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Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Tuesday, April 22, 1969*

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

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

Almighty God, who hast made and preserved us a nation, bless all the people of this land, the young and the old, the rich and the poor, the well and the sick, those who lead and those who follow, that we may be fused into one mighty body striving for that righteousness which exalteth a nation and that brotherhood which belongs to Thy kingdom.

Accept, O Lord, the dedication of Thy servants in this body, granting unto each one the illumination of Thy spirit, the will to know and to speak the truth in love, and to see beyond the work of the day the values that abide eternally.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, April 18, 1969, be dispensed with.

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

REFORM OF FEDERAL INCOME TAX SYSTEM—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, received on April 21, 1969, under the authority of the order of the Senate of April 18, 1969, which was referred to the Committee on Finance, as follows:

To the Congress of the United States:

Reform of our Federal income tax system is long overdue. Special preferences in the law permit far too many Americans to pay less than their fair share of taxes. Too many other Americans bear too much of the tax burden.

This Administration, working with the Congress, is determined to bring equity to the Federal tax system. Our goal is to take important first steps in tax reform legislation during this session of the Congress.

The economic overheating which has brought inflation into its fourth year keeps us from moving immediately to reduce Federal tax revenues at this time. Inflation is itself a tax—a cruel and unjust tax that hits hardest those who can least afford it. In order to "repeal" the tax of inflation, we are cutting budget spending and have requested an extension of the income tax surcharge.

Although we must maintain total Federal revenues, there is no reason why we cannot lighten the burden on those who pay too much, and increase the taxes of those who pay too little. Treasury officials will present the Administration's initial group of tax reform proposals to the Congress this week. Additional recommendations will be made later in this session. The overall program will be equitable and essentially neutral in its revenue impact. There will be no substantial gain or loss in Federal revenue, but the American taxpayer who carries more than his share of the burden will gain some relief.

Much concern has been expressed because some citizens with incomes of more than $200,000 pay no Federal income taxes. These people are neither tax dodgers nor tax cheats. Many of them pay no taxes because they make large donations to worthy causes, donations which every taxpayer is authorized by existing law to deduct from his income in figuring his tax bill.

But where we can prevent it by law, we must not permit our wealthiest citizens to be 100% successful at tax avoidance. Nor should the Government limit its tax reform only to apply to these relatively few extreme cases. Preferences built into the law in the past—some of which have either outlived their usefulness or were never appropriate—permit many thousands of individuals and corporate taxpayers to avoid their fair share of Federal taxation.

A number of present tax preferences will be scaled down in the Administration's proposals to be submitted this week. Utilizing the revenue gained from our present proposals, we suggest tax reductions for lower-income taxpayers. Further study will be necessary before we can propose changes in other preferences; and as these are developed we will recommend them to the Congress.

Specifically, the Administration will recommend:

—*Enactment of what is in effect a "minimum income tax" for citizens with substantial incomes by setting a 50% limitation on the use of the principal tax preferences which are subject to change by law.*

This limit on tax preferences would be a major step toward assuring that all Americans bear their fair share of the Federal tax burden.

—*Enactment of a "low income allowance," which will remove more than 2,000,000 of our low income families from the Federal tax rolls and assure that persons or families in poverty pay no Federal income taxes.*

This provision will also benefit students and other young people. For example, the person who works in the summer or throughout the year and earns $1,700 in taxable income—and now pays $117 in Federal income taxes—would pay nothing.

The married couple—college students or otherwise—with an income of $2,300 and current taxes of $100 would pay nothing.

A family of four would pay no tax on income below $3,500—the cut-off now is $3,000.

The "low income allowance," if enacted by the Congress, will offer genuine tax relief to the young, the elderly, the disadvantaged and the handicapped.

Our tax reform proposals would also help workers who change jobs by liberalizing deductions for moving expenses and would reduce specific preferences in a number of areas:

—taxpayers who have certain nontaxable income or other preferences would have their non-business deductions reduced proportionately.

—certain mineral transactions (so-called "carved out" mineral production payments and "ABC" transactions) would be treated in a way that would stop artificial creation of net operating losses in these industries.

—exempt organizations, including private foundations, would come under much stricter surveillance.

—the rules affecting charitable deductions would be tightened—but only to screen out the unreasonable and not stop those which help legitimate charities and therefore the nation.

—the practice of using multiple subsidiaries and affiliated corporations to take undue advantage of the lower tax rate on the first $25,000 of corporate income would be curbed.

—farm losses, to be included in the "limitation on tax preferences," would be subject to certain other restrictions in order to curb abuses in this area.

I also recommend that the Congress repeal the 7% investment tax credit, effective today.

This subsidy to business investment no longer has priority over other pressing national needs.

In the early 60's, America's productive capacity needed prompt modernization to enable it to compete with industry

abroad. Accordingly, Government gave high priority to providing tax incentives for this modernization.

Since that time, American business has invested close to $400 billion in new plant and equipment, bringing the American economy to new levels of productivity and efficiency. While a vigorous pace of capital formation will certainly continue to be needed, national priorities now require that we give attention to the need for general tax relief.

Repeal of the investment tax credit will permit relief to every taxpayer through relaxation of the surcharge earlier than I had contemplated.

The revenue effect of the repeal of the investment tax credit will begin to be significant during calendar year 1970. *Therefore, I recommend that investment tax credit repeal be accompanied by extension of the full surcharge only to January 1, 1970, with a reduction to 5% on January 1.* This is a reappraisal of my earlier recommendation for continuance of the surcharge until June 30, 1970 at a 10% rate. If economic and fiscal conditions permit, we can look forward to elimination of the remaining surtax on June 30, 1970.

I am convinced, however, that reduction of the surtax without repeal of the investment tax credit would be imprudent.

The gradual increase in Federal revenues resulting from repeal of the investment tax credit and the growth of the economy will also facilitate a start during fiscal 1971 in funding two high-priority programs to which this Administration is committed:

—Revenue sharing with State and local governments.

—Tax credits to encourage investment in poverty areas and hiring and training of the hard-core unemployed.

These proposals, now in preparation, will be transmitted to the Congress in the near future.

The tax reform measures outlined earlier in this message will be recommended to the House Ways and Means Committee by Treasury officials this week. This is a broad and necessary program for tax reform. I urge its prompt enactment.

But these measures, sweeping as they are, will not by themselves transform the U.S. tax system into one adequate to the long-range future. Much of the current tax system was devised in depression and shaped further in war. Fairness calls for tax reform now; beyond that, the American people need and deserve a simplified Federal tax system, and one that is attuned to the 1970's.

We must reform our tax structure to make it more equitable and efficient; we must redirect our tax policy to make it more conducive to stable economic growth and responsive to urgent social needs.

That is a large order. Therefore, I am directing the Secretary of the Treasury to thoroughly review the entire Federal tax system and present to me recommendations for basic changes, along with a full analysis of the impact of those changes, no later than November 30, 1969.

Since taxation affects so many wallets and pocketbooks, reform proposals are bound to be controversial. In the debate to come on reform, and in the even greater debate on redirection, the nation would best be served by an avoidance of stereotyped reactions. One man's "loophole" is another man's "incentive." Tax policy should not seek to "soak" any group or give a "break" to any other—it should aim to serve the nation as a whole.

Tax dollars the Government deliberately waives should be be viewed as a form of expenditure, and weighed against the priority of other expenditures. When the preference device provides more social benefit than Government collection and spending, that "incentive" should be expanded; when the preference is inefficient or subject to abuse, it should be ended.

Taxes, often bewailed as inevitable as death, actually give life to the people's purpose in having a Government: to provide protection, service and stimulus to progress.

We shall never make taxation popular, but we can make taxation fair.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1969.*

REPORT OF THE NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States received on April 21, 1969, under authority of the order of the Senate of April 18, 1969, which with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

I herewith transmit the Annual Report for 1968 of the National Capital Housing Authority. During the past year, the jurisdiction of the Authority has grown to include over 10,000 public low-rent housing units. But the housing needs of low-income families in the Nation's Capital still exceed the supply.

I am pleased to report that the Authority is beginning to place greater emphasis than it has in the past on working with the private sector in building and acquiring decent housing for the people of the District. It is pioneering in the use of the "Turnkey" method, in which a private developer builds or acquires a project and later turns it over to the Authority. It is also placing new emphasis on offering social services to the residents of these dwellings—often in cooperation with groups of volunteer citizens—and on managing and maintaining the properties in an enlightened manner, sometimes through private management firms.

These and other initiatives—many of them still in their trial stages—will help the Authority make important progress toward its goal of providing safe, clean, and economical housing for the low-income families of this city.

RICHARD NIXON.

THE WHITE HOUSE, *April 21, 1969.*

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of April 18, 1969, the Secretary of the Senate, on April 21, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(For nominations received on April 21, 1969, see the end of the proceedings of today, April 22, 1969.)

MESSAGES FROM THE PRESIDENT

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

REPORT ON FOOD-FOR-PEACE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-104)

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, which, without being read, will be referred to the appropriate committee, and will be printed in the RECORD.

The message from the President, was referred to the Committee on Agriculture and Forestry, as follows:

To the Congress of the United States:

I am pleased to transmit the report for 1968 on the Food for Peace Program under Public Law 480—a program which over the years has helped provide better diets for millions of people in more than 100 nations. In addition to its primary humanitarian aspects. Food for Peace contributes significantly to the maintenance of export markets for U.S. agricultural commodities and to the U.S. balance of payments position.

While this is my first official report on the program as President, I have been closely associated with it since its beginning. This great humanitarian effort began in 1954 during the Presidency of Dwight D. Eisenhower. As Vice President at the time, I was keenly interested in the program and have followed its development and accomplishments ever since.

It is evident that the battle against hunger must continue, both in the United States and in the world at large, through programs such as Food for Peace. The present Administration eagerly accepts this challenge and dedicates itself to dealing effectively with the problems of hunger and malnutrition at home and abroad.

RICHARD NIXON.

THE WHITE HOUSE, *April 22, 1969.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Alfred E. France, of Minnesota, to be Federal Cochairman of the Upper Great Lakes Regional Commission, which was referred to the Committee on Public Works.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3213. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi;

H.R. 8434. An act to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; and

H.R. 8794. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 165) designating the year 1969 as the "Diamond Jubilee Year of the American Motion Picture," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 458. An act for the relief of Yuka Awamura;

S. 672. An act for the relief of Charles Richard Scott; and

H.R. 10158. An act to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3213. An act of conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Solomon S. Levadi; to the Committee on the Judiciary.

H.R. 8434. An act to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8794. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes; to the Committee on Commerce.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 165) designating the year 1969 as the "Diamond Jubilee Year of the American Motion Picture," was referred to the Committee on the Judiciary.

LIMITATION ON STATEMENTS DURING THE 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 PRESIDENT pro tempore. 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 two nominations on the Executive Calendar.

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

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

DEPARTMENT OF DEFENSE

The bill clerk read the nomination of Curtis W. Tarr, of California, to be an Assistant Secretary of the Air Force.

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

CENTRAL INTELLIGENCE AGENCY

The bill clerk read the nomination of Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Deputy Director, Central Intelligence Agency.

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

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

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

LEGISLATIVE SESSION

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED LEGISLATION AUTHORIZING THE PRESIDENT TO REAPPOINT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF THE OFFICER SERVING IN THAT POSITION

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1969 (with an accompanying paper); to the Committee on Armed Services.

FPC REPORTS ON ELECTRIC POWER

A letter from the Chairman of the Federal Power Commission transmitting a report on world power data, capacity of electric generating plants and production of electric energy, 1966; and a report entitled "Typical Electric Bills, Residential: Cities of 2,500 Population and More; Commercial: Cities of 50,000 Population and More; Industrial: Cities of 50,000 Population and More, 1968" (with accompanying reports); to the Committee on Commerce.

THIRD AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third- and sixth-preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A Senate concurrent resolution of the Legislature of the State of New York; to the Committee on Labor and Public Welfare:

"RESOLUTION 58

"Concurrent resolution of the Legislature of the State of New York memorializing Congress to enact legislation to create a minimum standard for public assistance in all states which provide an adequate level for the maintenance of health and decency and which cannot be altered or reduced by the introduction or application of minimum payment levels, or other percentage devices which impose a limit below the national standard amount of assistance which eligible families may receive; to provide that assistance to the aged, disabled, and the blind be fully funded and administered by the Social Security Administration of the Department of Health, Education and Welfare; to establish a comprehensive, nationwide program of public assistance based upon the simple criterion of need, replacing arbitrary, inequitable and inefficient categories of assistance presently in effect; creating a simple and uniform formula to determine federal reimbursement for public assistance, other than aid to the aged, disabled, and blind, which will provide for equitable and reasonable fiscal efforts among the states and will not penalize those states which maintain and provide more adequate and comprehensive assistance level; to provide block grants to states for the purpose of establishing research projects to increase effectiveness, efficiency and economy in the administration of public welfare, commensurate in size and scope with the national investment in the assistance program and to establish demonstration projects in each of the states for restructuring the public welfare system through meaningful and effective separation of income maintenance and responsibilities from the delivery of social services.

"Whereas, It has been recognized that the foremost domestic crisis facing the people of this nation is poverty; and

"Whereas, Public welfare is the only governmental vehicle primarily designated to assure the provision of guarantee against poverty and social deprivation, and to insure the basic essentials of living to individuals and families who are in need; and

"Whereas, Rapid urbanization and advancing technology have markedly affected the dimensions of public welfare in this country to the point that individual states are no longer in a position to control or ameliorate the causes of rising welfare rolls nor are they fiscally able to support an adequate sys-

tem of income maintenance for those who require assistance; and

"Whereas, The present Federal system of administering public welfare, based on the restrictive categorical programs and inequitable reimbursement rates to the states, tends to ignore our national commitment or provide an adequate standard of living for all citizens irrespective of their place of residence; and

"Whereas, It is the judgment of this Legislature that efforts should be made to correct the injustices imposed upon the people and the inequities imposed upon the states referred to herein; now, therefore, be it

"Resolved (if the Assembly concur), That the Congress of the United States be and it hereby is memorialized to enact legislation creating a minimum standard of public assistance in all states which provides an adequate level for the maintenance of health and decency, and which cannot be altered or reduced by the introduction or application of maximum payment levels, percentage reductions, or other devices which impose a limit below that national standard amount of assistance which eligible families may receive; and be it further

"Resolved (if the Assembly concur), That the Congress of the Untied States be and it hereby is, memorialized to enact legislation providing that assistance to the aged, blind and disabled be fully funded and administered by the Social Security Administration of the Department of Health, Education and Welfare; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be, and it hereby is, memorialized to enact legislation to establish a comprehensive, nationwide program of public assistance based upon the simple criterion of need, replacing arbitrary, inequitable and inefficient categories of assistance presently in effect; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation creating a simple and universal formula to determine Federal reimbursement for public assistance, other than aid to the aged, blind and disabled, which will promote equitable and reasonable fiscal efforts among the states and will not penalize those states which maintain and provide more adequate and comprehensive assistance levels; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation to provide block grants in aid to states for the purpose of establishing research projects to increase effectiveness, efficiency and economy in the administration of public welfare, commensurate in size and scope with the national investment in the assistance programs; and be it further

"Resolved (if the Assembly concur), That the Congress of the United States be memorialized to enact legislation for the establishment of demonstration projects in each of the states for restructuring the public welfare system through meaningful and effective separation of income maintenance responsibilities from the delivery of social services."

A resolution adopted by the North Carolina Jaycees, praying for the adoption of House Joint Resolution 365, proposing as an amendment to the Constitution of the United States of America a provision allowing participation in nondenominational prayer in public buildings, etc.; to the Committee on the Judiciary.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 22, 1969, he presented to the President of the United States the following enrolled bills:

S. 458. An act for the relief of Yuka Awamura; and

S. 672. An act for the relief of Charles Richard Scott.

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. COOK (by request):

S. 1907. 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. COOK when he introduced the above bill, which appear under a separate heading.)

By Mr. STEVENS:

S. 1908. A bill to amend the Internal Revenue Code of 1954 to provide that the basic amount of each personal exemption shall be $1,000 and to provide for annual adjustments in such amounts to compensate for differentials in the cost of living in the various Internal Revenue Districts; to the Committee on Finance.

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

By Mr. JAVITS:

S. 1909. A bill for the relief of Mr. Ramendra S. Roy; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 1910. A bill for the relief of Chun Ho; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 1911. A bill to expand the time for voting in Presidential elections to a 24-hour period and to provide that such period shall be uniform throughout the United States; to the Committee on Rules and Administration.

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

By Mr. MONDALE:

S. 1912. A bill for the relief of Mrs. Nancy Tampoe; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1913. A bill for the relief of Maksimus Polihronidis; to the Committee on the Judiciary.

By Mr. BAYH:

S. 1914. A bill for the relief of Robert Weisz; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1915. A bill to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program; 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 (by request):

S. 1916. A bill to amend the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational, and other natural resources; and for other purposes;

S. 1917. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes;

S. 1918. A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern;

S. 1919. A bill to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes;

S. 1920. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes;

S. 1921. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes;

S. 1922. A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission;

S. 1923. A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; and

S. 1924. A bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards; to the Committee on Commerce.

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

By Mr. MAGNUSON (for himself, Mr. CANNON, Mr. COTTON, Mr. FONG, Mr. GOODELL, Mr. GRIFFIN, Mr. HANSEN, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. LONG, Mr. MOSS, Mr. PASTORE, Mr. PELL, Mr. PROUTY, Mr. SCOTT, Mr. SPONG, and Mr. TYDINGS):

S. 1925. A bill to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, 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. JAVITS:

S. 1926. A bill to amend the Tucker Act to increase from $10,000 to $50,000 the limitation on the jurisdiction of the U.S. district courts in suits against the United States for breach of contract or for compensation; to the Committee on the Judiciary.

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

By Mr. McGEE:

S. 1927. A bill for the relief of Stylianos Contaxis; and

S. 1928. A bill for the relief of Joao Pereira; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 1929. A bill to amend title 18, United States Code, to prohibit the disruption of the administration or operations of federally assisted educational institutions, and for other purposes; to the Committee on the Judiciary.

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

By Mr. BAKER:

S. 1930. A bill for the relief of Dr. Antonio Matias Rubio; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 1931. A bill to provide full Federal financing of payments made under the public assistance provisions of the Social Security Act to recipients who do not meet the duration-of-residence requirements of the applicable State plan, where such payments must nonetheless be made because of court determinations that such requirements are unconstitutional; to the Committee on Finance.

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

By Mr. BURDICK:

S. 1932. A bill for the relief of Arthur Rike; to the Committee on the Judiciary.

By Mr. HARTKE (for himself, Mrs. SMITH, Mr. BURDICK, Mr. DODD, Mr. HARRIS, Mr. HART, Mr. HUGHES, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. METCALF, Mr. MUSKIE, Mr. MOSS, Mr. MONDALE, Mr. TYDINGS, Mr. YARBOROUGH, and Mr. WILLIAMS of New Jersey):

S. 1933. A bill providing for Federal railroad safety; 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. SCHWEIKER:

S. 1934. A bill for the relief of Michel M. Goutmann;

S. 1935. A bill for the relief of Marcjanna Rydzy; to the Committee on the Judiciary; and

S. 1936. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. HATFIELD (for himself, Mr. MATHIAS, Mr. PERCY, and Mr. SAXBE):

S. 1937. A bill to supplement and strengthen voluntary youth service and learning opportunities supported or offered by the Federal Government by establishing a National Youth Service Council and a National Youth Service Foundation, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. HARTKE (for himself, Mr. BURDICH, Mr. HARRIS, Mr. MAGNUSON, Mr. MCGEE, Mr. YARBOROUGH, and Mr. WILLIAMS of New Jersey):

S. 1938. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Commerce.

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

My Mr. MAGNUSON (by request):

S. 1939. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities, and for other purposes; to the Committee on Government Operations.

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

By Mr. MUSKIE (for himself, Mr. PACKWOOD, Mr. MONDALE, and Mr. WILLIAMS of New Jersey):

S. 1940. A bill to provide for continuation of authority for the expansion and regulation of exports, and for other purposes; to the Committee on Banking and Currency.

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

My Mr. DIRKSEN:

S.J. Res. 96. A joint resolution authorizing the posthumous promotion of the late General of the Army Dwight David Eisenhower to the grade of General of the Armies; to the Committee on Armed Services.

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

By Mr. MATHIAS (for himself, Mr. ALLOTT, Mr. DIRKSEN, Mr. DOMINICK, Mr. HARTKE, Mr. PERCY, Mr. SAXBE, and Mr. SCOTT):

S.J. Res. 97. A joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Dwight D. Eisenhower Interstate Highway; to the Committee on Public Works.

By Mr. MONDALE (for himself, Mr. MCGOVERN, Mr. BURDICK, Mr. HUGHES, Mr. MCCARTHY, and Mr. CHURCH):

S.J. Res. 98. A joint resolution to authorize the temporary funding of the Emergency Credit Revolving Fund; to the Committee on Agriculture and Forestry.

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

By Mr. JAVITS (for himself, Mr. RANDOLPH, Mr. SPARKMAN, and Mr. ALLEN):

S.J. Res. 99. A joint resolution to authorize the President to issue annually a proclamation designating the first week in June of each year as "Helen Keller Memorial Week"; to the Committee on the Judiciary.

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

S. 1907—INTRODUCTION OF COAL MINE SAFETY BILL

Mr. COOK. Mr. President, I rise today to introduce, on request, a bill about which many of my constituents are quite anxious. One of the Nixon administration's first messages to Congress concerned itself with the matter of coal mine safety. A bill, S. 1300, embodying this position was introduced by my able colleague, the Senator from New York (Mr. JAVITS). Numerous hearings have been held both in the Senate and the House and many interests have been represented.

Nevertheless, a great segment of the industry—the small operators—feel their recommendations have not been made a part of any of the legislation before the Congress at this time. Small coal operators in Kentucky and in other States, while genuinely concerned with mine safety, feel S. 1300 and the other measures which have been introduced have provisions which would cause serious economic difficulties for the small coal operator while at the same time not making any real contribution to the improvement of unsafe conditions.

Among the differences between the bill favored by the small operators and that of the administration are first, this proposal writes into statutory law precise coal mine safety standards, where the administration's bill authorizes the Secretary of the Interior to adopt, through the administrative rulemaking procedure, such standards as he deems necessary; second, both bills provide for an interim permissible coal dust level of 4.5 milligrams per cubic meter of air, but the administration bill establishes a subsequent permanent safety level of 3 milligrams. This bill would not adopt a permanent safety level until such time as the appropriate level could be established by research; and, third, this bill would preserve the current statutory distinction between gassy and nongassy mines. It is felt by small operators that the requirement of the administration bill that all mine operators purchase permissible equipment, that is, equipment which is covered so that sparks will not ignite escaping gas, is unfair. They argue that to place this added cost of production upon the small operator, regardless of whether his mine is indeed gassy, would place an undue and unjustifiable burden upon the owner of the small nongassy mine.

As a Senator from a State which has both a great many small operators and a great many miners, I want an effective coal mine safety bill which will protect the workers but at the same time not unduly penalize these small entrepreneurs who are providing one of the few continuing sources of employment in eastern Kentucky. While I do not endorse this bill, I do feel this measure should be before the committee so I am introducing it upon request. I support the efforts of the administration and all interested parties to draft and enact a truly meaningful mine safety bill, and I expect to be able to support the final version.

Mr. President, I ask unanimous consent, that the bill be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1907) to improve the health and safety conditions of persons working in the coal mining industry of the United States introduced by Mr. COOK, by request, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 1908—INTRODUCTION OF A BILL TO PROVIDE INCREASED TAX EXEMPTIONS WITH ADDED SLIDING SCALE COST OF LIVING ADJUSTMENTS

Mr. STEVENS. Mr. President, from the inception of the modern income tax in 1913 until 1940, Americans were allowed $1,000 or more in personal exemption on their individual income tax. In 1913, when the dollar was worth far more than it is now, the personal exemption was $3,000. Today, when the dollar is worth far less, the exemption is only $600. Mr. President, I ask unanimous consent that a table of Federal personal exemption and dependent allowances from 1913 to the present be printed in the RECORD.

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

FEDERAL INDIVIDUAL INCOME TAX—PERSONAL EXEMPTION AND DEPENDENT ALLOWANCE

	1913–16	1917–20	1921–23	1924	1925–31	1932–39	1940	1941	1942	1943 [1]	1944–45 [2]	1946–47	1948–68 [3]
Single person	$3,000	$1,000	$1,000	$1,000	$1,500	$1,000	$800	$750	$500	$500	$500	$500	$600
Married couple	4,000	2,000	[4] 2,500	2,500	3,500	2,500	2,000	1,500	1,200	1,200	1,000	1,000	1,200
Dependents		200	400	400	400	400	400	400	350	350	500	500	600

[1] For 1943 the victory-tax exemption was $624 for the taxpayer (no credit for dependents) and an exemption for the spouse of the taxpayer equal to the spouse's income or $624 whichever was the smaller.

[2] For 1944 and 1945 the normal tax exemption was $500 for the taxpayer (no credit for dependents) and an exemption for the spouse of the taxpayer equal to the spouse's income of $500 whichever was the smaller.

[3] For 1948–68 an additional exemption of $600 is allowed taxpayers 65 years of age or over and an additional exemption of $600 for blind taxpayers.

[4] For net incomes in excess of $5,000, personal exemption was $2,000.

Mr. STEVENS. Mr. President, the $600 figure was set in 1948, 21 years ago. Since then, inflation has reduced the value of the exemption by almost 50 percent.

Personal exemptions benefit the poor and middle income tax paying families. I believe these are the same families who are most heavily burdened by the present tax structure.

Both the House and the Senate at the request of President Nixon, are planning a full review of our Internal Revenue tax laws. I urge the committees, as they undertake their review, to give particular attention to the proposal I now make.

