment.)

A typical van-line arrangement in a move from Chicago to Los Angeles works like this:

A Chicago housewife uses the classified telephone directory to select a long-distance mover, a van line. An agent for the line provides her with an estimate of the moving costs and arranges for packing. According to ICC regulations, the cost of interstate shipments is based on weight, distance, and packing services.

On moving day, the agent in Chicago takes care of the first stage of the job by transferring the housewife's possessions, in his own truck, to a warehouse, where they remain until the national company has a van passing through, en route to Los Angeles. Since an average household move is 4,000 pounds, and a long-distance van has a capacity of 16,000 pounds, the national company—without notifying the housewife—may keep her belongings in storage until there are other shipments for Los Angeles. If convenient to the line, the goods could be moved part of the distance, unloaded, and stored in another warehouse, perhaps in Saint Louis, before finally arriving in Los Angeles. The shipping schedule depends more on the needs of van-line traffic than on the housewife's desire for prompt delivery. The only way she could guarantee portal-to-portal transportation in one van would be by paying for "special services."

The agent in an interstate shipment is the only van-line representative the customer deals with. It is the agent who provides the cost estimate and pickup and delivery promises—but he is rarely in a position to fulfill the agreement. He may be hundreds of miles away when the customer gets an unanticipated high bill or runs into some other crisis. For the customer, the situation is comparable to getting a poor haircut at an airport and, on arrival in another city, trying to find someone to complain to.

A title more apt than "agent" for 10,000 van-line representatives would be "salesman," for their main task is to attract customers. In return, they get as much as 20 percent commission of the total bill. In most cities, each van line has several agents, and there is keen competition among them. This rivalry leads to one of the most common consumer complaints: underestimation of shipping costs.

Despite the salesman's promises, an estimate is neither a contract nor a price guarantee. In most moves of more than thirty miles, the customer must pay for the weight of his shipment and service charges. However inaccurate the estimate, at the final destination the customer is required to provide cash, a certified check, or traveler's checks for the full charges before the van driver is legally required to unload. If the customer refuses or is unable to pay immediately, the van line can haul the belongings to a warehouse and add storage expenses to a steadily mounting bill.

Low-balling, the industry term for deliberately underestimating charges to get a moving contract, is outlawed. Theoretically, all agents should arrive at similar estimates for a specific move, since each uses the same arcane formula for determining weight and the moving companies charge almost identical rates. (These tariffs are established through price-fixing agreements among the carriers, not by the ICC or the states.) Yet estimates vary widely, as McCall's discovered in two surveys of the practices of eleven major van lines. None of the agents was aware of the test.

In one fictitious move, three agents were asked to estimate the cost of moving a family

from a six-room Manhattan town house to Detroit, providing identical insurance, packing and unpacking services. They were instructed to calculate the cost of packing and transporting everything except the children's toys and five suitcases.

The estimates differed. The lowest was $847. The middle bid was $966. The highest was almost double the lowest: $1,548.75.

Despite these discrepancies, the salesmen used the same techniques, uncoiling a tape measure to gauge the size of furniture, peeking into closets, and roving from basement to attic in their inspection tours. Each assured the potential customer, a housewife, that his estimate was deliberately "high," to spare her the grief of a surprise bill at the delivery point.

"Just think of me as a doctor," one of them said to her as he poked his head into a linen closet. Another asked if her husband's employer was paying for the move. If so, he promised "special" handling, costing $300, an expense he was certain the employer would not oppose. The agent whose appraisal was the lowest emphasized that his bids "always are accurate" and cautioned the housewife against his competitors. "They underestimate so they can get business," he said.

In the second McCALL'S test, agents for eight companies were requested to arrange a move from a three-room apartment in New York City to Convent Station, a suburb in New Jersey. That, too, is an interstate move, governed by an ICC regulation that requires a visual inspection of the household and a written estimate. Nevertheless, salesmen for five agents violated this rule by offering blind estimates over the telephone, without seeing the apartment. Three said their minimum fee would be $300. The fourth, basing his estimate on the apartment's size, asked for $246. And the fifth offered the bargain price of $188.

Three agents made on-the-scene surveys. One failed to submit a written estimate. His verbal bid was $243.25. The two agents who gave written estimates arrived at different prices: $168.35 and $205.80.

These two experiments graphically indicate the unreliability of agent estimates. Which van line should a housewife select in this cluster of conflicting bids?

Whenever a householder complains about being charged more than expected, agents are ready with a standard reply: "The customer is at fault. He included hundreds of pounds of furniture not shown to the salesman." Or, "At the last minute, the customer asked for 'accessory services,' which boosted the bill."

While low-balling is illegal, there is no penalty against a carrier if his estimate is far off the mark. Nor is there any ICC supervision at the weigh-in station, where a householder's belongings are put on scales to determine the major cost of most moves of more than thirty miles. At this moment of truth for the mover's estimate, the individual states—not the ICC—are in control.

State regulations customarily require that the van, with a full supply of gas and all its loading equipment aboard, be weighed before each shipment is picked up. After being loaded, the van returns to the scales to determine how much poundage has been added.

Deceptive shippers sometimes tip the scales in their own favor. A retired driver who witnessed cheating during twenty years on the road offers this warning: "There are always some scales where the state inspectors aren't too watchful. Before making a pickup, you weigh in without gas. Then you gas up, load the van with kegs of nails and maybe even a piano. In the winter, you can shovel some snow on the roof. It may not seem like much, but this way you can pick up fifty to a hundred dollars on a single trip."

The customer faces another uncertainty: Will the mover show up on schedule§ Charges of being abandoned or stranded on moving day are frequent from June through September, when 60 percent of all moves occur. This is a favorite period for moving, since it is least disruptive for school-age children. It is also the season when van lines are most selective about fulfilling agreements.

A former agent for a national line, now an independent mover in New York's Greenwich Village, tells about his experiences during the peak season:

"Remember, the money in moving is made on distance, not loading or unloading. In the summer months, the lines get all the business they can handle. But agents never say no to anyone, since there's always the possibility of a commission in it for them. You may want to move from New York to Princeton, and you think you have a date set up. To a moving company, that's a pretty short haul, and the line may abandon you for something more profitable, like a nice New York-to-Miami run. Their trucks are busy, and you're just out of luck. They won't even bother to notify you that they're not coming."

A customer who is stranded or whose move is delayed has one method of recovering his loss in time and money: a court suit. He won't get much help from the ICC or from state regulatory agencies, whose vague requirement is that carriers pick up and deliver with "reasonable dispatch."

The relationship of van drivers and helpers to the lines can create problems for the customer. Because most of their business is compressed into four months, many carriers maintain small year-round staffs. While advertisements portray van-line employees as "trained" or "skilled" moving men, drivers are frequently hired for part-time work, and inexperienced laborers are recruited off the streets. This practice produces widespread wails from unwary customers.

A much-traveled faculty member at the University of Massachusetts comments: "We always expect problems. We're surprised that so many moving men don't even know how to take a sofa through a door."

Many carriers hold their drivers responsible for the first $50 of damage in any claim against the company. The lines contend that this makes the drivers more careful. It also encourages them, while loading, to register every piece of furniture or household equipment on their bill of lading as "BE" (bent), "BR" (broken), or "CH" (chipped). Unless the customer is vigilant, he will later have a difficult time proving his possessions were damaged in the move.

Claims are a common problem, especially in interstate moves. According to ICC surveys, one of every four customers, upon unpacking, discovers something is missing or damaged.

An example of how the current claims system can work was cited by a family who moved from Des Moines to Seattle. Three weeks after the shipment was due in Seattle, the family was notified by the line that the van carrying their goods had overturned on the road. Having paid for $9,000 insurance coverage, the family expected an equitable settlement for damages and inconvenience. Two months later, the line made its "final' offer: $900—not $2,500, as the family had requested. The company's apparent arrogance prompted the householder to write his Congressman: "The accident and the resultant massive damage to our furniture is clearly the fault and responsibility of the line. Yet they have, through their deceit and sharp practices, left us with countless damaged and useless items, which they now accept no responsibility for."

The disposition of a claim rests with the line. The ICC requires only that a company acknowledge receipt of a claim within thirty days. The company then has an additional ninety days to settle—for whatever amount it considers satisfactory—or to reject the claim. Even if the moving company is blatantly at fault, the ICC has no power to intervene. Neither do the states. A disgruntled consumer has one recourse—a lawsuit.

Any other nationwide industry with millions of dissatisfied customers might be in trouble. But not the movers. They operate in a framework of federal and state regulations that favor their interests, not the consumer's. And in many areas, usually around big cities, there are no controls at all. By mandate from the ICC, the moving industry has carved out thirty-six "commercial zones," in which movers are virtually exempt from even feeble federal or local control. Bills for these short hauls (less than thirty miles) are usually determined by hourly charges, set by the carriers.

While there is little organized clamor for more rights for the consumer, the major movers have banded together to guard their interests. In Washington, the private watchdog for the billion-dollar-a-year moving industry is the American Movers Conference.

The A.M.C. sees no reason for any substantial changes in the current system. Referring to A.M.C. investigations of consumer outcries, Thomas R. Kingsley, the organization's affable general manager, says: "We have found that the number of justifiable complaints is less than one third of one percent of the total volume of interstate moves. I think it's a good record, especially since our volume of business is increasing each year and the number of complaints isn't."

Kingsley also defends the high proportion of wrong estimates. "It's an educated guess, not a contract," he asserts. "About half of all estimates are higher than the actual charges, but no one complains about these."

Major moving companies provide $175,000 a year for the A.M.C. to function from an inconspicuous brownstone building on O Street, in Washington. An additional $28,000 was raised last year solely for A.M.C. public relations. And the conference, as an autonomous member of the powerful American Trucking Associations, can call on the parent group for help if it runs into serious trouble.

While the American Movers Conference does not maintain active lobbyists, the Trucking Associations earmarked more than $128,000 for that purpose during 1966 and 1967—the nineteenth largest lobby in the capital.

Most moving-industry leaders naturally favor fewer, not more, regulations. They feel the industry is already overregulated. In 1960, however, the last time the ICC took a close look at what was going on in interstate moving, it discovered that the consumer was powerless against abuses. ICC studies revealed that prices were underestimated in 70 percent of moves; that carriers disregarded pickup or delivery commitments 30 percent of the time; and that 24 percent of shipments resulted in claims for damages or lost property.

These 1960 findings, disputed vigorously by the industry, failed to bring about any major reforms. Instead, several mild regulations went into effect January 1, 1967, which now require interstate carriers to: Give twenty-four hours' notice if charges are 10 percent or $25 higher than the estimate. Notify the customer a day in advance if delivery will be late. Provide the customer with a booklet explaining some basic ICC regulations.

So far, these changes have seemingly failed to bring about substantial improvement in long-distance service. Robert L. Rivers, associate professor of transportation and finance at the University of Massachusetts, says: "Nothing has been done to help the consumer. The organization of the moving industry remains the same. It's so loose that it's frightening; everything depends on the conscience of the agent."

After two years of observing the effectiveness of the 1967 regulations, ICC chairman

Paul J. Tierney acknowledges: "There has been measurable progress."

Tierney, however, is optimistic that the ICC can reverse this trend by cracking down hard on profligate movers. This new policy recently led to the filing of criminal and civil charges against six interstate companies. Conviction could result in fines or suspension of licensing.

The ICC's influence extends beyond interstate shipments because many states use its standards as a model. The average householder, however, may have a long wait before help arrives from the ICC. The commission relies on 150 field investigators to police two million household moves yearly, in addition to the millions of other interstate shipments under its jurisdiction. Indeed, the ICC, with its lackluster record, may be the wrong agency to supervise the moving industry. At present, the commission treats household goods like any other cargo, as if a family moving cross-country had problems similar to a commercial firm transporting its product from factory to market. The differences are obvious. A trucking company has to satisfy its commercial clients or lose their accounts. A moving-company agent has little concern about future business from a single displeased client.

There is ample proof that movers can perform satisfactorily, especially when they are closely watched. In spending $250 million a year to move servicemen and their families, the Defense Department expects much higher standards than the ICC. Servicemen have no problem with estimates, as movers compete for Defense Department contracts through competitive bidding and are given assignments by the department itself. A van line with a poor performance record faces automatic elimination from the department's list of approved carriers.

American business is also a good customer of the moving industry. Companies that pay for the transfer of thousands of employees find van lines more accommodating to them than to the average family moving at its own expense.

"These lines know we'll drop them if too many of our employees kick about service," one airline official says. "We constantly move people, and they [the lines] have a good dollars-and-cents reason to please us."

In 1969, the individual householder lacks the protection servicemen and executives of large companies enjoy. Without jeopardizing fair profits for honest moving companies, transportation experts suggest the ICC or Congress or the states could end the era of consumer harassment with three key reforms:

1. Compel carriers to release the customer's possessions when an estimate is wrong and give him sufficient time to pay the difference between the estimate and actual charges.

2. Require van lines to pay financial damages to a customer when pickup or delivery is twenty-four hours late.

3. Establish an ICC ombudsman or arbitration department, with power to investigate and settle claims that are initiated by household shippers.

The machinations of the moving industry are ripe for investigation. The Senate Commerce Committee is planning hearings into consumer complaints sometime in 1969. Predictably, movers have not greeted the prospect with hosannas. At a meeting of California moving executives, Harold J. Blaine, president of the American Movers Conference, warned his colleagues: "It will be catastrophic to our industry if hearings are held by a Senate committee and the consumer complaints aired for the benefit of the communications media. It would take us years to recover from such a stagma. You all know well enough that good news rarely catches up with bad, and such an event will be well nigh a double calamity for all of us."

TEN TIPS

1. ARRANGEMENTS: If possible, avoid moving during the peak season, June through September. The middle of a month is the best time. (This reduces the risk of being abandoned and of late delivery.) Get a written guarantee that your belongings will not be put in storage at any phase of the move. Prospects of loss and damage increase in a warehouse.

2. MOVER: Choose an agent who makes a thorough inspection of your belongings before offering an estimate. (All interstate estimates must be in writing.) In an interstate or long-distance move, don't shop around for the lowest price, since most companies have the same basic rates. There may, however, be substantial savings if you use a low-priced mover for a short "zone" move, as prices are based on manpower and time spent on the job. Estimate an extra hour's charge for the time movers spend traveling to and from their garage.

3. CREDIT: The ICC permits carriers to give anyone with good credit thirty days to pay a moving bill. Agents rarely bring up this subject; but it is your best defense against being cheated. A charge-account move gives you some economic muscle if something goes wrong. Make sure the agent puts the credit arrangement in writing. Instead of credit, the salesman may suggest an installment note, financed by a loan company. Avoid this plan. It is expensive and provides no protection against possible abuses.

4. INSURANCE: The ICC and most states place a carrier's maximum liability at 60 cents a pound for each item. Thus, if a mover loses or damages a $50 radio weighing five pounds, his maximum responsibility is $3 (five pounds times 60 cents). Don't be misled by a mover's claiming to be "bonded" or "fully insured." Check the full-value policy a carrier provides, and make sure it is backed by a reliable insurance company. If the policy seems questionable, obtain additional coverage from an insurance agency.

5. VALUABLES: Movers are exempt from liability for jewelry, negotiable bonds, cash, coin and stamp collections, and other valuables. Transport such items yourself. For possible evidence in a claim dispute, have appraisals made of antiques that will be turned over to the carrier.

6. EXPENDABLES: Sell or dispose of every stick of furniture that would be cheaper to replace than move. Don't forget, you pay for weight and packing services.

7. PACKING: Charges are based on the number of containers used. Watch out for moving men who inflate a bill by half filling containers or by packing everything in sight, including rags and old newspapers. Beware of a mover who wrongly marks cartons and invoices "Packed by owner," thereby providing his company with evidence against you in a claim.

8. REWEIGHING: At your new home, if the weight charges seem exorbitant, have the shipment reweighed before unloading. You will not be charged for this second appraisal if a discrepancy of 100 or more pounds is found.

9. UNLOADING: A mover must place the furniture as the owner directs. Unpacking is included in the price of packing, so don't let the moving men talk you into doing it yourself.

10. PROTEST: If anything goes wrong at the delivery end, do not sign the inventory sheet until you have noted every complaint, such as underestimation, losses, and damaged goods. And on the invoice add a warning: "Subject to further inspection for concealed loss or damage" or "Accepted under protest."

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. GURNEY. Mr. President, I wish to join Senators in commending the President on the complete success of his trip to Europe.

He went to strengthen and revitalize the Atlantic community and that is what he accomplished. He did it by approaching Europe with a remarkable spirit of humility, openness, and willingness to learn.

His aim was to generate "a new spirit of consultation which will result in a new spirit of confidence among our European friends and among ourselves." Judging from the reception given him, the President certainly achieved his objective.

To cite a few examples: According to the London press, President Nixon recaptured the confidence of the British Government and went far toward restoring United States-British contacts following a lapse in the closing weeks of the Johnson administration. The daily sketch said:

> It is clear that the clouded relations towards the end of President Johnson's second term have been swept away already. Now it is back to the happy period of President Kennedy and Mr. Harold McMillan. Indeed, the feeling at Downing Street last night was that it will be even closer.

Another said:

> The President made us feel our views were wanted and respected. What more can any government desire from an opening contact? The fact that Mr. Nixon chose to come to Europe so early in his term, before his policies were fixed and bureaucratic patterns frozen, was especially welcomed.

West Germans were delighted with his "sober pragmatism and his grasp of the issues," and headlined his visit to Berlin: "Rejoining, Confidence, and Congeniality."

His friendly reception in France and the cordial tone of his relations with General de Gaulle cannot but help to improve future negotiations with France, long a thorn in the side of U.S. Presidents.

The consensus everywhere was that Mr. Nixon, by convincing the Europeans of his abilities and intentions, laid a solid foundation for a new era of negotiations.

The old patterns have not worked and Mr. Nixon has attempted to provide an atmosphere of trust in which a true allegiance may yet flourish. By showing his awareness of a changed Europe he paved the way for a realistic approach to the problems that divide Europe today.

Most important, he reestablished America's desire for a close personal working relationship with its European partners. He convinced the people of Europe, who had begun to view the United States as preoccupied solely with Asia, and as tending toward an isolationist policy in the future, that America intends to honor its commitment to its allies and to consult with them before embarking on major policy decisions.

In so doing, he generated a spirit of confidence and trust between the United States and its traditional allies. Mr. Nixon's tour was not meant to offer quick solutions to difficult problems. The great problems of world diplomacy are seldom solved quickly, cheaply, or totally, as the President is the first to realize. But in these last 8 exhausting days, he has taken the first step.

The President deserves the applause of every American for a job well done.

LOS ANGELES HERALD-EXAMINER CALLS FOR PROTECTION OF ENDANGERED SPECIES

Mr. YARBOROUGH. Mr. President, many of our most beautiful and valuable species of wildlife are in danger of vanishing from the face of the earth. Such unique species as the polar bear, the snowy egret, the American bald eagle, and the timber wolf are facing extinction unless immediate action is taken to protect their breeding areas and natural habitats, and to prevent their wanton destruction by poachers and thoughtless hunters.

I have introduced a bill, S. 335, which is designed to protect many of the endangered species of fish and wildlife. My bill would prohibit the importation of illegally taken endangered species of fish and wildlife into the United States, and would prohibit the interstate shipment of any endangered domestic species taken contrary to State law. This bill is an important step in protecting the lives of many of our most valuable species such as the leopards and the American alligator—because the United States is presently the largest market in the world for the illegally taken skins and hides of these animals.

Mr. President, the Los Angeles Herald-Examiner of Sunday, January 26, 1969, contains a series of enlightening articles on the plight of our vanishing wildlife. I ask unanimous consent that these well-written informative articles, "Mystery, Wildness Is Dying," by Peter Mathiessen; "Destroying the Master Plan for Co-Existence," "Africa Never Had It So Bad," and "Bald Eagle in Trouble" be printed in the RECORD.

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

NATURE OUR VANISHING WILDLIFE: MYSTERY, WILDNESS IS DYING

(By Peter Matthiessen)

During the first two-thirds of the 20th Century, the term "conservation" has evolved from a static concept of wilderness and wildlife preservation toward a philosophy based on the maintenance, and even the development, of the whole human environment. What began as an effort to protect a part of the nation's priceless wildlife and timberland now encompasses such human factors as waste disposal and urban renewal.

Unfortunately, environmental maintenance has not kept pace with the awesome rise in human population. In the last two centuries, world population has increased more than four times, to an estimated 3.5 billion people. By the end of this century, the figure is expected to exceed six billion. The endless effects of overpopulation have made conservation—or rather its absence—a crucial factor in every serious dilemma of our time.

In effect, conservation has come to mean the protection of man's environment against man. Our gross pollution of land, water, and air has lent credibility to the grim prophecies of widespread world famine in the decades ahead. Yet the national wealth so urgently needed for anti-pollution measures, birth control and environmental research, poverty programs, and sick cities is being applied instead to developing weapons of destruction and the needless spoilation on the human environment.