The bill I present today would provide that the basic amount of each personal exemption allowable under the tax structure shall be raised to $1,000. This is an increase from the present allowable $600. My bill also provides that in areas of the country where the cost of living exceeds the national index, the exemption will be adjusted upward—by the percentage which the local cost of living exceeds the national.

The burden of taxation is uneven, often unfair. By an ironic twist, as the national cost of living increases each year in its inflationary spiral, the poor, the retired, the citizens with stable incomes have found their taxes increasingly burdensome. That is why I propose an increase in the personal exemption.

There is another inequity wrought by inflation. It is regional. Because of regional inflation, it costs more for a family to live in one part of the country than in another. It costs more to live in San Francisco than it does in the average urban community in the United States. It costs more to live in Milwaukee, in Boston, Hartford, New York. To illustrate this point, I ask unanimous consent that a table prepared by the Bureau of Labor Statistics of the Department of Labor be printed in the RECORD.

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

TABLE 2.—INDEXES OF COMPARATIVE LIVING COSTS BASED ON THE CITY WORKER'S FAMILY BUDGET,[1] AUTUMN 1966

[U.S. urban average cost equals 100]

Area	Total budget	Cost of family consumption										
		Total	Housing (shelter, housefurnishing, household operations)					Transportation [5]	Clothing and personal care	Medical care [6]	Other family consumption
			Food	Total	Shelter						
					Combined [2]	Renter costs [3]	Homeowner costs [4]				
Urban United States	100	100	100	100	100	100	100	100	100	100	100
Metropolitan areas [7]	102	102	101	103	104	103	104	100	102	103	102
Nonmetropolitan areas [8]	91	91	94	86	81	85	80	100	93	88	91
Northeast:											
Boston, Mass	110	110	108	123	130	111	134	100	100	101	104
Buffalo, N.Y	106	104	103	107	109	102	111	108	104	99	100
Hartford, Conn	109	110	111	115	120	119	120	112	104	103	108
Lancaster, Pa	97	97	107	88	87	96	85	95	99	88	102
New York, northeastern New Jersey	111	110	111	120	126	104	131	90	104	106	106
Philadelphia, Pa., New Jersey	100	100	107	96	96	84	98	91	101	96	102
Pittsburgh, Pa	97	97	104	89	87	88	87	97	100	93	102
Portland, Maine	101	102	106	99	98	93	100	101	105	100	101
Nonmetropolitan areas [8]	98	98	102	96	95	83	98	101	95	94	93
North Central:											
Cedar Rapids, Iowa	103	102	97	106	105	114	103	103	104	93	104
Champaign, Urbana, Ill	102	103	99	112	116	139	110	97	101	103	101
Chicago, Ill., northwestern Indiana	103	105	100	115	120	119	120	95	103	103	102
Cincinnati, Ohio, Kentucky, Indiana	98	98	98	98	98	91	100	102	98	86	100
Cleveland, Ohio	101	103	98	111	115	100	118	101	103	92	100
Dayton, Ohio	95	96	96	92	92	107	88	101	99	86	101
Detroit, Mich	98	99	100	94	93	89	93	100	103	99	102
Green Bay, Wis	99	96	93	95	94	86	96	101	99	91	103
Indianapolis, Ind	102	102	93	106	106	106	107	109	103	92	104
Kansas City, Mo., Kansas	100	99	100	94	91	99	90	107	103	94	103
Milwaukee, Wis	106	103	96	113	118	105	120	102	100	95	102
Minneapolis, St. Paul, Minn	103	100	96	103	105	108	105	102	102	95	100
St. Louis, Mo., Illinois	101	101	103	99	99	98	99	103	101	95	99
Wichita, Kans	98	98	99	94	92	100	90	104	98	95	104
Nonmetropolitan areas [8]	93	93	93	76	90	97	89	97	96	85	89
South:											
Atlanta, Ga	92	92	94	82	76	88	73	101	97	93	104
Austin, Tex	87	89	93	76	70	79	68	99	93	90	99
Baltimore, Md	96	94	95	90	86	108	81	99	96	96	98
Baton Rouge, La	93	94	95	85	83	83	83	110	94	91	101
Dallas, Tex	92	94	94	85	82	99	78	101	94	102	102
Durham, N.C	95	93	92	91	89	93	89	99	95	95	96
Houston, Tex	91	93	95	81	76	84	74	106	93	100	102
Nashville, Tenn	93	95	92	91	88	89	88	102	98	91	102
Orlando, Fla	92	93	93	89	85	97	83	102	92	93	100
Washington, D.C., Maryland, Virginia	102	101	100	105	106	108	105	101	98	99	100
Nonmetropolitan areas [8]	85	86	90	76	69	77	67	99	88	84	90

See footnotes at end of table.

TABLE 2.—INDEXES OF COMPARATIVE LIVING COSTS BASED ON THE CITY WORKER'S FAMILY BUDGET,[1] AUTUMN 1966 —Continued
[U.S. urban average costs equals 100]

Area	Total budget	Cost of family consumption									
		Total	Food	Housing (shelter, housefurnishing, household operations)				Transportation[5]	Clothing and personal care	Medical care[6]	Other family consumption
				Total	Shelter						
					Combined[2]	Renter costs[3]	Homeowner costs[4]				
Urban United States—Continued											
West:											
Bakersfield, Calif	97	97	97	87	83	83	82	110	102	116	96
Denver, Colo	100	100	99	100	99	102	98	106	104	102	97
Honolulu, Hawaii	122	118	119	129	130	142	128	122	99	100	112
Los Angeles, Long Beach, Calif	103	103	98	98	98	111	95	107	106	134	101
San Diego, Calif	101	101	95	100	100	99	101	110	101	124	98
San Francisco, Oakland, Calif	108	107	102	109	111	128	107	110	111	118	104
Seattle, Everett, Wash	105	107	106	104	105	119	101	113	110	106	105
Nonmetropolitan areas[8]	97	96	95	91	87	94	85	104	102	94	93

[1] The family consists of an employed husband, aged 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

[2] The average costs of shelter were weighted by the following proportions: 25 percent for families living in rented dwellings, 75 percent for families living in owned homes.

[3] Average contract rent plus the cost of required amounts of heating fuel, gas, electricity, water, specified equipment, and insurance on household contents.

[4] Interest and principal payments plus taxes; insurance on house and contents; water, refuse disposal, heating fuel, gas, electricity, and specified equipment; and home repair and maintenance costs.

[5] The average costs of automobile owners and nonowners were weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 80 percent for automobile owners-20 percent for nonowners; Baltimore, Cleveland, Detroit, Los Angeles, Pittsburgh, San Francisco, St. Louis, and Washington, D.C., with 1.4 million of population or more in 1960, 95 percent for automobile owners and 5 percent nonowners; all other areas, 100 percent for automobile owners.

[6] The average costs of hospitalization and surgical insurance (as a part of total medical care) were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid for by employer).

[7] For a detailed description, see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

[8] Places with population of 2,500 to 50,000.

Note: See appendix A for items and quantities included in each component, and appendix B for the population weights for each city. Because of rounding, sums of individual items may not equal totals.

Mr. STEVENS. Mr. President, as Senators will see from the table, there are urban areas in the United States where the cost of living is 25 percent higher than the national norm. I believe that the citizen who lives in these areas should be allowed a proportionately greater exemption than that required of others living more cheaply in other locations.

Mr. President, the cost of living is 22 percent greater in Honolulu than it is nationally.

It is 11 percent greater in New York City.

It is 10 percent greater in Boston.

It is 9 percent greater in Hartford.

It is 8 percent greater in San Francisco, 6 percent greater in Milwaukee, 5 percent greater in Seattle.

The cost of living is well above 25 percent greater in Anchorage, Fairbanks, Juneau, and Ketchikan, Alaska, and even higher in more remote areas of our State.

My bill would provide some relief for citizens living in these areas of high inflation. It would work in the following manner:

Each American would be allowed a tax exemption of $1,000. Each Internal Revenue District would calculate, during the last 3 months of each year, the percentage over the year by which the cost of living in the three largest cities within the district had exceeded the national norm. This, taken as a percentage of $1,000, shall be added to the exemption allowed each resident within the Internal Revenue District. The amount allowable would be published by January 1 of each year. For example, if a district calculates that the cost of living in its cities exceeds the national average by 10 percent, then the taxpayers of that district would be allowed an exemption of $1,000 plus 10 percent of $1,000 or $1,100.

The argument that the inroads of inflation have made it necessary to raise the exemption allowance are good and sound arguments. It is my firm hope the Congress will accept them. My bill would raise this exemption.

I believe that the argument for making regional adjustments based on cost of living inflation hardships is equally just and sound. It is also my firm hope that the Congress shall also accept them. This is why I propose the bill I do.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

The bill (S. 1908) to amend the Internal Revenue Code of 1954 to provide that the basic amount of each personal exemption shall be $1,000 and to provide for annual adjustments in such amounts to compensate for differentials in the cost of living in the various Internal Revenue Districts, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 1908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 151 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions) is amended by striking out "$600" each place it appears therein (except in subsection (e)(1)(A)) and inserting in lieu thereof "$1,000 (or the amount applicable under section 154)".

(b) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "$600" each place it appears therein and inserting in lieu thereof "$1,000":

(1) Section 151(e)(1)(A) (relating to gross income of certain dependents);

(2) Section 642(b) (relating to allowance of deductions for estates);

(3) Section 6012(a) (relating to persons required to make returns of income); and

(4) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

(c) The following provisions of such Code are amended by striking out "$1,200" wherever appearing therein and inserting in lieu thereof "$2,000":

(1) Section 6012 (a)(1) (relating to persons required to make returns of income); and

(2) Section 6013 (b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

SEC. 2. (a) Part V of a subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions) is amended by renumbering section 154 as 155, and by inserting after section 153 the following new section:

"SEC. 154. ADJUSTMENTS FOR DIFFERENTIALS IN COST OF LIVING

"(a) DETERMINATIONS BY SECRETARY.—On or before December 1 of each year, beginning with 1969, the Secretary or his delegate shall determine, with respect to each Internal Revenue District, whether the cost of living in such District is greater than the cost of living in the United States. Such determination shall be made for each year on the basis of indices and other information available from all departments and agencies of the Government covering the first nine months of such year, and the determination of the cost of living in each Internal Revenue District shall be made on the basis of the largest cities or metropolitan areas (not exceeding 3 in number) located in such District.

"(b) INCREASE IN AMOUNT OF PERSONAL EXEMPTIONS.—If the Secretary or his delegate determines, for any year, that the cost of living in an Internal Revenue District is greater than the cost of living in the United States—

"(1) the amount of each personal exemption under section 151 allowable to taxpayers residing within such District for taxable years ending on or after December 1 of such year and before December 1 of the following year shall be an amount obtained by multiplying $1,000 by the percentage which the cost of living in such District is of the cost of living in the United States; and

"(2) the Secretary or his delegate shall determine and publish before December 31 of such year the amount of each personal exemption allowable to taxpayers residing within such District for such taxable years.

In making the determination under paragraph (2), the Secretary or his delegate shall round the amount of a personal exemption to the nearest multiple of $10.

"(c) FINALITY OF DETERMINATIONS.—Determinations by the Secretary or his delegate under subsections (a) and (b) shall be final and shall not be subject to review by any other officer of the United States or by any court.

"(d) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such part V is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 154. Adjustments for differentials in cost of living.
"Sec. 155. Cross references."

SEC. 3. (a) Section 3 of the Internal Revenue Code of 1954 (relating to optional tax if adjusted gross income is less than $5,000) is amended by adding at the end thereof the following new subsection:

"(c) TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1968.—In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1968, on the taxable income of every individual whose adjusted gross income for such year is less than $5,000 and who has elected for such year to pay the tax imposed by this section a tax determined under tables prescribed by the Secretary or his delegate. To the extent necessary because of the application of section 154, the Secretary or his delegate shall, for each taxable year, prescribe separate tables under this subsection for taxpayers residing within each Internal Revenue District the residents of which are allowed personal exemptions in an amount of more than $1,000. The tables prescribed under this subsection shall provide for amounts of tax in the various adjusted gross income brackets approximately equal to the amounts which would be determined under section 1 if the taxable income were computed by taking either the 10-percent standard deduction or the minimum standard deduction."

(b) Section 3(b) of such Code is amended by inserting after "December 31, 1964" each place it appears ", and before January 1, 1969".

(c) Section 4(a) of such Code is amended by striking out "the tables in section 3" and inserting in lieu thereof "the tables prescribed under section 3".

(d) Paragraphs (2) and (3) of section 4(c) of such Code are amended to read as follows:

"(2) Except as otherwise provided in this subsection, in the case of a husband or wife filing a separate return the tax imposed by section 3 shall be the lesser of the tax shown in the table prescribed under such section which uses the 10-percent standard deduction or in the table which uses the minimum standard deduction.

"(3) The table prescribed under section 3 which uses the minimum standard deduction shall not apply in the case of a husband or wife filing a separate return if the tax of the other spouse is determined with regard to the 10-percent standard deduction, except that an individual described in section 141 (d)(2) may elect (under regulations prescribed by the Secretary or his delegate) to pay the tax shown in such table in lieu of the tax shown in the table which uses the 10-percent standard deduction. For purposes of this title, an election made under the preceding sentence shall be treated as an election made under section 141(d)(2)."

(e) Section 4(f)(4) of such Code is amended to read as follows:

"(4) For nonapplicability of the table prescribed under section 3 which uses the minimum standard deduction in the case of a married individual filing a separate return who does not compute the tax, see section 6014(a)."

(f) The last sentence of section 6014(a) of such Code is amended to read as follows: "In the case of a married individual filing a separate return and electing the benefits of this subsection, the table prescribed under section 3 which uses the minimum standard deduction shall not apply."

SEC. 4. (a) Section 3402(b)(1) of the Internal Revenue Code of 1954 (relating to percentage method of withholding income tax at source) is amended by striking out the table therein and inserting in lieu thereof the following:

"Percentage method withholding table

Payroll period:	*Amount of one withholding exemption*
Weekly	$21.20
Biweekly	42.30
Semimonthly	45.80
Monthly	91.70
Quarterly	275.00
Semiannual	550.00
Annual	1,100.00
Daily or miscellaneous (per day of such period)	3.00."

(b) So much of paragraph (1) of section 3402(c) of such Code (relating to wage bracket withholding) as precedes the first table in such paragraph is amended to read as follows:

"(1)(A) At the election of the employer with respect to any employee, the employer shall (subject to the provisions of paragraph (6)) deduct and withhold upon the wages paid to such employee on or after the 30th day after the date of the enactment of this subparagraph a tax determined in accordance with tables prescribed by the Secretary or his delegate, which shall be in lieu of the tax required to be deducted and withheld under subsection (a). The tables prescribed under this subparagraph shall correspond in form to the wage bracket withholding tables in subparagraph (B) and shall provide for amounts of tax in the various wage brackets approximately equal to the amounts which would be determined if the deductions were made under subsection (a).

"(B) At the election of the employer with respect to any employee, the employer shall (subject to the provisions of paragraph (6)) deduct and withhold upon the wages paid to such employee before the 30th day after the date of the enactment of this subparagraph a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):".

SEC. 5. The amendments made by the first three sections of this Act shall apply to taxable years beginning after December 31, 1968. The amendments made by section 4 of this Act shall apply with respect to remuneration paid on or after the 30th day after the date of the enactment of this Act.

S. 1915—INTRODUCTION OF A BILL TO PROVIDE A NEW MARITIME PROGRAM

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program.

This bill is identical to S. 2650 of the 90th Congress which was authored by the late Senator Bartlett, Senator Brewster, and myself, in conjunction with maritime leaders of the House of Representatives following several months of intense study, hearings, and negotiations with administration and industry officials.

As those familiar with recent history of our maritime situation will recall, this measure was previously introduced and pursued in the belief that a genuine accord existed with the prior administration to support its enactment. Last May we learned in no uncertain terms that the accord was illusory and that the administration had withdrawn its support. But it is a new year, with a new administration and renewed hope for the merchant marine.

President Nixon indicated during the course of his campaign some concern about the state of the merchant marine and pledged his best efforts to enhance our maritime strength. I look forward to reviewing any specific proposals of the new administration that might be offered, but we cannot begin too soon to work upon a new program for the merchant marine. Thus, I reintroduce this measure which I believe to be a sound and meaningful program to strengthen our fourth arm of national defense.

Mr. President, this program would authorize appropriations for each of the fiscal years 1970 through 1974, in the amount of $300 million per year for construction differential subsidy, cost of national defense features, and acquisition of used ships, and $25 million per year for research and development. It would also authorize appropriations for fiscal year 1970 of $30 million for reconstruction of the reserve fleet.

It is my feeling that any effective revitalization program must involve at least a minimum 5-year effort, and that is the reason for the 5-year authorization of funds. Ship construction must be greatly increased—more than doubled from the present situation. We should be able to build 35 to 40 ships a year, with subsidy, depending upon the mix or type of vessels constructed.

There will be a broadening of eligibility for construction subsidy. Our construction subsidy system has worked well. The subsidized liner trade, as you know, carries approximately 30 percent of our water-borne exports and imports now carried by liner service. We are going to expand and increase the application of construction subsidy beyond the liner field. It is the tramp operators that so desperately need help. This is a segment of the industry that has grown fantastically since enactment of the 1936 Merchant Marine Act, but without help it may disappear within the next 10 years. This program would provide construction subsidy for tramp operators in the oceangoing trade, as well as to additional liner operators.

Operating subsidy funds will be increased, and this bill proposes to expand as well the eligibility for this type of subsidy. This bill would authorize 5-year experimental operating subsidy contracts with presently unsubsidized operators of liner vessels and new dry bulk vessels, which should greatly enhance our ability to compete upon the high seas.

Among the provisions of this bill is a section which would authorize aid in the development and construction of nuclear powered ships. It is vital that we build nuclear-powered merchant vessels. Under the bill subsidy could be given in an amount that would give the operator a nuclear ship at the price of constructing a comparable conventional ship.

We have as well in this bill made substantial changes in the procedures whereby applications are made for construction differential subsidy. Privately owned shipyards, as well as proposed shipowners, would be eligible applicants

for construction differential subsidy. Further, construction differential subsidy would no longer be computed on an individual ship basis, but be determined at least once a year for each type of vessel with a ceiling of 55-percent differential in effect for 3 years.

There are also provisions for an extension of the tax deferred capital reserve fund program presently in effect for the subsidized operators to all U.S.-flag operators in the foreign and domestic trades, and operators of fishing vessels as well.

If tax deferred funds may be accumulated but spent only for the purpose of building new vessels, there is an increased incentive to invest capital in new vessels. The availability of such reserve funds will as well tend to decrease the requirements for construction subsidy funds. The Government will not lose money as the depreciation basis of the new vessel is decreased by the amount of tax deferred funds used. There is merely a deferment of tax payment rather than a loss of tax payment.

I wish to make one factor, however, absolutely clear. There is no question but that in the vast demands upon the budget dollar there is a keen competition for funds. We are engaged in a conflict in Vietnam which has great repercussions upon Federal expenditures. It is my firm conviction that allocation of funds for the revitalization of the U.S. merchant marine should be of great priority.

It is essential that we solve the problems of our merchant marine. It is vital to the security of the United States, to the economic health of the industry involved, and to the many millions of people throughout the world whose futures, hopes and aspirations are so closely tied to ours—for it is the merchant marine that carries America to them. If we wish to enhance our ability to communicate to the rest of the world the wondrous productivity and superiority of democratic processes, and assure our sovereignty upon the seas, then we must assure this Nation an adequate and efficient merchant marine.

The bill just introduced is, in my opinion, essential legislation. We must fight the battle for necessary appropriations after we have passed this legislation, but surely we cannot at this time neglect to enact these necessary substantive changes which are essential to the future of our merchant fleet.

This bill says not a word about the location of the Maritime Administration. I am sponsoring, as well, separate legislation to establish the Maritime Administration as an independent agency. I believe, however, that regardless of where the Maritime Administration is located, be it in the Department of Commerce, in the Department of Transportation, or established as an independent agency, the most important thing to the merchant marine and this Nation is a realistic and workable program that will enable more ships to be built and operated under the U.S. flag.

As we move forward in another attempt to enact a meaningful revitalization program for the U.S. merchant marine I am hopeful that the maritime industry—management and labor alike—can move forward together in support of a program. Continued division and bitterness between the various factions of the industry serve only to lessen its image before the American people and increase the difficulties of enacting a meaningful maritime program. Surely there must be a realization that the desperate necessity for revitalizing our fleet provides sufficient common ground upon which industry and the Government can unite in an effort to regain our rightful place upon the seas. The condition of our fleet leaves no alternative.

Mr. President, I have not fully discussed all the provisions of this proposed new maritime program, but I ask unanimous consent to insert in the RECORD following my remarks a section-by-section analysis of the bill and a comparative text showing the changes in existing law that would be made by this proposed legislation. The bill is lengthy and deals with a variety of matters essential to the health of our merchant marine.

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

The bill (S. 1915) to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Commerce.

The material, presented by Mr. MAGNUSON, follows:

SECTION-BY-SECTION ANALYSIS OF THE BILL "TO AMEND THE MERCHANT MARINE ACT, 1936, AND OTHER STATUTES TO PROVIDE A NEW MARITIME PROGRAM"

Section 1 would amend section 209(b) of the Merchant Marine Act, 1936, to authorize appropriations for each of the fiscal years 1969 through 1973 in the amount of $300,000,000 per year for construction-differential subsidy, cost of national defense features and acquisition of used ships, and $25,000,000 per year for research and development. It would also authorize appropriations for the fiscal year 1969 in the amount of $30,000,000 to reconstruct the reserve fleet.

Section 2 would amend section 211 to add contract vessels to the category of vessels for which the Secretary is to determine requirements, and to add contract operations to the category of operations for which the Secretary is to determine the relative costs of operating U.S. vessels and vessels of foreign countries operating in competition with them.

Section 3 would amend section 501(a) of the Act to include privately-owned shipyards as eligible applicants for construction-differential subsidy, while retaining the proposed shipowners as eligible applicants.

Section 4 would substitute the words "proposed shipowner" for applicant in section 502(a). This is necessary because the provisions of this section are not intended to be applicable to a shipyard applicant. Where the shipyard is the applicant the procedures of section 504, as amended by the draft bill, would be utilized.

Section 5 would amend section 502(a) by providing a new method for determining construction-differential subsidy. Under present law, the subsidy paid is the excess of the lowest responsible bid for a particular vessel over the estimate of the foreign cost of building that vessel, up to a ceiling of 55 percent. The amendment would discontinue computing subsidy on an individual ship basis. Instead, subsidy rates for each type of vessel would be developed by estimating for each type the domestic and foreign construction costs. The rate for each type of vessel would be periodically redetermined but not more frequently than once each year. The ceiling of 55 percent would remain in effect for three years. Under present law this rate would revert to 50 percent on July 1, 1968.

Section 6 would amend section 504 by designating the present text as subsection (a), by limiting its applicability to the situation where the proposed shipowner is the applicant for construction-differential subsidy, and by authorizing the shipowner to negotiate a price with the shipyard as an alternative to competitive bidding. The section is also amended by adding a new subsection under which the shipyard could be the applicant for subsidy based either on competitive bidding or negotiated pricing.

Section 7 would amend the definition of "obsolete vessel" in section 510 so as to eliminate the requirement for a finding that the vessel, in the judgment of the Secretary, is obsolete or inadequate for successful operation in foreign or domestic trade, and to substitute a requirement for a finding that the vessel should be replaced in the public interest. This would conform the required finding under this section to that required under section 605(b) to permit payment of operating subsidy for operation of a vessel that is beyond its statutory age. This amendment avoids the situation of finding under one section that a vessel of a given type and age is obsolete or inadequate for successful operation and finding under another section that it is to the public interest to subsidize another vessel of that type and age.

Section 8 would make applicable to the new title XIII (Experimental Operating Subsidy) the provisions of section 801 which permit the Secretary to prescribe the method to be used by the operator in keeping books and records.

Section 9 would make applicable to the new title XIII of the provisions of section 804 which prohibit operators who receive operating subsidy, and their affiliates, from owning, chartering, acting as broker or agent for, or operating any foreign flag ship which competes with an American flag ship on an essential trade route, without the permission of the Secretary.

Section 10 would apply to title XIII the provisions of 805(a) which prohibit payment of operating subsidy to any contractor if such contractor or an affiliate owns or operates any vessel engaged in the coastwise or intercoastal trade without the consent of the Secretary. Section 12 would also amend section 805 by repealing subsection (c) which limits to $25,000 the amount of any one person's salary which will be taken into account for subsidy accounting purposes.

Section 11 would release existing operators from the provisions of their contracts inserted pursuant to section 805(c).

Section 12 would make applicable to title XIII the provisions of section 810 which prohibit any operator receiving operating subsidy from being a party to any agreement with other carriers which unjustly discriminate against any American flag carrier on an essential trade route.

Section 13 would amend section 905 to apply that section's definition of "citizen of the United States" to title XIII.

Section 14 would provide a new title X which would authorize aid in the development and construction of nuclear powered ships. The most subsidy that could be granted under the title for a ship to be operated in the foreign trade or the non-contiguous domestic trade would be an amount that would give the operator the nuclear ship at the price of constructing a comparable conventional ship. If the ship is to be oper-

ated in any other part of the domestic trade, the most subsidy allowable would be an amount that would give the operator the ship at the price of building a comparable conventional ship in the United States.

Section 15 would amend the Atomic Energy Act of 1954 to vest in the Atomic Energy Commission any invention or discovery useful in the production or utilization of atomic energy which is conceived under any contract entered into under the new title X of the Merchant Marine Act, 1936.

Section 16 would amend the Atomic Energy Act of 1954 to authorize the Atomic Energy Commission to grant the same indemnity with respect to nuclear vessels constructed under the new title X of the 1936 Act as it can grant with respect to the SAVANNAH.