The new technologies on which man pins his hopes can do much to enhance a deteriorating habitat but they cannot replace it. And if, as seems likely, our environment must further deteriorate before our follies can be brought under control, the old meaning of conservation may become lost. In the bleak light of our man-made perils, with every resource needed for epic solutions, the wild creatures that were the original objects of conservation may be abandoned altogether. Yet failure to take responsibility for the "mere animals" may be an early sign that we are reverting to mere animals ourselves.

These dark speculations are brought to mind by a release from the Office of Endangered Species of the U.S. Department of the Interior that list "78 species of wildlife . . . threatened with extinction in the United States." Like most statistics designed to influence the public, this list is somewhat padded. More than half of the 14 mammals are not "species" at all, but local races or geographic subspecies of creatures quite common elsewhere. The same is true of many of the creatures in the other classes. Some of the fishes, reptiles, and amphibians are threatened only in the sense that their range is extremely restricted.

Still, the high figure—78—is probably accurate enough. If some of these creatures are of doubtful candidacy, there are many others that could be nominated in their place. I think immediately of the golden eagle, prairie and Aplomado falcons, red-cockaded woodpecker, reddish egret, polar bear, fisher, and white-tailed prairie dog. And, since subspecies are to be included, what of the wild mustang, which ranchers have shot down like vermin? Although introduced into the Americas by the Spaniards—or reintroduced, since a native North American wild horse died out during the Pleistocene Age—the mustang has since become a part of the American bone, like the eagle and the prairie dog, the timber wolf and the grizzly bear.

It is ironic that all of our extinct birds, with the exception of the Labrador duck, were once extremely common, whereas no bird historically uncommon and still rare—the whooping crane, ivory billed woodpecker, California condor, and rare songbirds—has yet become extinct. The great auk, passenger pigeon, and Carolina parakeet fell victim to commercial slaughter. But of the many other marketable forms of birds and mammals that were endangered 50 years ago—including the sea otter and bison, the snowy egret and the golden plover—only the Eskimo curlew and the whales have not been restored to safe populations. In effect, the "commercial" species have been replaced on the endangered list by the "predators and pests": the wolves and bears, the hawks and eagles, and the prairie dogs.

The American alligator is the last North American creature whose decline is still attributable to commercial greed. For the rest, the most serious threat is loss of habitat.

Loss of habitat most often comes about through man's interference with the environment, from careless meddling to outright devastation. The introduction of exotic or foreign species, the rainbow and brown trout in western rivers, for instance, and the mongoose in Hawaii, also accounts for the endangered status of certain creatures. Man himself is, of course, an exotic species in North America, whose arrival was for other creatures the ultimate disaster. His pollution of a continent, which has amounted to near genius in its variety and rapidity, is the greatest present threat to North American wildlife.

If the Florida panther disappears, it will be a loss to all Americans who visit the Big Cypress Swamp or the Everglades—even to those who have never seen a panther, or who remind themselves that the cougar as a species still occurs from Canada to the Argentine. Evaporated from the landscape will be that mystery instilled in the quiet air by the hint of a great cat's presence, whether one ever glimpses it or not. Few ask, after all, for a glimpse of God. It is the mystery, the wildness, in our world that is dying and mystery is, by definition, irreplaceable.

DESTROYING THE MASTER PLAN FOR COEXISTENCE

LONDON.—For a billion years nature pursued its master plan of co-existence for all living things—until man came along. There were a few setbacks along the way—a change in climate destroyed the great reptiles and for some other species evolution turned out to be a one-way street to oblivion—but generally as time went by the lion learned to leave a lamb or two for his next meal.

Then came man, the carnivorous predator.

Co-existence was not, and apparently is not, for him. Today, as in the beginning, he is still killing.

It is no longer news that man is quite possibly the only mammal ever deliberately to wipe another species completely from the space of the earth. Since the start of recorded time forms of mammals have become extinct in different parts of the world, and much of this has been man's handiwork.

In the past two centuries, the process has accelerated. Some authorities believe one species of mammal dies out every year. And there are said to be between 250 and 300 "candidates for extinction"—to quote one observer—on the edge of doom.

For example, man annihilated the passenger pigeon which once darkened the skies of the United States, and the horselike quaggas, used to feed native labor in South Africa.

Man takes all the earth as his living space even where it is vital to the existence of other creatures. Where there has been a conflict with his own comfort, desires or greed there has usually been only one outcome.

Today, however, the cautious word from conservationists is that nations as well as individuals seem to be awakening to the fact priceless and irreplaceable natural resources are vanishing. In Africa and elsewhere there is a new awareness that a source of protein has been there all the time waiting to be used and that animals in the wild also represent high income from tourists.

Nepal, in fact, rehoused 22,000 natives so tourists could prowl its rhinoceros sanctuary.

All this is good if belated news for the polar bear, the giant panda, the tapir, the black rhinoceros, the otter, the blue whale and others of what conservationists call "the threatened species."

The campaign to save such species is being intensified and in this connection the Duke of Edinburgh has written a powerful warning in a new book significantly titled: "Vanishing Wild Animals of the World."

Stressing the urgency of the situation the Duke (who persuaded his wife, Queen Elizabeth, to stop wearing her leopard coat to help save the species) wrote:

"The resources of nature are not limitless and now that Man has acquired so many of the powers that used to be exercised by God, we are in grave danger of destroying the very world we live in starting with all the wild things that get in our way."

The Duke is international trustee of the World Wildlife Fund which is spearheading the campaign.

In his survey of the state of wildlife today the author of "Vanishing Wild Animals of the World" has harsh words about the United States, Canada and Mexico.

"The world would be a much richer place if the abounding wildlife resources that existed on the North American continent had been carefully conserved and harvested instead of being nearly wiped out, as happened with the bison, the fur seal and the sea otter

to name only three," he wrote. As an example of the profligate waste of an abundant natural resource the story of the near-extermination of the bison probably stands unsurpassed in recorded history.

There were bison in the millions on the ranges when the American West was won. By 1883 there were only 10,000 left and a party of hunters in North Dakota set out to kill them all. And nearly did so! Six years later a census showed only 541 left in the United States—and only then did Congress protect them.

The blue whale, the largest mammal that ever lived, is a spectacular example of humanity coming to its senses—if it is not too late. Thirty years ago there were believed to be 30,000 to 40,000 of them, often 100 feet long and 120 tons in weight, with their tongues alone weighing as much as a full grown elephant.

Now there may be no more than 650 and although they are finally completely protected the question is whether there are too few to meet for mating in the vastness of the oceans.

The Siberian tiger is going fast in China because its bones are alleged to convey physical courage and sexual prowess. The Barbary hyena is down to 400 because the hairs from its mane are regarded as a talisman.

Killing an Arabian Oryx even from a Jeep with an automatic gun is supposed to be a feat of courage so the Fauna Preservation Society rescued some of the survivors and established a breeding colony in Phoenix.

Destruction of forests and demands of pet dealers and zoos are decimating gorillas and orangutans. One dealer in the Amazon exported 480,000 skins of animals in one year, mostly to what "Vanishing Wild Animals of the World" calls "Miami pet dealers." This sort of trade, the author claimed, has nearly decimated wildlife in parts of Peru, Colombia, Venezuela, Brazil and Ecuador.

The koala bear was almost wiped out in Queensland, Australia, with 600,000 killed for their skins in 1927 alone. Now they are safely protected and increasing. But if hunters can slaughter these cuddly little fellows they can shoot anything.

Some species are hanging on tenuously:

The Mangebey monkey has been saved temporarily because of border friction between Kenya and the Somali Republic. The brow-antlered deer may survive in India only because the tribes around it are vegetarians. The numbat, an Australian anteater, has the good luck to live on the security-protected Woomera rocket range. The giant otter of Peru has been saved so far because hostile tribes attack white hunters.

But the douc langur monkey and the kouprey wild ox are becoming casualties of the Vietnam War. The aye-aye monkey of Madagascar led a charmed life because superstitious natives thought its touch meant death. Education has made them less superstititous and it could be goodbye to the aye-aye.

Russia has a good record in conservation and may unwittingly this time, be helping save the black rhinoceros of Kenya whose horn is prized in China and the Far East for its alleged aphrodisiac properties.

According to reports in Africa the Russians are selling ground stag horn as rhino horn and heavily undercutting the Mombasa market price.

This is beginning to make it uneconomic for poachers to kill the black rhino—one plus, at least, for the Communists.

AFRICA NEVER HAD IT SO BAD

JOHANNESBURG, SOUTH AFRICA.—As many conservationists see it, Wildlife never had it so bad in Africa.

Once—vast game herds are stalked by poachers, blocked by fences and dispossessed by new dams, missile bases and domestic livestock. Some are killed in the name of scientific game control. Others are afflicted by drought, disease, fires and pesticides.

The black rhino herds of Kenya were depleted over the years by hunters who wanted the horns to be powdered as an alleged aphrodisiac, for sale in the Far East.

Some experts say it has taken man less than 50 years to reduce by two-thirds the migrant wildlife that once roamed East Africa's 700,000 acres of grass and forest land.

In South-West Africa, which is more than twice as big as California, official statistics show more than a quarter million kudu, gemsbok, zebra and ostrich have been killed since 1960. This counts only hides and skins checked at auctions.

Bush fires and chronic poaching threaten an end to Kafue National Park in Zambia as a game conservation territory. During the flood season vast herds of red and black lechwe, a type of buck, come into the green grasslands. From there they are driven to the water's edge by tribesmen who spear them from canoes.

Botswana now licenses not only those whites who hunt for sport, but also tribesmen who kill game for food. This politically unpopular move came after the government discovered that many Africans, equipped with powerful rifles, had turned from subsistence hunting to commercial shooting. One firm bought 600 springbok skins in 1966 and had 10,600 in stock a year later.

Game reserves are not proving a simple answer.

As migration of wild life into reserves increases, so does pressure on the food supply for animals already there. In one year rangers culled 2,900 elephants and 2,000 hippopotamuses from Uganda's Murchison Fallas Park. A hippo can eat 150 pounds of grass a day.

Zambia's game department planned to kill between 3,000 and 6,000 elephants in Luangwa Game Reserve because of over-population was destroying vegetation and causing starvation. At the end of the dry season as many as 15,000 elephants jam the park's 3,200 square miles.

South Africa erected a 10-strand barbed wire fence around most of Kruger National Park in a vain effort to control hoof and mouth disease. Elephants merely walk through the barrier, lions crawl under it, various buck leap it and smaller beasts slip through the wire.

Drought, bush fires and unrestricted shooting in neighboring Mozambique sent thousands of elephants fleeing into the protected Kruger Park. The number increased by more than 4,000 in 1964–67.

The government culls elephant, zebra, impala, buffalo and blue wildebeeste in Kruger Park. Zebra are caught live and sold outside the reserve. Impala and blue wildebeest are shot at night. Elephant and buffalo are immobilized by drugged darts shot from helicopters and removed later when the herd has moved off.

Officials disagree on how game parks should be run. Some want them left as close to their pristine state as possible. Others insist on paved roads so the taxpayer can motor in comfort to view the animals.

Most species in Kruger are so used to cars filled with tourists that many animals panhandle food from visitors. Lions like to stretch out on the sun-warmed asphalt on chilly days. They sometimes walk alongside a slowly moving car as buck graze on the other side of the road. This prevents their prey from getting wind of them.

BALD EAGLE IN TROUBLE

EVERGLADES PARK, FLA.—The bald eagle, symbol of America's majesty and might, is eating itself toward extinction.

It isn't a high cholesterol count that is slowly killing off the magnificent bird Ben Franklin, Thomas Jefferson and John Adams made the focal point of the great seal of the United States in 1782.

"Unless we take steps to prevent it, pesticides—DDT in particular—will eventually eradicate the bald eagle," predicts Alexander Sprunt IV, the research director of the National Audubon Society.

Florida and Alaska are the last two strongholds of the bald eagle in the United States. Because of Alaska's "superfavorable" habitat, the bald eagle is in no immediate danger of extinction there.

Such is not the case in Florida, where the bald eagle population is now estimated at 200–250 pairs and is still declining. In 1966, Florida had over 300 pairs of bald eagles.

Sprunt, a 40-year-old research biologist, said Florida's bald eagle population is concentrated in four areas—the Everglades National Park, from Lake Okeechobee to Orlando, from Stuart to Jacksonville on the upper East Coast, and from Naples to Tampa Bay on the West Coast.

"The two coastal areas are in great danger," Sprunt said, "because their reproduction rate is way down—less than 30 per cent. They are barely holding their own in the Lake Okeechobee to Orlando area.

"The Everglades National Park has the healthiest bald eagle population in the United States, except possibly Southeast Alaska," Sprunt said.

There are about 55 pairs of bald eagles in the Everglades National Park, according to park naturalist William Robertson. He estimates their reproduction rate is "close to 60 per cent."

To maintain a stable population, Sprunt said eagles must have a reproduction rate of 50 per cent. "This means that half the nests must produce an eaglet each year."

Sprunt said there are four major factors pushing the bald eagle toward extinction.

Sprunt said pesticide pollution and the shooting of eagles by unknowing or uncaring persons are the most serious. The other two causes are habitat destruction and human population pressure.

"Habitat destruction is very prominent in Florida because both people and eagles like waterfront lots," he said. "And as we become increasingly mobile, more and more people are getting into the same areas as the eagles, and eagles and people don't mix."

Sprunt worries most about pesticides in the chlorinated hydrocarbon group, of which DDT is the most common. These are the so-called "persistent pesticides," so named because they have an extremely long life.

"The half life of DDT, for example, is 10 years," Sprunt said. "This means that if one pound of DDT is applied to an acre of ground in 1969, a half pound will still be there in 1979."

Vegetable farmers are the chief users of persistent pesticides in Florida, one of the nation's biggest vegetable producers.

Sprunt said pesticides are being washed in increasing volume into the lakes, rivers, canals and bays that the eagles hunt their primary food—fish.

When DDT is present in the body of eagles, Sprunt explained, it decomposes the harmones in the liver that affect the calcium metabolism of the bird.

"When the calcium metabolism of the female eagle is disrupted, it lays eggs with very thin shells. This causes death through breakage or excessive water evaporation from the egg's embryo," Sprunt said.

The danger of pesticides is compounded, he said, by their annual reapplication. "It has a snowballing effect that will continue to worsen unless it is checked."

TOWARD A MORE REALISTIC INTERNATIONAL TRADE POLICY

Mr. SAXBE. Mr. President, it has long been the policy of the United States to lower import restrictions and to liberal-

ize international trade. The price of such a foreign trade policy is, as stated by Eric White, former Director of GATT, that of "eternal vigilance."

It is time to apply the results of this vigilance and draw attention to the fact that our liberal international trade program is injuring some of our basic industries. These industries require that our country formulate a more realistic trade policy to maintain their position in the domestic market and to promote exportation of their products.

While I realize the necessity of the continuation of a policy of expanding world trade, the industries and commodities injured by this increasing liberalization must be supported by a revised adjustment assistance or a specific, flexible quota system. We must find new approaches to assist domestic activity while following our fundamental goal of ever expanding the position of the United States in world markets.

Secretary of Commerce Stans outlined the situation in his recent statement before the Joint Economic Committee. He said:

> The difficult problems . . . are not those of general principles but of particular cases. The quick growth of imports has presented a severe challenge to a number of domestic industries . . . Our trade policy . . . if it is to be successful must take into account those industries which suffer acute distress from import competition.

We should at this time think, as suggested by Secretary Stans, of amending the Trade Expansion Act of 1962 to provide better adjustment assistance to injured firms, or invoke other restrictive measures such as flexible, and hopefully temporary, quotas.

Among the domestic industries currently seeking protection against imports are those producing steel, textiles, shoes, and chemicals. A substitute for lowered tariffs must be found to keep these as well as many other industries healthy and viable in the face of increasing imports.

International trade problems are not confined to industry import protection. Our trade policy vitally affects agricultural and industrial exports as well.

At present, the European Economic Community—EEC—is contemplating the levy of a heavy internal tax on soybeans and vegetable oil products imported into member countries. Further, canned hams from Common Market countries successfully compete here with those domestically produced because of a $0.22 subsidy received by the foreign exporter. It is our hope that the community will not levy the proposed tax and that they will discontinue subsidies to agricultural exporters. However, if they fail to do this, or where the trade policies or export subsidies of other countries are unfair or discriminatory to our products, we should invoke offsetting export subsidies as well as additional restrictions to their imports. These subsidies and restrictions could then be used as leverage for agreements to reduce or phase out all subsidy supports, tax tariffs, and other trade barriers.

Foreign nations must not be allowed to continue to evade the provisions of the GATT by invoking unfair and discriminatory licensing fees, taxes, duties, or other indirect devices restricting American exports. We must establish restrictive measures against the import products of countries engaging in such practices until agreements can be negotiated to adequately reduce or remove their direct and indirect trade barriers to our exports. American exports cannot continue to be discriminated against by countries who import products freely into our country under our more liberal trade policies.

I do not endorse the quota, market sharing, or export subsidy approach to solve all the complex problems of competing in the international marketplace. However, such import restrictions and export assistance could provide the flexibility necessary for a particular industry or agricultural producer to adjust to foreign competition.

SENATE RESOLUTION 30

Mr. HARTKE. Mr. President, I am pleased to be added as a cosponsor of Senate Resolution 30, submitted by the Senator from Vermont (Mr. PROUTY) on January 21. I have supported this measure before and want to make known my support for it now.

The resolution would confer upon the Select Committee on Small Business the authority necessary for that committee to receive and to report to the Senate bills and resolutions relating to the problems of small business. Transforming this committee into a full-fledged legislative committee will more adequately guarantee that the problems of small business will receive the legislative attention they deserve. The existing committee has made diligent efforts to survey and study the needs of small businesses, but it has not yet been empowered to perform the vital legislative functions that can make such efforts more meaningful.

Legislation affecting small businesses now goes to several legislative committees which have numerous other responsibilities and burdens. The importance of small businesses to our economy and national well-being, as well as the difficult conditions now faced by many small businesses, warrants a legislative committee that can give its full attention to these matters.

CRITICAL PROBLEMS OF AIR TRAFFIC CONTROL

Mr. BROOKE. Mr. President, on January 30 I was joined by 21 Senators in a letter to Secretary of Transportation John A. Volpe, in which we expressed our concern over the critical problems of air traffic control and cited the need for vigorous action to handle the growing volume of air traffic in a safer and more efficient manner.

Since sending this letter to the Secretary, two bills have been introduced on this subject, one by the senior Senator from Indiana (Mr. HARTKE), and one by myself. I invite the attention of Senators to the reply we have now received from Secretary Volpe. I am sure that the Secretary's reply, which offers a detailed statement of the Department's views and efforts to deal with the acute personel and operating problems of air traffic control, will supply much food for thought during the consideration of this legislation.

I ask unanimous consent that the Secretary's letter and our letter of January 30 be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., January 31, 1969.

HON. JOHN A. VOLPE,
Secretary of Transportation,
Department of Transportation,
Washington, D.C.

MY DEAR MR. SECRETARY: As you know, many members of Congress have become increasingly concerned about the critical problems of air traffic control, from the standpoint of both the procedures and the personnel involved in these critical operations. There is a pressing need for more energetic action to handle the growing volume of air traffic in a safer and more efficient manner.

A matter of central importance is the personnel policy to be followed in this field. As aircraft grow larger and more numerous, and as the control technologies become ever more complex, it is imperative that personnel standards and practices be raised accordingly. More lives are at stake and more complicated tasks must be performed. These decisive facts compel us to improve incentives and working conditions to insure that fully qualified personnel are available at all times to meet the immense demands on air traffic controllers.

We believe that a great deal can and should be done under existing authority to meet the budding personnel crisis in air traffic control. We urge you to take prompt and vigorous measures to insure that this crisis is forestalled, not only by expanding the numbers of air traffic controllers but also by upgrading the standards and conditions of employment. These issues have received much discussion but little action in recent months and we earnestly hope that, in concert with the Civil Service Commission and the operating agencies, you will now take swift and effective action.

Last year more than twenty Senators cosponsored a bill to create a Commission on Air Traffic Control, specifying that the Commission would study and make recommendations concerning the whole range of operating and personnel problems in the air traffic field. Although subsequently a commission somewhat similar in purpose was appointed by Secretary Boyd, it appears to have made little, if any, progress toward proposing viable solutions. The Federal Aviation Agency has seemed to lack either the desire or the initiative to deal constructively with the acute problems of the air traffic controllers who man the systems involved.

We are considering a variety of legislative ideas bearing on these problems and will be in touch with you again in the coming months. But at the outset of your tenure as Secretary, we wished to express both our concern in this matter and our strong desire to cooperate with you in designing and implementing an effective program for air traffic control operations and personnel.

Sincerely yours,

EDWARD W. BROOKE, CLINTON P. ANDERSON, BIRCH BAYH, HENRY BELLMON, WALLACE F. BENNETT, QUENTIN N. BURDICK, CLIFFORD P. CASE, THOMAS J. DODD, PETER H. DOMINICK, THOMAS F. EAGLETON, HIRAM L. FONG, PHILIP A. HART, DANIEL L. INOUYE, JACOB K. JAVITS, LEN B. JORDAN, THOMAS J. MCINTYRE, JACK MILLER, JOSEPH M. MONTOYA, CLAIBORNE PELL, CHARLES H. PERCY, RICHARD S. SCHWEIKER, HUGH SCOTT.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., February 14, 1969.