Section 17 would amend section 607(b) of the Merchant Marine Act to permit capital reserve funds to be used in the purchase of new nuclear fuel cores.

Section 18 would amend section 1104(a)(5) of the Act to remove the six percent limit on loans that can be insured under title XI and to substitute therefor a limit on interest at a rate determined by the Secretary of Commerce to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department.

Section 19 would amend section 1106(2) of the Act to allow refinancing of insured mortgages so as to include new nuclear fuel cores.

Section 20 would create a new title XIII in the Act which would authorize five-year experimental operating subsidy contracts with operators of liner vessels and with owners of dry bulk vessels built after enactment of the title. The purpose is to explore new subsidy concepts which contain incentives sufficient to reduce unit costs of subsidy in the future.

Section 21 would provide for the establishment of a Commission on American Shipbuilding to study the private shipbuilding industry and to report to the President and Congress within three years as to the extent to which Federal assistance is necessary to preserve the competitive position of the shipbuilding industry and to preserve a national shipbuilding capability.

Section 22 would allow merchant vessel and fishing vessel owners to contract with the Secretary of Commerce and Secretary of the Interior respectively for the establishment of vessel replacement funds. Monies deposited into such funds would be treated as tax deferred but only if used for the purpose of replacing and modernizing vessels.

COMPARATIVE TEXT SHOWING THE CHANGES IN EXISTING LAW THAT WOULD BE MADE BY THE BILL "TO AMEND THE MERCHANT MARINE ACT, 1936, AND OTHER STATUTES TO PROVIDE A NEW MARITIME PROGRAM"

[Deletions are enclosed in black brackets; new material is shown in italic.]

SEC. 20. (a) Except as provided in subsection (b) of this section, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) Nothwithstanding any other provisions of this Act or any other law, there are authorized to be appropriated after December 31, 1967, for the use of the Maritime Administration for—

(1) acquisition, construction, or reconstruction of vessels;

(2) construction-differential subsidy and cost of national defense features incident to the construction, reconstruction or reconditioning of ships;

(3) payment of obligations incurred for operating-differential subsidy;

(4) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations);

(5) reserve fleet expenses;

(6) maritime training at the Merchant Marine Academy at Kings Point, New York;

(7) financial assistance to State Marine Schools; and

(8) the Vessel Operations Revolving Fund;

only such sums as the Congress may specifically authorize by law: *Provided, however, That for each of the fiscal years 1969 through 1973, there is authorized to be appropriated (1) for construction-differential subsidy and the cost of national defense features incident to construction, reconstruction, or reconditioning of ships for operation in foreign or non-contiguous domestic commerce, and for the acquisition of used ships pursuant to section 510 of this Act, $300,000,000, to remain available until expended; and (2) for research and development, $25,000,000, to remain available until expended. For fiscal year 1969, there is also authorized to be appropriated for reconstruction of the reserve fleet, $30,000,000, to remain available until expended.*

SEC. 211. The Commission is authorized and directed to investigate, determine, and keep current records of—

(a) The ocean services, routes, and lines from ports in the United States, or in a territory, district, or possession thereof, to foreign markets, which are, or may be determined by the Commission to be essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States, and in reaching its determination the Commission shall consider and give due weight to the cost of maintaining each of such steamship lines, the probability that any such line cannot be maintained except at a heavy loss disproportionate to the benefit accruing to foreign trade, the number of sailings and types of vessels that should be employed in such lines, and any other facts and conditions that a prudent business man would consider when dealing with his own business, with the added consideration, however, of the intangible benefit the maintenance of any such line may afford to the foreign commerce of the United States and to the national defense;

(b) The type, size, speed, and other requirements of the vessels, including express-liner or super-liner vessels, which should be employed in such services or on such routes or lines, and the frequency and regularity of the sailings of such vessels, with a view to furnishing adequate, regular, certain, and permanent service, *or which should be employed as contract carriers;*

(c) The relative cost of construction of comparable vessels in the United States and in foreign countries:

(d) The relative cost of marine insurance, maintenance, repairs, wages and subsistence of officers and crews, and all other items of expense, in the operation of comparable vessels in particular service routes, and lines, *or as contract carriers,* under the laws, rules, and regulations of the United States and under those of the foreign countries whose vessels are substantial competitors of any such American service, route, or line, *or contract carrier;*

SEC. 501. (a) [Any citizen of the United States may make application to the Commission for a construction-differential subsidy to aid in the construction of a new vessel to be used in the foreign commerce of the United States.] *Any privately-owned shipyard or proposed shipowner who is a citizen of the United States may make application to the Secretary of Commerce for a construction-differential subsidy to aid in the construction of a new vessel to be documented under the laws of the United States and to be used in the foreign commerce of the United States.* No such application shall be approved by the Commission unless it determines that (1) the plans and specifications call for a new vessel which will meet the requirements of the foreign commerce of the United States, will aid in the promotion and development of such commerce, and be suitable for use by the United States for national defense or military purposes in time of war or national emergency; (2) [the applicant] *the proposed owner of the vessel is a citizen of the United States* and possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain the proposed new vessel, and (3) the granting of the aid applied for is reasonably calculated to replace worn out or obsolete tonnage with new and modern ships, or otherwise to carry out effectively the purposes and policy of this Act. The contract of sale, and the mortgage given to secure the payment of the unpaid balance of the purchase price shall not restrict the lawful or proper use or operation of the vessel except to the extent expressly required by law.

* * * * *

SEC. 502. (a) If the Secretary of the Navy certifies his approval under section 501(b) of this Act, and the Commission approves the application, it may secure, on behalf of the [applicant] *proposed shipowner,* bids for the construction of the proposed vessel according to the approved plans and specifications. If the bid of the shipbuilder who is the lowest responsible bidder is determined by the Commission to be fair and reasonable, the Commission may approve such bid, and if such approved bid is accepted by the [applicant] *proposed shipowner,* the Commission is authorized to enter into a contract with the successful bidder for the construction, outfitting, and equipment of the proposed vessel, and for the payment by the Commission to the shipbuilder, on terms to be agreed upon in the contract, of the contract price of the vessel, out of the construction fund herein before referred to, or out of other available funds. Concurrently with entering into such contract with the shipbuilder, the Commission is authorized to enter into a contract with the [applicant] *proposed shipowner* for the purchase by him of such vessels upon its completion, at a price corresponding to the estimated cost, as determined by the Commission pursuant to the provisions of this Act, of building such vessel in a foreign shipyard.

(b) [The amount of the reduction in selling price which is herein termed "construction differential subsidy" may equal, but not exceed, the excess of the bid of the shipbuilder constructing the proposed vessel (excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Secretary in addition to the subsidy), over the fair and reasonable estimate of cost, as determined by the Secretary, of the construction of the proposed vessel if it were constructed under similar plans and specification (excluding national defense features as above provided) in a foreign shipbuilding center which is deemed by the Secretary to furnish a fair and representative example of the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed.] *The amount of the reduction in selling price which is herein termed "construction-differential subsidy" shall be computed by taking the excess of the fair and reasonable estimate, as determined by the Secretary, of the cost of constructing a type of vessel in United States shipyards (excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Secretary in addition to the subsidy), over the fair and reasonable estimate of cost, as determined by the Secretary, of the construction of that type vessel (excluding national defense features as above provided) in a foreign shipbuilding center which is deemed by the Secretary to furnish a fair and representative example of the determination of the estimated foreign cost of construction of vessels of the type proposed to be constructed, and expressing the result as a percentage of the fair and reasonable estimate, as determined by*

the Secretary, of the cost of construction of that type vessel in United States shipyards, and applying such percentage to the lowest responsible bid. Subsidy rates shall be computed separately for different types of vessels and shall be periodically recomputed but not more frequently than once each year. In making his foreign cost estimate, the Secretary shall review and consider any foreign cost estimates and substantiating information submitted by operators, shipyards, or his staff. The construction differential approved and paid by the Secretary shall not exceed 55 per centum of the construction cost of the vessel, except that in the case of reconstruction or reconditioning of a passenger vessel having the tonnage, speed, passenger accommodations and other characteristics set forth in section 503 of this Act, the construction differential approved and paid shall not exceed 60 per centum of the reconstruction or reconditioning cost (excluding the cost of national defense features as above provided): *Provided, however,* That after [June 30, 1968] *the expiration of three years from the date of enactment of this amendment* the construction differential approved by the Secretary shall not exceed in the case of the construction, reconstruction or reconditioning of any vessel, 50 per centum of such cost. When the Secretary finds that the construction differential in any case exceeds the foregoing applicable percentage of such cost, the Secretary may negotiate and contract on behalf of the applicant to construct, reconstruct, or recondition such vessel in a domestic shipyard at a cost which will reduce the construction differential to such applicable percentages or less. In the event that the Secretary has reason to believe that the bidding in any instance is collusive, he shall report all the evidence on which he acted (1) to the Attorney General of the United States, and (2) to the President of the Senate and to the Speaker of the House of Representatives if the Congress shall be in session or if the Congress shall not be in session, then to the Secretary of the Senate and Clerk of the House, respectively.

* * * * *

SEC. 504. (a) Where an eligible [applicant] *proposed shipowner* under the terms of this title desires to finance the construction of a proposed vessel according to approved plans and specifications rather than purchase the same vessel from the Commission as hereinabove authorized, the Commission may permit the [applicant] *proposed shipowner* to obtain and submit to it competitive bids from domestic shipyards for such work. *Alternatively, the Secretary may, in accordance with terms and conditions to be prescribed by him, permit the proposed shipowner to submit a negotiated price together with backup cost details and evidence that the price is fair and reasonable.* If the Commission considers the [bid] *bid or negotiated price* of the shipyard in which the [applicant] *proposed shipowner* desires to have the vessel built fair and reasonable, it may approve such [bid] *bid or negotiated price* and become a party to the contract or contracts or other arrangements for the construction of such proposed vessel and may agree to pay a construction-differential subsidy in an amount determined by the Commission in accordance with section 502 of this title, and for the cost of national-defense features. The construction-differential subsidy and payments for national-defense features shall be based on the lowest responsible domestic bid, *or the negotiated price.* No construction-differential subsidy, as provided in this section, shall be paid unless the said contract or contracts or other arrangements contain such provisions as are provided in this title to protect the interests of the United States as the Commission deems necessary. Such vessel shall be documented under the laws of the United States as provided in section 503 of this title. The contract of sale, and the mortgage given to secure the payment of the unpaid balance of the purchase price, shall not restrict the lawful or proper use or operation of the vessel, except to the extent expressly required by law.

(b) *Where a shipyard is the applicant, it may in accordance with terms and conditions prescribed by the Secretary, request construction-differential subsidy based upon a price which has been negotiated with the proposed shipowner. If the Secretary considers the negotiated price to be fair and reasonable, he may become a party to a contract between the shipyard and the shipowner and agree to pay the cost of national defense features and construction-differential subsidy computed under section 502(b) of this Act. If the Secretary determines that the negotiated price is not fair and reasonable, he may request renegotiation in an effort to arrive at a fair and reasonable price. As an alternative to accepting a negotiated price, the Secretary may, with the consent of the shipyard applicant, request competitive bids on the proposal, in which case, the applicant shipyard may be the bidder. In this event, the Secretary may become a party to a contract between the lowest competitive bidder and the proposed shipowner.*

* * * * *

SEC. 506. Every owner of a vessel for which a construction-differential subsidy has been paid shall agree that the vessel shall be operated exclusively in foreign trade, or on a round-the-world voyage, or on a round voyage from the west coast of the United States to a European port or ports which includes intercoastal ports of the United States, or a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or on a voyage in foreign trade on which the vessel may stop at the State of Hawaii, or an island possession or island territory of the United States, and that if the vessel is operated in the domestic trade on any of the above-enumerated services, he will pay annually to the Commission that proportion of one twenty-fifth of the construction-differential subsidy paid for such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year. The Commission may consent in writing to the temporary transfer of such vessel to service other than the service covered by such agreement for periods not exceeding six months in any year, whenever the Commission may determine that such transfer is necessary or appropriate to carry out the purposes of this Act. Such consent shall be conditioned upon the agreement by the owner to pay to the Commission, upon such terms and conditions as it may prescribe, an amount which bears the same proportion to the construction-differential subsidy paid by the Commission as such temporary period bears to the entire economic life of the vessel. No operating-differential subsidy shall be paid for the operation of such vessel for such temporary period.

* * * * *

SEC. 509. Any citizen of the United States may make application to the Commission for aid in the construction of a new vessel to be operated in the foreign or domestic trade (excepting vessels engaged solely in the transportation of property on inland rivers and canals exclusively. If such application is approved by the Commission, the vessel may be constructed under the terms and conditions of this title, but no construction-differential subsidy shall be allowed. The Commission shall pay for the cost of national-defense features incorporated in such vessel. In case the vessel is designed to be of not less than three thousand five hundred gross tons and to be capable of sustained speed of not less than fourteen knots, the applicant shall be required to pay the Commission not less than 12½ per centum of the cost of such vessel, and in the case of any other vessel the applicant shall be required to pay the Commission not less than 25 per centum of the cost of such vessel (excluding from such cost, in either case, the cost of national defense features); and the balance of such purchase price shall be paid by the applicant within twenty-five years in not to exceed twenty-five equal annual installments, with interest at 3½ per centum per annum, secured by a preferred mortgage on the vessel sold and otherwise secured as the Commission may determine: *Provided,* That, notwithstanding any other provisions of law, the balance of the purchase price of a passenger vessel constructed under this section which is delivered subsequent to March 8, 1946, and which has the tonnage, speed, passenger accommodations, and other characteristics set forth in section 503 of this Act, may, with the approval of the Commission, be secured as provided in such section, and the obligation of the purchaser of such a vessel shall be satisfied and discharged as provided in such section.

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, 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.]

(1) *The term "obsolete vessel" means a vessel or vessels each of which is of not less than one thousand three hundred and fifty gross tons; which has been owned by a citizen or citizens of the United States for at least three years immediately prior to the date of acquisition hereunder; and which in the judgment of the Secretary should be replaced in the public interest.*

* * * * *

(j) Any vessel heretofore or hereafter acquired under this section, or otherwise acquired by the Secretary of Commerce under any other authority shall be placed in the national defense reserve fleet established under authority of section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and shall not be traded out or sold from such reserve fleet, except as provided for in [subsections (g) and (i)] *section (g)* of this section. This limitation shall not affect the rights of the Secretary of Commerce to dispose of a vessel as provided in other sections of this title or in titles VII or XI of this Act.

* * * * *

SEC. 801. Every contract executed by the Commission under the provisions of [titles VI or VII] *titles VI, VII, or XIII* of this Act shall contain provisions requiring (1) that the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the contractor, to keep its books, records, and accounts, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines covered by the contract, in such form and under such regulations as may be prescribed by the Commission: *Provided,* That the pro-

visions of this paragraph shall not require the duplication of books, records, and accounts required to be kept in some other form by the Interstate Commerce Commission; (2) that the contractor and every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by the contractor, to file, upon notice from the Commission, balance sheets profit and loss statements, and such other statements of financial operations, special report, memoranda of any facts and transactions, which in the opinion of the Commission affect the financial results in, the performance of, or transactions or operations under, such contract; (3) that the Commission shall be authorized to examine and audit the books, records, and accounts of all persons referred to in this section whenever it may deem it necessary or desirable; and (4) that upon the willful failure or refusal of any person described in this section to comply with the contract provisions required by this section, the Commission shall have the right to rescind the contract, and upon such rescission the United States shall be relieved of all further liability on such contract.

* * * * *

SEC. 804. It shall be unlawful for any contractor receiving an operating-differential subsidy under title VII *operating subsidy under titles VI or XIII* or for any charter of vessels under title VII of this Act, or any holding company, subsidiary, affiliate, or associate of such contractor or such charterer, or any officer, director, agent, or executive thereof, directly or indirectly to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service determined by the Commission to be essential as provided in section 211 of this Act: *Provided, however,* That under special circumstances and for good cause shown the Commission may, in its discretion, waive the provisions of this section as to any contractor, for a specific period of time, by affirmative vote of four of its members, except as otherwise provided in section 201(a).

SEC. 805. (a) It shall be unlawful to award or pay any subsidy to any contractor under authority of title VI *or title XIII* of this Act, or to charter any vessel to any person under title VII of this Act, if said contractor or charterer, or any holding company, subsidiary, affiliate, or associate of such contractor or charterer, or any officer, director, agent, or executive thereof, directly or indirectly, shall own, operate, or charter any vessel or vessels engaged in the domestic intercoastal or coastwise service or own any pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates any vessel or vessels in the domestic intercoastal or coastwise service without the written permission of the Commission. Every person, firm, or corporation having any interest in such application shall be permitted to intervene and the Commission shall give a hearing to the applicant and the intervenors. The Commission shall not grant any such application if the Commission finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it would be prejudicial to the objects and policy of this Act: *Provided,* That if such contractor or other person above-described or a predecessor in interest was in bona fide operation as a common carrier by water in the domestic, intercoastal, or coastwise trade in 1935 over the route or routes or in the trade or trades for which application is made and has so operated since that time or if engaged in furnishing seasonal service only, was in bona fide operation in 1935 during the season ordinarily covered by its operation, except in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall grant such permission without requiring further proof that public interest and convenience will be served by such operation, and without further proceedings as to the competition in such route or trade.

If such application be allowed, it shall be unlawful for any of the persons mentioned in this section to divert, directly or indirectly, any moneys, property, or other thing of value, used in foreign-trade operations, for which a subsidy is paid by the United States, into any such coastwise or intercoastal operations; and whosoever shall violate this provision shall be guilty of a misdemeanor.

* * * * *

[(c) In determining the rights and obligations of any contractor under a contract authorized by title VI or title VII of this Act, no salary for personal services in excess of $25,000 per annum paid to a director, officer, or employee by said contractor, its affiliates, subsidiary, or associates, shall be taken into account. The terms "director", "officer", or "employee" shall be construed in the broadest sense. The term "salary" shall include wages and allowances of compensation in any form for personal services which will result in a director, officer, or employee receiving total compensation for his personal services from such sources exceeding in amount or value $25,000 per annum.]

(d) It shall be unlawful, without express written consent of the Commission, for any contractor holding a contract authorized under title VI or VII of this Act to employ any other person or concern as the managing or operating agent of such operator, or to charter any vessel, on which an operating-differential subsidy is to be paid, for operation by another person or concern, and if such charter is made, the person or concern operating the chartered vessel or vessels shall be subject to all the terms and provisions of this Act, including limitations of profits and salaries. No contractor *under titles VI or XIII of this Act* shall receive an operating-differential subsidy for the operation of any chartered vessel save and except during a period of actual emergency determined by the Commission, or except as provided in section 708.

* * * * *

SEC. 810. It shall be unlawful for any contractor receiving an [operating-differential] *operating* subsidy under [title VI] *titles VI or XIII* or for any charterer of vessels under title VII of this Act, to continue as a party to or to conform, to any agreement with another carrier or carriers by water, or to engage in any practice in concert with another carrier or carriers by water, which is unjustly discriminatory or unfair to any other citizen of the United States who operates a common carrier by water exclusively employing vessels registered under the laws of the United States on any established trade route from and to a United States port or ports.

No payment or subsidy of any kind shall be paid directly or indirectly out of funds of the United States or any agency of the United States to any contractor or charterer who shall violate this section. Any person who shall be injured in his business or property by reason of anything forbidden by this section may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

* * * * *

SEC. 905. * * *

(c) The words "citizen of the United States" include a corporation, partnership, or association only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (U.S.C. title 46, sec. 802), and with respect to a corporation [under title VI] *under titles VI or XIII* of this Act. all directors of the corporation are citizens of the United States, and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall not be less than 75 per centum.

* * * * *

Title X—Aid in developing, constructing, and operating privately owned nuclear-powered merchant ships

Sec. 1001. The purpose of this title is to further implement the policy declared in section 101 of this Act, by fostering at the least cost to the United States the development, construction, and operation of privately owned nuclear-powered merchant ships whose designs embody significant departures from the designs of existing nuclear-powered merchant ships which may lead to reduction of the cost of constructing and operating future nuclear-powered merchant ships.

Sec. 1002. The Secretary of Commerce is authorized to invite from citizens of the United States proposals for the development and construction of nuclear-powered merchant ships for operation in the domestic or foreign commerce of the United States, including trade on the Great Lakes. Proposals shall be invited only for the development and construction of nuclear-powered merchant ships (1) of types and general specifications (whether dry-cargo, liquid bulk carrier, or other) determined by the Secretary of Commerce, and (2) with nuclear propulsion systems of general types and conceptual designs which the Atomic Energy Commission has determined could reasonably be expected to accomplish nuclear power base development program objectives more quickly, more effectively, or at lower cost than other nuclear propulsion systems (these would include, without limitation, objectives of dependability, reliability, operability, and the acquisition of data that would be of value to the future development of merchant marine nuclear propulsion systems). Each proposal shall include a detailed description of the proposed ship or ships; their contemplated use in commerce; the proposed development, construction, and operating programs; the technical justification and detailed estimate of development, construction and operating costs; the amount of aid applied for itemized separately for the development, construction, and operating programs; and such other information as the Secretary directs.

Sec. 1003. The Secretary, in cooperation with the Atomic Energy Commission, shall evaluate all proposals determined to be responsive to the invitation and shall select from them the proposal or proposals which will most closely carry out the purposes of this title. If the Secretary determines that the person who submitted a selected proposal, although such person may have had no experience in the operation of nuclear-powered ships, possesses the ability, experience, financial resources, and other qualifications necessary to enable him to operate and maintain ships in that area of the domestic or foreign commerce of the United States (including trade on the Great Lakes) in which he proposes to operate the proposed ship or ships, the Secretary may negotiate the award of a contract with such person (hereafter called the applicant) for the development and construction of the proposed ship or ships. The Secretary may require such modifications in the proposed ship or ships as he deems desirable, taking into account the views of the Atomic Energy Commission with respect to modifications of the nuclear propulsion system, and the views of the Secretary of Defense with respect to national defense features. The Secretary may agree to provide so much of the aid authorized by section 1004 of this title as he determines is necessary to carry out the purposes of this

title, taking into consideration the financial risk to the applicant, and the contribution which the development, construction and operation of the proposed ship or ships may make toward carrying out the purposes of this title.

Sec. 1004. (a)(1) In connection with the development and construction of vessels proposed and selected pursuant to section 1003, the Secretary may offer the following assistance:

(A) With the scientific and engineering advice of the Atomic Energy Commission, he may assist in negotiating the award of and become a party to contracts between the applicant and the developer for the development of the proposed nuclear-powered merchant ship or ships, including the first fuel cores. He may agree in such contracts to pay the developer all of, or part of, the excess of the cost of developing the proposed ship or ships, including national defense features and the first fuel cores, over the estimated fair and reasonable cost of developing a comparable conventional ship or ships without national defense features.

(B) He may become a party to contracts between the applicant and the builder for the construction of the proposed nuclear-powered merchant ship or ships, and may agree in such contracts to pay the builder all of, or part of, the excess of the cost of constructing in the United States the proposed ship or ships, including national defense features and the first fuel cores, over the estimated average weighted fair and reasonable foreign cost of constructing a comparable conventional ship or ships without national defense features: Provided, however, That if the ship or ships are to be operated in the domestic trade (except the non-contiguous domestic trade) aid under this paragraph is limited to the excess of the cost of constructing in the United States the proposed ship or ships, including national defense features and the first fuel cores, over the estimated fair and reasonable cost of constructing a comparable conventional ship without national defense features in the United States.

(2) The Secretary may also assist in training crews for the ships; plan and design or assist in planning and designing appropriate shore facilities to service the ships; make available to the applicant, with the consent of the Atomic Energy Commission, appropriate classified information; provide research and development in Government laboratories which have facilities, personnel, or equipment not available in private laboratories, with the consent of the department or agency which operates the laboratory, and with or without charge to the applicant; and provide, without charge, design review services, ship construction inspection services and ship operation advisory services.

(3) If, under section 184 of the Atomic Energy Act of 1954 (42 U.S.C. 2234), the Atomic Energy Commission consents to the creation of a mortgage or lien on the nuclear-powered merchant ship, and if the loan and mortgage are eligible for insurance under title XI of this Act, the Secretary may insure under that title the interest on and the unpaid balance of the principal amount of the loan and mortgage. In determining the applicant's eligibility, the Secretary is not required to make the finding required by subsection (c) of section 1004 of this Act. The Secretary may make the findings required by subsection (a)(1) and (b)(1) of section 1104 even though the applicant has had no experience in the operation of nuclear-powered merchant ships. The applicability of section 184 of the Atomic Energy Act of 1954 to the ship shall not prevent a mortgage on the ship from being a preferred mortgage under the Ship Mortgage Act, 1920.

(b) In providing the aid specified in subsection (a) of this section, the Secretary may, upon payment of the costs, and with the consent of the department or agency concerned, avail himself of the use of licenses, information, services, facilities, offices, and employees of any executive department, independent establishment, or other agency of the Government, including any field service thereof.

(c) Section 505(a) of this Act shall apply to all ships whose construction is aided under this title.

Sec. 1005. Each applicant for aid under this title shall agree that if the ship, after its construction is completed, cannot at any time be operated for a period of more than 30 days because of an inter-union dispute in which the fact that the ship is nuclear-powered is an important element, the owner will, if so directed by the Secretary of Commerce, place the vessel up for sale at competitive bidding, with a minimum price in the amount that would be paid if the vessel were requisitioned for title, and on such other terms and conditions as the Secretary of Commerce determines will be conducive to the continued operation of the ship. This obligation shall run with the title to the vessel.

Sec. 1006. Any ship developed and constructed with aid under this title shall be documented under the laws of the United States and shall remain so documented for 25 years or so long as it is propelled by nuclear propulsion, whichever is longer.

Sec. 1007. Ships whose construction is aided under this title are eligible to receive operating-differential subsidy under whatever system is in force when the ships go into operation if the applicant qualifies under the statute.

Sec. 1008. There are authorized to be appropriated to the Secretary such sums as may be necessary, to remain available until expended, to carry out the provisions of this title.

Sec. 1009. Authority to contract for the development or construction of ships under this title expires at midnight on the last day of the sixtieth month following the month in which this title is enacted.

THE ATOMIC ENERGY ACT OF 1954

* * * * *

SEC. 152. INVENTIONS MADE OR CONCEIVED DURING COMMISSION CONTRACTS—Any inventions or discovery, useful in the production or utilization of special nuclear material or atomic energy, made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, *or with the Secretary of Commerce under the authority of title X of the Merchant Marine Act, 1936, as amended,* regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds [by the Commission] *by the Commission or the Secretary,* shall be vested in, and be the property of, the Commission, except that the Commission may waive its claim to any such invention or discovery under such circumstances as the Commission may deem appropriate, consistent with the policy of this section. No patent for any invention or discovery, useful in the production or utilization of special nuclear material or atomic energy, shall be issued unless the applicant files with the application, or within thirty days after request therefor by the Commissioner of Patents (unless the Commission advises the Commissioner of Patents that its rights have been determined and that accordingly no statement is necessary) a statement under oath setting forth the full facts surrounding the making or conception of the invention or discovery described in the application and whether the invention or discovery was made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the Commission, regardless of whether the contract, subcontract, or arrangement involved the expenditure of funds by the Commission. The Commissioner of Patents shall as soon as the application is otherwise in condition for allowance forward copies of the application and the statement to the Commission.

The Commissioner of Patents may proceed with the application and issue the patent to the applicant (if the invention or discovery is otherwise patentable) unless the Commission, within ninety days after receipt of copies of the application and statement, directs the Commissioner of Patents to issue the patent to the Commission (if the invention or discovery is otherwise patentable) to be held by the Commission as the agent of and on behalf of the United States.

If the Commission files such a direction with the Commissioner of Patents, and if the applicant's statement claims, and the applicant still believes, that the invention or discovery was not made or conceived in the course of or under any contract, subcontract or arrangement entered into with or for the benefit of the Commission entitling the Commission to the title to the application or the patent the applicant may, within thirty days after notification of the filing of such a direction, request a hearing before a Board of Patent Interferences. The Board shall have the power to hear and determine whether the Commission was entitled to the direction filed with the Commissioner of Patents. The Board shall follow the rules and procedures established for interference cases and an appeal may be taken by either the applicant or the Commission from the final order of the Board to the Court of Customs and Patent Appeals in accordance with the procedures governing the appeals from the Board of Patent Interferences.

If the statement filed by the applicant should thereafter be found to contain false material statements any notification by the Commission that it has no objections to the issuance of a patent to the applicant shall not be deemed in any respect to constitute a waiver of the provisions of this section or of any applicable civil or criminal statute, and the Commission may have the title to the patent transferred to the Commission on the records of the Commissioner of Patents in accordance with the provisions of this section. A determination of rights by the Commission pursuant to a contractual provision or other arrangement prior to the request of the Commissioner of Patents for the statement, shall be final in the absence of false material statements or nondisclosure of material facts by the applicant.

* * * * *

SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—

* * * * *

1. The Commission is authorized until August 1, 1977, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the 'nuclear-ship *Savannah', or any ship whose development or construction is aided under title X of the Merchant Marine Act, 1936, as amended.* In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the amount of $500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indem-

nified in connection with each nuclear incident: *Provided,* That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000.

The contractor shall also deposit in the capital reserve fund, from time to time, such percentage of the annual net profits of the contractor's business covered by the contract as the Commission shall determine is necessary to further build up a fund for replacement of contractor's subsidized ships, but the Commission shall not require the contractor to make such deposit of the contractor's net profits in the capital reserve fund unless the cumulative net profits of the contractor, at the time such deposit is to be made, shall be in excess of 10 per centum per annum from the date the contract was executed. From the capital reserve fund so created, the contractor may pay the principal, when due, on all notes secured by mortgage on the subsidized vessels and may make disbursements for the purchase of replacement vessels or reconstruction of vessels or additional vessels to be employed by the contractor on an essential foreign-trade line, route, or service approved by the Commission, and on cruises, if any, authorized under section 613 of this title, *or new nuclear fuel cores for vessels,* but payments from the capital reserve fund shall not be made for any other purpose.

* * * * *

SEC. 1104(a) * * *

(5) shall secure bonds, notes or other obligations bearing interest (exclusive of premium charges for insurance, *and service charges, if any*) at [a rate] *rates* not to exceed [5] *such* per centum per annum on the [amount of the unpaid principal at any time, or not to exceed 6 per centum per annum if the Secretary of Commerce finds that in certain areas or under special circumstances the mortgage or lending market demands it] *principal obligation outstanding as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;*

SEC. 1106. No provision of this title shall be construed to authorize the Secretary of Commerce to insure a mortgage securing any loan or advance made prior to the enactment of this title, and no mortgage shall be insured for refinancing in whole or in part any existing mortgage indebtedness except as provided in section 1107, or

(1) where a substantial portion of the total amount to be secured by the new mortgage, not to extend beyond twenty-five years from the date of the original mortgage, shall be applied to new construction, reconditioning, or reconstruction of one or more of the mortgaged vessels: *Provided, however,* That the aggregate amount of all mortgages insured under this paragraph and outstanding at any one time shall not exceed $20,000,000, and provided that all of the eligibility requirements of section 1104 (46 U.S.C. 1274) not inconsistent with this paragraph are complied with;

(2) where the Secretary of Commerce has insured a mortgage under the provisions of this title, and the mortgagor thereafter makes application to the mortgagee or another lender for an additional loan or advance for reconditioning or reconstructing the mortgaged property *or to provide a new nuclear fuel core for the mortgaged property,* the Secretary of Commerce may insure a new mortgage, not to extend beyond twenty-five years from the date of the original mortgage, in the amount of the principal outstanding balance of the original mortgage plus the amount of the additional loan, provided the amount of the additional loan is within the limits of paragraph (2) of subsection (a) of section 1104 (46 U.S.C. 1274) and the new mortgage conforms to the eligibility requirements of all the other paragraphs of said subsection (a);

* * * * *

Title XIII—Experimental operating subsidy

Sec. 1301. The Secretary of Commerce is authorized to enter into five-year experimental contracts with liner operators for the payment of operating subsidy for the operation of liner vessels in the foreign commerce of the United States and with owners of dry bulk vessels built after the enactment of this title for operation as contract carriers in the foreign commerce of the United States, subject to such terms and conditions as the Secretary may determine.

Sec. 1032. A subsidy contract may be awarded on any service which the Secretary, in his discretion, without public hearing, determines is not adequately served. Applicants for such contracts must meet the eligibility requirements of section 601 of this Act. The Secretary, in his discretion, may apply the provisions of sections 605(a) and (b), 606 (5) (6) (7), 607(a) (b) (c) (d) (e) (f) (g), 608, 609, 610, and 611 of this Act, or any of them, to contracts entered into under this title. He may also, in his discretion, apply the provisions of section 607(h) to contracts entered into under this title with liner operators.

Sec. 1303. The amount payable during the first year of the subsidy contract shall not exceed the difference between the costs incurred in operating the ship for insurance, wages, maintenance and repair, and the cost of such items incurred in the operation of a comparable ship under the flag of a foreign country whose ships are substantial competitors of the subsidized ship. During the subsequent years of the contract, the amount of subsidy shall be computed in such manner as the Secretary in his discretion may determine. In developing any new system the Secretary shall be guided by the overriding principal that the system must contain incentives which can be reasonably expected to reduce unit costs of subsidy in the future. Such incentives may include the use of an objective index or indices to govern the annual change in costs eligible for subsidy, the use of a formula or formulae reasonably relating the amount of subsidy payable to the performance or production of subsidized service, or the use of such other reasonable approaches to the determination of the amount of subsidy as the Secretary may in his discretion establish.

Sec. 1304. Such contracts shall provide that upon their termination the operator shall have the option of receiving a contract for the operation of his vessels under whatever subsidy system is in force at that time, or of selling his ships to the Government for a price not to exceed their depreciated book value.

Shipbuilding Commission

(a) There is hereby established a Commission to be known as the Commission on American Shipbuilding (hereinafter referred to as the "Commission"). The Commission shall be composed of six members, appointed by the President. At least one member shall be from the United States shipbuilding industry. Members of the Commission shall be appointed for the life of the Commission. The President shall designate one of the members of the Commission as Chairman. Four members of the Commission shall constitute a quorum.

(b) Members of the Commission shall each be entitled to receive $100 per diem when engaged in the actual performance of duties vested in the Commission, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

(d) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, subject to the civil service laws and the Classification Act of 1949, as amended.

(e) The Commission may procure, in accordance with the provisions of title 5 of the United States Code, the temporary or intermittent services of experts or consultants; individuals so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $100 per diem, including travel time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by title 5 of the United States Code for persons in the Government service employed intermittently.

(f) The Commission shall conduct a study of the extent to which Federal assistance to the private shipbuilding industry in the United States is necessary to preserve the competitive position of such industry and to preserve a national capability for the building and repair of United States merchant and United States naval ships.

(g) The Commission shall not later than three years after the date of enactment of this Act submit a comprehensive report of its findings and recommendations to the President and to the Congress, and thereafter shall cease to exist.

Title XIV—Replacement and expansion of United States nonsubsidized merchant and fishing fleets.

Sec. 1401. Authority To Negotiate Contracts.—(a) For the purpose of promoting the construction or acquisition of new merchant vessels or the substantial reconstruction of existing merchant vessels and for other purposes authorized by this Act, the Secretary of Commerce may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the merchant vessels as to meet competitive conditions and promote United States domestic or foreign commerce.

(b) For the purpose of promoting the construction of new fishing vessels, the Secretary of the Interior may enter into contracts not to exceed twenty years with any person who is a citizen of the United States if the Secretary determines the person possesses the ability, experience, financial resources, and other qualifications necessary to enable him to conduct the proposed operations of the fishing vessel to meet competitive conditions and promote the utilization of fishery resources.

Sec. 1402. Terms and Conditions of Contract.—The Secretary shall include in each contract a provision—

(a) that any new vessel constructed under a contract will be built in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date of this Act;

(b) that any new vessel acquired under a contract will be one that was built in a shipyard in the United States for the United States Government under a contract with a shipbuilder entered into after the effective date of this Act;

(c) that any vessel substantially reconstructed under a contract will be one that was built in a shipyard in the United States and will be substantially reconstructed in a shipyard in the United States under a contract with a shipbuilder entered into after the effective date of this Act;

(d) that any vessel constructed, acquired, or substantially reconstructed under a contract will be of a type, size, and speed that the

Secretary determines to be suitable for use on the high seas or Great Lakes;

(e) that any vessel constructed, acquired, or substantially reconstructed under a contract negotiated under section 1(a) will be of a type which the Secretary of the Navy certifies is suitable for economical and speedy conversion into a naval auxiliary or otherwise suitable for use by the United States in the event of war or national emergency;

(f) for the creation and maintenance of a capital reserve fund;

(g) for the approximate number and type of vessels which the contractor will construct, acquire, or substantially reconstruct subject to modifications and extensions upon a showing to the satisfaction of the Secretary of acceptable reasons for modifications or extensions;

(h) for additional terms and conditions consistent with this Act, that the Secretary determines to be necessary to protect the interest of the United States;

(i) for the early replacement of any war-built vessel used in the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended;

(j) that each contractor agrees not to incur any purchase money indebtedness with respect to any vessel constructed, acquired, or substantially reconstructed under a contract without the prior consent of the Secretary;

(k) that upon failure of the contractor to construct, acquire, or substantially reconstruct any vessel as provided in the contract as modified or extended, all deposits of the contractor will be withdrawn from the fund with the same tax consequences as result from withdrawals from the funds created by section 607, Merchant Marine Act, 1936, as amended, and no further deposits may be made by the contractor until a new contract is negotiated; and

(l) that the contractor agrees that any vessel constructed or acquired under a contract will remain documented under the laws of the United States for twenty-five years from the date of its delivery by the shipbuilder and any vessel reconstructed under a contract will remain documented under the laws of the United States for the remainder of its economic life as determined by the Secretary.

Sec. 1403. Creation and Maintenance of Capital Reserve Fund.—(a) Each contractor shall create and maintain for the duration of the contract, in depositories approved by the Secretary, a capital reserve fund under the joint control of the operator and the Secretary.

(b) Each contractor shall deposit in the capital reserve fund as is required to be deposited by subsidized operators under section 607, Merchant Marine Act, 1936, as amended, the proceeds of sales of vessels, the proceeds of insurance and indemnities, the depreciation charges, as earned, and the earnings made on deposits in the capital reserve fund, and shall annually deposit any percentage of differential payments received on the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, that the Secretary determines is from profits and is necessary to fulfill the contractor's obligation under the contract.

(c) The contractor may deposit in the fund other earnings from his vessel operations.

Sec. 1404. Tax Department of Deposits in the Fund.—(a) Deposits of capital gains into the fund are taxed in the same manner as deposits of capital gains by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

(b) Deposits of earnings and differential payments into the fund are taxed in the same manner as deposits of earnings of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 1404. Withdrawals From the Fund.—Contractors may withdraw deposits from the fund with the same restriction and limitation, under the same conditions and with the same tax consequences as deposits may be withdrawn from the capital reserve fund by subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 1405. Investment of the Fund.—Contractors may invest deposits in the fund under the conditions and with the same restriction as deposits of subsidized operators under section 607, Merchant Marine Act, 1936, as amended.

Sec. 1406. Discontinuance of Differential Payments.—No operator of a nonsubsidized vessel may receive any differential payments for cargo moved by such vessel under section 901(b), Merchant Marine Act, 1936, as amended, unless the operator has concluded a contract with the Secretary under this Act before January 1, 1968.

Sec. 1407. Definitions.—In this Act—

(a) "Contract" means a vessel construction, acquisition, or reconstruction contract authorized by this Act.

(b) "Differential payments" means the payments made by the United States Government to operators of the United States-flag merchant vessels for the movement of cargo under section 901(b), Merchant Marine Act, 1936, as amended, at rates in excess of world market rates.

(c) "Documented" includes enrolled.

(d) "Earnings from the operation of vessels" includes hire from bareboat charters.

(e) "Earnings made on deposits" means earnings on funds deposited as well as earnings on accumulated earnings and gains made on sale of securities.

(f) "Fund" means the capital reserve fund authorized by this Act.

(g) "Nonsubsidized vessel" means any vessel not included in an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(h) "Person" includes corporation.

(i) "Reconstruction" means the substantial reconstruction and major modernization of a vessel if the Secretary determines that the objectives of this Act will be promoted by such reconstruction.

(j) "Secretary" means the Secretary of Commerce in reference to powers and duties relating to contracts for the construction, acquisition, or substantial reconstruction of merchant vessels and means the Secretary of the Interior in reference to powers and duties relating to contracts for the construction of fishing vessels.

(k) "Subsidized operators" means persons who have an operating differential subsidy contract under the Merchant Marine Act, 1936, as amended.

(l) "Vessel" includes non-self-propelled vessels, cargo containers, cargo vans, and other related equipment.

(m) "War-built vessel" means a vessel as defined in section 3, Merchant Ship Sales Act, 1946.

S. 1916, S. 1917, S. 1918, S. 1919, S. 1920, S. 1921, S. 1922, AND S. 1923—INTRODUCTION OF BILLS DEALING WITH COMMUNICATIONS, ELECTRIC POWER, GAS PIPELINE SAFETY, HIGHWAY SAFETY, AND PROCUREMENT OF TRANSPORTATION IN PUBLIC UTILITY SERVICES

Mr. MAGNUSON. Mr. President, at the request of the National Association of Regulatory Utility Commissioners, I introduce, for appropriate reference, a series of bills dealing with communications, electric power, gas pipeline safety, highway safety, motor carrier safety, and procurement of transportation in public utility services.

The NARUC is to be commended for its diligence in preparing these legislative responses to a number of regulatory problems. I am hopeful that the Congress will be able to give these proposals very serious consideration during this session.

Mr. President, I ask unanimous consent that the text of the various bills, together with the justification, be printed in the RECORD at this point.

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

The bills (S. 1916) to amend the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational and other natural resources; and for other purposes; (S. 1917) to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes; (S. 1918) to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern; (S. 1919) to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes; (S. 1920) to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes; (S. 1921) to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes; (S. 1922) to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission; and (S. 1923) to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; introduced by Mr. MAGNUSON, by request, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 1916

A bill to amend the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational, and other natural resources; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Electric Power Reliability and Scenic Conservation Act of 1969."

SEC. 2. (a) The Congress finds that reliability in the generation and transmission of electrical energy is important to the national defense, the commercial life of the country, and the general welfare of the people of the United States; that the rapidly growing demand for power, the increase in the size and complexity of generating and transmission facilities and the rapidly advancing technology in the generation and transmission of power requires a high degree of coordination in the generation and transmission of electric power within and between regions of the country; that the people of the United States are entitled to receive the benefits of such coordination notwithstanding he continuing diversity of utility ownership and while preserving the pluralism of the electric utility industry; and that a new part IV of the Federal Power Act, as added by this Act, will aid in assuring such coordination and reliability.

(b) The Congress finds that the relatively reliable electric service enjoyed by the people of the United States should be continued and improved upon, consistent with abundant, economical and efficient bulk power supplies; that the public interest in accelerated progress will be best served through the intergovernmental efforts of Federal, State and local governments in a national program designed to enlist the cooperation and stimulate the creative energies of all segments of the electric industry and all other interested persons; that the public interest requires the strengthening and expansion of the mechanisms for coordination in the electric utility industry, and the mechanisms for intergovernmental cooperation; and that actions taken under the authority of this Act should be consistent with these goals.

(c) The Congress finds that the preservation and enhancement of the environment, the conservation of natural resourecs, including scenic, historic, and recreation assets, and the strengthening of long-range land-use planning is vital to the health and welfare of the people of the United States and that actions taken under the authority of this Act should be consistent with these goals.

SEC. 3. A new part IV is added to the Federal Power Act, as amended (16 U.S.C. 791–825r), to read as follows:

"PART IV—EXPANDED REGIONAL COORDINATION

"APPLICATION AND OBJECTIVES OF PART; DEFINITIONS

"SEC. 401. (a) This part shall apply to all bulk power supply systems engaged in interstate or foreign commerce.

"(b) This part is intended to further the national policy declared by subsection 202(a) of the Federal Power Act, by assuring an abundant supply of electric energy throughout the United States with the greatest practicable economy and with due regard for the preservation and enhancement of the environment, the conservation of natural resources, including scenic, historic, and recreation assets, and the strengthening of long-range, land-use planning; by enhancing the reliability of bulk power supply; by strengthening existing, and establishing new, mechanisms for coordination in the electric utility industry; by encouraging the comprehensive development of the power resources of each area and region of the United States to take advantage of advancing technology; by seeking to strengthen State regulation of the electric utilities; and by drawing upon the cooperation of State and local governments and all segments of the electric utility industry.

"(c) As used in this part, 'person' means a 'person', 'municipality', or a 'State', as defined in section 3 of the Federal Power Act, and any department, agency, or instrumentality of the United States, and shall include privately, cooperatively, federally, and other publicly owned persons: *Provided,* That the term 'person' as used in section 407 shall not include any department, agency, or instrumentality of the United States or a federally owned person.

"(d) As used in this part, 'bulk power supply facilities' means facilities for generation or transmission of electric power and energy in interstate or foreign commerce which are of sufficient size to have a significant effect upon the reliability of electric service; *Provided,* That the term 'bulk power supply facilities' shall not include facilities for the distribution of electric power and energy.

"(e) As used in this part, 'bulk power supply' means the furnishing of electric power and energy by means of bulk power supply facilities.

"(f) As used in this part, 'extra-high-voltage facilities' or 'EHV facilities' means transmission lines and associated facilities designed to be capable of being operated at a nominal voltage higher than three hundred kilovolts between phase conductors for alternating current or between poles for direct current, the construction, extension, or modification of which is commenced two years or more after the enactment of this part.

"(g) As used in this part, 'national organization of the State commissions' means the national organization of the State commissions referred to in sections 202(b) and 205 (f) of the Interstate Commerce Act, as amended.

"(h) As used in this part, 'State commission' means the regulatory body of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory body exists, the Governor of the State.

"(i) As used in this part, 'State commissioner' means a member of the regulatory body of the State having jurisdiction to regulate rates and charges for the sale of electric energy to consumers within the State, or if no such regulatory body exists, the Governor of the State or his designee.

"RELATION TO OTHER PARTS

"SEC. 402. This part supplements parts I, II, and III in order further to promote the reliability, abundance, and efficiency of bulk power supply in the United States and to assure that actions taken pursuant to all parts shall have due regard for the enhancement and preservation of the environment, the conservation of natural resources, including scenic, historic, and recreation assets and the strengthening of long-range land-use planning.

"COOPERATION OF GOVERNMENTS AND BULK POWER SUPPLY SYSTEMS

"SEC. 403. The purposes of this part should be achieved as far as possible by intergovernmental cooperation and cooperation among all persons engaged in bulk power supply, or affected thereby, whatever their nature.

"REGIONAL POWER COORDINATION ORGANIZATIONS

"SEC. 404. (a) After appropriate consultation, held under procedures to be prescribed by the Commission, with persons engaged in bulk power supply, appropriate Federal agencies and State commissions, the national organization of the State Commissions, State and local regulatory officials, the Commission shall secure the establishment of appropriate regional organizations to carry out regional and interregional coordination. Each regional coordination organization (hereafter 'regional council') shall be open to membership by each electric system in the region, whatever the nature of its ownership or of its facilities. Some electric systems may in appropriate cases be admitted to more than one regional council. The Commission, and the State commissions within the region, may designate appropriate staff representatives, who shall participate in the work of the regional councils, except for the ultimate adoption of coordination plans or any other council actions.

"(b) Under such rules as the Commission shall prescribe, each regional council shall file a statement of its organization, and any amendments thereto, with the Commission, the appropriate State Joint Board (hereafter defined), and each State commission represented on such State Joint Board. Such statements and amendments shall be available for public inspection. Within thirty days after adoption by the council, any regional, or interregional coordination plan, including reliability standards, or amendment thereto developed by such regional council shall be filed with the Commission, the appropriate State Joint Board, and each State commission represented on such State Joint Board, under such rules as the Commission shall prescribe. Such coordination plans, including reliability standards, and amendments shall be available for public inspection. The Commission shall consider such coordination plans, including reliability standards, and amendments in exercising its responsibilities under this Act, including parts I, II, III, and IV; *Provided,* That such coordination plans and amendments shall in no manner be construed or considered as comprehensive plans pursuant to section 10(a) of part I of this Act (16 U.S.C. 803d).

"(c) After notice and opportunity for hearing and after consultation with the State Joint Board, the Commission may by order determine whether any statement of organization filed under subsection (b) of this section is consistent with the objectives of this part. If the Commission determines that the statement is not consistent with the objectives of this part it shall modify it or set it aside.

"(d) After public notice and opportunity for hearing, to be held insofar as practicable in the region affected, the Commission and State Joint Board may determine whether any coordination plan, including reliability standards, submitted under this section is consistent with the objectives of this part. If the Commission or the State Joint Board determines that the coordination plan, including reliability standards, is not consistent with the objectives of this part it shall have no authority under this part to modify it or set it aside, but shall request reconsideration and revision of the plan by the regional council. The Commission or the State Joint Board shall accompany its request with a specific statement of its reasons as to why it believes revision is required in the public interest. If upon reconsideration, the regional council fails to comply with the request of the Commission or the State Joint Board, the Commission or the Board shall report such failure to the Congress.

"(e) The Commission and the State Joint Board shall require annual reports from the regional council and such additional reports as they may deem necessary or appropriate to carry out the objectives of this part. The Commission shall, and each State Joint Board may, annually report to the Congress on the effectiveness of the regional and interregional coordination efforts.

"(f) If the Commission, after notice and after opportunity for hearings, determines that any person engaged in generation or transmission unreasonably refuses to participate in the creation of a regional council, to contribute toward its expenses, or to participate in effective regional or interregional coordination, it may require such person by order to participate in the creation and work of such regional council, and to contribute a reasonable share of the expenses thereof, to the extent the Commission finds necessary to carry out the objectives of this part.

"(g) A State Joint Board, under the provisions of this part, shall be composed solely of one State commissioner from each State, within all or part of the region of a regional council, nominated by the State commission and appointed by the Commission. There shall be a separate State Joint Board for each regional council. Each State commission shall certify to the Commission the name, title and address of its nominee. A substitution of membership upon a Board from any State may be made at any time by the nomination by the State commission of a successor and his appointment by the Commission. If a State commission shall fail to nominate a member, in the original constitution of the Board or to fill a vacancy therein, the Board shall be constituted, or shall continue to function, without a member from such State until such time, if ever, as such a member shall be nominated and appointed as provided above. Each member of the Board shall have one vote. The Chairman of the Board shall be elected by the members of the Board and shall serve at their pleasure. All decisions of the Board shall be by majority vote. The Commission shall designate an examiner to advise with and assist the Board in the handling of any proceedings before it. The Commission shall provide each Board from among the personnel and facilities of the Commission such staff and facilities as are necessary to carry out the functions of the Board. In conducting hearings, each Board shall be vested with the same rights, duties, powers and jurisdiction as are vested in a hearing examiner when designated by the Commission to hold a hearing. An order of the State Joint Board shall be deemed an order of the Commission for purposes of judicial review. The members of the Joint Board when administering the provisions of this Act shall be reimbursed by the Commission for their reasonable travel and subsistence expenses. A Board shall direct by the giving of reasonable advance notice. A majority of the members of a Board shall constitute a quorum.