Hon. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: Thank you for the letter in which you and other members of the Senate expressed concern about the critical problems of air traffic control. The rapid growth of the aviation industry requires a balanced air transportation system. The system needs additional airports and associated facilities, access transportation, more modernized terminal and enroute navigational systems, and more personnel to establish, maintain, and operate the total system.

Your offer of cooperation in designing and implementing an effective program for air traffic control operations and personnel is most welcome as this is a very vital part of our total requirements.

We agree that the best possible working conditions must be available at all times and that there are adequate numbers of trained air traffic controllers who are performing effectively.

There have been a significant number of positive achievements during the past year to improve the pay, training, recruitment techniques, and working conditions of the air traffic controller and to modernize the system.

On December 15, 1968, a new Civil Service Commission standard for air traffic controllers was implemented resulting in a substantial pay raise for 9,234 of our 19,038 controllers. The standard is one of a series which have provided grade raises for large numbers of controllers over the last ten years. In January 1959 the basic salary of a top working level controller was $7,030 a year; in January 1969 the same level controller has a base pay of $14,409. With the addition of possible Sunday, night, and holiday pay and an average of four hours of overtime per pay period, his annual salary can reach a range of $17,062 to $22,178 (see Exhibit 1).

A 1968 National Science Foundation Survey shows that this compares favorably with professional occupations requiring considerably more formal education. For example, the median annual government salary for chemists and biological scientists is $13,500, for physicists, $14,500, and for mathematicians $15,300 (see Exhibit 2).

Another important pay benefit for controllers, which was initiated October 1967, was obtained late in 1968. The Congress, at the Department of Transportation's request, passed legislation providing true time and one-half rates for substantial overtime work performed by air traffic controllers. This precedent setting provision is available only to personnel in positions critical to the daily operation of the air traffic control system.

In the recruitment area, the Federal Aviation Administration is now concentrating on attracting controllers at the grade GS–9 entrance level in contrast to the previously used base level of grade GS–6. In this way we hope to attract the most experienced controllers into the system as rapidly as possible and minimize the time required to reach the full performance level. This recruitment practice will now enable a new controller entering the system to progress to the full non-supervisory level in three years with an annual base salary ranging from $8,462 to $14,409 in high density locations. A recent comparison with career patterns in the Federal Bureau of Investigation and officers in the Air Force (see Exhibit 3) illustrates the controllers opportunity for rapid advancement.

Another important improvement in the past year has been the centralization of training for new air traffic controllers at the FAA Academy. This is to assure that all these controllers are given uniform training in modern training laboratories capable of simulating live air traffic conditions.

Furthermore, the FAA also initiated a pioneer effort in a recent proposal to the CSC. This would permit air traffic controllers who had served in high density facilities to move to less complex facilities without loss of pay or grade. FAA is making this effort to assure that controllers who can no longer bear the strain of high activity work are permitted to complete their careers without loss of grade or prestige. On several occasions FAA has also proposed legislative action to authorize early retirement for controllers.

In addition to innovative pay, recruitment, and training efforts, the FAA has embarked on a comprehensive modernization of its technological efforts to support the controllers in a new National Aviation System. This system provides the most modern and efficient radar and automation equipment and identification systems. This will relieve the controllers of many routine, repetitive tasks and permit them to concentrate more effectively on the decision-making aspects of the job.

We are constantly looking ahead and are working with the aviation industry to determine requirements for the National Aviation System of the future. The extent to which such a program can be implemented is dependent upon available resources. The cost of developing a National Aviation System adequate to meet the increasing amount and complexity of air traffic is presently estimated at more than 1.2 billion dollars over the next five years. To help finance this program, the Administration has proposed legislation which would result in the users of the system paying their fair share of the cost. Secretary Boyd's committee, to which you refer in your letter, is also moving forward. Its primary emphasis, however, is on the air traffic control problems of the 1980's and solutions to these problems.

We regret that we are not able to understand or comment effectively on your observation that the FAA lacks "the desire or initiative" to deal constructively with these problems. Should you have any specific information which would assist in clarifying your views, we would be pleased to comment further.

We are most appreciative of your interest in the challenging problems that confront us and trust we can count on your continued support.

Sincerely,

JOHN A. VOLPE.

EXHIBIT 1.—SALARY DATA FOR FULL PERFORMANCE NONSUPERVISORY CONTROLLERS

I. GS–13—FULL PERFORMANCE NONSUPERVISORY CONTROLLERS (HIGH DENSITY FACILITIES)

	Step 1	Step 3	Step 5	Step 10
A. Compensation excluding overtime:				
Base	$14,409.00	$15,369.00	$16,329.00	$18,729.00
Night (40 percent of time)	576.00	614.76	653.16	749.16
Sunday (40)	554.00	591.20	628.00	720.00
Holiday (8)	443.00	472.96	502.40	576.00
Total	15,982.00	17,047.92	18,112.56	20,774.16
B. Overtime:				
2 hrs. per pay period	348.92	348.92	348.92	348.92
4 hrs. per pay period	1,080.56	1,152.32	1,224.08	1,404.00
8 hrs. per pay period	2,161.12	2,304.64	2,448.16	2,808.00
16 hrs. per pay period	4,322.24	4,609.28	4,896.32	5,616.00
C. Total possible salary (including base pay, premium pay and overtime at the rate of 8 hrs. per pay period	18,143.12	19,352.56	20,560.72	23,582.16

II. GS–12—FULL PERFORMANCE NONSUPERVISORY CONTROLLERS (LESS COMPLEX FACILITIES)

	Step 1	Step 3	Step 5	Step 10
A. Compensation excluding overtime:				
Base	$12,174.00	$12,986.00	$13,798.00	$15,828.00
Night (40 percent of time)	487.00	519.44	551.92	633.12
Sunday (40)	467.00	499.20	530.46	608.80
Holiday (8)	374.00	399.36	424.32	487.04
Total	13,502.00	14,404.00	15,304.70	17,556.96
B. Overtime:				
2 hrs. per pay period	348.92	348.92	348.92	348.92
4 hrs. per pay period	912.08	973.44	1,033.76	1,186.64
8 hrs. per pay period	1,824.16	1,946.88	2,067.52	2,373.28
16 hrs. per pay period	3,648.22	3,893.76	4,135.04	4,746.56
C. Total possible salary (including base pay, premium pay and overtime at the rate of 8 hrs. per pay period)	15,326.16	16,350.88	17,372.22	19,930.24

EXHIBIT 2.—COMPARISON OF GS–13 CONTROLLER 1968 INCOME (FULL PERFORMANCE LEVEL NONSUPERVISORY) WITH 1968 NATIONAL REGISTER OF SCIENTIFIC AND TECHNICAL PERSONNEL

Scientific and technical field	Median salary (all employers)	Median salary (Federal Government)	Scientific and technical field	Median salary (all employers)	Median salary (Federal Government)
Journeyman controller (high-density facility)		[1] $18,200.24	Mathematics	$13,000	$15,300.00
Economics	$15,000	17,000.00	Biological science	13,000	13,500.00
Statistics	14,900	16,200.00	Earth and marine science	12,900	13,400.00
Computer science	14,100	13,700.00	Anthropology	12,700	16,400.00
Physics	14,000	14,500.00	Sociology	12,000	15,800.00
Chemistry	13,500	13,500.00	Political science	12,000	17,000.00
Atmospheric and space science	13,400	13,400.00	Linguistics	11,500	13,500.00
Psychology	13,200	15,500.00	Agricultural science	11,000	10,900.00

[1] Includes 2 hours per week overtime premium pay, step 3, G–S13.

Source: National Science Foundation.

Note: Number of scientists reporting, 298,000.

COMPARATIVE PROGRESSION OF AIR TRAFFIC CONTROLLER FROM ENTRY TO FULL PERFORMANCE (HIGH DENSITY FACILITY) TO NORMAL PROGRESSION OF FBI AND USAF OFFICERS

FEDERAL AVIATION ADMINISTRATION

	GS-7 [1]	GS-9 (2d lieutenant)	GS-10 (1st lieutenant)	GS-11 (captain)	GS-12 (major)	GS-13 (lieutenant colonel)
Normal entry	X	X				
1 year			X			
2 years				X		
3 years						X

U.S. AIR FORCE

Normal entry	X					
1 year		X				
3 years			X			
4 years				X		
8 years						X

FEDERAL BUREAU OF INVESTIGATION

Normal entry			X			
2 years				X		
5 years					X	
9 years						X

[1] Additional 6 months required for those who enter at GS-7. Currently recruiting at GS-9, with fallback level at GS-7.

ENTRANCE QUALIFICATION REQUIREMENTS

Federal Aviation Administration, Air Traffic Control, GS-7: 3 years general plus 1 year specialized or high aptitude test rating; or completion of 1 year graduate study leading to master's degree; or other substitutions as published in CSC Handbook X-118, GS-2152 ATCS Series (August 1968).

Air Traffic Control, GS-9: Same as above plus 1 year ATC experience.

Federal Bureau of Investigation, GS-10: LL.B.; or B.S. in accounting or auditing plus 3 years' accounting or auditing experience; or B.S. in 4-year program other than accounting or auditing plus 3 years' executive experience in business or professional capacity.

U.S. Air Force, 2d lieutenant: Academy; or advanced ROTC, or officer candidate school.

GRAZING FEE INCREASES—TESTIMONY BY SENATOR MONTOYA BEFORE U.S. SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. MONTOYA. Mr. President, the grazing fee increases which went into effect in January of this year have been the subject of much discussion. When the increases were first proposed in November of last year, I expressed my great concern over the fact that apparently this decision was not based on a comprehensive consideration of all the factors involved.

I expressed my concern to the Secretaries of the Interior and of Agriculture, respectively, and I also contacted a number of my colleagues here in the Senate and in the House of Representatives whom I knew were also equally concerned. As a result of my inquiry—and I am sure, those of other concerned Senators—the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs held 2 days of hearings on the matter last week.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of my testimony before the subcommittee last Thursday, February 27.

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

STATEMENT BY SENATOR JOSEPH M. MONTOYA, DEMOCRAT OF NEW MEXICO, BEFORE THE PUBLIC LANDS SUBCOMMITTEE OF THE U.S. SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS ON PROPOSED INCREASES IN GRAZING FEES, FEBRUARY 27, 1969

Mr. Chairman, Senator Anderson, members of the Subcommittee on Public Lands, colleagues, I appreciate the opportunity to appear before you today to testify on the crucial subject of increased grazing fees on public lands. I need not dwell on the fact that this is a subject of wide and justifiable concern.

You will hear expert witnesses today from the Department of Agriculture and the Department of the Interior, as well as witnesses from the livestock industry, conservation groups, and others who will discuss in detail various aspects of this matter. I will, therefore, not take the time of the Subcommittee to reiterate these details, nor attempt to cover ground which has or will be covered by other witnesses.

I would, however, like to express my own personal concern over the magnitude of the fee increases, and explain briefly the basis of my concern.

Before doing so, I would like to urge prompt action on legislation which is presently pending before the Subcommittee, and which addresses itself to this matter. One of the bills, S. 1063, was introduced by me on February 18, to temporarily suspend the recent fee increases in order to give this Subcommittee, and the Congress sufficient time to study the matter. A second bill, S. 716 was introduced by our colleague from Wyoming, Senator McGee, and to which I am pleased to lend my support. S. 716 would direct the Secretary of the Interior to recognize the cost of the grazing permit involved when determining the amount of the fee to be charged.

Mr. Chairman, I think it is essential to emphatically state from the outset that permittees do not object to paying fair compensation for the use of public lands. There have been some invidious charges made in reference to "special interests"—charges which are untrue, unfair, and unjustified, and are made by a few strongly biased individuals who themselves do not fully appreciate or want to understand all of the facts. The permittees want to pay what is fair, and they want to make sure that all considerations are fully taken into account. Thus, the most important question pending is what is a "fair" fee.

I cannot over-emphasize the importance of the decision which this matter places before this Subcommittee and the Congress. The ultimate decision will have a very fundamental effect upon the future of a great segment of our overall rural economy. As we sit in review here today, let us not forget for one minute that a great migration from the farms to the cities is taking place . . . that we have depressed conditions in the livestock industry . . . that our government is undergoing a growing social awareness and becoming more conscious of the need to provide a favorable climate and the opportunities within which individuals can advance through self-determination.

At the same time, we are also confronted with a decision on the part of the Departments of Agriculture and Interior to move ahead at all costs with an increase in grazing fees which portend potentially serious consequences on these considerations. Indeed, in some instances there are fears—very real fears—that this action, coupled with other rising costs of doing business, could well be the final straw that breaks the camel's back. There is genuine concern that the consequences will drive even more farmers and ranchers away from their lands and rural communities and into the already over crowded cities teeming with social unrest.

Mr. Chairman, I would like to quote directly from the U.S. Department of Agriculture report, dated November 12, 1968, and entitled "Studies, Alternatives, and Recommendations on the Forest Service Grazing Fee Issue." The report states:

"The initial impact of a fee increase would be an immediate rise in the permittee's cost of production. The amount would be directly proportional to the number of AUM's (animal unit per month) permitted. The increased expense would lead to an equal decrease in net income, since ranchers' gross income would not change materially. The reduced net income would be reflected in lower ranchers' expenditures in the local community. The size of the impact would be magnified by the multiplied effect of these expenditures."

The report goes on to state:

"A fee increase plus the loss of the permit value would affect the ranchers and the lending institution in two ways. First, the increased costs without compensating returns would leave the permittee in a much weaker position to pay off his mortgage. Secondly, the loss of permit value would remove an asset previously used as collateral. In either case the permittee would experience difficulty in obtaining future mortgages. A loss of permit value now would leave many permittees with an outstanding debt for an asset that would no longer exist."

The report further refers to the fact that an increase in grazing fees will probably cause a decline in cooperative work in the National Forests. According to the report, the Forest Service range permittees are presently contributing about $1.3 million a year towards installation, construction and maintenance of federally-owned range improvements, and it concludes:

"If cooperative work declines, the Federal Government will bear the burden in some combination of the following ways: (1) increased appropriations for necessary range improvement construction and maintenance; (2) value of federally owned land will decline due to deteriorating rangeland and watersheds; and (3) declining or lowering rates of increase in fee collections due to decreases in capacity and use."

Mr. Chairman, these quotes in and of themselves give us much to ponder over. They bring us right to the core of matter under consideration; what will be the effect of this increase on the permittees, and can such an effect be economically and socially justified.

Mr. Chairman, we in New Mexico—as in other western states—have numerous cattle and sheep ranches, but only a few, if any, of which could be classified as large, corporate-type operations. I fear that these small-to-moderate sized operations may stand to suffer the most from these increases. I have requested detailed information on the permittees in New Mexico from both the Forest Service and the Bureau of Land Man-

agement. I want to know exactly who it is that is going to be affected, and to what degree? Will they be able to absorb the level of increase projected, or will this drive them off their farms?

From preliminary information, I have ascertained that a great number of New Mexico permittees are concentrated in the Northern portion of the State. This area is among one of the more under-developed parts of the country. It has no industry to speak of. There is tremendous unemployment. It is populated principally by Spanish-speaking residents who derive at best a meager living from the land. These people graze very few animals by-and-large—maybe five, ten, or—if they're lucky—even 30 head.

In the Carson National Forest, for example, 31 percent of the permittees had permits for 1-to-5 head of livestock; 23 percent for 6-to-10 head; 13 percent for 26-to-50, and only 10 percent had permits for 50 or more head. These relatively few animals provide these people with milk and meat for their families, and a small residual income. I am greatly concerned about the effect of the fee increase on these citizens. Will it cause such grave hardships that it results in social problems of hunger . . . increased welfare rolls . . . and destruction of family life for these individuals?

I cannot foretell whether such results will occur in the immediate future, or in the next two or three years. But, I cannot help but believe that when the contemplated increases go into the fourth or fifth years—and certainly by the time the full increases take effect—the increased cost of permits for these individuals may be unduly prohibitive.

I do know from experience, however, that many problems have been created for these people of Northern New Mexico by Forest Service policies in the past. These past policies have shrunk the number and size of permits upon which a great many individuals have depended for their meager incomes. I have worked with these people and the Forest Service over the years to achieve an acceptable accommodation. I have found local Forest Service representatives in New Mexico to be most understanding and sympathetic of the problems involved. But, the policies have been set elsewhere, and many of the problems continue.

Now, we see another sizable burden placed on them through increased fees. I fully intend to make sure that Congress is well aware of what is happening. I will do all in my power to make sure the right decision is made—divorced from the day to day involvement in which some of these officials find themselves, and which may preclude their seeing the forest for the trees.

In short, Mr. Chairman, we have many economic and social considerations to weigh. We must make certain that the "fair" value that is arrived at, upon which to base the fees—whatever the value may ultimately be—takes into account each and every factor. This includes the cost of doing business for the permittees; the ramifications and implications of considerably higher fees; and, the indirect effect upon communities whose nonfarm residents depend heavily upon the business generated by local agriculture.

We are, of course, still waiting for the conclusions and recommendations of the Public Land Law Review Commission which Congress created in 1964. That Commission, as you know, was created "Because the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other and because those laws, or some of them, may be inadequate to meet the current and future needs of the American people and because administration of the public lands and the laws relating thereto has been divided among several agencies of the Federal Government, it is necessary to have a comprehensive review of those laws and laws and the rules and regulations promulgated thereunder and to determine whether and to what extent revisions thereof are necessary."

I am informed that the forage study is to be submitted by the contractor to the PLLRC sometime in March. It would seem only reasonable and wise to request recommendations from PLLRC as promptly as possible, and to take them into account in our present deliberations.

In closing, I want to again urge the Subcommittee to take action on S. 1063, to temporarily suspend the increases. I am not suggesting indefinite postponement, but only a temporary suspension to permit Congress to more judiciously sift through all of the considerations and alternative recommendations. I also want to again urge prompt and favorable action on S. 716, which Senator McGee has discussed in greater detail.

I might add that I have called upon Secretary of Agriculture Hardin, and Secretary of the Interior Hickel, urging them to temporarily rescind the increases until they, personally—as well as Congress—can more closely study the full range of implications.

Mr. Chairman, I ask unanimous consent to have printed in the hearing record at this point a copy of my letter to Secretary Hickel—a similar copy of which went to Secretary Hardin. I also ask unanimous consent to have printed in the hearing record, at the conclusion of my testimony, the text of my bill, S. 1063.

Again, thank you Senator Church for making this hearing possible. I feel confident the Subcommittee and the full Committee will act in the best interests of all concerned.

ESTONIAN INDEPENDENCE

Mr. GOODELL. Mr. President, during this week many of us have been reminded of the sad plight of the courageous Estonian people. For 51 years ago, on February 25, 1918, the Estonians declared their independence, marking the end of two centuries of suffering under the Russian czars.

This day of independence was a great moment not only for Estonia, but also for the entire world. Within a very short time the Estonians instituted their own form of democratic government under which this little country was able to make enormous economic progress and achieve outstanding educational, artistic, and cultural standards.

At the start of World War II the Estonian people, along with a host of other peoples, witnessed the disappearance of their independence in the flames of world conflagration. In mid-1940 Estonia was overrun by the Red army and in mid-July of that year was annexed to the Soviet Union. Since then, the Estonians have been suffering under totalitarian dictatorships, first under the Communists, then for a while under the Nazis, and since 1945 under the Communists again.

It is ironic, indeed, that World War II, which brought the people of Western Europe liberation from dictatorial tyranny, should have also been instrumental in subjugating Estonia, and other eastern European nations, to the Soviet empire.

It is evident that the exploited and oppressed peoples of Estonia will continue to cling to their ideals and hope of eventual freedom, it is only fitting that on this 51st anniversary of Estonia independence, we in the United States join together to pay tribute to these brave and gallant people.

REFORM SCHOOL CAN ACTUALLY MEAN SCHOOL, NOT CONFINEMENT

Mr. WILLIAMS of New Jersey. Mr. President, it is not often that the New Jersey Education Association has an occasion to call attention to the work of a rural Tennessee judge. It is even more surprising that this judge and former State legislator from a very rural section of Tennessee should happen to be the innovator of a program of this nature. I happen to know Judge Knippers and I happen to know that as a juvenile judge he does not believe that the answer to juvenile delinquency lies in confining these children to a virtual prison. He has, instead, among other things, instituted a unique program for the education and rehabilitation of these misguided young people.

Like Judge Knippers, I have long believed that confinement is not the answer to the growing problem of juvenile delinquency. The fact that most adult criminals have previously served time in a "reform" school should indicate that a new approach is needed if we are really to incorporate these alienated youths into the mainstream of society. I commend the New Jersey Education Association for taking note of this positive approach to the problem and I hope that educational institutions and juvenile courts throughout the country will be encouraged to establish similar programs and to seeking further alternatives.

I therefore ask unanimous consent that the article entitled "Our Changing Schools," published in the New Jersey Education Association's newsletter of February 9, 1969, be printed in the RECORD.

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

OUR CHANGING SCHOOLS

(By Donald S. Rosser, New Jersey Education Association)

"Reform" schools are supposed to convert problem children into law-abiding adults, but often as not they turn out life-long lawbreakers. At least one judge now prefers to sentence delinquent boys—not to a cell—but to a classroom.

The classroom is in a special school instituted by Lawrence County Judge Ottis Knippers in Lawrenceburg, Tenn. It's called Saturday Achievement School, possibly the only one of its kind in the country. Students see "character-building" films, hear talks by civic leaders, and spend Saturday afternoons on field trips.

"Many people are all too willing to stuff the kids away in a training school and forget them," Judge Knippers thinks. "They serve their time and then come back into a society that doesn't want them. Before long, they're in trouble again."

Judge Knippers started the school the day after sentencing a 15-year-old boy who had been raised without a father, whose two brothers had police records, and whose mother worked full time.

"He received no parental supervision," says Judge Knippers, "and knocked around in poolrooms. But he was bright, likeable and appealing—the most personable young shoplifter I had ever seen."

The youth had already served two terms in a state training school. "Everybody in our town knew this boy and his family," Judge Knippers reports. "We knew he wasn't getting help from anybody, but none of us did any-

thing about it. He was a cinch to graduate into big-time crime."

Instead of sending the shoplifter back to reform school, Judge Knippers put him on probation. The next day he called in the court's 15 probationers and—above their groans—announced they would henceforth attend a special class every Saturday.

Saturday Achievement School begins with a serving of hot chocolate and doughnuts. The classroom program generally includes a movie, a talk by a local business or professional leader, and a good lunch. The afternoon field trip has taken the boys through local businesses and factories, on an airport tour complete with plane ride, to the state capital, a zoo, a Civil War battlefield, and even to the Vanderbilt-Kentucky football game.

The judge knew Saturday Achievement School was on the right track when the boys began asking if they could bring along their brothers and friends. The school now even has its own basketball team.

"We hope to increase the enrollment to 60," Judge Knippers says, "and eventually establish a similar program for girls."

One boy who entered the Saturday Achievement School had deliberately flunked three of his high school subjects. "We started tutoring him," reports Judge Knippers. "The following semester he made 100 in math and 97 in English."

Another boy, a 10th grader, increased his reading ability to the 12th grade level and, for the first time, passed all his high school subjects. He became such a good student that he now helps tutor others.

"We're particularly proud of this boy," says Judge Knippers. "He's the one I put on probation for shoplifting."

NRECA LONG RANGE STUDY COMMITTEE RECOMMENDATIONS

Mr. MONTOYA. Mr. President, the gap between available REA electric loan funds and the capital needs of the rural electric cooperatives is increasing at an alarming rate. I am very concerned by the fact that REA will enter the coming fiscal year with a backlog of sound and feasible loan applications which will be the largest in the history of the REA program.

While adequate funding of some Federal programs can be postponed without serious or lasting damage to the program, this is not true of the rural electric program. The use of electricity by our farmers, ranchers and other rural residents is doubling every 7 to 10 years. The Nation's rural electric systems must have the money they need when they need it to heavy-up their facilities and build new facilities to meet this growing demand for electric power. If adequate growth capital is not available, the rural electrics will not be able to fulfill their area coverage utility responsibility in their rural service areas.

All Senators are aware, I am sure, of the outstanding economic and social benefits which the REA program and the rural electric cooperatives have brought to rural America. In my home State of New Mexico, which is well known for its wide-open spaces, only 3.3 percent of our farms and ranches had central station electric service when the REA program was launched in 1935. Last year, about 90 percent of New Mexico's farmers and ranchers were benefiting from modern electric service. This could not have been accomplished without REA low interest, long term loans to rural electric cooperatives.

The rural electric cooperatives are very much aware of the current pressures on the Federal budget and have been working hard to develop a usable means of bringing private capital into the program to supplement the present REA 2 percent interest loan program. A recent issue of the Rural Electric Newsletter, published by their service organization, the National Rural Electric Cooperative Association, carried a summary of a supplemental financing plan which has been developed by the NRECA Long-Range Study Committee.

This blue-ribbon group, composed of rural electric leaders from around the country, devoted much time, energy, and talent over the past 14 months to the development of a blueprint for the future of the Nation's 1,000 rural electric systems, which now serve some 24 million farmers and rural residents in 46 States. My home State is represented on this committee by a longtime rural electric leader in New Mexico, R. B. Moore, manager of Lea County Electric Co-op at Lovington. He also represents the rural electrics of New Mexico on the board of directors of NRECA.

When the committee was established, it was given a dual assignment; namely, to study and define the present and future long range objectives of the rural electric program and to recommend future financing which will enable rural electrics to achieve those objectives. In order to obtain the thinking of local rural electric leaders on these important subjects, the committee held six "open forum" hearings around the country during 1968.

On January 8 of this year, the committee presented its recommendations on future objectives and future financing to the NRECA board of directors, which approved the recommendations and directed that they be submitted to the rural electric membership for action at the 1969 NRECA annual meeting, being held March 16–20 in Atlantic City, N.J.

According to the Rural Electric Newsletter account, the rural electric cooperatives will be voting on a proposal to set up their own self-help financing institution, funded initially by the rural electrics themselves, which would have the capability of attracting additional capital from the private money market to supplement funds available through the present REA 2-percent interest loan program. This self-help financing institution would be owned and operated as a cooperative by the participating rural electric systems. They would capitalize it by subscription to membership and to interest-bearing capital term certificates, based on member investments, open market senior financing through the sale of long-term debentures and other types of obligations would supply the additional funds needed to meet the supplemental financing requirements of member rural electric systems.

Money would be loaned to members for purposes related to their system objectives within their statutory authority. Interest rates charged on loans would be determined by the cost of money in the open money market. Funds obtained in the open market would be blended with funds obtained at lower interest rates from member-investors in the new self-help financing institution.

Those of us who are familiar with the rural electric program are not surprised to find the rural electric cooperatives considering this self-help approach to meeting part of their future financing needs. Since its beginning, rural electrification has been a self-help program, under which the Federal Government has helped rural people to help provide themselves with central station electric service.

The Rural Electric Newsletter story stressed that the new self-help financing institution would serve solely to supplement and not in any way to supplant the existing REA loan program. Continuation of this 2 percent interest loan program at levels needed by the rural electric cooperatives is an essential part of the new financing plan.

I heartily concur with the long-range study committee's finding that the existing REA 2-percent loan program must be maintained and adequately funded for those rural electric cooperatives which must have this low-cost financing in order to be able to continue to furnish adequate electric service to their consumer-members. A trip through rural America today documents the reasons why this is essential. Many rural electric cooperatives are serving in sparsely populated or economically depressed rural areas. The only reason the rural people in these areas have electricity today is because the Federal Government has made available low-cost loans to nonprofit cooperatives organized to provide this service. If the existing REA 2 percent interest program is not funded adequately to meet the needs of these cooperatives, it would not be long before these rural areas would again be without electric service, because no profitmaking commercial utility would undertake to serve them.

On the other hand, there are rural electric cooperatives which, for a variety of reasons, including population growth, and economic development in their areas, and an assured supply of low-cost wholesale power, have achieved sufficient economic stability to be in a position to utilize supplemental financing from a nongovernment source. These cooperatives are to be commended for their expressed willingness to move to higher cost capital as they become financially able to do so.

When the rural electric co-op delegates gather in Atlantic City a few weeks from now, they will be voting on what could well become one of the most significant milestones in the history of the rural electric program. If they decide to move forward with their proposed self-help supplemental financing institution, I stand ready to be of whatever assistance I can to assure the success of this forward-looking proposal. An important way that all of us in the Congress can help is to make sure that the existing REA 2-percent interest loan program is continued and adequately funded. This is crucial to the success of the rural electrics' supplemental financing plan.

PRESIDENT NIXON'S SUCCESSFUL MISSION

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Hawaii (Mr. FONG) relating to President Nixon's trip to Europe.

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

STATEMENT BY SENATOR FONG

All America can be proud of the European mission just concluded by President Nixon. We welcome him home with warm gratitude and satisfaction over the resounding success of his first overseas trip since taking office.

I share the general feeling of Americans that President Nixon accomplished what he set out to do; namely, to build stronger ties of understanding and cooperation with our European allies. His candid approach and exchange of views; his forthright answers to questions asked by European leaders; his ability to listen and learn; his promise to consult fully—all these strengthened American-European relations and made a deep impression on those he met.

In extending closer American consultation and cooperation to our European friends, President Nixon also sought the benefit of the wisdom, judgment and experience of the heads of government in the major capitals he visited. He returned with the belief that a climate of trust is being developed—a trust on the part of the Europeans in themselves; a new trust in the United States because channels of communications and consultation have been opened; and a new trust in the future because of a confidence that together the United States and our European allies will be able to develop new understanding with those on the other side of the world who have opposed us.

On the all-important subject of Soviet-American negotiations, about which some of our allies are extremely cautious, President Nixon spoke directly and frankly:

"I have said before that we are ending a period of confrontation and entering an era of negotiation. In due course and with proper preparation, we shall enter into negotiations with the Soviet Union on a wide range of issues, some of which will directly affect our European allies. We will do so on the basis of full consultation with our allies, because we recognize that the chances for successful negotiations depend on our unity."

Furthermore, the President declared that he will not only welcome but actively seek the counsel of America's NATO partners on the questions that may affect the peace and stability of the world, whatever the part of the world in which they arise.

This pledge of extending full consultation on European issues and of seeking active counsel on world-wide questions was warmly received by our European allies. It was, as one report described, "music to allied ears," since the United States has not always followed the course of full consultation and counsel in the past.

It is particularly heartening that President Nixon's visit to Paris has restored an atmosphere of cordiality with our traditional ally, France. We can hope that a new spirit of mutual respect and confidence between our two nations will ease the strained relations of the past several years.

The gracious and sincere reception accorded our President by all the heads of governments he visited was matched by the equally enthusiastic welcome given him by the populace. The heartwarming scenes as he traveled from capital to capital during his eight-day tour completely overshadowed any attempts by unfriendly demonstrators to detract from his visit.

Although he undertook his European tour only about a month after he took office, President Nixon demonstrated his depth of understanding of international affairs, just as he has shown his grasp of domestic affairs. He has refrained from prematurely attempting dramatic breakthroughs abroad, just as he has proceeded in a quiet, orderly manner in dealing with problems on the home front.

The period of his presidency is but a few weeks old, yet already he has, through his leadership capacity, contributed significantly to improving relations with our allies in Europe, just as he has established an atmosphere of cool confidence within our Nation.

We are indeed fortunate to have a leader of his caliber, maturity, and experience to deal with the many issues of the day at home and abroad.

We are all thankful that the President has returned home safely. I am confident that the auspicious start he has made in international diplomacy will be fruitful and productive and will enhance and strengthen the cause of peace in these difficult times.

A commentary on the Nixon trip has been written by Roscoe and Geoffrey Drummond, titled "Success of Nixon Trip Proves Critics Wrong." I include the column, which appeared in the Washington Post last Saturday, in the Record:

"SUCCESS OF NIXON TRIP PROVES CRITICS WRONG

"(By Roscoe and Geoffrey Drummond)

"Those who said President Nixon's trip to Europe was premature, that it would be a waste of time at best and harmful at worst, are being proved wrong.

"Mr. Nixon set modest goals: to improve the climate of U.S.-European relations, listen, consult and candidly answer candid questions.

"He did all of these things—and more—and any time a President achieves more than he says, that's good.

"The chief dividends are these:

"Credibility: Mr. Nixon significantly reduced the credibility gap between the United States and its NATO partners by dealing with direct questions at the NATO Council of Ministers in Brussels with unusual directness. For example, he took a strong stand for keeping U.S. forces in Europe but pointed out frankly that the cost makes political problems at home. The Europeans knew this but would Mr. Nixon admit it? He did.

"Numerous NATO council members lauded the freedom with which he answered their questions and his frankness in discussing issues still unresolved within his own Administration.

"They appraised the President as a reliable, no-nonsense spokesman of the United States. One socialist ambassador frankly said that he came to Brussels with 'all the usual reservations of the European left toward the President' and departed 'impressed by his knowledge and utter frankness.'

"This is what really improved the atmosphere of U.S.-European relations and paved the way for better cooperation.

"Soviet talks: The trip was not premature; it was well timed because it is evident that wide-ranging talks with the Soviets are shaping up sooner than appeared probable, hopefully this summer.

"Mr. Nixon paved the way for undertaking them under good conditions by assuring the Europeans that on any matters affecting them he would consult them before and during such negotiations. And that no Big-Power deals would be made behind their back.

"The promises had been made before but the Europeans were impressed by the force of the President's commitment, especially his reference to the value of "pooling reins" as well as arms. They want the United States to negotiate with the Soviets but they want to be sure they are closely and continuously consulted. Mr. Nixon said they would be. They believed him. That alone makes the trip worthwhile.

"De Gaulle and Britain: The need is to keep this flare-up between Paris and London in perspective. There is no new issue here; there is no new controversy, just an old controversy coming more clearly into the open. And the more visible it becomes, the easier it is to judge it accurately.

"Bear in mind that President de Gaulle is against anything he can't dominate. He dislikes the Common Market because he can't dominate it. He took France out of NATO because he couldn't dominate it. He would like to expel all U.S. influence in Western Europe so he can dominate it. These are familiar de Gaulle attitudes and he will expound them so long as he is in office.

"De Gaulle outlines his ideas to abandon the Common Market for a larger, loosely formed free trading area to which he offers to admit the British if they will help get rid of NATO and have nothing to do with the United States.

"But Britain says no and de Gaulle asserts this proves that Britain is anti-European. The opposite is the truth. All the other members of the Common Market want Britain in it, want NATO, want to keep their ties with the United States. By attempting to thwart the wishes of the other Europeans, it is de Gaulle who is anti-European.

"Presidents Nixon and de Gaulle have talked. They disagree. So be it.

"Mr. Nixon and the other European leaders have talked. They understand each other and got along well. That's good."

DEATH OF AIRMAN RICHARD GOSSELIN

Mr. DODD. Mr. President, there are only a few human beings whose everyday lives are able to touch the lives of others and change them.

It is rare that one can say, with deep sincerity, that he is better for having known an individual.

But it seems that Airman Richard Gosselin, son of State Representative and Mrs. Richard A. Gosselin of Plainfield, Conn., was such a young man.

In a tragic accident in January at Plattsburgh Air Force Base, Richard Gosselin died.

Two letters from individuals who were privileged to know Richard, and whose lives truly felt the impact of his goodness, were printed in Connecticut newspapers. They are a fitting tribute to this fine person.

I ask unanimous consent that they be printed in the RECORD.

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

[From the Norwich (Conn.) Bulletin, Jan. 29, 1969]

A TRIBUTE TO RICHARD E. GOSSELIN

MR. EDITOR: The late Richard E. Gosselin exemplified some of the best qualities of youth.

A young man possessing an excellent reputation for industry, honesty and integrity.

He was held in high esteem, because he knew how to respect others.

A well mannered boy with a pleasing personality and a high degree of intelligence that permitted him to bridge the much talked about "Generation Gap."

He was a student, doing part-time work at our plant, when I first met him. He discharged his duties faithfully and well; and gained the love and confidence of all who were privileged to know him.

Let us hope his good parents in their dark moments of sorrow, find a degree of comfort and solace in knowing they excelled in their ability in bringing up such a fine boy; and that all of us who knew him long will remember him for his splendid characteristics, the contribution he made in maintaining confidence in our young people, and the fact that he gave his life for his country.

FRANK O'CONNELL,
Hand Craft Textile
Print Co., Plainfield.

[From the Moosup (Conn.) Journal Press, Jan. 29, 1969]

AIRMAN'S DEATH "PERSONAL LOSS" WRITER SAYS

Monday, the Journal received the letter printed below from a woman who works at the AFB in Plattsburgh, N.Y., where Airman Richard Gosselin, son of Rep. and Mrs. Richard Gosselin, of Plainfield, lost his life in a tragic accident on the Air Base, Friday, January 17th.

This woman, who knew Richard as she knew other young men stationed at the Base, suffered a great personal loss by his death as is revealed in her letter. The sincere tribute she pays Richard in this letter is straight from the heart and we hope that Richard's parents, brothers and sisters will receive some small consolation that his loss is so keenly felt by her and so many others with whom he "lived" while stationed at the New York base.

"The EDITOR,
"The Plainfield Newspaper,
"*Plainfield, Conn.*

"DEAR SIR: Last week we suffered a terrible loss here at Plattsburgh Air Force Base—our little friend Richard Gosselin was killed.

"I first met Richie on a Sunday afternoon; he came into the cafeteria: I thought he was a dependent living on base, but he said he was in the Air Force. I could hardly believe it, he looked so young. I told him I would like to have a son as nice as he, so kidding him, I said 'You can marry my daughter and I can be your mother-in-law.' So from that day on he was my friend.

"Richie came in every morning, almost every day—he was the first one to greet us at the door; he would always eat one muffin, drink his coffee and leave. I never once saw the kid with a frown on his face, always a big grin.

"I knew him about two years and during that time he never changed. I'd pass him going to church or he'd be driving a big Air Force truck. Whatever he was doing he always waved and smiled. The kid greeted everyone the same way. We all had troubles but after seeing Richie things seemed gayer like the sun shining bright once more.

"The night before he died he was sitting with his friends so I went over to greet them. I looked at Richie and said 'Your hair is lighter in front. Did you dye it?' Then I glanced at his friend Mike 'Yours is lighter too, did you dye yours? All the guys laughed at them, so I said 'I bet Mike dyes yours and you dye Mike's. What do you use Nice N Easy?' Richie said 'New Dawn.' Then the guys began laughing again. Richie said 'Your turn is coming next. I don't know what I'm going to do but you're going to get it.' So I laughed and went to finish my work.

"The next day I went to work at 2:30 in the afternoon. I went over to greet everybody and there was Richie with his big wide grin, asking me how I was. They all got up and left. Shortly after, one guy came back, pale and shaken, and said 'Little Richie is dead.' I couldn't believe it. I said he was crazy and went on with my work, trying to pull myself together. I tried to think 'it can't be Richie Gosselin.' A few minutes later Mike Scarboro and Sgt. Auerstrom came in walking slowly with their heads down. I went over to meet them. Tears streaming down their faces they said 'Little Richie is dead.' I couldn't talk or help them. I couldn't believe it, so I brought them coffee and I tried to talk to them, to help them. The three of us sat there crying and talking how wonderful he was to all of us.

"Mike said 'Did you know I never believed in God before or Heaven but I know now there's a Heaven because Richie is there and there's God because He wanted him, he was so good.'

"Anyway that evening every G.I. from the barracks came one by one to express their sorrow to us. It was so sad, like a Wake. Not one song was played on the juke box. It was as if everyone knew about Richie and suffered a loss.

"I never met Richie's parents or knew anything about him. I know that they must be wonderful people to have raised such a wonderful son. If he was poor, he never said so. If he was rich, we never knew. No task was too menial for him—he always faced each day with a smile and made a better day for each one of us—even people who didn't know him.

"His favorite song was Abraham, Martin and John. When I hear it I think of the words 'It's so good they die young.' I wonder is he trying to tell us something.

"I hope the people from Plainfield, Conn., are proud of their boy. He was only a little G.I., but he taught us something I will always remember. No matter how bleak the days are or how many troubles we have, show a little bit of consideration for our fellow man and smile. The whole world will surely smile with you as it did with our friend, little Richie Gosselin.

"God bless you and good luck.

"Sincerely,

"EMMA CROSWAIT."

(EDITOR'S NOTE.—Mrs. Croswait added in a postscript that she had just left work and was very tired but just had to write the above letter. She stated that she came originally from Newfoundland and that she had eight children of her own.)

ACIR REPORT ON STATE AND LOCAL FINANCES

Mr. MUSKIE. Mr. President, the recently published report of the Advisory Commission on Intergovernmental Relations, concerning State and local government finance, offers a guideline for developing a more effective and equitable tax system below the Federal level.

This newest report, along with the Commission's earlier study on fiscal balance in the American Federal System, comprise a thorough review and assessment of the needs and the ability of State and local tax sources to respond to ever-increasing demands and costs of government services. I urge all Members to give these reports careful review and consideration in the light of what they propose for action.

A most significant element of their report concerns the experience of Wisconsin with what is called a "circuit-breaker system." Wisconsin has been successful in shielding low-income families, the elderly, and others similarly affected, from the overloading effects of the property tax.

They have done this by granting relief to elderly homeowners on that part of their tax load which is excessive when compared to their income. In the case of the renter, Wisconsin allows similar relief on the assumption that 25 percent of the rent paid is actually for property taxes.

Wisconsin earmarked a part of the revenue gained from a new sales tax in order to reimburse the local governments. Furthermore, they have shown conclusively that it is not necessary to force low-income households through the "property tax wringer" in order to finance local services.

The result of these steps has been to convert a highly regressive tax into a proportional levy. And, it has been done at the price of modest loss to the State treasury. The 1966 cost to Wisconsin State government was only $5 million, or less than 1 percent of the total collected via property taxes. Most significantly, 60,000 low-income families gained some degree of tax relief.