"NATIONAL ELECTRIC STUDIES COMMITTEE

"SEC. 405. The Commission, after consultation with the State Joint Boards and the regional councils, shall establish a national committee representative of all elements of the electric industry as well as representative of consumer interests, conservation organizations and land-use planning experts to facilitate interregional exchange of views and experience and to consolidate electric industry efforts to investigate major present and future problems in planning and operating of bulk power supply facilities. The Committee shall seek to stimulate vigorous scientific and engineering interest in the challenges to achieving reliable and efficient bulk power supply for the United States and protecting and enhancing the general environment of the United States.

"COORDINATION AGREEMENTS

"SEC. 406. Subject to such rules and regulations as the Commission may prescribe, a copy of all written agreements and a written statement of all oral agreements for coordinated planning or operation of bulk power supply facilities (including but not limited to agreements for joint ownership of such facilities) shall be lodged with the Commission and the State Joint Board of the region affected by or on behalf of the persons participating in such agreement. Each such statement or copy of agreement shall be readily available for inspection by the public within the region affected and with the Commission.

"CONSTRUCTION OF EXTRA-HIGH-VOLTAGE FACILITIES

"SEC. 407. (a) Any person proposing the construction of extra-high-voltage facilities in a State whose State commission does not at that time possess the authority to regulate the routing or location of such facilities based upon due consideration being given to (1) the requirements for present and future demands for service, (2) the reliability of electric service, (3) the conservation, to the extend practicable, of scenic, historic and recreation assets, and (4) long-range land-use planning (the existence or non-existence of such authority being evidenced by an opinion of the chief legal officer representing the State commission), shall file with the State Joint Board of each region directly affected by the proposed routing or location of such facilities, where not subject to such State regulation, its proposal which shall include a map and specific information as to the routing of the proposed line or location of proposed plant and such other information as the State Joint Board may require to enable it to determine whether the proposed construction of such facilities is consistent with the objectives of this section identified as (1), (2), (3) and (4) above. The State Joint Board shall require the person filing the proposal to cause notice of same to be promptly published in local newspapers of general circulation in the region affected and to be served upon interested Federal, State, and local agencies, parties whose interests may be affected and such other interested persons as the State Joint Board may require. The State Joint Board shall afford to any interested person a reasonable time in which to comment upon such filing.

"(b) No such person may commence construction of extra-high-voltage facilities under this section unless and until the State Joint Board issues an order determing that such proposed construction is consistent with the objectives of subsection (a) of this section identified as (1), (2), (3) and (4). The State Joint Board shall issue a prohibitory order when it concludes that the proposed construction of such facilities is inconsistent with such objectives. Any order issued shall summarize the State Joint Board's reasons for its actions.

"(c) In reviewing extra-high-voltage facilities proposals, the State Joint Board shall use informal procedures, including joint or separate conferences, to the fullest extent feasible. However, the State Joint Board shall not finally disapprove a proposal under this section except after timely notice served upon all interested parties and opportunity for public hearing held in the region affected. Any such public hearing shall be instituted and concluded as promptly as practicable after the date the proposal for construction of EHV facilities is filed with the Board.

"(d) If a State Joint Board fails to issue an order permitting or prohibiting such proposed construction of extra-high-voltage facilities within one hundred and twenty days from the date such proposal is filed with the Board, or, in the event of a public hearing, within one hundred and twenty days from the date the record is closed in such hearing, the Commission may assert jurisdiction over such proposed construction and permit or prohibit it in accordance with the objectives of subsection (a) of this section identified as (1), (2), (3) and (4).

"SEC. 408. Subject to such rules and regulations as the Commission shall prescribe after consultation with the State Joint Boards and the national organization of the State commissions, any department, agency, or instrumentality of the United States or a federally owned person proposing the construction of extra-high-voltage facilities shall file with the State Joint Board of each region directly affected by the proposed routing or location of such facilities, its proposal which shall include a map and specific information as to the routing of the proposed line or location of proposed plant and such other information as the State Joint Board or Boards may require to determine whether the proposed construction of such facilities is consistent with the objectives of this part. The State Joint Board or Boards shall, after consultation with the person proposing construction of such EHV facilities and other interested parties and within ninety days after the date such proposal is filed, approve such proposal if found to be consistent with the objectives of this part or recommend appropriate modification of the proposal if found inconsistent with the objectives of this part. If a modification is recommended, such person, within thirty days, shall modify the proposal as recommended or state its reasons for declining to abide by the recommendation. No such person may commence construction of EHV facilities under this section until: (a) such State Joint Board or Boards issue an order determining that such proposed construction is consistent with the objectives of this part; or (b) the expiration of one hundred and twenty days after the date such proposal is filed; whichever event occurs first. The periods of time prescribed in this section may be enlarged by such State Joint Board or Boards upon approval of the Commission."

S. 1917

A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to prescribe uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange services; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-State Communications Joint Board Act of 1969."

SEC. 2. The Communications Act of 1954, as amended, is further amended by striking subsection (c) and (d) of Section 221 and inserting in lieu thereof the following:

"(c) There is hereby established a Federal-State Joint Board (hereinafter defined) vested with sole administrative authority under this Act to adopt and amend from time to time by order uniform procedures for determining what part of the property and expenses of common carriers engaged in wire or radio communication shall be considered as used in interstate or foreign communication toll service subject to the jurisdiction of the Commission, and what part of such property and expenses shall be considered as used in intrastate, exchange or other communication service not subject to the jurisdiction of the Commission. Such uniform procedures shall be determined after opportunity for hearing, upon notice to each affected carrier, the State commission (or the Governor, if the State has no State commission) of any State in which the property of such carrier is located, and such other persons as the Federal-State Joint Board may prescribe. The establishment of the Federal-State Joint Board shall not impair in any way the right of any State commission, the national organization of the State commissions, hereinafter referred to, or any other interested party to advocate its position on issues before such Board, to submit evidence and oral argument concerning same, and to seek

reconsideration and judicial review of the Board's decisions.

"(d) The Federal-State Joint Board shall be composed of four Commissioners of the Commission designated by the Commission, and three commissioners of State commissions, nominated by the national organization of the State commissions, as referred to in Sections 202(b) and 205(f) of the Interstate Commerce Act, as amended, and appointed by the Commission. The Commission shall designate one of the members of the Board as Chairman.

"(e) Each State commissioner member of the Federal-State Joint Board shall be selected in the following manner. The national organization of the State commissions or a committee designated by it shall nominate one, two, or three State commissioners, as requested by the Commission, and certify the name, title, and address of each nominee to the Commission within ninety days after the date this Act becomes law, or at least ninety days prior to the expiration of the term of an incumbent State commissioner, or within thirty days after a vacancy occurs in the office, as the case may be. Within thirty days after receipt of such certification, the Commission shall appoint the nominee or one of the nominees as a member of the Federal-State Joint Board. In any case where the national organization of the State commissions fails to so nominate and certify State commissioners within the prescribed time, the Commission shall appoint a State commissioner as a member of the Board to serve in lieu of the nominee it would have otherwise appointed.

"(f) Each State commissioner member of the Federal-State Joint Board shall hold office for a term of three years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of members first taking office after the date this Act becomes law shall expire as follows: one at the end of one year after such date, one at the end of two years after such date, and one at the end of three years after such date, as designated by the Commission at the time of appointment, and (3) the term of any member shall be extended until the date on which the successor's appointment is effective. The office of a State commissioner member of the Board shall become vacant upon the incumbent ceasing to be a State commissioner.

"(g) A State commissioner member of the Federal-State Joint Board shall, while attending meetings or hearings of such Board or otherwise engaged in the business of such Board, be entitled to receive compensation at a rate fixed by the Commission, but not exceeding $100 per diem, including traveltime, and while away from his home or regular place of business he may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in Section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Payments under this section shall not render a State commissioner member of the Board an employee or official of the United States for any purpose.

"(h) The Federal-State Joint Board shall meet from time to time upon the call of the Chairman of the Board or of three members of the Board. A majority of the members of the Board shall constitute a quorum. Each member of the Board shall have one vote. All decisions of the Board shall be by majority vote. The Commission shall designate an examiner to advise with and assist the Board in the handling of any proceedings before it. The Commission shall provide the Board from among the personnel and facilities of the Commission such staff and facilities as are necessary to carry out the functions of the Board. In conducting hearings, the Board, within the scope of its authority, shall be vested with the same rights, duties and powers as are vested in the Commission in holding a hearing. An order of the Board shall be deemed an order of the Commission for purposes of judicial review.

"(i) In making a valuation of the property of any telephone carrier, the Commission, after the adoption of the uniform procedures authorized in subsection (c) of this section, may in its discretion value only that part of the property of such carrier determined to be used in interstate or foreign communication toll service."

S. 1918

A bill to amend the Communications Act of 1934, as amended, to redefine State and local governmental authority over communications primarily of local concern

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 "Local Communication Service Act of 1969."

SEC. 2. The Communications Act of 1934, as amended, is further amended by striking subsections (r) and (s) of section 3 and inserting in lieu thereof two new subsections to read as follows:

"(r) 'Exchange service' means communication service between two or more points within an exchange area. An exchange area is that area within which communication service is provided for under exchange service charges subject to regulation by a State commission or by local governmental authority.

"(s) 'Toll service' means communication service between stations in different areas for which there is made a separate charge not included in contracts with subscribers for exchange service."

SEC. 3. The Communications Act of 1934, as amended, is further amended by striking the word "telephone" from subsection (b) of section 221.

S. 1919

A bill to amend the Natural Gas Pipeline Safety Act of 1968 to establish a formula for the division of Federal grants among State agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural Gas Pipeline Safety Act Amendment of 1969."

SEC. 2. The Natural Gas Pipeline Safety Act of 1968, 82 Stat. 720, is amended by striking the first sentence of paragraph (1) of subsection (c) of section 5 and inserting in lieu thereof a new sentence to read as follows: "Upon application, the Secretary is authorized to pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment and activities of a State agency reasonably required, during the ensuing fiscal year: to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act."

SEC. 3. The Natural Gas Pipeline Safety Act of 1968 is further amended by adding at the end of subsection (c) of section 5 the following:

"(4) Federal funds authorized to be appropriated or otherwise made available for each fiscal year for the purposes of this subsection shall be apportioned, on or before January 1 next preceding the commencement of each fiscal year, by the Secretary among the several States, whose State agencies are eligible for funds under this section, in the following manner: one-half in the ratio which the mileage of pipelines engaged in transportation of gas and subject to safety standards enforced by State agency within the State bears to the total mileage of such pipelines in all of the States whose State agencies are eligible for funds under this section; and one-half in the ratio which the number of retail customers directly served by pipelines engaged in the transportation of gas and subject to safety standards enforced by State agency within the State bears to the total number of such retail customers in all of the States whose State agencies are eligible for funds under his section; *Provided,* That no State, to the extent it is able to satisfy the 50 per centum requirement of paragraph (1) of this subsection, shall receive less than one-fourth of 1 per centum of each year's apportionment or $50,000, whichever is the greater.

"(5) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each such State agency the funds which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State agency of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State agency elects not to accept the funds apportioned to it, such funds shall be reapportioned, in accordance with the above formula, among the other States whose State agencies are eligible to receive Federal funds under this subsection.

"(6) The Secretary may, in his discretion, from time to time as work progresses make payment to a State agency for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State agency shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State agency and authorized under the laws of the State to receive public funds of the State.

"(7) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of (i) conducting training of State enforcement personnel, (ii) furnishing technical assistance, or (iii) other activities appropriate for the advancement of the safety programs of State agencies carried on under this Act.

SEC. 4. Section 15 of the Natural Gas Pipeline Safety Act of 1968 is amended by inserting "(a)" immediately after "Sec. 15." and by adding at the end thereof the following:

"(b) For the purpose of further aiding the Secretary in providing financial assistance to State agencies pursuant to section 5(c) of this Act, there is hereby authorized to be appropriated the additional sum of $——— for the fiscal year ending June 30, 1970; the additional sum of $——— for the fiscal year ending June 30, 1971; and the additional sum of $——— for the fiscal year ending June 30, 1972."

S. 1920

A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Carrier Safety Act of 1969."

SEC. 2. Part II of the Interstate Commerce Act, as amended, is amended by inserting after section 205 thereof a new section 205a as follows:

"MOTOR CARRIER SAFETY

"SEC. 205a(1). Policy, purpose and assistance to the States.

"(A) The Congress declares that public policy requires measures to reduce the causes of death, injury and damage resulting from the operation of commercial motor vehicles in interstate or foreign commerce on the Nation's highways, and finds that a program of joint Federal-State cooperation in the enforcement of safety regulations pertaining to such vehicles is needed to achieve this end.

"(B) In furtherance of this policy the Secretary is authorized to cooperate with appropriate State commissions in establishing, developing and administering a State motor carrier safety program designed to insure the safe operation of commercial motor vehicles on the highways by regulating the safety of operation and equipment, and the qualifications and maximum hours of service of employees, and in providing for the effective enforcement of such programs.

"SEC. 205a(2). Definitions.

"As used in this section—

"(A) The term 'Secretary' means the Secretary of Transportation.

"(B) The term 'motor carrier' means any person operating in commercial service in interstate or foreign commerce on the public highways a motor vehicle with six or more wheels and (i) a gross weight in excess of 10,000 pounds or (ii) designed to transport more than one ton of cargo or more than six passengers including the driver.

(C) The term 'motor carrier safety program' means a range of activities specifically designed to insure the safe operation of motor carriers on the public highways, including qualification and maximum hours of service of employees, and safety of operation and equipment.

"(D) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"(E) The term 'State commission' means the State department, commission, agency, officer, or official authorized by State law to adopt or enforce regulations governing the safety of operation of motor carriers.

"(F) The term 'national organization of the State commissions' means the national organization of the State commissions referred to in sections 202(b) and 205(f) of the Act.

"SEC. 205a(3). Federal Assistant for Motor Carrier Safety Programs.

"The Secretary is authorized to make grants for the purpose of establishing, increasing and maintaining motor carrier safety programs administered by State commissions to reduce the causes of death, injury and property damage on the highways, and to develop Federal-State cooperation in the conduct of these programs.

"SEC. 205a(4). Minimum Program.

"The Secretary shall establish by order a minmum motor carrier safety program to be used in determining the eligibility of a State to receive grants under this section. The safety aspect of such motor carrier programs may be based, to the extent the Secretary finds appropriate, on existing motor carrier safety regulations and hazardous material regulations.

"SEC. 205a(5). Minimum Motor Carrier Regulations and Enforcement.

"(A) The Secretary shall formulate minimum motor carrier safety regulations, minimum hazardous material regulations and minimum standards for the enforcement of such regulations, after consultation and cooperation with the State commissions, the national organization of the State commissions, and the National Motor Carrier Safety Advisory Committee provided for in subsection 205a(8)(A), which he shall promulgate within two years after this Act takes effect. Five years after this Act takes effect, the State commissions which have adopted regulations at least equal to those minimum motor carrier safety regulations and minimum hazardous material regulations and have established enforcement procedures at least equal to those minimum enforcement standards, may receive grants under this section unless the Secretary finds for good cause shown, and publishes his reasons for such finding, that a later effective date is in the public interest. The Secretary may, for good cause and after consultation and cooperation with the above parties, by order amend or revoke any such minimum motor carrier safety regulation, hazardous material regulations or enforcement standard established by him under this section.

"(B) A State commission may adopt such additional or more stringent safety regulations applicable to motor carriers as are not incompatible with the minimum motor carrier safety regulations and minimum hazardous material regulations promulgated and adopted by the Secretary pursuant to subsection 205a(5)(A), if such regulations adopted by the State commission are reasonable, do not constitute an undue burden on interstate commerce, and are required to better protect the public safety.

"SEC. 205a(6). Grant Authorization.

"(A) The Secretary is authorized to make grants to State commissions for a period of two years after this Act takes effect in an amount up to 100 per centum of the cost of planning, developing, and establishing minimum motor carrier safety programs in States requiring such assistance, and thereafter, grants in an amount not to exceed 50 per centum of the cost of maintaining and further developing effective and continuing motor carrier safety programs. The Secretary shall make the grants authorized by this subsection only upon application by the State commission. Whenever a State shall have two or more State commissions, as determined by the chief legal officer of the State, the States shall organize a 'Governor's Council' composed of the Governor, or his representative, and one representative of each State commission, each of whom shall have one vote, and decisions of the Council shall be by majority vote. Each grant application shall describe the long range program proposed by the applicant State to carry out the basic purposes set forth in this section and shall be in such form and contain such additional information as the Secretary may require. The Secretary may approve an application for a grant only to State commissions which:

"(1) have a State commission or commissions, and in the event of two or more State commissions, the motor carrier safety program for such State shall be coordinated by and through the Governor's Council;

"(2) have on file with the Secretary an approved motor carrier safety program with regulations, including enforcement procedures, conforming to the purposes and requirements of this section;

"(3) submit an annual work plan satisfactory to the Secretary which shall disclose the total estimated cost of the annual program;

"(4) have regulations which, in the Secretary's determination, do not constitute an unreasonable burden on motor carriers;

"(5) provide assurance satisfactory to the Secretary that Federal funds made available under this section will be so used as to supplement and, to the extent practical; increase the amount of funds that the applicant would make available for motor carrier safety in the absence of such Federal funds; and

"(6) provide assurance satisfactory to the Secretary that its expenditure of State funds not derived from Federal sources, for its motor carrier safety program, will be maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this section.

"(B) The Secretary shall not disapprove any State's application under this subsection without first providing the State commission concerned reasonable notice and opportunity in a hearing to present its views. Each State commission receiving a grant under this section shall submit an annual report on its program containing such information as the Secretary requires.

"(C) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Secretary shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as he deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of coordinating the activities of the State commissions, to assist them in the maintenance and improvement of motor carrier safety programs, and to render assistance to such commissions in other regulatory matters.

"(D) Funds authorized to be appropriated for each fiscal year to carry out this section shall be used to aid the State commissions to conduct the motor carrier safety programs approved in accordance with such section and shall be apportioned by the Secretary among the several States on or before January 1 next preceding the commencement of each fiscal year. Such funds for each fiscal year shall be apportioned among the several States in the following manner:

"One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; and

"One-half in the ratio which motor carriers use the public highways within the State, based on the reportable miles operated by them in the State for motor fuel tax purposes or on other appropriate criteria, bears to the total motor carrier use of the public highways within all the States;

"Provided, That no State shall receive less than one-fourth of 1 per centum of each year's apportionment or $50,000, whichever is the greater.

"(E) On or before January 1 next preceding the commencement of each fiscal year, the Secretary shall certify to each State commission the funds which he has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State commission of any State desiring to obtain financial assistance shall submit to the Secretary for his approval the State's motor carrier safety program for the use of the funds apportioned for such fiscal year. The Secretary shall act on each State program as soon as practicable after it has been submitted. The Secretary may approve any program in whole or in part. His approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State commission elects not to accept the funds apportioned to it, such funds shall be reapportioned in accordance with the above formula, among the other

States whose State commissions are eligible to receive Federal funds under this section.

"(F) The Secretary may, in his discretion, from time to time as work progresses make payments to a State commission for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Secretary, the State commission shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State commission and authorized under the laws of the State to receive public funds of the State.

"(G) State personnel, compensated in whole or in part from Federal funds received under this section, shall be authorized, while engaged in the conduct of the motor carrier safety program, to enforce the safety and economic laws of the State concerning highway transportation.

"SEC. 205a(7). Research, Training and Development.

"In order to encourage training, research and development in the motor carrier safety field, the Secretary is authorized to conduct research and development and in addition is authorized—

"(A) to make continuing studies and undertake approaches, techniques, systems, equipment, and devices to improve motor carrier safety;

"(B) to enter into contracts with public agencies, institutions of higher education, private organizations and individuals to conduct research, demonstration, or special projects pertaining to the purposes described in this section, including the development of new or improved approaches, techniques, systems, equipment and devices to improve motor carrier safety;

"(C) to provide instructional assistance to the States for the programs authorized under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this section;

"(D) to carry out a program of collection and dissemination of information obtained by the Department or other Federal agencies, State and public agencies, institutions of higher education, or private organizations engaged in projects under this subsection, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve motor carrier safety; and

"(E) to make grants to the national organization of the State commissions, or other national organizations representing State governments or State officials, to pay up to 50 per centum of the costs of providing training to officials or employees of State commissions relative to the conduct of their motor carrier safety programs.

"SEC. 205a(8). National Motor Carrier Safety Advisory Committee; Cooperation.

"(A) There is established in the Department of Transportation a National Motor Carrier Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, who shall be Chairman, the Federal Highway Administrator, and 20 members appointed by the Secretary, five of whom shall be State commissioners nominated by the national organization of the State commissions. The remainder of the appointed members, having due regard for the purposes of this subsection, shall be selected from among representatives of public and private interests, contributing to, affected by, or concerned with the conduct of motor carrier safety programs, including national organizations of motor carrier vehicle manufacturers, owners, and operators, as well as research scientists and other individuals who are expert in this field. Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

"The National Motor Carrier Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department relative to the conduct of motor carrier safety programs. The Committee is authorized (1) to review training, research or development projects or programs submitted to or recommended by it relative to the conduct of motor carrier safety programs and recommend to the Secretary any such projects which it believes show promise of making valuable contributions to the strengthening of such motor carrier safety programs in the public interest; and (2) review, prior to issuance, regulations and standards proposed to be issued by order of the Secretary under the provisions of subsections 205a (4) and 205a (5) of this section and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

"The National Motor Carrier Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

"(B) The Secretary shall provide such staff and facilities to the National Motor Carrier Safety Advisory Committee from among the personnel and facilities of the Department of Transportation as are necessary to carry out the functions of such Committee.

"(C) The Secretary is authorized and directed to assist, cooperate and consult with other Federal departments and agencies, State and local governments, private industry, the national organization of the State commissions, and other interested parties, in order to carry out the provisions of this section.

"SEC. 205a(9). Administration and Reporting.

"(A) The Secretary shall carry out the provisions of this section through the Federal Highway Administration.

"(B) Nothing in this section shall prohibit the Secretary from enforcing any other provisions of the Interstate Commerce Act relating to motor carriers in those States which have not adopted the minimum motor carrier safety regulations and the minimum hazardous materials regulations.

"(C) The Secretary shall submit to the President for transmission to the Congress on or before January 1 of each year a report on the activities carried on pursuant to the provisions of this section during the preceding full fiscal year and recommendations for future legislation, if any.

"SEC. 3. Authorization of Appropriations.

"(A) For the purpose of carrying out section 205a (6) of the Interstate Commerce Act, there is hereby authorized to be appropriated the sums of $——— for the fiscal year ending June 30, 1970, $——— for the fiscal year ending June 30, 1971, and for the succeeding fiscal years such sums as the Congress may hereafter authorize. The unexpended balance of sums appropriated under this section for any fiscal year shall remain available for expenditure during the next succeeding fiscal year in addition to amounts otherwise available to carry out this section in such year.

"(B) For the purpose of carrying out section 205a (7) of the Interstate Commerce Act, there is hereby authorized to be appropriated to remain available until expended the sums of $——— for the fiscal year ending June 30, 1970; and $——— for the fiscal year ending June 30, 1971.

S. 1921

A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Carrier Economic Law Enforcement Act of 1969."

SEC. 2. Part II of the Interstate Commerce Act, as amended, is amended by inserting after section 205 thereof a new section 205b as follows:

"MOTOR CARRIER ECONOMIC LAW ENFORCEMENT

"SEC. 205b(1). Policy, purpose and assistance to the States.

"(A) The Congress declares that public policy requires additional measures to enforce the economic laws and regulations of the States and the United States concerning highway transportation so as to enhance the strength and vitality of lawful motor carrier operations which are essential not only to meeting the growing transportation needs of the people of the United States, but also to the national economy and defense, and further finds that a program of joint Federal-State cooperation in the enforcement of such economic laws and regulations is needed to achieve this end.

"(B) In furtherance of this policy the Interstate Commerce Commission is authorized to cooperate with appropriate State commissions in establishing, developing and administering a State motor carrier economic law enforcement program to combat the conduct of illegal motor carrier operations, and in providing for the effective enforcement of such program.

"SEC. 205b(2). Definitions.

"As used in this section—

"(A) The term 'Commission' means the Interstate Commerce Commission.

"(B) The term 'motor carrier' means any person operating in commercial service in interstate or foreign commerce on the public highways a motor vehicle with six or more wheels and (i) a gross weight in excess of 10,000 pounds or (ii) designed to transport more than one ton of cargo or more than six passengers including the driver.

"(C) The term 'motor carrier program' means a range of activities specifically designed to insure the enforcement of the economic laws and regulations of the United States concerning motor carriers.

"(D) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"(E) The term 'State commission' means the State department, commission, agency, officer, or official authorized by State law to fix rates for transportation by motor carriers or to certificate or permit their operations.

"(F) The term 'national organization of the State commissions' means the national

organization of the State commissions referred to in sections 202(b) and 205(f) of the Act.

"SEC. 205b(3). Federal Assistance for Motor Carrier Programs.

"The Commission is authorized to make grants for the purpose of establishing, increasing and maintaining motor carrier programs administered by State commissions to combat illegal motor carrier operations by enforcing the economic laws and regulations of the States and United States concerning highway transportation, and to develop Federal-State cooperation in the conduct of these programs.

"SEC. 205b(4). Minimum Program.

The Commission shall establish by order a minimum motor carrier program to be used in determining the eligibility of a State to receive grants under this section.

"SEC. 205b(5). Minimum Motor Carrier Regulations and Enforcement.

"The Commission shall formulate minimum standards for the enforcement of the economic laws and regulations of the United States concerning motor carriers, after consultation and cooperation with the State commissions, the national organization of the State commissions, the National Motor Carrier Enforcement Advisory Committee provided for in subsection 205b(8)(A), which it shall promulgate within two years after this Act takes effect. Five years after this Act takes effect, the State commissions which have established enforcement procedures at least equal to those minimum enforcement standards, may receive grants under this section unless the Commission finds for good cause shown, and publishes its reasons for such finding, that a later effective date is in the public interest. The Commission may, for good cause and after consultation and cooperation with the above parties, by order amend or revoke any such enforcement standard established by it under this section.

"SEC. 205b(6). Grant Authorization.

"(A) The Commission is authorized to make grants to State commissions for a period of two years after this Act takes effect in an amount up to 100 per centum of the cost of planning, developing, and establishing minimum motor carrier programs in States requiring such assistance, and thereafter, grants in an amount not to exceed 50 per centum of the cost of maintaining and further developing effective and continuing motor carrier programs. The Commission shall make the grants authorized by this subsection only upon application by the State commission. Whenever a State shall have two or more State commissions, as determined by the chief legal officer of the State, the States shall organize a 'Governor's Council' composed of the Governor, or his representative, and one representative of each State commission, each of whom shall have one vote, and decisions of the Council shall be by majority vote. Each grant application shall describe the long range program proposed by the applicant State to carry out the basic purposes set forth in this section and shall be in such form and contain such additional information as the Commission may require. The Commission may approve an application for a grant only to State commissions which:

"(1) have a State commission or commissions, and in the event of two or more State commissions, the motor carrier program for such State shall be coordinated by and through the Governor's Council;

"(2) have on file with the Commission an approved motor carrier program with regulations, including enforcement procedures, conforming to the purposes and requirements of this section;

"(3) submit an annual work plan satisfactory to the Commission which shall disclose the total estimated cost of the annual program;

"(4) provide assurance satisfactory to the Commission that Federal funds made available under this section will be so used as to supplement and, to the extent practical, increase the amount of funds that the applicant would make available for motor carrier enforcement in the absence of such Federal funds; and

"(5) provide assurance satisfactory to the Commission that its expenditure of State funds not derived from Federal sources, for its motor carrier program, will be maintained at a level which does not fall below the average level of such expenditures for its last two full fiscal years preceding the date of enactment of this section.

"(B) The Commission shall not disapprove any State's application under this subsection without first providing the State commission concerned reasonable notice and opportunity in a hearing to present its views. Each State commission receiving a grant under this section shall submit an annual report on its program containing such information as the Commission requires.

"(C) Upon application by the national organization of the State commissions submitted on or before September 30th of any calendar year, the Commission shall pay out of the funds appropriated pursuant to this Act, or other available funds, the sum of $20,000, plus such additional sums as it deems justified, to such national organization, to pay, during the ensuing calendar year, the reasonable cost of coordinating the activities of the State commissions, to assist them in the maintenance and improvement of motor carrier programs, and to render assistance to such commissions in other regulatory matters.

"(D) Funds authorized to be appropriated for each fiscal year to carry out this section shall be used to aid the State commissions to conduct the motor carrier programs approved in accordance with such section and shall be apportioned by the Commission among the several States on or before January 1 next preceding the commencement of each fiscal year. Such funds for each fiscal year shall be apportioned among the several States in the following manner:

"One-half in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; and

"One-half in the ratio which motor carriers use the public highways within the State, based on the reportable miles operated by them in the State for motor fuel tax purposes or on other appropriate criteria, bears to the total motor carrier use of the public highways within all the States;

"Provided, That no State shall receive less than one-fourth of 1 per centum of each year's apportionment or $500,000, whichever is the greater.

"(E) On or before January 1 next preceding the commencement of each fiscal year, the Commission shall certify to each State commission the funds which it has apportioned hereunder to each State for such fiscal year. As soon as practicable after the apportionment has been made for each fiscal year, the State commission of any State desiring to obtain financial assistance shall submit to the Commission for its approval the State's motor carrier program for the use of the funds apportioned for such fiscal year. The Commission shall act on each State program as soon as practicable after it has been submitted. The Commission may approve any program in whole or in part. Its approval of any program shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto. If a State commission elects not to accept the funds apportioned to it, such funds shall be reapportioned in accordance with the above formula, among the other States whose State commissions are eligible to receive Federal funds under this section.

"(F) The Commission may, in its discretion, from time to time as work progresses make payments to a State commission for the annual program costs incurred by it. These payments shall at no time exceed the Federal share of the program costs incurred to the date of the voucher covering such payment. After completion of an annual program and approval of the final voucher by the Commission, the State commission shall be entitled to payment out of the appropriate funds apportioned to it of the unpaid balance of the Federal share on account of such program. Such payments shall be made to such official or officials or depository as may be designated by the State commission and authorized under the laws of the State to receive public funds of the State.

"(G) State personnel, compensated in whole or in part from Federal funds received under this section, shall be authorized, while engaged in the conduct of the motor carrier program, to enforce the economic and safety laws of the State concerning highway transportation.

"SEC. 205b(7). Training.

"In order to encourage training in the motor carrier enforcement field, the Commission is authorized to conduct training and in addition is authorized—

"(A) to make continuing studies and undertake approaches, techniques, systems, and devices to improve motor carrier enforcement;

"(B) to provide instructional assistance to the States for the programs authorized under this section, and special workshops for the presentation and dissemination of information resulting from special projects authorized by this subsection;

"(C) to carry out a program of collection and dissemination of information obtained by the Commission or other Federal agencies, State and public agencies, institutions of higher education, or private organizations engaged in projects under this subsection, including information relating to new or improved means to enforce economic laws and regulations concerning highway transportation; and

"(D) to make grants to the national organization of the State commissions, or other national organizations representing State governments or State officials, to pay up to 50 per centum of the costs of providing training to officials or employees of State commissions relative to the conduct of their motor carrier programs.

"SEC. 205b(8). National Motor Carrier Enforcement Advisory Committee; Cooperation.

"(A) There is established in the Commission a National Motor Carrier Enforcement Advisory Committee, composed of a Commissioner of the Commission appointed by the Commission, who shall be Chairman, and 20 members appointed by the Commission, five of whom shall be State commissioners nominated by the national organization of the State commissions. The remainder of the appointed members, having due regard for the purposes of this subsection, shall be selected from among representatives of public and private interests, contributing to, affected by, or concerned with the conduct of motor carrier programs. Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Commission, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee

employees or officials of the United States for any purpose.

"The National Motor Carrier Enforcement Advisory Committee shall advise, consult with, and make recommendations to, the Commission on matters relating to the activities and functions of the Commission relative to the conduct of motor carrier programs. The Committee is authorized (1) to review training projects or programs submitted to or recommended by it relative to the conduct of motor carrier programs and recommend to the Commission any such projects which it believes show promise of making valuable contributions to the strengthening of such motor carrier programs in the public interest; and (2) review, prior to issuance, regulations and standards proposed to be issued by order of the Commission under the provisions of subsection 205b(4) and 205b(5) of this section and to make recommendations thereon. Such recommendations shall be published in connection with the Commission's determination or order.

"The National Motor Carrier Enforcement Advisory Committee shall meet from time to time as the Commission shall direct, but at least once each year.

"(B) The Commission shall provide such staff and facilities to the National Motor Carrier Enforcement Advisory Committee from among the personnel and facilities of the Commission as are necessary to carry out the functions of the Committee.

"(C) The Commission is authorized and directed to assist, cooperate and consult with other Federal departments and agencies, State and local governments, private industry, the national organization of the State commissions, and other interested parties, in order to carry out the provisions of this section.

"SEC. 205b(9). Administration and Reporting.

"(A) Nothing in this section shall prohibit the Commission from enforcing any other provisions of the Interstate Commerce Act relating to motor carriers in those States which have not adopted motor carrier programs.

"(B) The Commission shall submit to the President for transmission to the Congress on or before January 1 of each year a report on the activities carried on pursuant to the provisions of this section during the preceding full fiscal year and recommendations for future legislation, if any.

"SEC. 3. Authorization of Appropriations.

"(A) For the purpose of carrying out section 205a(6) of the Interstate Commerce Act, there is hereby authorized to be appropriated the sums of $——— for the fiscal year ending June 30, 1970, $——— for the fiscal year ending June 30, 1971, and for the succeeding fiscal years such sums as the Congress may hereafter authorize. The unexpended balance of sums appropriated under this section for any fiscal year shall remain available for expenditure during the next succeeding fiscal year in addition to amounts otherwise available to carry out this section in such year.

"(B) For the purpose of carrying out section 205a(7) of the Interstate Commerce Act, there is hereby authorized to be appropriated to remain available until expended the sums of $——— for the fiscal year ending June 30, 1970; and $——— for the fiscal year ending June 30, 1971.

S. 1922

A bill to amend section 410 of the Communications Act of 1934 to permit the Federal Communications Commission to pay the expenses of certain State officials serving in joint hearings with the Commission

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-State Communications Regulatory Cooperation Act of 1969."

SEC. 2. Section 410 of the Communications Act of 1934, as amended (47 U.S.C., Sec. 410), is hereby further amended by adding at the end thereof a new subsection to read as follows:

"(c) State officials and representatives of the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, as amended (49 U.S.C., Secs., 302(b), 305(f)), serving in joint hearings or in other regulatory cooperative efforts with the Commission shall receive such allowances for travel and subsistence expenses as the Commission shall provide."

S. 1923

A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation

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-State Highway Transportation Law Enforcement Act of 1969."

SEC. 2. Paragraph (2) of subsection (b) of section 202 of the Interstate Commerce Act, as amended (49 U.S.C., Sec. 302(b)(2)), is hereby further amended by striking the period at the end of the second sentence and inserting in lieu thereof the following: "; *Provided,* That after the standards become effective any amendments thereof subsequently determined by the national organization of the State commissions shall become effective at the time of promulgation or at such other time as may be determined by such organization."

SEC. 3. Paragraph (2) of subsection (b) of section 202 of the Interstate Commerce Act, as amended, is hereby further amended by inserting between the third and fourth sentences a new sentence to read as follows: "Any form established hereunder may be so devised as to be appropriate for use relative to operations by motor carriers or other persons subject to Federal or State laws and regulations concerning highway transportation, whether or not such persons are subject to regulation by the Commission."

The material, presented by Mr. MAGNUSON, follows:

JUSTIFICATION, FEDERAL-STATE ELECTRIC POWER RELIABILITY AND SCENIC CONSERVATION ACT OF 1969

In the Ninetieth Congress, there were introduced so-called electric power reliability bills prepared by the Federal Power Commission and others which, if enacted, would have concentrated enormous regulatory authority in the FPC over the electric utility industry. None of these bills provided any meaningful role for the State commissions irrespective of their long-standing and intimate regulatory involvement with electric utilities.

The same and similar bills have been introduced in the Ninety-first Congress. While their enactment now appears unlikely, this outlook could change radically if the Nation suffers a massive power failure.

It is unfortunate, and possibly dangerous, for the Congress to have before it only such extreme proposals and none of a moderate nature.

The bill would provide a moderate approach to the matter of electric reliability. It would have basically two purposes.

First, the FPC would be empowered to identify the power pools within the Nation and to establish a regional council for each pool. A council would be composed of representatives of utilities operating within the power pool area, whether publicly or privately owned. The FPC would have no authority to define voting rights for the council members.

A State Joint Board would be established for each council which would be composed of a State commissioner from each State wholly or partially within the power pool area.

The members of the regional council would meet from time to time to discuss mutual problems and to cooperatively plan for improved pool and inter-regional reliability.

The council would report from time to time to the FPC and the State Joint Board. The FPC and the Board would have the right to comment upon the plans and to suggest modifications. However, neither the FPC or the Board, as such, would have the authority to compel the adoption of any plan.

The individual State commissions would of course continue to have the authority they now have with regard to regulating the reliability of service.

The continuous planning and free interchange of ideas among the council members, and among the council, the FPC and the Board, and between regions, would undoubtedly benefit the individual State commissions and improve their ability to cooperate with each other in seeking to strengthen pool reliability.

The *second* feature of the proposed bill would empower the State Joint Board to determine the routing of transmission lines, based upon consideration being given to the reliability of service and the protection of historical, recreational and scenic values, within the power pool area and where a State commission does not have jurisdiction over such routing. Whenever a State commission acquired such authority from its legislature, the State Joint Board would lose the jurisdiction to make routing determinations in that State.

The adoption of this proposal would afford immediate protection to the public in the preservation of historic, recreational and scenic values with the decisions being made by officials close to the problems. The joint board concept would not override State authority, but would stimulate the exercise of that authority, by inducing the legislatures, which have not yet done so, to enact appropriate enabling legislation.

The joint board concept proposed here is similar to the joint boards now provided for in Part II of the Interstate Commerce Act concerning the regulation of motor carriers. 49 U.S.C., Sec. 305. The joint board procedure has worked successfully in motor carrier regulation since 1935 and has significantly strengthened Federal-State relations. Accordingly, the joint board concept should be applied to the regulation of the electric industry under the terms of the bill.

JUSTIFICATION, FEDERAL-STATE COMMUNICATIONS JOINT BOARD ACT OF 1969

The "Statistics of Communications Common Carriers" issued by the Federal Communications Commission (FCC) for the year ended December 31, 1966, page 33, reveals that the total net communications plant of the Bell System is $30,765,568,524.00. The FCC in an Interim Decision and Order issued on July 5, 1967, in re *American Telephone and Telegraph Company et al,* 70 PUR 3d 129, at page 145, par. 21, stated that "In terms of plant investment and revenues, the interstate and foreign service of the Bell System respondents account for about 25 per cent of their total operations." In paragraph 22, page 146, of the same case, the FCC states that the net plant investment of Bell devoted to interstate and foreign services is $8,606,209,000.00.

Comparing these figures together, we see that approximately 22 billion dollars of the Bell plant is subject to State and local regulation and approximately 8½ billion dollars is subject to FCC regulation.

Prior to the institution of the AT&T rate proceeding on October 27, 1965 (FCC Docket No. 16258), the FCC had traditionally cooperated with the State Commissions in determining procedures for separating and allocating the property and expenses of telephone companies between their intrastate and interstate operations. Even under these circumstances a significant rate disparity developed between intrastate and interstate toll calls because the intrastate operations of telephone companies were forced to support an excessive revenue requirement as a result of separation procedures not permitting an adequate allocation of revenue requirements to interstate operations.

The FCC, by orders released in the AT&T rate proceeding (Docket No. 16258) on July 5, 1967, and January 24, 1968, and in a related rule making proceeding (Docket No. 17975) on January 30, 1969, has unilaterally prescribed changes in separations procedures which have produced an insufficient allocation of revenue requirements from intrastate to interstate operations.

This action, which apparently signals the abandonment of the long-established Federal-State cooperative approach, is contrary to the public interest because not only is the toll rate disparity aggravated, but telephone operating companies are now seeking increases in many States to raise their intrastate earnings. An adequate allocation of revenue requirements from intrastate to interstate operations would have ameliorated both of these unfortunate consequences.

Furthermore, the average user of telephone service is benefited more by fixing his flat monthly charge for service at the lowest practicable level rather than by reductions in toll rates. The lower the flat monthly charge the more accessible telephone service is to economically depressed members of the public. The value of telephone service increases proportionately with the number of telephone users, and the more users the lower the cost of service per user.

Aside from these public interest considerations, it is patently unfair for an agency, which has jurisdiction over only 25% of the property, to in effect claim *sole* authority to determine how 100% of the property shall be separated between the Federal and State authorities for rate making purposes. The State Commissions should have at least a minority voice in the making of such a determination.

Adoption of the Federal-State Communications Joint Board Act of 1969 would create a seven member Board composed of four FCC Commissioners designated by the FCC and three State Commissioners nominated by the NARUC and appointed by the FCC. The Board would have sole administrative authority under the Communications Act of 1934 to adopt and amend separations procedures. An order of the Board prescribing separations procedures would be deemed an order of the FCC for purposes of judicial review.

JUSTIFICATION, LOCAL COMMUNICATION SERVICE ACT OF 1969

The major exemption contained in the Communications Act of 1934, as amended, is Section 221(b) which reads as follows:

"Subject to the provisions of Section 301, nothing in this Act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire, mobile, or point-to-point radio *telephone* exchange service, or any combination thereof, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such mattters are subject to regulation by a State commission or by local governmental authority." (Emphasis supplied.)

Section 3 of the Act defines two terms which relate to the Section 221(b) exemption. These definitions read as follows:

"(r) '*Telephone* exchange service' means service within a *telephone* exchange, or within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange and which is covered by the exchange service charge.

"(s) '*Telephone* toll service' means *telephone* service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service." (Emphasis supplied.)

Since the Section 221(b) exemption and these definitions are tied to the telephone device, it might be determined that TWX and other present or future means of communication not using the telephone device, but primarily of local concern, are not subject to State and local regulation.

Accordingly, it is important that these provisions of the Act be modernized by orienting them on "communication service" instead of "telephone service." This would be accomplished by the adoption of the Local Communication Service Act of 1969.

JUSTIFICATION, THE NATURAL GAS PIPELINE SAFETY ACT AMENDMENT OF 1969

The Natural Gas Pipeline Safety Act of 1968, in establishing a 50–50 matching grant-in-aid program to assist the State commissions, failed to prescribe a formula for the apportionment of funds among the several States. Accordingly, the apportionment of any available funds is now left to the discretion of the Secretary of Transportation.

Also, as a result of the timing of the State commission's application for funds and the calendar year basis of the existing grant-in-aid program, most State commissions will not know the amount of Federal funds they are entitled to receive in any year until after their State legislatures have made appropriations for that year. Under these circumstances, a State legislature could easily fail to appropriate sufficient State funds to fully match the Federal funds apportioned to the State and hence the unmatched part of the apportionment would lapse.

Adoption of the National Gas Pipeline Safety Act Amendment of 1969 would permit Congressional authorization of a specific amount of funds for a given fiscal year to be apportioned among the several States well in advance of such fiscal year in accordance with a precise statutory formula. Under this concept, the Federal authorizing legislation would be enacted during an even-numbered year, and the apportionment of funds to the States would be made before the close of that even-numbered year, so that the State legislatures (the vast majority of which meet during the odd-numbered years) would know the amount of State funds needed to match the apportioned Federal funds. The Federal-aid highway program is an outstanding example of the application of this concept.

The proposed Amendment also contains a "contract authority" provision which means that when the Secretary of Transportation approves the gas safety program of a State commission, such approval "shall be deemed a contractual obligation of the Federal Government for the payment of its apportioned contribution thereto."

JUSTIFICATION, MOTOR CARRIER SAFETY ACT OF 1969

The Highway Safety Act of 1966 (23 U.S.C., Secs. 401 *et seq.;* 80 Stat. 731) provides for grants-in-aid to assist a State in conducting a highway safety program which meets Federal minimum standards. The Governor of the State is responsible for administering the program, including the determination as to which State agencies are to participate therein and receive Federal funds.

The Act is drawn in broad terms and applies to all vehicles that travel the highways.

However, the history of motor carrier safety regulation generally recognizes that motor carrier safety warrants special regulatory attention at both the Federal and State levels to be distinct from general highway safety regulations such as traffic and speed laws and periodic inspection appropriate for automobiles and small commercial vehicles.

The adoption of the Motor Carrier Safety Act of 1969 would provide Federal grants-in-aid directly to the State commissions in administering their motor carrier safety programs and in enforcing Federal and State safety laws concerning highway transportation. The grants-in-aid would be paid by the Department of Transportation to the State commissions whose safety and enforcement programs meet minimum Federal standards.

Furthermore, the adoption of the proposed Act would provide financial assistance to further implement Public Law 89–170 (79 Stat. 648) which, as amended by the law creating the Department of Transportation, authorized the Department to make cooperative agreements with the various States to enforce the safety laws and regulations of the Federal and State governments concerning highway transportaton. Pursuant to Public Law 89–170, the agencies of 34 States have executed cooperative agreements with DOT to enforce such safety laws.

JUSTIFICATION, MOTOR CARRIER ECONOMIC LAW ENFORCEMENT ACT OF 1969

The adoption of the Motor Carrier Economic Law Enforcement Act of 1969 would provide Federal grants-in-aid directly to the State commissions in enforcing Federal and State economic laws concerning highway transportation. The grants-in-aid would be paid by the Interstate Commerce Commission to the State commissions whose enforcement programs meet minimum Federal standards.

Furthermore, the proposed Act would provide financial assistance to further implement Public Law 89–170 (79 Stat. 648) which authorized the ICC to make cooperative agreements with the various States to enforce the economic laws and regulations of the Federal and State governments concerning highway transportation. Pursuant to Public Law 89–170, the agencies of 46 States have executed cooperative agreements with the ICC.

JUSTIFICATION, FEDERAL-STATE COMMUNICATIONS REGULATORY COOPERATION ACT OF 1969

Section 410(a) of the Federal Communications Act of 1934, as amended, presently authorizes the FCC to refer administrative matters to joint boards composed of State commissioners and further provides that they "shall receive such allowances for expenses as the Commission shall provide."

However, these provisions for defraying the out-of-pocket expenses of joint boards composed wholly of State officials, do not cover the cooperative arrangement where State commissioners sit with FCC presiding officers. The bill is designed to rectify this omission.

It provides that when State commissioners sit with FCC presiding officers pursuant to invitation by the FCC, the reasonable expenses incurred by the State commissioners may be defrayed by the FCC.

For example, the FCC on October 27, 1965, released an order instituting an investigation of the charges of the American Telephone and Telegraph Company and the Associated Bell System Companies for interstate and foreign communication service, Docket No. 16258.

In accordance with paragraph 5 of the order, the FCC extended an invitation to the NARUC to designate Cooperating State commissioners to sit with the presiding of-

ficers of the FCC for the hearing of the proceeding in accordance with the Plan of Cooperative Procedure set forth in Appendix A of Part 1 of the FCC's Rules.

The NARUC on November 9, 1965, accepted the FCC's invitation, and on December 10, 1965, designated Cooperating State commissioners to sit with the presiding officers of the FCC in the AT&T rate proceeding.

AT&T and the Bell System companies operate in forty-eight States and the District of Columbia. The Cooperating State commissioners, like the FCC presiding officers, render a national service when presiding in the proceeding.

Consequently, it would appear inappropriate for a few State commissions to bear the travel, food and lodging expenses of the Cooperating commissioners furnished by them when the service rendered by the commissioners is of national benefit.

Traditionally, when State commissioners are invited to participate in cooperative arrangements with Federal regulatory commissioners, the travel, food and lodging expenses of the State commissioners are defrayed by the Federal Commission issuing the invitation.[1]

The Federal Government benefits from this arrangement by acquiring the use of State expertise and by conserving the use of Federal officials.

Enactment of this bill should strengthen cooperative efforts between the Federal and State governments in the regulation of the communications industry.

JUSTIFICATION OF FEDERAL-STATE HIGHWAY TRANSPORTATION LAW ENFORCEMENT ACT OF 1969

Public Law 89–170 was signed into law by the President on September 6, 1965. Among other things, it amended Section 202(b) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)) to authorize the NARUC to determine standards, and amendments thereto, evidencing the lawfulness of interstate operations of motor carriers, and to require the Interstate Commerce Commission to promulgate same into law to become effective five years from the date of promulgation. When the standards become effective any State laws not in accord therewith are deemed to be an undue burden on interstate commerce.

The NARUC, assembled in annual convention on November 17, 1966, unanimously adopted a resolution determining such standards,[2] and the ICC promulgated them into law on December 14, 1966. 49 C.F.R., Secs. 1023.1 *et seq.* Accordingly, the standards will become effective on December 15, 1971.

The success of the national regulatory program which will be established by these standards, and the ability of the NARUC to discharge its responsibilities thereunder, will be directly affected by the capacity to expeditiously adopt necessary amendments. Under present law, five years would have to elapse after the NARUC determined an amendment before it could become effective. As an example, it would take a minimum of five years for the NARUC to make a minor change in the language of the cab card form. Accordingly, it is very important that Public Law 89–170 be amended to provide that after the standards become effective, any amendments thereof subsequently determined by the NARUC may become effective at the time of promulgation or at such other time as it may determine.

Another amendment to Public Law 89–170 is also required. The Law and the standards adopted thereunder only apply to motor carrier operations certificated or permitted by the ICC. Therefore, the cab card form prescribed thereunder cannot be altered so as to be appropriate for use in identifying vehicles engaged in interstate or intrastate motor carrier operations exempt from ICC economic regulation.

In order to bring about uniformity in evidencing the lawfulness of "for hire" interstate motor carrier operations exempt from ICC economic regulation, the NARUC on November 14, 1968, determined model standards for such operations for consideration and adoption by the State commissions. NARUC Bulletin No. 49–1968, pp. 11–21. These model standards parallel the 89–170 standards, and accordingly the cab card forms are similar. To achieve greater uniformity the NARUC may decide to later amend the model standards to make them appropriate for State commission use in identifying vehicles engaged in all interstate and intrastate motor carrier operations exempt from ICC economic regulation.

Nevertheless, a comprehensive State regulatory program would still require the use of *two* cab card forms—one for the 89–170 vehicles and one for the remainder. Obviously, the State program could be greatly simplified by devising a single cab card appropriate for use in identifying all motor carrier vehicles encompassed in the program. Therefore, Public Law 89–170 should be amended to provide that any cab card form established thereunder may be so devised as to be appropriate for use by a State commission in identifying vehicles operated by motor carriers, whether or not they are engaged in interstate or intrastate operations, and whether or not subject to ICC economic regulation.

The adoption of the Federal-State Highway Transportation Law Enforcement Act of 1969 will amend Public Law 89–170 in these two respects.

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[1] Section 209(a) of the Federal Power Act (16 U.S.C., Sec. 824h) and Section 17(a) of the Natural Gas Act (15 U.S.C., Sec. 717p), each authorize the Federal Power Commission to refer administrative matters to joint boards composed of State commissioners and further provide that they "shall receive such allowances for expenses as the Commission shall provide."