The Advisory Commission report also points out that State income taxes can be broad-based, flat-rate taxes. Wisconsin's experience points out that, even with personal exemptions, they can be made to combine a revenue punch with a reasonable degree of progression. Such personal exemptions can, at the same time, protect the very poor, and can be made to adjust tax liability in view of the size of the family.

In a day and age when we hear a great deal about a threatened "taxpayer's revolt," it is important that our tax systems be made more responsive to the ability of the individual to bear the burden. There is added discussion mounting to provide for "a no-strings attached" system of sharing Federal income tax revenues with the States. Credit against Federal taxes for State income taxes paid and authority for the States and Federal Government to merge their tax collecting mechanisms are matters of immediate concern to the Congress. The significance of the Commission's report is especially notable in view of the unrelenting expenditure demands being placed upon our State and local governments, and the various suggestions already made for meeting those demands.

The characteristics of a "high quality State-local tax system" are recognized by all of us. Such a system is fair. It is convenient. It is simple, and it is productive. I believe that we should take a fresh look at the series of recommendations contained within this report, the related ACIR study on fiscal balance within the Federal system. In the weeks and months ahead, we can anticipate legislative proposals aimed at translating these findings into new public law. This is particularly so if States are to close the gap between increased expenditures and the productivity of their current revenue systems. Consumer sale, and property taxes cannot carry the load alone. How we respond to these proposals may well determine how responsive our State and local governments can honestly be expected to be to growing local needs.

LINCOLN DAY ORATION BY MASSACHUSETTS STATE SENATOR JOHN M. QUINLAN

Mr. HATFIELD. Mr. President, the Middlesex Republican Club of Boston, Mass., the oldest Republican club in the Nation, held their annual Lincoln Day Dinner on February 21, 1969. I was priv-

ileged to attend this dinner and hear State Senator John M. Quinlan deliver an oration which was a truly eloquent statement of Lincoln's relevance, wisdom, and counsel for this contemporary time of strife and division in our society. Senator Quinlan served as special assistant to Senator Leverett Saltonstall from 1960 to 1962 and now represents the second Norfolk district in the Massachusetts State Senate. Although that district is politically balanced, Senator Quinlan has won such decisive majorities of the vote in past elections that he ran unopposed in 1968. Because of the pertinence of Senator Quinlan's remarks, I ask unanimous consent that his Lincoln Day oration be printed in the RECORD.

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

LINCOLN DAY ORATION BY MASSACHUSETTS STATE SENATOR JOHN M. QUINLAN

I

"I shall go forward just as fast as I think I'm right and yet not fast enough to wreck the country's cause." He spoke in 1861 as he took the reins of a diverse and unruly nation, a nation suffering paroxisms of anguish, a nation, to many, a paradigm of despair.

He knew the danger in promising more than is achievable.

He knew (and would that the political leadership of our Nation during the eight years of our immediate experience had known) that inflated promises lead to inflated expectations.

He knew the cruelty of raising hopes too high, only to dash them against the rocks of reality.

He knew that exaggerated promises breed impatience with our orderly democratic processes—and engender contempt for our laws—those, wise restraints which keep men free.

He knew that while Moses began the emancipation of his people, he never reached the promised land. It took Joshua to complete the work.

And now, down the arches of the years we hear a voice, patient, powerful, through the stifling Miami heat: "Tonight I do not promise the millenium in the morning. I don't promise that we can eradicate poverty, end discrimination, or eliminate all danger of war in the space of four, or even eight years."

II

It is not that Lincoln felt that Americans—black or white—should complacently tolerate evil, however deeply rooted or long endured. Speaking to the Wisconsin State Agricultural Society, in September of 1859, he said, "Let us hope that by the best cultivation of the physical world beneath and around us, and the intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose course shall be onward and upward, and which, while the earth endures, shall not pass away."

That hope which he instilled we sense renewed across myriad nights and days, again from Miami. "As we measure what can be done, we shall promise only what we know we can produce, but as we chart our goals, we shall be lifted by our dreams."

Lincoln regarded universal education—not inflated promises—as the surest path toward that individual, social, and political prosperity of which he spoke.

III

But he felt strongly that with education goes obligation. In 1859 he issued a stern and phophetic warning, not only to a saddened and separating people, but also to those who, in a more materially gifted and sophisticated time, would misuse their education—as a means not of pursuing knowledge and truth, but violence and hate; not of building and lifting society, but destroying and tearing it down; not of joining in, but of dropping out. He warned that education is not a ticket to leisure, but a call to service—not an exemption from the responsibilities of this life, but a preparation for the fulfilling of those obligations which each of us owes our fellow man.

"No country," he warned, "can sustain, in idleness, more than a small percentage of its numbers. The great majority must labor at something productive."

Education equips its beneficiaries with the tools of reason and persuasion. Yet it is the disposition of some of those very beneficiaries to spurn these tools for the tactics of disruption, which we see today threatening all that we have accomplished, and our best hopes for greater achievement. Lincoln saw this in his own time. Did he not say, "I hope I am over wary; but if I am not there is even now something of ill omen amongst us. I mean, the increasing disregard for law which pervades the country—the growing disposition to substitute the wild and furious passions, in lieu of the sober judgments of courts, and the worse than savage mobs for the executive ministers of justice. Whenever this effect shall be produced among us, depend on it, this government cannot last."

In words that thunder down the ages, he warned: "Among free men there can be no successful appeal from the ballot to the bullet, and they who take such appeal are sure to lose their case and pay the cost."

And words echo once more from Miami, "Government can pass laws. But respect for law can come only from people who take the law into their hearts and their minds—and not into their hands."

IV

Lincoln never said—he never felt—and we must never think—that our Constitution and laws serve as a restraint on progress. On the contrary, he felt—and we must never forget—that our Constitution and laws are the very instruments by which the struggle for equal rights, the true American revolution, will be achieved.

In 1856, he cautioned the newly formed Republican party: "In grave emergencies moderation is generally safer than radicalism. As it now stands, we must appeal to the sober sense and patriotism of the people. We will make converts day by day; we will grow strong by calmness and moderation; we will grow strong by the violence and injustice of our adversaries; and unless truth be a mockery and justice a hollow lie, we will be in the majority after a while, and then the revolution which we will accomplish will be none the less radical from being the result of peaceful measures."

"Passion has helped us," he said, "but can do so no more. It will in the future be our enemy. Reason, unimpassioned reason, must furnish all the materials for our future support and defense."

How like the call we heard this past January morning and how equally apt: "In these difficult years America has suffered from a fever of words: From inflated rhetoric that promises more than it can possibly deliver; from angry rhetoric that fans discontents into hatreds; from bombastic rhetoric that postulates instead of persuading. We cannot learn from one another until we stop shouting at one another—until we speak quietly enough so that our words can be heard, as well as our voices."

V

We honor tonight, really, two men, separated by a century of tumultuous history, yet both knowing that the struggle for equal rights is not something which can be won at a single point in time and place for all generations.

Both understanding that the process of welding the Athenians' art of democracy with the Roman's science of government is a dynamic, never-ending process.

Both comprehending the mysterious alchemy by which the miracle of America, of national union, has been forged, across thousands of miles, through invisible cords, stretching into every valley and clearing, guiding us. Binding us all in the face of the worst that the world and our own worst nature might bring against us.

Both living in a time with their institutions caught in a savage cross-fire between uncritical lovers and unloving critics. On the one side, those who love their institutions and tend to smother them in the embrace of death, loving their rigidities more than their promise, shielding them from lifegiving criticism. On the other side, a breed of critics without love, skilled in demolition but untutored in the arts by which human institutions are nurtured and strengthened and made to flourish.

One grew up in a time and place where all was new, and saw and wanted building. The other in an era when renewal is the need.

VI

For us, as Republicans, one of these men is a political forefather to whose wise philosophy we are the proud heirs and whose words illuminate our difficult path. The other is our present leader and the leader of our Nation.

Guided as we are by the spirit of one and by the steady hand of the other, the responsibility is now squarely upon us who have called for lowered voices, to listen to those voices; on us who have called for reasoned debate and orderly dissent, to heed that debate and learn from that dissent.

Dare we—dare we who claim to follow in the footsteps of the man who recognized our Nation's greatest social injustice, turn our backs on the injustice which persists today?

We have promised so much—even without promising irresponsibly. We have so much before us to accomplish, even while undertaking only what is reasonably possible. It will take all our efforts, challenge all our thinking, try all our patience, and test all our courage to meet the commitment which we have made.

Clearly inspired by that voice from a century ago, however, our new President has pointed the way: "What has to be done has to be done by government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing: with the people we can do everything. To match the magnitude of our tasks, we need the energies of our people—enlisted not only in grand enterprises, but more importantly, in those small efforts that make headlines in the neighborhood newspapers instead of the national journals. With these we can build a great cathedral of the spirit—each of us raising it one stone at a time, as he reaches out to his neighbor, helping, daring, doing."

STATEMENT AND RECOMMENDATIONS OF THE NATIONAL RECREATION AND PARK ASSOCIATION

Mr. MONTOYA. Mr. President, on January 15, 1969, I introduced S. 18, a bill to exempt the National Park Service from employee limitations that had been imposed by the Revenue and Expenditure Control Act of 1968. I was joined in the introduction of the bill by Senators ANDERSON, BYRD of West Virginia, FULBRIGHT, GORE, HART, HARTKE, KENNEDY, MCCLELLAN, MCGEE, MCGOVERN, METCALF, MONDALE, YARBOROUGH, and WILLIAMS of New Jersey. Subse-

quently, Senator NELSON has also joined us in cosponsoring this measure.

Mr. President, I stated in introducing the bill that under existing expenditure restrictions the National Park Service had ordered all national parks and monuments to be closed for 2 days of every week. I thought then, as I do now, that this action was resulting in false economy where a number of parks were concerned—particularly in the case of Carlsbad Caverns National Park in Carlsbad, N. Mex. Carlsbad Caverns has been a profitable operation for years.

S. 18 was introduced in the interest of the millions of tourists who visit our national parks and monuments each year. It was introduced in the interest of the communities that were affected adversely by the closing down of the parks on 2 days a week.

Recently, a statement and recommendations of the National Recreation & Park Association have been brought to my attention. Aside from a number of recommendations that bear our closest attention, the National Recreation & Park Association also vividly points out the growing need for additional parks and recreation areas in the United States.

Mr. President, because of the enlightening information contained in the statement by the National Recreation & Park Association, I ask unanimous consent that the text of the statement and recommendations be printed in the RECORD. It is my sincere hope that action can be taken soon on S. 18 so that we can begin making full use of these parks and monuments that we already have and begin thinking seriously about needs for additional areas.

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

A STATEMENT AND RECOMMENDATIONS OF THE NATIONAL RECREATION & PARK ASSOCIATION

FOREWORD

The statements and recommendations reprinted in this booklet were presented to the Republican Platform Committee on July 30, 1968, and to the Democratic Platform Committee on August 20, 1968.

We presented these statements and recommendations to make known our views on national matters pertaining to parks, recreation and conservation. The questions that followed our presentations indicated to us the concern of distinguished committee members of both parties.

We are pleased with the results attained in the platform planks of both parties and wish to express our sincere appreciation to the many members of the Board of Trustees who participated in this undertaking.

The National Recreation and Park Association will continue to speak out on park, recreation and conservation issues and will make every attempt to broaden the base of communications. We urge your continued support and cooperation.

SAL J. PREZIOSO,
Executive Vice President.

SEPTEMBER 1, 1968.

STATEMENT OF THE NATIONAL RECREATION AND PARK ASSOCIATION

Introduction

The National Recreation and Park Association is a nonprofit organization with concern for leisure opportunities for all people and with concern for the enhancement of the environment and, in general, for parks, recreation, conservation, preservation and restoration.

A 63-member Board of Trustees representing a cross-section of the nation's business, professional and lay community governs the policies of the organization.

Our membership consists of over 15,000 professional and lay leaders throughout the country with interests in Federal, state, county and municipal parks and recreation systems; hospitals and institutions; colleges and universities; the armed forces at home and abroad; zoological parks and gardens; industrial recreation; private and voluntary recreation; and commercial recreation programs and services.

Preamble

Recreation is a basic human need and essential to the national welfare. We believe that the need for recreation programs, facilities and personnel is increasing rapidly due to the continued growth and urbanization of the population and because of the increase in leisure time, improved transportation and higher standards of living.

We believe that it is the responsibility of local communities to provide recreation areas, facilities and services to the people within their political boundaries through public, private and voluntary agencies. We believe that state governments have the responsibility to assist the communities by enacting adequate enabling laws; by providing advisory and information services; and by providing such complementary recreation areas, facilities and services throughout the state as may be needed.

We further believe that the Federal government has the responsibility for developing recreation resources on federally owned lands and to complement state and local programs in full cooperation with the states and their political subdivisions, without assuming responsibilities that properly rest with the states and their political subdivisions.

We believe it to be the responsibility of the executive and legislative bodies of our country to be sure that appropriate and adequate park, recreation, and conservation legislation is enacted and that assistance be given to all agencies and governments interested, concerned and/or responsible for parks, recreation, and conservation to be certain that they have adequate funds, facilities, leadership, programs and services to meet the recreation needs of our people.

Parks, recreation and the Nation

The population of our country today exceeds 200 million; predictions are that by the year 2000 our population will be 300 million.

The work week of our nation has been reduced from a 60-hour work week in 1900 to an average 39-hour work week today. Predictions are that by the year 1975 we will have a 32-hour work week.

Estimates are that participation in outdoor recreation during 1965 increased 51 percent over 1960 with projections of a 65 percent increase by 1980.

Government (Federal, state, county, and municipal) spending for parks, recreation and conservation in 1967 was at an all time high and estimated in the billions of dollars. If expenditures for these purposes by private and voluntary recreation agencies, hospitals and institutions, armed forces, and commercial recreation agencies were tabualted, the total figures would be increased by several billions of dollars. The American public spends 50 billion dollars a year on outdoor recreation pursuits alone.

Examinations and studies reveal a vast shortage of professional leadership; inadequate public facilities, and programs and services, especially in the urban areas; lack of adequate funds among public and voluntary recreation agencies to meet the recreational needs and demands of our people; a gross inadequacy of services for the disabled and retarded; and inadequate facilities and programs in our schools, institutions, hospitals and military installations.

We also find a need to advance the programs of the cultural and performing arts.

Mass public transportation facilities to reach public parks are most inadequate, especially in the large cities of our country.

No one can deny that much has been done in parks, recreation and conservation. However, much more needs to be done if we are to keep pace with our changing environment and society and the recreation needs and demands of our people.

The need for park and recreation facilities and programs is increasing rapidly due to continued population growth, increasing urbanization and mobility, technological advances and a greater public desire for recreation opportunities.

The meaningful use of leisure opportunities is essential to the national welfare. Creative leisure activities affect the moral and physical fiber of this nation.

Recommendations

General

1. We recommend the establishment of a special task force to review the recreational needs of the urban areas and to evaluate existing Federal programs in terms of meeting these needs. Professional consultants and lay citizens, together with top officials of Federal agencies and departments having an authorized responsibility in the urban areas, serving as an advisory committee, should be given the responsibility for this evaluation.

2. We recommend a continuance of programs designed to improve, enhance and protect our environment and natural resources; including but not limited to grants-in-aid to state and local jurisdictions for undergrounding utility and distribution lines, water and air pollution control, the expansion of parks and recreational areas, and highway encroachment controls.

3. We recommend that your leadership give active support and assistance to officials of local government in providing a program of recreational facilities and to be sure that they are equitably distributed throughout the community.

4. We recommend that your Party recognize the urgent need for leadership training in the park and recreation field; that colleges, universities and other training institutions be encouraged to establish practical curricula for supplying such leaders.

5. We recommend that your Party give adequate attention to finding ways and means of further strengthening the efforts of the private, commercial and voluntary recreation agencies to be certain that their vast resources and leadership will continue to make substantial contributions toward meeting the leisure time needs of our people.

6. We recommend that your Party recognize the value of recreation of rejuvenating the body and mind of individuals, the accumulating effect on the public welfare, inducement toward meaningful uses of leisure time, and the advancement of American culture.

7. We recommend that your leadership pledge the Party to promote all forms of legislation which will aid and induce governmental agencies at all levels in acquiring and developing recreational resources for the use and inspiration of the people, the preservation of the unique features and wilderness areas of our country, the beautification of our daily environment, the interpretation of our historic and cultural heritage, and in providing inspiring leadership to aid in the wholesome use of our local, state and Federal recreation resources.

8. We recommend that your Party pledge support for continual and increased amounts of Federal aid to lesser levels of government, to guard against detrimental intrusion of recreation resources and to

broaden the powers of governmental agencies in controlling the character of environment in recreation development areas and projects to the end that orderly and aesthetically attractive regional development may take place; and that the Federal Highway Act of 1966 be amended to permit more beautification and protection of the corridor of scenic highways.

Specific recommendations

1. We recommend that the office of the National Director of Youth Activities be created, centralizing responsibility for youth programs. Among the responsibilities to be undertaken would be the creation of summer youth conservation teams for 15–18 year olds and that, whenever possible, members of these conservation teams be put to work in their own locales, using existing local youth agencies for organization and supervisory work.

2. We recommend that Federal work and education programs be established under a National Service Corps for 18–25 year olds on a year-round basis to assist with park, recreation, conservation, and restoration programs.

3. We recommend that priority be given to the distressing shortage of adequate park and recreation space in the disadvantaged sections of core cities using land and water conservation funds and any other available governmental funds.

4. We recommend that a unified Federal Park and Recreation Department be created. With more than 90 Federal agencies, boards, councils and/or committees responsible for park, recreation, and conservation program services; we see a great need for a centralized approach. With an increase of Federal involvement we have had more and more fragmentation, causing competition among agencies and boards, and duplication and overlaps.

5. We recommend that your Party support and enforce the junkyard control provisions of the Highway Beautification Act of 1966.

6. We recommend that Federal grants-in-aid in adequate amounts and on a matching dollar basis be provided to local communities for demonstration projects to convert overhead electric distribution lines to underground; further, that you support the adoption of policies undergrounding distribution lines at Federal installations and facilities.

7. We recommend that you support the establishment of a Special Roads Fund to provide matching grants to states for the development of scenic road systems and to finance a Federal program for national parkways and scenic roads development.

8. We recommend that your Party pledge itself to seek legislation to permit the disposal of surplus lands at no cost to public bodies for park and recreation purposes.

9. We recommend that you support the principle that military lands be made available whenever possible for outdoor recreational use.

10. We recommend that support be given to create an urban and suburban community forestry program in cooperation with the states to protect, improve, and plant trees in every local community and that the Federal government provide the technical and financial assistance for these programs.

11. We recommend that a task force be created to examine, study and report on the adequacy of indoor recreation facilities and programs on a state-to-state basis and that steps be undertaken, as may be necessary, to improve the appropriateness and adequacy of these facilities.

12. We recommend that special attention be given to the provision of adequate quality leadership, facilities and recreation programs for the retarded and disabled in our hospitals and institutions; and that there be added emphasis to provide quality recreation programs in our military establishments both at home and abroad.

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. COOK. Mr. President, last week, the attention of the entire world was turned to President Richard M. Nixon as he left the confines of our country to visit foreign soil, in the quest for new understanding and trust among the nations of the world.

I think every American must swell with pride at the way our President presented himself during this mission of peace. He left our shores a newly elected leader of this country, on his first foreign visit. His success and acceptance abroad have shown him to be a leader of international stature.

President Nixon displayed affability, judgment, courage, understanding, and diplomacy—sometimes under trying circumstances. He has instilled renewed confidence in our American Government and its motives among people abroad.

On behalf of all Kentuckians, I congratulate President Nixon for a highly successful diplomatic mission abroad.

HISTORY OF DEVELOPMENT OF AMERICAN LEGION

Mr. HATFIELD. Mr. President, the American Legion is celebrating its 50th anniversary this year. On March 15, 1919, the first meeting of what came to be the American Legion was held in Paris, France. The history of the American Legion's foundation and early development during that year deserves the sincere interest of the Members of Congress. The current issue of the American Legion magazine features special articles about the early history of the organization. As a member of the American Legion Capital Post No. 9 in Salem, Oreg., I was intrigued to learn more fully about the events leading to the formation of the American Legion. I ask unanimous consent that these articles be entered in the RECORD.

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

THE PARIS CAUCUS: MARCH 15, 16, AND 17, 1919

Exactly 50 years ago this March 15, what turned out to be the first meeting of The American Legion was held in the American Club, 4 Rue Gabriel, Paris, France.

Present were a number of WW1 officers and enlisted men then on active duty overseas, four months and four days after the Armistice of Nov. 11, 1918.

Nobody today knows how many people were present. One vote was recorded on that Saturday, March 15, 1919, as "279 to 72 with many not voting," so there were "many" more than 351 in the hall then. The names of 463 are preserved, but others came and went without registering. It is known that many who were not registered among the 463 were there, for they served on committees. For instance, the late J. Monroe Johnson, of South Carolina, served on several committees but wasn't registered. He was for many years later a prominent national official, one of Harry Truman's political stalwarts in the Democratic party, and a tower of strength in the Legion (where he always removed his political cap and donated abounding good humor, priceless wisdom and impartial influence).