The Interstate Commerce Commission is also authorized to refer administrative matters to joint boards composed of State officials and the law provides that they "shall receive such allowances for travel and subsistence expenses as the Commission shall provide." Interstate Commerce Act, Part II, Sec. 205(b), 49 Stat. 548, 49 U.S.C., Sec. 305(b), as amended.

[2] 78th NARUC Annual Convention Proceedings (1966) p. 371. The text of the standards appear in the Proceedings at pp. 203–230. The NARUC, assembled in annual convention on November 14, 1968, determined amendments to these standards which were promulgated into law by the ICC on December 19, 1968. 33 Fed. Reg. 19250. The text of the amendments is reported in NARUC Bulletin No. 49–1968, pp. 9–10.

S. 1924—INTRODUCTION OF A BILL ON THE ELIMINATION OF REQUIREMENTS FOR DISCLOSURE OF CONSTRUCTION DETAILS ON PASSENGER VESSELS MEETING PRESCRIBED SAFETY STANDARDS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards. I ask unanimous consent that a letter from the president of the American Institute of Merchant Shipping, requesting the legislation, be printed in the RECORD.

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

The bill (S. 1924) to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. MAGNUSON, follows:

MARCH 21, 1969.

HON. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: During the latter part of the session of the 90th Congress, at the behest of the Committee of American Steamship Lines, you introduced S. 3761, a bill to amend Public Law 89–777 to eliminate requirements for the disclosure of construction details on passenger vessels meeting prescribed safety standards. Shortage of time and other events precluded the passage of this legislation during the 90th Congress.

Accordingly, on behalf of the Liner Council, American Institute of Merchant Shipping, (representing substantially the same interests as the former Committee of American Steamship Lines), it is again respectfully requested that you introduce the proposed amendment to Public Law 89–777. Suggested language is attached for convenience.

As you are aware the date is now past when vessels departing U.S. ports must meet those requirements of Public Law 89–777 which became effective on 2 November, 1968. Therefore, certain provisions of this worthwhile legislation already have served their purpose i.e., the requirement for disclosure of safety standards in advertising. I assure you that no citizens are more desirous of assuring the safety of the public during passage at sea than are those who operate passenger services. If there were any possibility that the proposed amendment would in any way lessen that safety, such amendment would not be proposed.

As a matter of information I am providing Senator Russell B. Long with a copy of this letter.

Very sincerely,

JAMES J. REYNOLDS, *President.*

S. 1925—INTRODUCTION OF A BILL TO AMEND THE MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Marine Resources and Engineering Development Act of 1966.

Two amendments are proposed, one to continue to June 30, 1970, the National Council on Marine Resources and Engineering Development, established by the act, the other to change the statutory authorization of funds for any 1 fiscal year from $1,500,000 to $1,200,000.

This is a companion bill to H.R. 8794, introduced in the House of Representatives on March 12, and cosponsored by Chairman LENNON and all members of the Subcommittee on Oceanography of the House Merchant Marine and Fisheries Committee.

Enactment of this proposed bipartisan legislation is necessary if the coordinating mechanism of our national program in marine science is to be retained during the interim period between June 30, 1969, and the development by the Congress and administration of a new over-

all plan for a national oceanographic program.

As we know, the Marine Resources and Engineering Development Act established for limited periods of time both the Council and a Commission on Marine Science, Engineering and Resources—the latter composed of distinguished representatives, appointed by the President, from industry, educational institutions, and State and Federal government.

The Chairman of the Commission was Dr. Julius A. Stratton, chairman of the board of the Ford Foundation and a former president of the Massachusetts Institute of Technology, and the vice chairman, Dr. Richard A. Geyer, is head of the Department of Oceanography at Texas A. & M. University.

The Commission, for a period of 2 years, conducted a comprehensive study of marine science activities, applied research programs, ocean engineering and marine resource needs, and completed, on January 9 of this year, a voluminous report titled "Our Nation and the Sea" which included more than 120 recommendations.

One of the statutory responsibilities of the Commission was to recommend "an overall plan for an adequate national oceanographic program that will meet the present and future national needs." This, with the other recommendations, was submitted by the Commission to the President, via the Council, but it was received too late for analysis and evaluation by the Council during the previous administration.

The Commission, in its report, recommended that the National Council on Marine Resources and Engineering Development be continued until decisions are reached on the Commission's proposed new organization plan, which would entail merging a number of civilian marine activities into an independent agency to be designated the National Oceanic and Atmospheric Agency.

Mr. President, there is great merit to most of the Commission recommendations. Many of the advances, programs, and activities recommended by the Commission would be of benefit to the Nation and its people, and many would do so whether carried out under the existing organizational structure, under the proposed NOAA, or under some other integrated organizational arrangement.

A major value of the Commission report, as I see it, is that it looks ahead in discussing the great potential in man's use of the seas and the marine environment. What agency or agencies actually develops this potential is of secondary importance provided it is explored. Commission members have advised me that approximately one-half of the recommendations could be implemented without new legislation.

This brings me to the National Council on Marine Resources and Engineering Development. With the change in administration we have an entirely new Council and one with a statutory new Chairman, the Vice President of the United States.

The Council, under the Marine Resources and Engineering Development Act, consists of the Vice President, the Secretary of State, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, the Chairman of the Atomic Energy Commission, and the Director of the National Science Foundation.

All of these high level officials head departments or agencies with distinct oceanographic missions or responsibilities, or both. The new Council is alert to its responsibilities under the Marine Resources and Engineering Development Act. It already has held its first meeting with the Vice President presiding as Council Chairman.

The Vice President, who comes from a coastal State with wide and varied interests in the oceans and marine environment, has indicated in a recent address before the American Management Association in New York City, that he welcomes the opportunity to serve as Council Chairman "at this moment when we stand on the threshold of penetrating present mysteries of the deep and tapping the ocean's rich potential."

The Council advises and assists the President in carrying out the policy and objectives of the Marine Resources and Engineering Development Act which includes encouragement and maintenance of a coordinated, comprehensive and long-range national program in marine science that will contribute to certain specific objectives. The bill I am introducing today will extend the life of the Council for another year, and it will also authorize adequate funding for the Council to carry out its responsibilities.

As the Vice President and Chairman of the Council have stated:

> All reports from both Republicans and Democrats give the Council high marks in mobilizing our resources, focusing attention on major policy issues, and stimulating ideas and action in all sectors of the marine community.

The Marine Resources and Engineering Development Act provides that the President shall transmit to the Congress each year a comprehensive report of the activities and accomplishments of all agencies and departments of the United States in the field of marine science during the preceding fiscal year.

This is an excellent provision, one for which colleagues in the House and Senate who participated in drafting the final statute are to be commended. The National Council on Marine Resources and Engineering Development has prepared three annual reports to the President during the slightly less than 3 years of its existence, reports that the President has promptly transmitted to the Congress.

These reports detail the activities and accomplishments of the Federal Government in marine science, describes progress and budget and, what is perhaps most important, outlines the Government goals for achievement in the near future and the progress that is being made toward reaching them.

The Council has issued numerous staff reports of value to my colleagues in Congress, to industry, academic institutions and the general public.

The Council, in keeping with the act, has solicited the views of non-Federal organizations and individuals with capabilities in marine science, and has reaped great benefit from these expressions.

On technical and highly specialized subjects the Council has awarded contracts to industries, research organizations and institutes of experts who have made detailed studies of distinctive oceanographic problems.

These contracts have not been in large amounts; in fact, the largest, to a major industrial concern, has been in the amount of $89,373 for a systems analysis of specified trawler operations. Contracts in lesser amounts have been made to industry for studies of the potential of spacecraft oceanography, management of marine data systems, nonmilitary needs for underwater technology, and multiple use of Chesapeake Bay.

Six contracts have been for sums under $7,500; the median has approximated $30,000.

Twenty-four contracts have been awarded by the Council since its creation in June 1966. Fifteen have been completed and published and are available from the Clearinghouse for Federal Scientific and Technical Information at nominal cost.

Two, "Gulf of Mexico Research and Environmental Programs" and "Legal Aspects of Great Lakes Resources," are expected to be available during the coming month, and another, "Multiple Use of Lakes Erie and Superior," is nearing completion.

Any of my colleagues who may be interested in these contracts and publications will find them listed on page 195 of the third Council report to the President and the Congress. On the preceding page are listed the Council's own reports.

As the President stated not long before his inauguration, and I quote:

> While much still needs to be done, the Council has, I feel, made a giant first step in pulling together existing information on marine sciences.

The bill I am introducing today will enable this important work to be continued until at least June 30, 1970, without interruption.

Mr. President, some question has been raised about the ability of a Council composed of Cabinet members and department heads and a small and limited staff to accomplish all the duties assigned to them in the Marine Resources and Engineering Development Act of 1966.

To assist it the Council has appointed five committees with the general responsibility of undertaking studies and submitting recommendations, either as assigned or on their own initiative, concerning the activities, fields of marine science and technology, which come under their jurisdiction.

These are:

Committee on Marine Research, Education and Facilities, headed by the Assistant Secretary of the Navy for Research and Development.

Committee on Ocean Exploration and Environmental Sciences, headed by the Administrator of the Environmental Science Services Administration.

Committee on Food From the Sea, headed by the Deputy Administrator for

the Agency for International Development.

Committee on Multiple Use of the Coastal Zone, on which the Council is placing greatly increased emphasis, headed by the Assistant Secretary of the Interior for Fish and Wildlife.

Committee on International Policy in the Marine Environment, headed by the Deputy Under Secretary of State.

It would be a misfortune, Mr. President, if the Council and its committees were to terminate their constructive endeavors before a new governmental organizational plan for an adequate national oceanographic program that will meet present and future national needs is approved.

I therefore urge, Mr. President, that the bill I am introducing today, be referred to an appropriate committee for early consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1925) to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes, introduced by Mr. MAGNUSON, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Commerce.

S. 1931—INTRODUCTION OF A BILL TO PROVIDE FULL FEDERAL FINANCING OF PAYMENTS MADE UNDER THE PUBLIC ASSISTANCE PROVISIONS OF THE SOCIAL SECURITY ACT

Mr. MURPHY. Mr. President, in outlawing minimum residency requirements for potential welfare recipients, the Supreme Court has once again blatantly exercised its self-induced disposition to meddle and muddle, and in so doing has prepared a new financial load for California's already overburdened taxpayers.

We Californians are tired of having our State used as a test laboratory for sociological experiments.

We are fed up with being treated as guinea pigs.

I say this because we have borne the burden of many of the Court's far-out decisions and today I feel that my sentiments might well be shared by representatives of some of the other States and the District of Columbia which also have a deep interest in the maintenance of residency restrictions.

For the moment, however, I shall confine my remarks to the possible effects of this recent ruling on my State.

Mr. President, to anticipate what is to come, we have only to look at the record since last April, when my State was enjoined by a Federal court order from enforcing residency requirements which had been in effect for 30 years and which had received congressional approval.

During this period, 3,000 to 4,000 additional persons have been added to California's welfare rolls every month.

The estimated cost for this fiscal year is $26 million. For next year the estimated cost is $35 million. It is not that we are inhospitable—we just cannot afford it. Remember the once challenging exhortation, "Go West, Young Man"?

Well, Mr. President, now that advice seems to be the guiding rule of many welfare seekers, but the opportunities they envision are not in our farmlands, ranches, mines, businesses, and industrial plants, but rather in an instant welfare program which has helped make Californians the second highest taxed citizens on a per capita basis in the United States.

Sure—go west, young man.

The Supreme Court might as well hang that sign on the front of the welfare offices of every State with benefits lower than the ones in mine. This was pointed out most effectively by Spencer Williams, the secretary of California's Human Relations Agency, when he said:

> By its decision, the Court encourages welfare recipients to shop for the best deal. Already there are indications that persons are moving to California solely to obtain higher welfare payments.

For this reason, Mr. President, I am offering legislation to amend the Social Security Act, so as not to financially penalize those States which have utilized reasonable residence requirements as a determinant of eligibility for welfare assistance.

As of May 24, 1968, 42 States had durational residence restrictions on old-age assistance payments. Thirty-eight had them with regard to aid to the blind. Forty-one did not permit payments to the permanently and totally disabled without regard to residence and 39 had a requirement of this kind for aid to families with dependent children.

Mr. President, I ask unanimous consent that a chart illustrating the provisions of the various States for the inclusion of residency as an eligibility factor in payments be inserted in the RECORD at this point in my remarks.

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

RESIDENCE AS AN ELIGIBILITY FACTOR IN OLD-AGE ASSISTANCE

Federal requirement: The State plan may not include any residence requirement more restrictive than the maximums in the act for Old-Age Assistance: 5 years in the last 9 years and 1 year immediately preceding application.

No durational residence requirement, 8 States: Connecticut,[1 2] Hawaii,[1] Kentucky,[1] Maine,[1 2] New York,[1] Delaware,[1] Rhode Island,[1] Vermont.[1]

One-year immediately preceding application, 27 States: Alaska,[2] Alabama, Georgia, Idaho,[2] Illinois, Maryland, New Hampshire,[2] Massachusetts, Michigan, Minnesota,[3] Mississippi, New Jersey,[1 2] New Mexico,[7] Oregon, Nebraska,[7] North Carolina, Pennsylvania,[1 2] South Carolina, North Dakota,[3] South Dakota,[3] Tennessee, Texas, Utah,[2] West Virginia, Wisconsin,[3] Wyoming, Virginia.

More than 1 year but different from wording of Federal act, 3 States: Indiana (3 of 9), Ohio (3 of 9), Louisiana (3 of 9).[4]

Identical or similar to wording of Federal act, 13 States: Arizona, Arkansas,[5] California, Colorado,[7] District of Columbia, Florida, Kansas,[7] Iowa,[7] Missouri, Montana, Nevada, Oklahoma, Washington.

RESIDENCE AS AN ELIGIBILITY FACTOR IN AID TO THE BLIND

Federal requirement: (Same as above.)

No durational residence requirement, 12 States: California,[1] Connecticut,[1 2] Delaware, Hawaii,[1] Kentucky,[1] Maine,[1 2] Massachusetts,[1] Mississippi,[1] New York,[1] Rhode Island,[1] Vermont,[1] Washington.[1]

Six months immediately preceding application, 0 States.

One year immediately preceding application, 28 States: Alaska,[5 2] Alabama, District of Columbia, Georgia, Idaho,[2] Illinois,[5] Indiana,[5] Maryland,[5] Michigan,[5] Minnesota,[4 5] Nebraska,[7] New Hampshire,[2] New Jersey,[1 2] Ohio, Oregon,[5] North Dakota,[4] North Carolina, Pennsylvania,[1 2] South Dakota,[4 6] South Carolina,[5] New Mexico,[5 7] Tennessee, Utah,[2] Texas, Virginia, West Virginia, Wisconsin,[2 5 7] Wyoming.

More than 1 year but different from wording in Federal act, 2 States: Louisiana[6 9] (3 of 9), Nevada[5] (2 of 9).

Identical or similar wording of Federal act, 9 States: Arizona,[5] Arkansas,[5 8] Oklahoma,[5] Colorado,[5] Florida,[3] Iowa,[5 7] Kansas,[7] Missouri, Montana.[3]

RESIDENCE AS AN ELIGIBILITY FACTOR IN AID TO THE PERMANENTLY AND TOTALLY DISABLED

Federal requirement: (Same as above.)

No durational residence requirement, 9 States: Connecticut,[1 2] Hawaii,[1] Delaware, Kentucky,[1] Maine,[1 2] New York,[1] Rhode Island,[1] Vermont,[1] South Carolina.

One year immediately preceding application, 33 States: Alaska,[2] Alabama, Colorado, District of Columbia, Georgia, Idaho, Illinois,[5] Iowa,[5 7] Maryland, Massachusetts, Michigan,[5] Minnesota, Mississippi, Missouri, Montana Nebraska,[7] New Hampshire,[2] New Jersey,[1 2] North Carolina, North Dakota,[3] Ohio, New Mexico,[7] Oregon, Pennsylvania,[1 2] South Dakota,[3 6] Tennessee, Texas, Virginia, Utah,[2] Washington, West Virginia, Wisconsin, Wyoming.

More than 1 year but different from wording in Federal act, *3 States:* California[5] (3 of 9), Indiana (3 of 9), Louisiana[1 9] (3 of 9).

Identical or similar to wording of Federal act, *5 States:* Arizona, Arkansas,[5] Florida, Kansas,[7] Oklahoma.

RESIDENCE AS AN ELIGIBILITY FACTOR IN AID TO FAMILIES WITH DEPENDENT CHILDREN

Federal requirement: The State plan may not include any residence requirement more restrictive than the maximums in the act for Aid to Families with Dependent Children: 1 year immediately preceding the application or born within 1 year immediately preceding the application if parent or other relative with whom the child is living has resided in the State for 1 year immediately preceding the *birth* of the child.

No durational residence requirement, *11 States:* Alaska, Connecticut,[1, 2] Georgia, Hawaii,[1 5] Kentucky,[1] Maine,[1 2] New Jersey,[1] New York,[1] Delaware, Rhode Island,[1 5] Vermont.[1 7]

Identical or similar to wording of Federal act, *40 States:* Alabama,[5] Arizona, Arkansas, California,[5 6] Colorado, District of Columbia,[5] Florida,[7] Idaho,[2 5 8] Illinois,[8] Indiana,[8] Iowa, Kansas,[5 7 8] Louisiana,[5] Maryland,[8] Massachusetts,[8] Michigan,[8] Minnesota,[2] Mississippi, Missouri, Montana,[5] Nebraska, Nevada,[5] New Hampshire,[2] North Carolina, North Dakota,[5 7] New Mexico,[5 7] Ohio, Oklahoma,[5] Oregon,[8] Pennsylvania,[1 2 5] South Carolina, South Dakota,[2 8] Tennessee, Texas, Virginia, Washington,[5 8] West Virginia, Wisconsin,[5] Wyoming,[2] Utah.[2]

FOOTNOTES

[1] Must be living in State at time of application. Washington—"Must be resident of State."

[2] Reciprocal agreements may be made with other States to waive or alter requirement for non-resident applicant who is otherwise eligible.

[3] Special provisions reducing requirement for blind children.

[4] For non-resident applicant who is otherwise eligible, residence requirement is based upon the corresponding provision of the State in which applicant has residence.

[5] Special provision to reduce or waive residence requirement when blindness developed while applicant was a resident of the State (21 States).

[6] Or has been previously domiciled in State for 5 years or more.

[7] These States have special modifications; refer to published document.

[8] 3 years during the 5 years immediately preceding application and last 1 year continuously may be substituted.

[9] In severe hardship cases, 2 of the 3 required years may be waived for former longtime residents of the State.

Mr. MURPHY. Mr. President, the Supreme Court's decision yesterday, however, declared unconstitutional various State statutes requiring a period of residence within the State before a person becomes eligible for public assistance under titles I, IV, X, XIV, and XVI of the Social Security Act. The enforcement of these decisions and their application to all States will impose an unreasonable financial burden on State and local governments at a time when they can ill afford such an additional responsibility.

Mr. President, I strongly feel that if the Federal Government wants to impose its will on the States in this fashion, it is incumbent on the Federal Government to bear the cost of the additional payments which will have to be made.

Mr. President, consequently, I am introducing legislation at this time to insure that the Federal Govrnment pays the entire cost of assistance to those who would be ineligible solely by reason of a residency requirement if it were permitted to stand as a criterion.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1931) to provide full Federal financing of payments made under the public assistance provisions of the Social Security Act to recipients who do not meet the duration-of-residence requirements of the applicable State plan, where such payments must nonetheless be made because of court determinations that such requirements are unconstitutional, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Finance.

S. 1933—INTRODUCTION OF A BILL PROVIDING FOR FEDERAL RAILROAD SAFETY

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill providing for comprehensive Federal railroad safety measures. I hope the present Congress will enact a strong railroad safety law. The time for such action is long past due. Broad Federal safety laws have been on the books for years covering airline safety and the safety of most intercity truckers and bus lines. Nothing comparable exists in the area of railroad safety. The bill I introduce today will give the Secretary of Transportation the same broad kind of authority over railroad safety that is already lodged in his Department over these other forms of transportation safety.

Train accidents have been steadily increasing, Mr. President, and so have the dangers flowing from them. The number of such accidents rose from 4,149 in 1961 to 8,027 in 1968, an increase of 93 percent. Number of deaths from all kinds of railroad accidents rose from 2,127 in 1961 to 2,359 in 1968. This substantially exceeds the number of yearly deaths in airplane accidents.

But mere statistics from the past, as significant as they are, do not provide an accurate picture of the dangerous conditions attending the operation of the Nation's railroads. The railroads today are transporting extremely flammable, explosive, highly reactive, and poisonous substances through the Nation's metropolitan areas and countrysides. Often the hazardous materials carried are so exotic that the control of fire and contamination resulting from an accident is beyond the capability of local authorities. Special firefighting equipment and procedures may be necessary for each of several kinds of materials being transported on a single train. Biological and chemical warfare materials including deadly nerve gases which are shipped on rails by the Defense Department are of value to the military precisely because they can maim and kill and are difficult to defend against.

Increased accidents, greater speeds and more hazardous shipments provide a very lethal combination. With increasing frequency train wrecks threaten whole communities with flames, explosives, and contamination by poisonous chemicals.

I recall one such wreck in the little town of Dunreith, Ind., on January 1, 1968. This happened on New Year's Day, a day of rest and relaxation for most of us, but not for the inhabitants of Dunreith on that occasion. A Pennsylvania Railroad freight train derailed, reportedly because of a broken rail; it collided with a passing train; and the wreck sent blasts, flames and chemical fumes into the town. All of Dunreith's 236 residents had to be evacuated in the bitter cold and were kept away from their homes for several days until fires had burned out and lethal gases had dissipated. On returning, some of them found their homes burned to the ground, along with a local liquid fertilizer plant which had exploded, adding to the destruction.

More recently, I am sure many of us read of the tragic accident in Crete, Nebr., last February 18 when a Burlington Railroad freight train derailed and smashed into a tank car filled with deadly ammonia gas, early in the morning. The ammonia gas spread to homes, asphyxiating people in their beds, killing eight and injuring scores of helpless citizens of this Nebraska town.

Again, a derailment on the Southern Railway at Laurel, Miss., last January 25 was followed by multiple explosions and fires originating in 14 ruptured tank cars carrying propane gas. Two persons died, hundreds were injured, 60 homes were destroyed and 1,000 persons had to be evacuated.

As these illustrations indicate, recent accidents have been confined to smaller communities. What would be the result in a large metropolitan center where high population density would automatically place more people, more businesses, and more fuel in the immediate vicinity of the accident?

I should like to quote here, in part, a statement made by Mr. John H. Reed, a member of the National Transportation Safety Board and former Governor of Maine, in opening an investigation of the derailment at Laurel, Miss.:

> In a recent five week period, four derailments, including the one at Laurel, resulted in endangering thousands of lives and hundreds of homes in four small towns across the country.
>
> These four accidents had one common denominator—in each instance each train was carrying hazardous cargo involving highly inflammable or toxic materials . . .
>
> It is obvious that in rail transportation we are facing a new dimension in accident exposure. In the past when a derailment occurred, even in the geographic limits of a town, it did not create a holocaust of fire, explosion or release suffocating chemical fumes over large areas, or cause the mass evacuation of a town.
>
> We must now begin to develop ways and means to reduce and prevent such attacks on our environment, and on our lives.

Mr. President, these hazardous and dangerous materials must be transported. Our economy needs most of them. But it is crucial that they be transported safely. To achieve this, in the case of railroads, their equipment, their rights of way and their operating practices must be safe and sound. Today, unfortunately, a very large proportion of the thousands of train accidents each year is caused by faulty track or faulty equipment. Faulty operating practices are undoubtedly responsible for other serious accidents.

What is the Federal Government doing and what can it do under existing law? The sad truth is that Federal laws today are grossly inadequate to meet the need.

Most of the existing rail safety statutes were enacted from 50 to 75 years ago when technology and the accompanying hazards were much different. These outmoded statutes are limited to particular hazards, and they contain broad gaps. The Department of Transportation at present has no jurisdiction over the design, construction, inspection, or maintenance of track, roadway, and bridges. Its authority with respect to freight and passenger cars applies only to safety appliances and certain aspects of the brake systems. Car wheels and axles, which are major causative elements in many accidents, are not subject to Federal regulation.

Mr. A. Scheffer Lang, who was then the Federal Railroad Administrator of the Department of Transportation, on May 21, 1968, stated:

> Approximately 95 per cent of the accidents that occur on the nation's railroads are caused by factors not subject to any control by the federal agency responsible for promoting railroad safety. To us this is a key factor in the month-by-month increase in train accidents.

Mr. Lang, incidentally, was testifying in favor of a broad Federal rail safety bill sponsored by the previous administration. Unfortunately Congress last year did not act on the matter.

My bill would deal with this urgent problem by giving the Secretary of Transportation broad authority to issue rules, regulations and minimum standards for railroad safety, power to enforce such rules and realistic penalties for violations. At the same time the Secretary's authority would be circumscribed in sev-

eral ways; he would not be given a blank check.

I understand Representative HARLEY STAGGERS, chairman of the House Committee on Interstate and Foreign Commerce, is sponsoring similar legislation in that Chamber.

I am advised by the Department of Transportation that Secretary Volpe has asked railroad management and labor representatives to join with the Federal Railroad Administrator and representatives of State regulatory commissions in a task force on railroad safety matters. I commend the Secretary for seeking the assistance and guidance of those charged with the public interest, representatives of railroad employees and officials of the industry.

I would urge the task force to be expeditious but thorough in examining all facets of the rail safety problem. A concerted effort by the task force would doubtless be valuable to the Secretary and to the Congress as we seek to meet this safety problem.