Lt. Col. Theodore Roosevelt, Jr.,[1] son of the 26th President of the United States, had joined with 19 other officers to call the Paris meeting for the purpose of forming a veterans' organization. They connived (chiefly by getting dubious orders written) to bring into Paris officers and enlisted men from as many different military units then in France as they could.

The U.S. high command didn't authorize the meeting. In fact it had to look the other way, because one of the ground rules of that first Legion meeting was most unmilitary. As men from brigadier general to private walked into the hall they shed their rank and debated as equals. (Few if any of the officers were Regulars. Like the enlisted men present the officers were already viewing themselves as civilians-soon-to-be.)

The enlisted men weren't the only ones to enjoy the "no rank here" rule and to abuse it with occasional snide remarks about officers. Even a major would now and then say something on the floor about colonels that he wouldn't repeat outside. Thus, in the second meeting, two days later, the 36th Division's Major Maurice K. Gordon (now a Madisonville, Kentucky, lawyer in his 90's), moved to adopt the name "American Legion." His chief reason was that it was the fifth and last choice of a committee named by "the brass" to recommend a name. Major Gordon's logic was so delightful that the name "American Legion" carried unanimously. When pleasingly plump Sgt. Alexander Woollcott, of later literary fame, objected to the name "American Legion" someone else called him a "fat medico" and he subsided.

But if the delegates had such fun and sport with one another, they were deadly serious about forming a veterans organization that would (1) continue in peace the comradeship that war had thrown them into, and (2) continue in peace the sense of service and dedication to America that in war had led them to offer their lives for their country.

They were determined *not* to create another Grand Army of the Republic or United Confederate Veterans, both of which got into partisan politics after the Civil War.

In this aim, Teddy Roosevelt, Jr. (a leading young Republican) and Bennett Champ Clark (a leading young Democrat from Missouri, later to serve long in the Senate and spearhead the WW2 GI Bill) joined hands together in a non-partisan gesture as early leaders of the embryo Legion.

The March 15 meeting in Paris took much time to do little business. The secretary, the late Major Eric Fisher Wood, of Pennsylvania, took the chair because Roosevelt had already been returned to the States by the Army.

Wood (whose son, Eric, Jr., was to become one of the legendary heroes of the Battle of the Bulge in WW2, fighting on alone to his death when his regiment was overwhelmed and surrendered) explained for what purpose the members of the caucus had been called through the efforts of Roosevelt and his 19 officer friends. That took a long time, as few there yet knew what was up.

Then Bennett Clark took the chair, Wood reverted to secretary, and Captain Ogden Mills moved that committees be named to draw up and submit plans for (1) permanent organization, (2) a constitution, (3) a name, and (4) a later convention in the States in 1919. Mills, scion of a wealthy New York family and later U.S. Secretary of the Treasury, also helped finance the Legion in its difficult formative months in 1919.

With the naming of committees, the March 15 meeting adjourned shortly before 6 p.m. It had been a long day.

On Sunday, March 16, the committees deliberated and prepared their reports, and there was no general meeting.

---

[1] He died of a heart attack as a Brigadier General on the Normandy beachhead one war later.

The second, and final, general meeting of the Paris Caucus assembled in the Cirque de Paris, an amusement hall that had been taken over by the Y.M.C.A., at 9:25 a.m., Monday, March 17, 1919. The only known existing photo of the Paris Caucus (not printed in the RECORD), is of that March 17 meeting. Bennett Clark called the meeting to order, but as he had to leave on military business the chair was taken by Lt. Col. Thomas W. Miller, then of Delaware and the 79th Division. Of all of those with leading roles at Paris, only Miller is still an active national Legion official 50 years later. He is the National Executive Committeeman for Nevada. In 1968 he became the sixth of the Legion's early founders to be voted the honorary title of Past National Commander, never having been National Commander.

A five-man delegation was sent to wait on President Woodrow Wilson and invite him to the caucus. Wilson was then in Paris for the peace conference. The five-man committee included three brigadier generals, a sergeant and a private. The last two—who worked on the Army newspaper *Stars and Stripes* in Paris—were Private Harold W. Ross and Sergeant John T. Winterich. Both were later editors of the American Legion's magazine, and Ross left it to found, publish and edit the New Yorker magazine until his death. They returned from their mission empty-handed. Wilson would not see them, and writer Laurence Stallings later complained of something aloof in Wilson's character which led him never to visit any of the battlefields or establish any personal rapport with the WW1 Doughboys.

Down through the years, many Legion founders have lodged one complaint about Eric Wood (who was also named an honorary Past National Commander before his death). As secretary, they said, he didn't record half of the salty stuff that was said on the floor on March 17. Perhaps Wood is to be commended for exercising a little judicious censorship in his minutes. There was intense suspicion that the 20 officers under Roosevelt who'd called the meeting had something up their sleeves. From what has come down in history by word of mouth, these suspicions were often expressed in plain language.

Even the Chief of Chaplains of the AEF, Bishop Charles Brent, came to the Cirque de Paris brooding with suspicion. He was already forming a veterans organization called Comrades in Service. But when, on March 17, the caucus approved a preamble not unlike the present Legion preamble, Bishop Brent seconded the motion, said he'd been afraid that an organization without purpose was being formed, and on the spot threw Comrades in Service into the Legion.

Though far from perfect, the reports of the four committees that had worked on Sunday are remarkable for how much they conceived in one day's work that was right, and endured

The present structure of the Legion, with state, territorial and overseas Departments, all enjoying a large degree of self-rule, was fairly spelled out by the 13-man Committee on Constitution. It included Tom Miller, Ross, Winterich and others who for years continued to give the Legion a large degree of leadership. Among the 13 were Lemuel Bolles (later National Adjutant), Milton Foreman of Chicago (also later made an honorary Past National Commander) and Frank A. White, later Treasurer of the United States.

Foreman, a wealthy lawyer (born during the Civil War and a Spanish war veteran), was the "father" of the Illinois Legion. He personally saw to it that no Illinois delegate lacked funds to attend the first national convention in Minneapolis the following November. Without personal contributions to the Legion in 1919 by such men of means as Roosevelt, Foreman, Franklin D'Olier, Mills and others, the Legion might have died, or become an ex-officer's organization. The enlisted men were turned out of the Army with little money in their pockets and often jobless. They hardly had the means to see the Legion through its expensive first year.

The Committee on Constitution in Paris wrote a preamble in one day's work which, though it differed from the final preamble, contained four of the fundamental statements that still endure.

No clear history exists that explains in detail how the Legion became semimilitary in its trappings and titles. The view of Legionnaires from the start was that the Legion is a civilian organization. Military sounding titles and uniforms were not conceived in Paris. The Committee on Constitution proposed that the officers be a president, vice-presidents, a secretary, a treasurer and a board of directors. The substitution of commanders, vice-commanders, adjutants, finance officers and judge advocates came later. The next caucus, in St. Louis in May, drafted a much more detailed proposed constitution, but strangely made no suggestion for national officers at all.

Sometime between May and November, the idea of military sounding titles came into being. The familiar commanders, vice-commanders, etc., were written into the *official* constitution at the first national convention in November without debate or anything on the written record to explain the switch from "president" to "commander." One permanent effect of that change has been that many outsiders have ever since supposed the Legion to be quasi-military—a sort of *bund* to its enemies and a loyal, reserve militia to its friends. The military titles and uniforms obscure the fact that there are only blanks in the ceremonial rifles, and that the Legion's main concern is with selfless and responsible American citizenship and service.

The delegates at Paris completely, and wisely, reversed the majority report of the Committee on Convention, headed by Col. J. H. Graham. The majority report called for selecting representatives to a later convention in the States on the basis of military units. It offered a complex plan whereby delegates should be chosen from battalions, divisions, corps, armies and supply units, etc. The same Major Gordon who sold the name "American Legion" because it was the last choice of the leadership, resisted the majority Convention report by writing a minority report. He urged that another meeting be held in the States to bring off a convention, and that representation be based on the "place of residence," not military units. This tallied closely with the report of the Committee on Permanent Organization, chaired by the same William J. (Wild Bill) Donovan who headed our "cloak-and-dagger" O.S.S. in WW2. Donovan's committee urged that at Paris an Executive Committee be named to go back home and organize locally, then have another caucus with a broader base. It agreed with Gordon's warning not to try to settle too many matters until a more representative meeting could be held. This sat very well with the more suspicious members of the Paris Caucus. The upshot was that in Paris both the Convention and Permanent Organization reports were scrapped. A special committee was given a few hours of recess to bring in a new report. Its report was adopted. The heart of it was that an Executive Committee be named, made up of men from every state. Its members should get local organization going all over the country to supplement work Roosevelt was already doing in the States. Then, in six weeks, a much larger meeting should be held in the States to iron out the problems of calling an official convention, and to make more considered suggestions for permanent organization.

Six weeks still seems pretty ambitious as a target date to have been set in Paris, but the St. Louis caucus was actually held only seven weeks later. By then there were Legion units formed or forming all over the country. (See "St. Louis Caucus.")

If anything is more remarkable than the speed with which the Legion leaped from a groping idea in Paris to a nationwide body in being, it is the enormous amount of ground covered in three days in Paris by a large, unwieldy and sometimes contentious group. The organizational skill of the Legion's founders, as put into practice, may have no parallel in American history. Eight months after Paris, at the time of the first national convention, the Legion had roots all over the country with nearly 700,000 paid up members.

THE ST. LOUIS CAUCUS: MAY 8, 9, AND 10, 1919

The proceedings of the St. Louis caucus of The American Legion fill a book 177 pages long. The Caucus met May 8, 9 and 10, 1919, at the Shubert-Jefferson Theater in St. Louis, Mo. There were 1,108 delegates registered, not a few of whose names were later misspelled when their long-hand was transcribed. Many others have since claimed, some successfully, that they were there but failed to register. Nobody knows how many more than 1,108 actually attended.

The miracle of organization, in the seven weeks since the Paris Caucus, was evidenced by the registration of delegates at St. Louis from every one of the then 48 states except North Carolina, as well as from the Hawaiian Islands and the Philippines. Five lesser veterans organizations that had formed but threw their lot in with the Legion were also represented. A sixth sent a delegate, but he was voted out of the hall because his "veterans organization" was a violent, radical group.

The Caucus showed what it meant by "to combat the autocracy of both the classes and the masses." It assailed Bolsheviks in its second order of business on May 8. On May 10 it stood in silence in the memory of President Theodore Roosevelt, because he had "defied Wall Street and every other combination," in the words of Joseph Healy, a New York advertising representative who still wore the blue of a Navy Seaman.

Thus the Caucus spoke out against both alien radicalism and the special privileges of "moneyed interests."

It covered a lot of other ground. Most important, it set up a nationwide Temporary Joint Committee, empowered to make the embryo Legion operate until its first official convention, which was set for Minneapolis on Nov. 10, 11 and 12, 1919.

To take over the Causus after Teddy Roosevelt, Jr., called it to order, and to head the Joint Committee until November, it elected Henry D. Lindsley. He was a former mayor of Dallas who had been called into the federal government to try to clean up the mess of its ill-conceived, ill-functioning and inadequate programs for the returned veterans.

Lindsley, an excellent choice, was only accepted after Roosevelt absolutely refused the leadership in spite of prolonged clamor from the floor that he be drafted over his objections.

Young Roosevelt knew what he was doing. More than any other man he had conceived the Legion and worked to make the St. Louis Caucus possible. As the son of a former President he was well-connected in every state. By telegram and letter, and in person, he had asked governors, mayors and other leading citizens in every state and major city to call local caucuses of returned WW1 veterans in March and April. The 50-man Executive Committee named at the Paris Caucus (headed by Milton Foreman of Chicago) had joined in this work in person, or by mail to home state friends if they were still in France. From these local meetings across the nation the delegations to St. Louis had been selected.

Only one shadow had marked the almost

universal enthusiasm and idealism of these earliest gatherings in every state. From New Orleans to Minnesota, from California to New York, the suspicion of secret political purpose had had to be met.

The accusation that the Legion was being formed to "deliver the soldier vote," or to "continue the influence of the 'brass' over the enlisted men in peacetime" had haunted Roosevelt's every effort. He met it by enunciating the ideals that at St. Louis were boiled into the Preamble. He met it by urging that the initial local meetings be headed by prominent citizens who were not known for their political activities, but for civic-mindedness. He met it by inviting men of both major parties, and all the former enlisted men of ability he could find, to join in the early leadership.

The delegates at St. Louis were satisfied on the political score. They clamored and demonstrated for Roosevelt to lead them.

But, because he was a nationally prominent young Republican, he told them that the country at large would not believe the political neutrality of the Legion if he should accept. And, he said, if he should now accept at their insistence after having refused, it would only look like "a grandstand play."

To get on with the election of Lindsley, instead, he surrendered the chair to Bennett Champ Clark, Missouri's most prominent young Democrat.

Later, to settle the political question *almost* for all time, the Caucus wrote into its draft constitution an absolute prohibition of the spreading of partisan principles in or by the Legion, or its support of any candidate for office. The motto became "policies, not politics." Elective Legion offices were denied anyone holding or actively seeking an elective public office. (At the Cleveland convention in 1920, an official committee urged a softening of the bar against partisan political activity in the Legion. It thought the Legion could lobby more effectively if it endorsed or condemned candidates for office by name. Under the leadership of James Boyle, of Maine, the committee's proposal at Cleveland was turned down on the floor and it has never come up again.)

For all that happened openly on the floor at St. Louis, an invisible something there did much to insure the speedy local organization of the Legion across the nation. As yet, nothing was official in the states and towns. Some informal state and post groups had formed. But none followed any set plan. They were just local clubs. By the November convention the Legion would have to be official and representative, and have behind it the catch-as-catch-can self-appointed caucuses.

It all happened that way. By November the Legion had 684,000 paid up members, and you can search long in history for another voluntary organization that grew so big so fast.

The invisible thing in St. Louis that helped bring off the Legion as a real thing all over the country was well stated in the history of the Iowa Legion by Jacob A. Swisher that the Iowa State Historical Society published in 1929:

"During the days that the (St. Louis Caucus) was in session, representatives from various states met in separate groups and formulated plans for state organizations which would carry the work forward until . . . the first state convention. The Iowa delegates met at the Planters' Hotel to perfect a temporary state organization."

Many states decided at St. Louis to do what Iowa did. They undoubtedly compared notes, since a number of states followed the same plans, including details not brought up on the floor of the Caucus. Signatures of 15 local veterans on a charter application could establish a post. Posts would get numbers beginning with 1 in each state, strictly in the order of receipt of applications.

Swisher tells of the successful race of Legionnaires from Spencer, Iowa. By Ford, rail and taxi they beat out a special delivery letter from Council Bluffs to Des Moines by a few minutes, snatching the designation "Post 1, Iowa" for Spencer and leaving "Post 2" for Council Bluffs.

For all the business that it conducted, the St. Louis Convention was colorful as well. It was officially proposed that local Legion units be called "billets." A voice from the floor said a billet was a place to sleep and the Legion didn't propose to sleep. Others said they'd already organized "posts." "Billets" was changed to "posts" without further ado.

A small assortment of drunks, crackpots and characters promoting themselves politically showed up. A nut or a drunk (the minutes don't say which) started an incoherent speech from the stage before the sergeants-at-arms threw him out bodily. By the second day, the temper of the majority of delegates took such a threatening attitude toward these jokers that they left or shut up (their antics no longer appeared in the minutes, which are extremely accurate and complete).

Many of the delegates wanted to sponsor policies that were sectional, controversial within the group, or partisan. This threatened to wreck the whole proceedings by the third day. One man put them back on the track.

Early on May 10, a preacher, the Rev. John Inzer of Alabama (later National Chaplain), took the floor and gave a hell-for-leather speech urging them not to feed the baby raw meat lest they destroy the Legion at its birth. Let anything they couldn't agree on await at least a truly representative convention, said Inzer. Don't divide the Legion by urging policies on which Americans from different areas, or of different politics or interests cannot agree. Save them for when your Legion hat is off. When it's on, be for what all good Americans can be for.

That was his gist, but Inzer pulled all the stops of an old-time revival meeting to get it across, and he got it across. Threatened division turned to unity as the delegates finished their business late on May 10 and went home to organize state conventions and local posts. They had established the machinery, clarified their purposes, resolved their differences and the rest would be up to their willingness to act.

THE FIRST NATIONAL CONVENTION: MINNEAPOLIS, MINNESOTA, NOVEMBER 10, 11, AND 12, 1919

The first national convention of the American Legion met in cold weather, with snow in the air, at Minneapolis' Lyceum Theater, on Nov. 10, 11 and 12, 1919, exactly one year after the WW1 Armistice.

Since the May caucus in St. Louis, the accomplishments of the Joint Temporary Committee under Henry Lindsley had moved forward at a terrific pace. So had those of the state delegations at St. Louis who went home and got state caucuses and conventions as well as local Posts going in the late spring and summer months of 1919.

Teddy Roosevelt, Jr., the Rev. John Inzer, and John Herbert, of Massachusetts, spearheaded a group that stumped the country speaking locally to hasten the Legion's grassroots organization. Between May and Novembre these efforts created an organization that sent delegates to Minneapolis representing 684,000 paid up members who'd joined in six months!

On July 4, the first issue of the Legion's magazine had appeared (it was then a weekly). George Ared White started it in New York (a plaque still marks the building on West 44th St.). The Legion soon directed that its magazine be one of general interest to all Americans, rather than a purely fraternal publication. With the recent folding of the Saturday Evening Post, the American Legion Magazine, in 1969, is the only surviving general interest magazine in the United States that was being published in 1919.

Under the leadership of Tom Miller, of Delaware, and Luke Lea, of Tennessee (both of whom had been in Congress before going to war), a charter for the Legion was secured from Congress and signed by President Wilson on Sept. 16.

Thus when 684 delegates assembled in Minneapolis, the foundation work had already been done. It remained to them to sanction what had gone before, refine and polish the programs and work already under way, elect permanent officers for the coming year and look to the future of a going thing.

They gave the Legion its first official Constitution (the constitutions drafted at Paris and St. Louis had no official status). In Article XIV they said: "All acts performed and charters heretofore granted by the temporary organization of The American Legion are hereby ratified and confirmed." The Convention resolved to pay back the $257,000 that 213 Founders had spent or pledged to create the Legion. The baby now stood on its own feet.

Many other actions at Minneapolis related to things and issues peculiar to the times. Yet the meeting laid almost as much groundwork for the future as had the founders. It created an emblem committee and gave it a year to seek a design for a permanent emblem. But the "temporary button design" already in use became the emblem. It set the wheels going for the Manual of Ceremonies, and directed what its tenor should be. (The Chaplain's prayers from the Legion ceremonial manual stand as masterpieces of non-sectarian prayer, equally acceptable to Protestant, Catholic, Jew, Muslim or Buddhist.) It created the Americanism Commission, and declared that the foundation of Americanism is education.

It spelled out the principle that the local Posts should not be the tail of the dog, but that local and statewide activities for community good should be the foundation on which the Legion would stand or fall.

During that first convention, news came that four Legionnaires had been shot down in cold blood by radical IWW's while marching in the Armistice Day parade in Centralia, Washington. Though the anger of the delegates knew no bounds, they staked their faith in combating anarchy through the constitutional processes of law and order, and counseled against those who called for lynch law.

The Legion hired the late Verna Grimm, widow of Post Commander Warren Grimm who had fallen in Centralia, and she was its national librarian in Indianapolis until long after WW2.

A Washington bureau was authorized as a base for legislative activity. Tom Miller and Luke Lea, former Congressmen who had secured the Legion's Charter, were named to be a two-man legislative committee.

Elihu Root (Secretary of State from 1905 to 1909, and a Nobel Peace Prize winner in 1912) proposed a complete new Preamble, but it was rejected in committee in favor of the St. Louis Preamble—and that was adopted unanimously. Hamilton Fish led the movement in Committee to preserve it.

George Brokaw Compton, of New York, and Frank Sieh, of South Dakota, were chairman and secretary of a committee that sucessfully preserved the St. Louis policy to keep the Legion out of partisan politics. Years later, Sieh was the prime mover in starting Legion Junior Baseball, beginning in South Dakota.

At Minneapolis the American Legion Auxiliary was provided for in the Constitution. A committee headed by C. J. Martin, of Kansas, urged that an organizing Auxiliary convention be called "at the earliest practicable moment."

Indianapolis was accepted as the site for

permanent national headquarters. Numerous committees which have been changed only in form were set up—such as committees on legislation, veterans employment, and "beneficial legislation."

The latter continues today as the commission on veterans' rehabilitation. Its personal services to veterans, which extend far beyond legislation, were foreseen and set in motion at Minneapolis. The Legion's own future youth programs and its rise as a major sponsor of scouting were foreshadowed by a resolution urging every Post to assist local Boy Scout troops "in whatever manner practicable." A Committee on Military Policy was formed, which endures today as the National Security Commission. A policy on overseas burial of the war dead, except when next-of-kin opt for return, was adopted. It is official federal policy today, administered under U.S. battle monuments and graves registration bodies.

There was still much to be done, but the Legion came out of Minneapolis with its purposes and its organization solid. It elected Franklin D'Olier, later to head the Prudential Life Insurance Co., as its first Nat'l Cmdr., and met in Cleveland a year later with 200,000 more members and action programs going from Washington, D.C. to Main Street.

THE LEGION'S PREAMBLE AND HOW IT CAME TO BE

PREAMBLE TO THE CONSTITUTION OF THE AMERICAN LEGION

For God and Country we associate ourselves together for the following purposes:

To uphold and defend the Constitution of the United States of America; to maintain law and order;

To foster and perpetuate a one hundred percent Americanism;

To preserve the memories and incidents of our associations in the Great Wars;

To inculcate a sense of individual obligation to the community, state and nation;

To combat the autocracy of both the classes and the masses;

To make right the master of might;

To promote peace and good will on earth;

To safeguard and transmit to posterity the principles of justice, freedom and democracy;

To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

The Preamble to the Constitution of The American Legion has often been ranked among great American documents.

One might suppose that the Preamble is the studied literary effort of many men, sharpened and refined over a period of years—or else the work of some great literary genius or democratic philosopher.

Actually, few documents that combine idealism and simplicity so beautifully are ever consciously contrived. Instead, when the hour is right, and at no other time, they may emerge as the spontaneous expression of people who are sharing with others a complete communion of strong feeling. Then, like the Declaration of Independence, they may spring easily from the heart with little conscious attempt at literary artifice or style.

That was true of the Legion Preamble. The able men who designed it were picked almost at random from among crops of able men who had found an hour when they were all in tune.

Six men did the main work on the Preamble. Three of them were seven weeks, one ocean and half a continent removed from the other three. The first three worked on the Preamble a day. The second three worked on it a night and a day. None of the six ever wrote or contributed to such an enduring document before or after. None dreamed at the time that their work would be found so perfect.

When 13 men were named to draft a tentative Constitution for the Legion at the Paris Caucus, and given one day to it (March 16, 1919), they all sensed a need for an opening statement of purpose. The chairman, Lt. Col. G. Edward Buxton (in peacetime a leading Rhode Island cotton manufacturer), named three men to draft a preamble. He picked Frank A. White, former governor of North Dakota; Redmond C. Stewart, and W. H. Curtiss (the last two officers in the 1st and 91st Divisions). The whole Paris Caucus had spent the day before discussing what purposes they had in mind. There is no record that White, Stewart and Curtiss had any trouble at all in putting together the following, which was adopted with enthusiasm the next day:

"We, the members of the Military and Naval Service of the United States of America in the great war, desiring to perpetuate the principles of Justice, Freedom and Democracy for which we have fought; to inculcate the duty and obligation of the citizen to the state; to preserve the history and incidents of our participation in the war; and to cement the ties of comradeship formed in service, do propose to found and establish an association for the furtherance of the foregoing purposes."

Anyone can find four elements in this temporary statement of purpose that are preserved to this day in the final Preamble. Those were the words that moved Bishop Brent to throw the lot of his own veteran's organization in with the Legion on the spot in Paris. (see page 11).

Seven weeks later, the Committee on Constitution at the St. Louis Caucus drafted the final Preamble. Roy C. Haines, of Maine, was the chairman. To draft a preamble he named a three-man subcommittee consisting of George N. Davis, of Delaware; Hamilton Fish, of New York and John C. Greenway, of Arizona. Fish was the chairman.

Greenway and Davis, the latter a judge, had fought in the Spanish-American War as well as in WW1, Greenway with the Rough Riders. Fish was a captain in WW1, the youngest of the three and the only one surviving today. An All-American Harvard football player in the heyday of the Big Three, he later served many years as a Congressman from New York.

The three had dinner together in St. Louis on May 8, 1919. They discussed a preamble throughout the evening, slept on it overnight and put together the bulk of the present Preamble early next morning. Ten years ago, shortly before his death in Hood River, Oreg., Judge Davis gave this magazine a copy of his rough draft of a preamble that he brought to the subcommittee meeting on the morning of May 9 as a basis of discussion. It is shown here.

What the three had to go on was (1) the Paris preamble of White, Stewart and Curtiss, (2) all the discussions of the purposes of the Legion that had gone on on both sides of the Atlantic for seven weeks and (3) a report to the Paris Caucus on March 15, by Eric Fisher Wood, of the ideas that the younger Roosevelt and 19 friends had had in mind in February 1919, before they called the Paris Caucus.

The thoughts expressed in the Preamble were already almost unanimous among the thousands who were then active in forming the Legion. In fact, on May 10, the Committee on Resolutions reported to the St. Louis Caucus after Davis, Fish and Greenway had completed their work, but before their committee had reported to the Caucus. It offered a resolution of purpose stating the same basic thoughts. That version might have been adopted had not Fish moved to have it set aside because it anticipated the report of the Committee on Constitution, still to come. The Resolutions Committee's statement of purpose was as idealistic as the final document, but it was so clumsily written that it's a good thing Fish succeeded in having it set aside.

Together, Fish, Greenway and Davis had already drafted all the ultimate Preamble on the morning of May 9, except for three phrases. They added two of these at the suggestion of E. Lester Jones of the District of Columbia, who visited them. They were: "To inculcate a sense of individual obligation . . . etc.," and "To safeguard and transmit to posterity . . . etc." When they reported to the full Committee on Constitution, it added "To preserve the memories and incidents . . . etc." The sense of these additions to the subcommittee's work had already been written into the Paris Preamble, but, according to Davis, omitted in their draft until Jones and the whole Committee on Constitution urged that they be preserved from the Paris document.

The whole Caucus at St. Louis adopted the Preamble in a matter of a minute or two, without debate, late on May 10, 1919. The only change since has been the addition of an *s* to *war* in the phrase "associations in the great wars." Until WW2 it was *"the great war."*

PRESIDENT NIXON'S TRIP TO EUROPE

Mr. CASE. Mr. President, the warm public welcome accorded President Nixon at each of his stops in Western Europe last week attests to the wisdom of his decision to make the trip at this time. While his administration could not be expected to enter into substantive talks with our European allies at so early a date, the President was able to reestablish the importance of Western Europe to the United States and our determination to work in concert wherever possible. The display of good will by and toward our President is a hopeful portent of things to come.

DEFENSE DEPARTMENT CONTRACTS WITH CAROLINA TEXTILE FIRMS

Mr. MONDALE. Mr. President, on February 8, 1969, the Department of Defense awarded $9.4 million in contracts to three Carolina textile firms on the basis of these firms' oral assurances that they would implement "affirmative action" to end discrimination. In taking this action, the DOD completely ignored and bypassed the Office of Federal Contract Compliance—OFCC—the agency charged with coordinating and overseeing the Federal contract compliance program under Executive Order 11246. DOD also disregarded the regulations promulgated under this order, which require that where discrimination is found to exist, a contractor must make a specific commitment, in writing, stating the precise action to be taken by the contractor to remedy discrimination and the dates for completion of such action; the contractor must make such a commitment before he can be found to be in compliance with the Executive order.

Findings of discrimination on the part of these three firms were made by the DOD itself, and a summary of these findings is as follows:

First. Negro male employees were being discriminated against in terms of promotion.

Second. There was discrimination in providing on-the-job training.

Third. Few Negro females were being hired in any capacity, despite the large number of white females being employed by these firms.

Fourth. Craft jobs were held by whites

only; tests used to fill these jobs were not validated and were therefore not shown to be job related.

Fifth. Housing owned by Dan River Mills for its employees was segregated; whites were provided with cottages, Negroes with "shotgun" houses.

As a result of these findings, meetings were held between the Government and each of these firms in January 1969. None of the firms made commitments at these meetings which were sufficient for either DOD or OFCC to recommend approval of their contracts. Nevertheless, Deputy Defense Secretary David Packard thought it appropriate to award these contracts on the basis of the bland, oral assurances of these firms "to do better."

What is particularly disturbing is the fact that since this initial decision, DOD awarded an additional $4½ million in contracts to two of these same firms on February 19 and 20, 1969. Furthermore, between now and March 31, 1969, there is every indication that seven of the eight largest Carolina textile firms will receive an additional $12 million in contracts from DOD.

I have therefore asked the Secretary of Labor to cancel the contracts already awarded to these firms and to direct the DOD not to enter into contracts with any of the eight largest Carolina textile firms until they have submitted a program for compliance with the Executive order satisfactory to him. Unless the recent precedent established by DOD and Deputy Secretary Packard is reversed, the Federal Government's policy against subsidizing discrimination through Government contracts is in real danger.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD.

First. Press release of February 26, 1969, which outlines this problem in more detail.

Second. My letter of February 11, 1969, to Deputy Secretary of Defense David Packard.

Third. My letter of February 17, 1969, to Secretary of Labor George P. Shultz.

Fourth. The DOD response to my letter, signed by Deputy Assistant Secretary Jack Moskowitz and dated February 25, 1969.

Fifth. A copy of the February 13, 1969, letter from Deputy Secretary Packard to Secretary Shultz, which was included with the above DOD response.

In this letter, Deputy Secretary Packard acknowledges the fact that the three firms to which the DOD already awarded $14 million in Federal contracts: First, do not provide "in detail 'specific goals and time tables for the prompt achievement of full and equal opportunity' as required by OFCC rules and regulations;" second, have not remedied the present effects of past discrimination nor submitted a plan to do so; third, that they have no meaningful plan to assure nondiscrimination in recruiting, selection, promotion and upgrading of employees; and fourth, that some company housing is segregated, but that no plan for prompt desegregation exists.

In addition, Mr. President, I ask for unanimous consent that Executive Order 11246 and section 60–1.20 of the regulations issued under that order be printed in the RECORD. This particular regulation is the one which the DOD has violated in awarding the contracts in question.

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

FROM THE OFFICE OF SENATOR WALTER F. MONDALE, FEBRUARY 26, 1969

I have today sent the following wire to Secretary of Labor George Shultz:

"Because the Department of Defense is continuing to award contracts to large Carolina textile firms who are among the most notorious discriminatory employers in the nation, I strongly urge you to take the following steps:

"(1) Cancel the DOD contracts already awarded to J. P. Stevens, Burlington Mills, and Dan River Mills on February 8, 1969, February 19, 1969, and February 20, 1969 because of the failure of these contractors 'to comply with the non-discrimination provisions' of their contracts. Authority for such action exists in Sec. 209(a)(5) of Executive Order 11246.

"(2) Provide that DOD 'shall refrain from entering into further contracts' or extensions of existing contracts with these three firms until you are satisfied that these contractors will comply with the Executive Order banning discrimination in employment by Federal contractors. Authority for such action exists under Sec. 209(a)(6) of Executive Order 11246.

"(3) Exercise the authority granted to you under Executive Order 11246, Sec. 211, and direct DOD not to enter into contracts with any of the eight largest Carolina textile firms until they have submitted a program for compliance with the Order satisfactory to you."

I have taken such action because of the following events.

On February 8, 1969, the Deputy Secretary of Defense, David Packard awarded $9.4 million in federal contracts to three Southern textile mills under investigation for discrimination in employment policies. In doing so, he did not consult with or seek the concurrence of the Office of Federal Contract Compliance, (OFCC), the agency charged with formulating guidelines and coordinating contract compliance.

As a result of findings by a DOD investigating team that these three firms did in fact discriminate against Negroes in hiring, promotion and other practices, assurances to remedy these deficiencies were sought; at this point, neither OFCC nor DOD would recommend approval of their contracts.

Secretary Packard then unilaterally awarded the contracts to these three firms after their Presidents had assured him that they would implement "affirmative action plans" to achieve the results contemplated under the Executive Order.

On February 19, and February 20, 1969, DOD, again by passing and ignoring OFCC, awarded approximately $3½ million in contracts to J. P. Stevens and a $1 million to Burlington Industries. And there is every indication that between now and March 31, DOD will award another $12 million to 7 of the 8 firms involved in a major compliance review of civil rights practices of the Carolina textile industry undertaken by OFCC and DOD in January, 1968.

In response to my letter to Secretary Packard on February 11, 1969 (copies of which are available) asking to be informed of the terms of the assurances given to him by these firms, I received a copy of a letter written by Mr. Packard to Secretary Shultz. In his letter, Mr. Packard admits that the companies to which he has awarded $14 million in DOD contracts

(1) do not provide "in detail 'specific goals and time tables for the prompt achievement of full and equal opportunity' as required by OFCC rules and regulations."

(2) have not remedied the present effects of past discrimination nor submitted a plan to do so;

(3) that they have no meaningful plan to assure nondiscrimination in recruiting, selection, promotion and upgrading of employees;

(4) and that some company housing is segregated, but that no plan for prompt desegregation exists.

However, based on these companies' assurances in effect "to do better", he awarded the contracts. The subsequent contracts to J. P. Stevens and Burlington Industries were awarded on the basis of Secretary Packard's recent precedent.

Mr. Packard implicitly concedes in his letter that no *written* commitments were obtained from these companies. It is also clear that nothing more was obtained than a promise to implement "affirmative action".

Secretary Packard's action, therefore, is in clear violation of the following Regulation issued by the Secretary of Labor under the authority of Executive Order 11246; (copies are on hand)

"Sec. 60–1.20 Compliance reviews

"(b) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, it must make a specific commitment, in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion. The time period allotted shall be no longer than the minimum period necessary to effect such changes."

The assurances received by Secretary Packard violate this regulation in three respects:

(1) The commitment was not in writing.

(2) The commitment did not include any "precise action to be taken."

(3) There was no mention of any "dates of completion" for the action to be taken by the companies.

Similar requirements are also contained in DOD's own Regulations.

I believe several issues are at stake here.

1. Whether or not the Federal Government will award contracts to firms engaging in these discriminatory practices on the basis of vague oral promises to try harder;

2. Whether or not DOD will award these contracts in violation of both Department of Labor regulations and DOD regulations.

3. And whether or not DOD will make a shambles of federal contract compliance by bypassing and failing to consult the agency charged with responsibility in this matter, OFCC.

I would like some answers to these questions and I have not yet received them.

This Executive Order is a vital step in a long and continuing struggle to eliminate discrimination in this country. Its purpose is to guarantee our minority citizens a fair shake by government contractors in hiring, promotion, and job training. DOD's actions in the past month may be an ominous sign that the new Administration is not committed to ending government subsidized discrimination.

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., February 11, 1969.

HON. DAVID PACKARD,
Deputy Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I am most concerned that the Department of Defense has approved contracts totaling $9.4 million with three Southern textile companies—J. P. Stevens, Dan River Mills, and Burlington Industries.

Under a textile program plan agreed to by the Department of Defense, the Equal Employment Opportunity Commission, the Department of Justice, and the Office of Federal Contract Compliance in January, 1968, OFCC and DOD agreed to review the employment policies of the eight largest Southern Textile firms. The Department of Defense also agreed to consult OFCC and to obtain their concurrence before approving any contracts with these companies.

Essentially, there were three primary complaints against the larger of these companies, including the three involved in the above contracts:

1. Company owned housing for employees was segregated;

2. Few Negro females were being hired, despite the large number of white females employed by these firms;

3. Negro male employees were being discriminated against in terms of promotion.

After an extensive review of these complaints and others, meetings were held between the government and each of the three firms in question in January, 1968. None of the firms made assurances at these meetings which were sufficient for either DOD or OFCC to recommend approval of their contracts.

However, on February 8, 1969, your office announced that contracts with each of these firms were approved on the grounds that the companies had promised "affirmative action" to comply with the Federal Government's regulations banning discrimination in employment on the part of government contractors. Since the terms of the agreements have not yet been announced, I am in no position to determine whether there can be any expectation of compliance on the part of these companies. I would therefore appreciate it if you would inform me as to the content of each of those agreements.

Regardless of the terms of the agreement, I am most disturbed by the fact that these contracts were approved *without* even consulting OFCC, much less obtaining their concurrence. In fact, as of February 11, 1969, OFCC did not even know the terms of the "affirmative action" plan agreed to by these companies.

While the first line of responsibility for enforcement of Executive Order 11246 rests with the contracting agency, it is OFCC's responsibility to establish general government policy for contract compliance and to oversee the contract compliance programs of the various government agencies to assure a consistent policy. OFCC's role in the present case was even clearer, since it was spelled out by the textile program plan agreed to by the Department of Defense. Since OFCC was completely ignored by DOD when it entered into this particular settlement, it was obviously unable to evaluate the terms of this settlement.

I therefore urge you to hold up DOD approval of these contracts for the purpose of informing OFCC of the settlement and seeking their concurrence. One of the primary dangers in the procedure followed by the Department of Defense is that if OFCC *does* object to the settlement, as a practical matter, it can only move to bar these companies from bidding on other federal contracts.

I also urge you to consult with OFCC in the future before approving contracts in which OFCC has expressed an interest. To by-pass OFCC in these matters will cause chaos and confusion in the government's contract compliance program.

Executive Order 11246 clearly reflects the policy of the Federal Government that it must not subsidize discrimination. The textile program plan agreed to by all relevant agencies, (including DOD) to deal with employment discrimination in the textile industry was in furtherance of this objective. Your action in approving these contracts clearly jeopardizes that plan.

Sincerely,

WALTER F. MONDALE.

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., February 17, 1969.

Hon. GEORGE P. SHULTZ,
Secretary of Labor,
U.S. Department of Labor,
Washington, D.C.

DEAR SECRETARY SHULTZ: It is my understanding that you have undertaken a complete review of the recent Department of Defense decision to award contracts to three Southern textile firms. As you may know, I expressed my concern to Deputy Secretary Packard about the fact that the OFCC was apparently by-passed in reaching this decision; in addition, I also asked the Deputy Secretary to inform me as to the terms of the agreement reached between these firms and the Department.

I am pleased that you are in the process of reviewing the entire matter. What particularly concerns me is that the Deputy Secretary's action may have disrupted the procedure established to assure that government contractors, such as these three firms, do not practice discrimination.

I would therefore appreciate it if you would inform me as to the role of the Department of Labor and the Office of Federal Contract Compliance, not only in regard to the contracts already awarded to these three firms, but also in regard to contracts presently under consideration between the Department of Defense and the other large textile firms located in the South. I would also like to know what you have learned from the Department of Defense concerning the terms of the assurances obtained from J. P. Stevens, Dan River Mills, and Burlington Industries.

Since it is still unclear as to exactly what procedures were followed by the Department of Defense in this matter and since there has been no disclosure of the terms of the assurances obtained from the three firms in question, it would be helpful if you could supply me with the information requested as soon as possible.

Sincerely,

WALTER F. MONDALE.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., February 25, 1969.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: This is in response to your 11 February 1969 letter regarding the Department of Defense equal employment opportunity compliance efforts in the textile industry.

The Department of Defense has conducted this program cooperatively with the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance, Department of Labor. This effort started in January 1968. To date, more than sixty-five textile compliance reviews have taken place and significant progress has been made.

After the completion of the compliance reviews of the facilities of Dan River Mills, Burlington Industries and J. P. Stevens, Defense Supply Agency, the agency responsible for contract compliance operations, conducted intensive negotiations with these companies. The Office of Federal Contract Compliance, Department of Labor and the Department of Justice were consulted and kept fully informed of these negotiations.

The Defense Supply Agency found the affirmative action plans of these companies deficient in specific areas. The Deputy Secretary of Defense discussed these deficiencies with the chief executives of the three companies. They assured him that their companies would implement affirmative action plans to achieve the results contemplated under the Executive Order. On the basis of these assurances, the decision was made to proceed with the pending award. The Department of Labor was consulted before this action was taken.

The enclosed report to the Secretary of Labor by Secretary Packard details these events.

Secretary Packard will receive quarterly progress reports on these companies. These reports will be made available to the Department of Labor and they will be consulted.

It is our intent to fully meet all our responsibilities under Executive Order 11246.

Sincerely,

JACK MOSKOWITZ,
Deputy Assistant Secretary (Civil Rights and Industrial Relations).

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., February 13, 1969.

Hon. GEORGE P. SCHULTZ,
Secretary of Labor,
Washington, D.C.

DEAR MR. SCHULTZ: This is in response to your 12 February 1969 request for a report on the Department of Defense EEO compliance efforts with Dan River Mills, Incorporated, Burlington Industries, Incorporated, and J. P. Stevens and Company, Incorporated.

The Director, Defense Supply Agency is the Deputy Contract Compliance Officer for the Department of Defense and is responsible for contract compliance operations. DSA completed compliance reviews of Dan River Mills facilities on 26 January 1968. J. P. Stevens reviews were completed in August 1968, and Burlington Industries on 23 September 1968. Negotiations between DSA and these companies have been continuous since the time of their reviews. The Office of Federal Contract Compliance has been kept fully informed of these negotiations.

During the negotiations DSA received guidance on the implementation of the 28 May 1968 Rules and Regulations, OFCC policy memoranda, and recent court decisions.

DSA's final position with these companies was discussed at conferences at DSA headquarters level in late January 1969.

The concept of affirmative action is an evolving one. Successful practices, court decisions, and experience define its meaning more clearly. Much knowledge has been gained in the past year. This has resulted in new policy guidance and the need to give contractors an opportunity to react with plans to these changing concepts. This occurred during the textile negotiations and understandably resulted in lengthy negotiations and some misunderstanding between the companies and government officials. These misunderstandings are now dispelled.

Actual results in terms of employment of minority applicants and treatment of employees without regard to race, creed, color or national origin determine whether a contractor is in compliance with the Executive Order. The contractor is in the unique position to decide which is the best method for his organization to achieve these required results.

In my discussions with the chief executives of Dan River Mills, Burlington Industries and J. P. Stevens, the deficiencies found by DSA were discussed. They were in the following areas:

1. The companies do not provide in detail "specific goals and time tables for the prompt achievement of full and equal employment opportunity" as required in Section 60–1.40 of the OFCC Rules and Regulations.

2. OFCC policy and recent court decisions require that contractors remedy the present effects of past discrimination. Acceptable contractor programs to meet this requirement have yet to be formulated.

3. The companies have not provided a meaningful plan to assure fairness and nondiscrimination in recruiting, selection, placement, promotion, and upgrading.

4. There still remains some company housing that is occupied on a segregated basis. A plan for prompt desegregation is needed.

The chief executives have assured me that their companies will implement affirmative action plans to achieve the results contemplated under the Executive Order. I intend to

personally monitor this program and have asked for quarterly reports. The first report will cover 1 February 1969 through 30 April 1969. The Department of Defense compliance staff has been asked to keep the Office of Federal Contract Compliance fully informed and to seek the assistance offered in their letter of 6 February 1969.

I plan to keep you fully advised and will consult with you on any further actions.

Sincerely,

DAVID PACKARD.

EXECUTIVE ORDER NO. 11246: EQUAL EMPLOYMENT OPPORTUNITY

Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

PART I—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice.

SEC. 102. The head of each executive department and agency shall establish and maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in Section 101.

SEC. 103. The Civil Service Commission shall supervise and provide leadership and guidance in the conduct of equal employment opportunity programs for the civilian employees of and applications for employment within the executive departments and agencies and shall review agency program accomplishments periodically. In order to facilitate the achievement of a model program for equal employment opportunity in the Federal service, the Commission may consult from time to time with such individuals groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this Part.

SEC. 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, creed, color, or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

SEC. 105. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this Part, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this Part.

PART II—NONDISCRIMINATION IN EMPLOYMENT BY GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

Subpart A—Duties of the Secretary of Labor

SEC. 201. The Secretary of Labor shall be responsible for the administration of Parts II and III of this Order and shall adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof.

Subpart B—Contractors' agreements

SEC. 202. Except in contracts exempted in accordance with Section 204 of this Order, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions.

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, include apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order No. 11246 of Sept. 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of Sept., 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contacting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of Sept. 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

"(7) The contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of Sept. 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided*, however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

SEC. 203. (a) Each contractor having a contract containing the provisions prescribed in Section 202 shall file, and shall cause each of his subcontractors to file, Compliance Reports with the contracting agency or the Secretary of Labor as may be directed. Compliance Reports shall be filed within such times and shall contain such information as to the practices, policies, programs, and employment policies, programs, and employment statistics of the contractor and each subcontractor, and shall be in such form, as the Secretary of Labor may prescribe.

(b) Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this Order, or any preceding similar Executive order, and in that event to submit, on behalf of themselves and their proposed subcontractors, Compliance Reports prior to or as an initial part of their bid or negotiation of a contract.

(c) Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or an agency referring workers or providing or supervising apprenticeship or training for such workers, the Compliance Report shall include such information as to such labor union's or agency's practices and policies affecting compliance as the Secretary of Labor may prescribe: *Provided*, That to the extent such information is within the exclusive possession of a labor union or an agency referring workers of providing or supervising apprenticeship or training and such labor union or agency shall refuse to furnish such information to the contractor, the contractor shall so certify to the contracting agency as part of its Compliance Report and shall set forth what efforts he has made to obtain such information.

(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this Order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require.

SEC. 204. The Secretary of Labor may, when he deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 202 of this Order in any specific contract, subcontract, or purchase order. The Secretary of Labor may, by rule or regulation, also exempt certain classes of contracts, subcontracts, or purchase orders (1) whenever work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (2) for standard commercial supplies or raw materials; (3) involving less than specified amounts of money or specified numbers of workers; or (4) to the extent that they involve subcontracts below a specified tier. The Secretary of Labor may also provide, by rule, regulation, or order, for the exemption of facilities of a contractor which are in all respects separate and distinct from activities of the contractor related to the performance of the contract: *Provided*, That

such an exemption will not interfere with or impede the effectuation of the purposes of this Order: *And provided further*, That in the absence of such an exemption all facilities shall be covered by the provisions of this Order.

Subpart C—Powers and duties of the Secretary of Labor and the Contracting Agencies

SEC. 205. Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations, and orders of the Secretary of Labor with respect to contracts entered into by such agency or its contractors: All contracting agencies shall comply with the rules of the Secretary of Labor in discharging their primary responsibility for securing compliance with the provisions of contracts and otherwise with the terms of this Order and of the rules, regulations, and orders of the Secretary of Labor issued pursuant to this Order. They are directed to cooperate with the Secretary of Labor and to furnish the Secretary of Labor such information and assistance as he may require in the performance of his functions under this Order. They are further directed to appoint or designate, from among the agency's personnel, compliance officers. It shall be the duty of such officers to seek compliance with the objectives of this Order by conference, conciliation, mediation, or persuasion.

SEC. 206. (a) The Secretary of Labor may investigate the employment practices of any Government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency, to determine whether or not the contractual provisions specified in Section 202 of this Order have been violated. Such investigation shall be conducted in accordance with the procedures established by the Secretary of Labor and the investigating agency shall report to the Secretary of Labor any action taken or recommended.

(b) The Secretary of Labor may receive and investigate or cause to be investigated complaints by employees or prospective employees of a Government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 202 of this Order. If this investigation is conducted for the Secretary of Labor by a contracting agency, that agency shall report to the Secretary what action has been taken or is recommended with regard to such complaints.

SEC. 207. The Secretary of Labor shall use his best efforts, directly and through contracting agencies, other interested Federal, State, and local agencies, contractors, and all other available instrumentalities to cause any labor union engaged in work under Government contracts or any agency referring workers or providing or supervising apprenticeship or training for or in the course of such work to cooperate in the implementation of the purposes of this Order. The Secretary of Labor shall, in appropriate cases, notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever it has reason to believe that the practices of any such labor organization or agency violate Title VI or Title VII of the Civil Rights Act of 1964 or other provision of Federal law.

SEC. 208. (a) The Secretary of Labor, or any agency, officer, or employee in the executive branch of the Government designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, as the Secretary may deem advisable for compliance, enforcement, or educational purposes.

(b) The Secretary of Labor may hold, or cause to be held, hearings in accordance with Subsection (a) of this Section prior to imposing, ordering, or recommending the imposition of penalties and sanctions under this Order. No order for debarment of any contractor from further Government contracts under Section 209(a)(6) shall be made without affording the contractor an opportunity for a hearing.

Subpart D—Sanctions and penalties

SEC. 209. (a) In accordance with such rules, regulations, or orders as the Secretary of Labor may issue or adopt, the Secretary or the appropriate contracting agency may:

(1) Publish, or cause to be published, the names of contractors or unions which it has concluded have compiled or have failed to comply with the provisions of this Order or of the rules, regulations, and orders of the Secretary of Labor.

(2) Recommend to the Department of Justice that, in cases in which there is substantial or material violation of the threat of substantial or material violation of the contractual provisions set forth in Section 202 of this Order, appropriate proceedings be brought to enforce these provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups who prevent directly or indirectly, compliance with the provisions of this Order.

(3) Recommend to the Equal Opportunity Commission or the Department of Justice that appropriate proceedings be instituted under Title VII of the Civil Rights Act of 1964.

(4) Recommend to the Department of Justice that criminal proceedings be brought for the furnishing of false information to any contracting agency or to the Secretary of Labor as the case may be.

(5) Cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the nondiscrimination provisions of the contract. Contracts may be cancelled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

(6) Provide that any contracting agency shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary of Labor that such contractor has established and will carry out personnel and employment policies in compliance with the provisions of this Order.

(b) Under rules and regulations prescribed by the Secretary of Labor, each contracting agency shall make reasonable efforts within a reasonable time limitation to secure compliance with the contract provisions of this Order by methods of conference, conciliation, mediation, and persuasion before proceedings shall be instituted under Subsection (a)(2) of this Section, or before a contract shall be cancelled or terminated in whole or in part under Subsection (a)(5) of this Section for failure of a contractor or subcontractor to comply with the contract provisions of this Order.

SEC. 210. Any contracting agency taking any action authorized by this Subpart, whether on its own motion, or as directed by the Secretary of Labor, or under the rules and regulations of the Secretary, shall promptly notify the Secretary of such action. Whenever the Secretary of Labor makes a determination under this Section, he shall promptly notify the appropriate contracting agency of the action recommended. The agency shall take such action and shall report the results thereof to the Secretary of Labor within such time as the Secretary shall specify.

SEC. 211. If the Secretary shall so direct, contracting agencies shall not enter into contracts with any bidder or prospective contractor unless the bidder or prospective contractor has satisfactorily complied with the provisions of this Order or submits a program for compliance acceptable to the Secretary of Labor or, if the Secretary so authorizes, to the contracting agency.

SEC. 212. Whenever a contracting agency cancels or terminates a contract, or whenever a contractor has been debarred from further Government contracts, under Section 209(a)(6) because of noncompliance with the contract provisions with regard to nondiscrimination, the Secretary of Labor, or the contracting agency involved, shall promptly notify the Comptroller General of the United States. Any such debarment may be rescinded by the Secretary of Labor or by the contracting agency which imposed the sanction.

Subpart E—Certificates of Merit

SEC. 213. The Secretary of Labor may provide for issuance of a United States Government Certificate of Merit to employers or labor unions, or other agencies which are or may hereafter be engaged in work under Government contracts, if the Secretary is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the labor union or other agency conform to the purposes and provisions of this Order.

SEC. 214. Any Certificate of Merit may at any time be suspended or revoked by the Secretary of Labor if the holder thereof, in the judgment of the Secretary, has failed to comply with the provisions of this Order.

SEC. 215. The Secretary of Labor may provide for the exemption of any employer, labor union, or other agency from any reporting requirements imposed under or pursuant to this Order if such employer, labor union, or other agency has been awarded a Certificate of Merit which has not been suspended or revoked.

PART III—NONDISCRIMINATION PROVISIONS IN FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

SEC. 301. Each executive department and agency which administers a program involving Federal financial assistance shall require as a condition for the approval of any grant, contract, loan, insurance, or guarantee thereunder, which may involve a construction contract, that the applicant for Federal assistance undertake and agree to incorporate, or cause to be incorporated, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to such grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the provisions prescribed for Government contracts by Section 203 of this Order or such modification thereof, preserving in substance the contractor's obligations thereunder, as may be approved by the Secretary of Labor, together with such additional provisions as the Secretary deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations. Each such applicant shall also undertake and agree (1) to assist and cooperate actively with the administering department or agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with those contract provisions and with the rules, regulations, and relevant orders of the Secretary, (2) to obtain and to furnish to the administering department or agency and to the Secretary of Labor such information as they may require for the supervision of such compliance, (3) to carry out sanctions and penalties for violation of such obligations imposed upon contractors and subcontractors by the Secretary of Labor or the administering department or agency pursuant to Part II, Subpart D, of this Order, and (4) to refrain from entering into any contract subject to this Order, or extension or other modification of such a contract with a contractor debarred from Government contracts under Part II, Subpart D, of this Order.

SEC. 302. (a) "Construction contract" as used in this Order means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(b) The provisions of Part II of this Order shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

(c) The term "applicant" as used in this Order means an applicant for Federal assistance or, as determined by agency regulation, other program participant, with respect to whom an application for any grant, contract, loan, insurance, or guarantee is not finally acted upon prior to the effective date of this Part, and it includes such an applicant after he becomes a recipient of such Federal assistance.

SEC. 303. (a) Each administering department and agency shall be responsible for obtaining the compliance of such applicants with their undertakings under this Order. Each administering department and agency is directed to cooperate with the Secretary of Labor, and to furnish the Secretary such information and assistance as he may require in the performance of his functions under this Order.

(b) In the event an applicant fails and refuses to comply with his undertakings, the administering department or agency may take any or all of the following actions: (1) cancel, terminate, or suspend in whole or in part the agreement, contract, or other arrangement with such applicant with respect to which the failure and refusal occurred; (2) refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and (3) refer the case to the Department of Justice for appropriate legal proceedings.

(c) Any action with respect to an applicant pursuant to Subsection (b) shall be taken in conformity with Section 602 of the Civil Rights Act of 1964 (and the regulations of the administering department or agency issued thereunder), to the extent applicable. In no case shall action be taken with respect to an applicant pursuant to Clause (1) or (2) of Subsection (b) without notice and opportunity for hearing before the administering department or agency.

SEC. 304. Any executive department or agency which imposes by rule, regulation, or order requirements of non-discrimination in employment, other than requirements imposed pursuant to this Order, may delegate to the Secretary of Labor by agreement such responsibilities with respect to compliance standards, reports, and procedures as would tend to bring the administration of such requirements into conformity with the administration of requirement imposed under this Order: *Provided,* That actions to effect compliance by recipients of Federal financial assistance with requirements imposed pursuant to Title VI of the Civil Rights Act of 1964 shall be taken in conformity with the procedures and limitations prescribed in Section 602 thereof and the regulations of the administering department or agency issued thereunder.

PART IV—MISCELLANEOUS

SEC. 401. The Secretary of Labor may delegate to any officer, agency, or employee in the Executive branch of the Government, any function or duty of the Secretary under Parts II and III of this Order, except authority to promulgate rules and regulations of a general nature.

SEC. 402. The Secretary of Labor shall provide administrative support for the execution of the program known as the "Plans for Progress."

SEC. 403. (a) Executive Orders Nos. 10590 (January 18, 1955), 10722 (August 5, 1957), 10925 (March 6, 1961), 11114 (June 22, 1963), and 11162 (July 28, 1964), are hereby superseded and the President's Committee on Equal Employment Opportunity established by Executive Order No. 10925 is hereby abolished. All records and property in the custody of the Committee shall be transferred to the Civil Service Commission and the Secretary of Labor, as appropriate.

(b) Nothing in this Order shall be deemed to relieve any person of any obligation assumed or imposed under or pursuant to any Executive Order superseded by this Order. All rules, regulations, orders, instructions, designations, and other directives issued by the President's Committee on Equal Employment Opportunity and those issued by the heads of various departments or agencies under or pursuant to any of the Executive orders superseded by this Order, shall, to the extent that they are not inconsistent with this Order, remain in full force and effect unless and until revoked or superseded by appropriate authority. References in such directives to provisions of the superseded orders shall be deemed to be references to the comparable provisions of this Order.

SEC. 404. The General Services Administration shall take appropriate action to revise the standard Government contract forms to accord with the provisions of this Order and of the rules and regulations of the Secretary of Labor.

SEC. 405. This Order shall become effective 30 days after the date of this Order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *September 24, 1965.*

EXECUTIVE ORDER NO. 11375: AMENDING EXECUTIVE ORDER NO. 11246, RELATING TO EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the United States Government to provide equal opportunity in Federal employment and in employment by Federal contractors on the basis of merit and without discrimination because of race, color, religion, sex or national origin.

The Congress, by enacting Title VII of the Civil Rights Act of 1964, enunciated a national policy of equal employment opportunity in private employment, without discrimination because of race, color, religion, sex or national origin.

Executive Order No. 11246 of September 24, 1965, carried forward a program of equal employment opportunity in Government employment, employment by Federal contractors and subcontractors and employment under Federally assisted construction contracts regardless of race, creed, color or national origin.

It is desirable that the equal employment opportunity programs provided for in Executive Order No. 11246 expressly embrace discrimination on account of sex.

Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered that Executive Order No. 11246 of September 24, 1965, be amended as follows:

(1) Section 101 of Part I, concerning nondiscrimination in Government employment, is revised to read as follows:

"SECTION 101. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, color, religion, sex or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency. The policy of equal opportunity applies to every aspect of Federal employment policy and practice."

(2) Section 104 of Part I is revised to read as follows:

"SECTION 104. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex or national origin. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission."

(3) Paragraphs (1) and (2) of the quoted required contract provisions in section 202 of Part II, concerning nondiscrimination in employment by Government contractors and subcontractors, are revised to read as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin."

(4) Section 203(d) of Part II is revised to read as follows:

"(d) The contracting agency or the Secretary of Labor may direct that any bidder or prospective contractor or subcontractor shall submit, as part of his Compliance Report, a statement in writing, signed by an authorized officer or agent on behalf of any labor union or any agency referring workers or providing or supervising apprenticeship or other training, with which the bidder or prospective contractor deals, with supporting information, to the effect that the signer's practices and policies do not discriminate on the grounds of race, color, religion, sex or national origin, and that the signer either will affirmatively cooperate in the implementation of the policy and provisions of this order or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the order. In the event that the union, or the agency shall refuse to execute such a statement, the Compliance Report shall so certify and set forth what efforts have been made to secure such a statement and such additional factual material as the contracting agency or the Secretary of Labor may require."

The amendments to Part I shall be effective 30 days after the date of this order. The amendments to Part II shall be effective one year after the date of this order.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *October 13, 1967.*

TITLE 41—CODE OF FEDERAL REGULATIONS, CHAPTER 60

SUBPART B—GENERAL ENFORCEMENT; COMPLIANCE REVIEW AND COMPLAINT PROCEDURE

§ 60–1.20 Compliance reviews.

(a) The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed,

trained, upgraded, promoted, and otherwise treated during employment without regard to race, creed, color, or national origin. It shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

(b) *Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, it must make a specific commitment in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion.* The time period allotted shall be no longer than the minimum period necessary to effect such changes. *Upon approval* of the Contract Compliance Officer, appropriate Deputy or the agency head *of such commitment, the contractor may be considered in compliance, on condition that the commitments are faithfully kept.* The contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance. (Emphasis added.)

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS, INCLUDING MINORITY, INDIVIDUAL, ADDITIONAL, AND SUPPLEMENTARY VIEWS, DURING ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to file reports, including minority, individual, additional, and supplemental views, during the adjournment of the Senate from the close of business today until noon Friday next.

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

ADJOURNMENT UNTIL FRIDAY, MARCH 7, 1969

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until Friday, March 7, 1969, at 12 o'clock noon.

The motion was agreed to; and (at 3 o'clock and 1 minute p.m.) the Senate adjourned until Friday, March 7, 1969, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 4, 1969:

DEPARTMENT OF THE TREASURY

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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

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

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

SMALL BUSINESS ADMINISTRATION

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

DEPARTMENT OF DEFENSE

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

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

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

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

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

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

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

IN THE AIR FORCE

Maj. Gen. Selmon W. Wells, [redacted] Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

Maj. Gen. Duward L. Crow, [redacted] Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Bertram C. Harrison, [redacted] (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in the grade of lieutenant general:

Maj. Gen. Charles Allen Corcoran, [redacted] U.S. Army.

The following-named officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of title 10, United States Code, section 3962:

Lt. Gen. William Frederick Cassidy, [redacted] Army of the United States (major general, U.S. Army).

The following-named officer for appointment as Chief of Engineers, U.S. Army, under the provisions of title 10, United States Code, section 3036:

Maj. Gen. Frederick James Clarke, [redacted] U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade of lieutenant general:

Maj. Gen. Frederick James Clarke, [redacted] U.S. Army.

IN THE NAVY

Rear Adm. Robert L. Townsend, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Vincent P. de Poix, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

The following-named officers of the Naval Reserve for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

LINE

Alban Weber. John B. Johnson.
Frederick A. Wiggin. Michael Lorenzo.

MEDICAL CORPS

Eugene Cronkite.

SUPPLY CORPS

Harland E. Holman.

Vice Adm. Andrew McB. Jackson, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to title 10, United States Code, section 5233.

Vice Adm. John M. Lee, U.S. Navy, for appointment as a senior member of the Military Staff Committee of the United Nations, pursuant to title 10, United States Code, section 711.

IN THE AIR FORCE

The nominations beginning John S. McNeil, to be major, and ending Walter W. Young, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 17, 1969.

IN THE ARMY

The nominations beginning Claude M. Adams, to be colonel, and ending John A. Swanson, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 17, 1969.

HOUSE OF REPRESENTATIVES—*Tuesday, March 4, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is my defence: and God is the rock of my refuge.—Psalm 94: 22.

O God and Father of us all, who art the creator and the sustainer of all mankind, we pray that our lives may be built not upon the shifting sands of superficial spirits but upon the firm foundation of a fruitful faith in Thee.

As we pray, reveal to us Thy glory, make known Thy wisdom, and awaken in us a greater desire for goodness, truth, and love that our affections may be purified, our ambitions refined, our minds cleansed, and a right spirit be renewed within us. Ennobled by Thy presence, may we be, for our generation, channels through which Thy kingdom may come and Thy will be done on earth.

We pray for our Nation that our people may grow in a sense of responsibility, may cultivate the spirit of good will, and may dare to be pioneers in brotherhood sustaining the hands and hearts of all who venture to end strife and to bring in peace.

In the name of Him who said, "Love one another," we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.