I trust that both Senate and House can move forward promptly on this life-and-death matter and I intend, as chairman of the Senate surface transportation subcommittee, to do all in my power to achieve prompt action.

The National Transportation Safety Board has recently released a summary of testimony taken during the Board's investigation of the Laurel, Miss., January 25 accident. This revealing summary is quite relevant to the legislation which I am introducing. Mr. President, I ask unanimous consent that the April 14, 1969, release by the NTSB be printed in the RECORD at the close of my remarks. I urge my colleagues to read this eye opening account. I also ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

The bill (S. 1933) providing for Federal railroad safety, introduced by Mr. HARTKE (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. 1933

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 Railroad Safety Act of 1969".

FEDERAL SAFETY REGULATIONS

SEC. 2. It shall be unlawful for any common carrier, as defined for the purposes of this Act in the first section of the Act of February 17, 1911 (45 U.S.C. 22), in carrying out its functions as a common carrier, to use or permit to be used any facilities or equipment or to engage in any operating practice unless any such facilities or equipment are made, inspected, and maintained, and any such operating practice is in accordance with applicable rules, regulations, and minimum standards promulgated by the Secretary of Transportation (supplementing provisions of law and regulations in effect on the date of enactment of this Act) for the purpose of reducing unnecessary peril to life or limb: *Provided,* That nothing herein shall be construed to give the Secretary of Transportation authority to issue rules, regulations, and standards relating to the qualifications of employees.

STATE REGULATIONS

SEC. 3. No existing State law or regulation affecting safety of common carriers shall be superseded, nullified, or preempted by any action of the Secretary under this Act, unless the Secretary shall have promulgated rules, regulations, or minimum standards covering the subject matter of the State law or regulation and the Secretary shall find that such rules, regulations, or standards impose a standard of safety equal to or higher than the standard imposed by the particular provision of State law or regulation.

PENALTIES

SEC. 4. (a) Any common carrier who violates any provision of this Act, except section 6, shall be subject to a civil penalty of not less than $500 nor more than $1,000 for each violation. Each day of such violation shall constitute a separate offense.

(b) The civil penalties provided by subsection (a) of this section may be compromised by the Secretary. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the common carrier charged.

INJUNCTIVE RELIEF

SEC. 5. (a) The United States district courts shall, upon petition by the appropriate United States Attorney or the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act or to enforce standards, rules, or regulations established hereunder.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42 (b) of the Federal Rules of Criminal Procedure.

CEASE AND DESIST POWERS

SEC. 6. (a) Whenever the Secretary or his duly authorized representative shall find that any facilities or equipment used or intended to be used by any common carrier in carrying out its functions as a common carrier is not in condition for safe operation, he may immediately issue an order providing for the immediate cessation of such condition. Thereafter, such facilities or equipment shall not be used unless found by the Secretary or his duly authorized representative to be in condition for safe operation.

(b) Any common carrier who violates an order of the Secretary to cease and desist shall forfeit and pay to the United States a civil penalty of not more than $5,000 for each violation. Each day of such violation shall constitute a separate offense.

(c) The United States district courts shall have jurisdiction to enforce any order of the Secretary under this section, and any person aggrieved by such order may obtain review thereof by such courts.

GENERAL POWERS

SEC. 7. (a) In addition to the powers granted to him under section 2 of this Act, the Secretary is authorized to perform such acts, including, but not limited to, conducting investigations, issuing subpenas, taking depositions, prescribing recordkeeping and reporting requirements, arranging for research, development, testing, evaluation and training, and delegating to any public bodies or qualified persons functions respecting examination, inspecting and testing of facilities or equipment, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under this Act.

(b) The Secretary may, after reasonable notice and opportunity for hearing, grant such exemptions from the requirements of any rule, regulation, or order prescribed under this Act as he considers to be in the public interest and consistent with the purpose of this Act of reducing unnecessary peril to life or limb.

EFFECT UPON THE RAILWAY LABOR ACT

SEC. 8. Nothing in this Act shall in any way be construed or applied so as to abridge, modify, limit, supersede, or repeal any provision of the Railway Labor Act (45 U.S.C. 151–188) or any agreements made pursuant thereto.

APPROPRIATION AUTHORIZATION

SEC. 9. There is hereby authorized to be appropriated $——— to carry out the purposes of this Act.

SEPARABILITY

SEC. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

The letter, presented by Mr. HARTKE, follows:

The National Transportation Safety Board today issued a summary of testimony taken during a recent public hearing as part of its investigation to determine the probable cause of a Southern Railway freight train derailment at Laurel, Mississippi, on January 25, 1969. The derailment of 15 propane gas tank cars touched off explosions and fire, fatally injured two residents, hospitalized 33 persons, and caused widespread property damage.

Safety Board Member John H. Reed presided at the seven-day public hearing, which convened March 4, 1969 in Jackson, Mississippi, and reconvened in Washington, D.C., March 24, 1969. Forty persons testified and 73 exhibits were entered into the public record.

Member Reed explained that the Safety Board will issue a public report later with its formal determination of the probable cause of the accident.

The Board designated six parties to the investigation. They were: Southern Railway Company; Gulf, Mobile and Ohio Railroad Company; Association of American Railroads; Allied Chemical Corporation; Armco Steel Corporation; and Railway Labor Executives Association.

Testimony of the train and engine crews on Southern Railway freight train No. 154, on January 25, 1969, revealed that the derailment occurred about 4:15 a.m., C.S.T., and was followed immediately by fire and explosions. Witnesses testified that for 45 to 60 minutes after the derailment a series of explosions propelled pieces of tank cars ranging in size from small to those weighing thousands of pounds for distances up to 1,500 feet.

A retired minister and a seventeen year old girl died as a result of injuries received after the wreck, according to testimony received. Numerous people were injured and, of the 33 who were hospitalized, 17 were still hospitalized at the opening of the hearing. As a result of either fire or explosion, 54 residences were destroyed with an additional 1,350 suffering various degrees of damage. Two business plants were heavily damaged or destroyed, and the structures or equipment of four other businesses or industries were substantially damaged. Six public schools and five churches were also damaged, and approximately 100 small business establishments within the downtown area suffered plate glass damage. Southern Railway estimates monetary damage to track and equipment at $334,675; to lading, $45,000; and total damage in all categories to be about three million dollars.

The freight involved was Southern Railway train 154, a northbound, through freight, which originated in New Orleans. The train left New Orleans with four diesel-electric locomotives pulling 113 cars, and picked up 26 tank cars loaded with propane at Dragon, Mississippi. This made a train of 139 cars with a gross tonnage of 10,486 tons.

As near as can be determined the original derailment occurred while the train was traveling 30 mph. Marks on the west rail indicated that the trailing wheel on the west side of the lead truck of the 62nd car broke while passing over the GM&O Railroad crossing and caused the original derailment about 356 feet north of the crossing. A second pair of wheels derailed about 970 feet north of the crossing and broke the lead wheel on the east side of the front truck. The derailed 30,000-gallon tank car of propane continued northward to a facing point switch about 2,400 feet north of the GM&O crossing where 14 additional 30,000-gallon tank cars of propane derailed.

During the height of the explosions and fire, Southern Railway employees, including an off-duty switchman who volunteered his services, removed those cars not derailed from the fire area. This action involved crew members subjecting themselves to high heat and danger from explosions in order to remove the remaining cars from the wreck area. Included were additional propane cars and a car of poison gas.

The Southern Railway's Chief Engineer testified that the track through the derailment area was good enough for speeds of 40 to 45 mph, even though the maximum authorized speed was 30 mph. Neither he nor the track supervisor believed the track condition to be a contributing factor. This opinion was a value judgment based on experience and not on a set of objective standards. There are no publicized objective standards for track maintenance. He also testified that the track involved was relaid with new 115-pound continuous welded rail on February 4, 1969, followed by the usual track maintenance operation. This work had been programmed for this date.

Reports of laboratory tests made on the first broken wheel by the Southern Railway, the Illinois Institute of Technology Research Institute, and Armco Steel Corporation revealed rough corrective machining in the plate area surrounding the hub. The requirements of the Association of American Railroads are not specific as to finish, and acceptance standards depend upon individual interpretation. Generally, the wheels are required to "have a workmanlike finish and must be free from defects liable to develop in or cause removal from service." The machining resulted in a surface whose irregularities exceeded 5,000 microinches, thus providing discontinuities which can act as stress concentrators or notches which would initiate cracks under a suddenly applied lateral load.

Testimony concerning the broken wheel revealed that the wheel met the A.A.R. specifications, with the possible exception of the rough plate machining. It had a rim worn to within 0.008 inches of being condemnable for a high flange. The tread was worn hollow permitting a vertical difference or 7/32 inch if the wheel were riding on the outer edge as opposed to its riding close to the gage of the rail.

Testimony indicates that the brittle fracture of the wheel originated in the plate near the hub, probably as a result of a combination of factors. These factors were the presence of the rough machining, the hollow worn tread, the strength of the steel at the prevailing temperature, and lateral stresses from impacts of normal irregularities in track.

Testimony of tank car experts representing the Association of American Railroads Committee on Tank Cars covered the history, construction, and service of the so-called "jumbo" tank car for transportation of liquefied petroleum gas. There is no indication at this point that any of the tank cars involved failed to meet requirements of the DOT or AAR. In spite of this, 14 of the 15 tank cars subjected to the derailment conditions were punctured, ruptured, or exploded.

There was sufficient testimony by expert witnesses to raise questions about the adequacy of the design of the "jumbo" tank car without a continuous center sill, the safety relief valves, and the proper handling of loaded tank cars subjected to high heat.

Eyewitnesses from the Laurel area described the fear and confusion which accompanied the explosions and fire. One woman who lived within 800 feet of the scene described how she was awakened by explosions and then knocked down by concussion while fleeing with her young children. She also described seeing a large piece of tank car hurtling through the air at a point determined to be more than 1,000 feet from the wreck. Other witnesses confirmed this phenomenon.

The Chiefs of the Police and Fire Departments of Laurel described the functions of their groups in the post crash procedures. They also related how numerous agencies and organizations rendered aid. These organizations included Fire and Police Departments from neighboring communities, the American Red Cross, Salvation Army, National Guard, and many churches and other groups.

Two tank cars did not explode. One was burning at a puncture; the other was burning around the dome and its safety relief valve was venting periodically. To relieve the unsafe condition presented by this situation and to expedite the cleanup operation, the two tanks were vented by blowing holes in their shells by the use of shaped charges applied by Army personnel. The results were successful; however, there was considerable testimony to the effect that this is not a procedure that can always be depended upon to give satisfactory results from a safety standpoint.

Several witnesses indicated that the fact that a catastrophe such as this could occur with equipment which apparently met both Federal and AAR regulations, required a new look at the regulations.

Tests of safety relief valves from the tank cars involved in the wreck have not been completed; however, the results of these tests will become a part of the public docket when available. There are numerous steel samples from the tank cars which will be analyzed under the surveillance of the AAR's Committee on Tank Cars. The results of these tests also will be made available.

S. 1937—INTRODUCTION OF THE YOUTH POWER ACT

Mr. HATFIELD. Mr. President, in the belief that the talents and energies of young people should be more effectively devoted to voluntary service and learning opportunities to the benefit of the whole Nation, I offer for introduction today a bill to establish a National Youth Service Foundation and a National Youth Service Council. It is designated the "Youth Power Act of 1969." Senator MATHIAS, Senator PERCY, and Senator SAXBE join in the cosponsorship of this legislation.

Within the last half century, the potential role that youth might play in our society has grown tremendously. We have changed from a rural to an urban society. Better medicine and health have added to vigor and ability of young people to act upon their concerns. Available leisure time has been increased. The ideal of universal education has come closer to realization. The world of work has become more complex and more challenging. Young persons are raising fundamental questions about our society and are taking new and different views of the problems of life today. They seek to become the movers of our society rather than to be among the manipulated.

Yet, the potential role for youth in our society has not been nearly realized. Chances for creative work, learning and service to mankind have not kept pace with the increasing abilities and desires of our young citizens for such opportunities. Many millions of our under-27 citizens live in poverty while other millions of our youth sense that they are irrelevant to the myriad public and private institutions regulating their lives.

Since the establishment 8 years ago of the Peace Corps, the Federal Government has had an increasing commitment to lessen the gap between the potential service and learning roles and the actual service and learning roles of youth in our society. Following the Peace Corps came Volunteers in Service to America—VISTA—the Teacher Corps, the Job Corps, and National Youth Corps. The attention given to youth problems at the national level has increased the awareness of the need to deal with these problems in the communities in all parts of our land.

It should be emphasized that private voluntary organizations have also been active in providing experiences of both service and learning for our youth.

The purpose of the bill which I am introducing today is to supplement and increase, not to replace, the service and learning opportunities currently available to our young people. The goal is to provide enough opportunities so that no young person is denied a chance to serve and to learn.

The extent of the broad effort required is well described in the following statement of Donald J. Eberly in the "Directory of Service Organizations," National Service Secretariat, Washington, D.C., 1968:

> We must ask our young people to engage themselves fully with the war on poverty, on disease, on illiteracy, on pollution. We must make it possible for every American youth who wants to serve his fellow man to do so. Black or white, rich or poor, from north or south, east or west, from slum or suburb, village or farm, from the school, the college or university, our young people are needed.
>
> They are needed in our schools as tutors for young children. They are needed in our hospitals and clinics to assist doctors and nurses.
>
> They are needed in our courts to work with youth who have started off on the wrong foot. They are needed as friends by old folks living alone, by the mentally retarded and the mentally ill. They are needed in our forests and open lands, to protect and conserve them. They are needed to respond to natural disasters, at home and overseas. They are needed to build new towns where there will be no discrimination, no illiteracy, no pollution, but opportunities for all to move with confidence into the 21st century.
>
> Already the organizations exist to make this program possible. We shall ask the nation's schools, hospitals, churches, labor unions, businesses and industries, civic organizations, governmental departments at

the local, state, regional and federal levels to provide opportunities for young people to serve.

We shall ask private citizens, foundations, profit-making organizations and, as necessary, Congress, for funds to provide the yearly subsistence that will be needed to feed, house, transport and give a living allowance to each young person in service.

We shall ask our colleges and universities, labor unions and industries to organize training and information programs so that each young person will be able to find the challenge he wants and will be able to meet that challenge.

As stated in the act's declaration of purpose, young people at all educational levels from high school dropouts through graduate students can and will take advantage of increased service and learning opportunities. A huge number of domestic tasks remain unmet which simultaneously provides a unique opportunity for young people to serve and learn. Future manpower requirements for increased skills in the fields of education, health, conservation, welfare, job training, and governmental affairs are increasingly difficult to fulfill, and can be alleviated by a coordinated effort to increase service and learning opportunities for young people. The experience young people acquire in service and learning projects will serve to increase manpower skills and to strengthen their understanding of the world in which they live. It is the purpose of the act to strengthen, supplement, and coordinate programs and activities contributing to these policy objectives.

NATIONAL YOUTH SERVICE FOUNDATION

The bill establishes a National Youth Service Foundation to be operated by a 21-member Board of Trustees, 15 of its members to be appointed by the President, by and with the advice and consent of the Senate, and the following to be ex officio members: Director of the Peace Corps; Director of the Teacher Corps; Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America; Director of the Neighborhood Youth Corps; Director of the Job Corps; and the Director of the National Youth Service Foundation.

The Director and Deputy Director of the Foundation are to be appointed by the President, by and with the advice and consent of the Senate.

The National Youth Service Foundation is authorized to make grants to or contract with public and private nonprofit agencies for recruitment and training of 17- to 27-year-olds, for periods up to 2 years for, and to conduct, youth service and learning programs as defined in the act; agree to furnish 17- to 27-year-olds to public and private nonprofit agencies to carry out any youth service and learning program or any other program approved by the Foundation; recruit and train 17- to 27-year-olds for, and to conduct, youth service and learning programs; provide technical assistance to any public and private nonprofit agency receiving assistance under the act; and develop and carry out a program to encourage greater participation by State and local agencies and by private agencies and organizations in programs offering greater opportunities for youth participation in projects for community betterment.

No payment may be made under the act in excess of 80 percent of the cost of the program. Not more than 12½ percent of the funds provided for grants and contracts shall be made available within any one State.

The Foundation shall submit to the President and to Congerss an annual report of its operations and its recommendations.

The bill provides for an Advisory Council to the Board. The President would appoint the 24 members of the Council—at least eight of whom will be under 27 years of age—to advise the Board on broad policy matters.

NATIONAL YOUTH SERVICE COUNCIL

The second major provision of the bill establishes a National Youth Service Council in the Executive Office of the President, who would be Chairman of the Council. In addition to the President, the Council would be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Chairman of the Civil Service Commission, the Commissioner of Education, the Director of the Peace Corps, the Director of the Teacher Corps, the Director of the Office of Economic Opportunity, the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America, and the Director of the National Youth Service Foundation.

The functions of the Council will be to advise and assist the President as to youth service and learning programs conducted or assisted by the Federal Government; to assure effective program planning for summer and other related youth programs of the Federal Government; coordinate youth programs and activities of all agencies of the Federal Government; encourage the adoption by appropriate agencies of the Federal Government of common procedures and simplified application forms for recruitment and transfer into youth service and learning programs conducted or assisted by any agency of the Federal Government, particularly with respect to the Job Corps, the Neighborhood Youth Corps, the Volunteers in Service to America, the Teacher Corps, the Peace Corps, and the National Youth Service Foundation; encourage each agency of the Federal Government administering a youth service and learning program to coordinate at the local level recruiting and informational activities; encourage development of cooperative programs among agencies of the Federal Government administering or conducting youth service and learning programs so as to more effectively meet the unmet community needs and services; encourage State and local agencies and private agencies and organizations to provide service and learning opportunities for youths; resolve differences between agencies of the Federal Government with respect to youth service and learning programs; and report to Congress at least once each year on the activities of the Council.

The Council may employ a staff to be headed by an executive director.

The bill provides that the functions of the President's Council on Youth Opportunity and the Citizens Advisory Board on Youth Opportunity established pursuant to Executive order, are transferred to the National Youth Service Council.

YOUTH SERVICE AND LEARNING PROGRAM

References are made throughout the bill to youth service and learning programs. Such a program is one primarily designed to improve educational opportunities of persons, improve health and welfare of persons, contribute to the development, conservation, or management of natural resources or recreational areas, strengthen library services, and improve community services.

AUTHORIZATIONS OF APPROPRIATIONS

There is authorized to be appropriated for the National Youth Service Council an amount not to exceed $2 million for any fiscal year. This is somewhat more than the $1.75 million recommended for the operation of the President's Council on Youth Opportunity for fiscal year 1970. As noted above, the functions of the President's Council on Youth Opportunity would be transferred, under the bill to the National Youth Service Council.

Authorizations for the National Youth Service Foundation are divided into: First, those for grant and contract awards; and, second, those for the activities carried on directly by the Foundation. In the first category, authorizations are provided of $75 milon for the first fiscal year; $300 million for the second fiscal year; and $600 million for the third fiscal year. The second category provides for authorizations of $75 million for the first fiscal year; $200 million for the second fiscal year; and $300 million for the third fiscal year.

POSITIVE OBJECTIVE

I wish to stress the positive objective of the bill. We are passing through a time when the temptation is great to adopt measures designed to repress the energies of young people in the cities and on the campuses. But we have to recognize that energy per se is neither moral nor immoral. It is amoral. It can be used to shape a sword or a plowshare. By providing constructive ways for all young people to use their energies and talents, they will have a chance for a better life and a chance to relate to and serve their society—as well as to help peacefully improve it where necessary.

Mr. President, I ask unanimous consent that the bill which I have introduced be printed at this point in the RECORD.

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

The bill (S. 1937) to supplement and strengthen voluntary youth service and learning opportunities supported or offered by the Federal Government by establishing a National Youth Service Council and a National Youth Service Foundation, and for other purposes, introduced by Mr. HATFIELD (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. 1937

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

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SECTION 101. This Act may be cited as the "Youth Power Act of 1969".

DECLARATION OF PURPOSE

SEC. 102. (a) The Congress hereby declares that it is the policy of the United States that the talents and energies of young people should be more effectively devoted to voluntary service and learning opportunities to the benefit of the whole nation.

(b) The Congress declares that young people at all educational levels from high school dropouts through graduate students can and will take advantage of increased service and learning opportunities; that a huge number of domestic tasks remain unmet which simultaneously provides a unique opportunity for young people to serve and learn; that future manpower requirements for increased skills in the fields of education, health, conservation, welfare, job training, and governmental affairs are increasingly difficult to fulfill, and can be alleviated by a coordinated effort to increase service and learning opportunities for young people; and that the experience young people acquire in service and learning projects will serve to increase manpower skills and to strengthen their understanding of the world in which they live.

(c) It is the purpose of this Act, therefore, to strengthen, supplement, and coordinate programs and activities contributing to the policy contained in this section.

DEFINITIONS

SEC. 103. As used in this Act—

(1) "Youth service and learning program" means a program primarily designed to—

(A) improve the educational opportunities of persons in the area to be served by any such program, including projects for counseling, custodial services, library assistance, tutorial work, teaching assistance, and maintenance of educational equipment;

(B) improve the health and welfare of the persons in the area to be served by any such program, including projects for clinical or clerical assistance in nonprofit private or public hospitals or public health centers or other related facilities; health surveys, increasing sanitation services, improving air and water pollution control services, and increasing services to the handicapped;

(C) contribute to the development, conservation, or management of natural resources or recreational areas in the area to be served by any such program, including projects for historical site restoration, camp site building and maintenance, trail construction and maintenance, protecting and maintaining forests, animal care and game services, grounds keeping and landscaping, soil surveys and water shed improvements;

(D) strengthen library services in the area to be served by any such program, including projects for increased staffing of bookmobiles, reading and recording services for the blind and young children, cataloguing, shelving and repairing books, and preparing exhibits; or

(E) improve community services available to persons in the area to be served by any such program, including projects for increased day camp and child care services, assistance for museum professional personnel, playground maintenance and operation, and assisting probationers and the disadvantaged, particularly helping unemployed youths locate services available to improve their skills and employability

and is conducted or is to be conducted substantially for participation by persons who have attained 17 years of age but not 27 years of age. For the purpose of this paragraph "youth service and learning program" includes any program designed to increase the skills and employability of youths.

(2) "Private nonprofit agency" means any agency owned or operated by one or more corporations, organizations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(3) "State" means each of the several States and the District of Columbia.

TITLE II—COORDINATION OF YOUTH SERVICE AND LEARNING OPPORTUNITIES

ESTABLISHMENT OF THE NATIONAL YOUTH SERVICE COUNCIL

SEC. 201. (a) There is hereby established in the executive office of the President the National Youth Service Council (hereinafter referred to as the "Council") which shall be composed of—

(1) the President, who shall be Chairman of the Council;

(2) the Secretary of the Interior;

(3) the Secretary of Agriculture;

(4) the Secretary of Labor;

(5) the Secretary of Health, Education, and Welfare;

(6) the Secretary of Housing and Urban Development;

(7) the Chairman of the Civil Service Commission;

(8) the Commissioner of Education;

(9) the Director of the Peace Corps;

(10) the Director of the Teacher Corps;

(11) the Director of the Office of Economic Opportunity;

(12) the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America; and

(13) the Director of the National Youth Service Foundation.

(b) Each member of the Council from a department or agency of the Federal Government may designate another officer of his department or agency to serve on the Council as his alternate in his unavoidable absence.

(c) The President shall from time to time designate one of the members of the Council to preside over meetings of the Council during the absence, disability, or unavailability of the Chairman.

(d) Whenever any matter is considered by the Council relating to the interests of a Federal agency not represented on the Council, the Chairman shall invite the head of any such agency to participate in the business of the Council. The authority contained in this subsection may be exercised by the Chairman in any case in which the agency concerned is in a Federal department the head of which is a member of the Council.

FUNCTIONS

SEC. 202. It shall be the function of the Council to—

(1) advise and assist the President as he may request with respect to youth service and learning programs conducted or assisted by any agency of the Federal Government;

(2) assure effective program planning for summer and other related youth programs of the Federal Government;

(3) provide effective procedures for the coordination of youth programs and activities of all agencies of the Federal Government;

(4) develop and encourage, to the extent practicable, the adoption by appropriate agencies of the Federal Government of common procedures and simplified application forms for recruitment and transfer into any youth service and learning program conducted or assisted by any agency of the Federal Government, particularly with respect to the Job Corps, the Neighborhood Youth Corps, the Volunteers in Service to America, the Teacher Corps, the Peace Corps, and the National Youth Service Foundation;

(5) develop adequate procedures and encourage each agency of the Federal Government administering a youth service and learning program to coordinate at the local level recruiting and informational activities so that the young people in any such locality may be aware of the full range of service and learning opportunities available;

(6) to encourage the development of cooperative programs among agencies of the Federal Government administering or conducting youth service and learning programs with particular emphasis on cooperative programs designed to more effectively meet the unmet community needs and services;

(7) encourage State and local agencies and private nonprofit and other private agencies and organizations to participate fully in efforts to provide service and learning opportunities for youths;

(8) resolve differences arising among agencies of the Federal Government with respect to youth service and learning programs; and

(9) report to the Congress at least once in each fiscal year on the activities of the Council during the preceding fiscal year.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Council may employ a staff to be headed by an executive director and a deputy director. The executive director, subject to the direction of the Chairman, is authorized to—

(1) appoint and fix the compensation of such staff personnel, including not more than five persons who may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and who may be compensated, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, as he deems necessary; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(b) The Council shall, to the fullest extent possible, use the services, facilities, and information, including statistical information, of other Governmental agencies as well as private research agencies. Each department, agency, and instrumentality of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Council, upon request made by the Chairman, such information as the Council deems necessary to carry out its functions under this title.

(c) The Council is authorized to establish an advisory committee and may consult with such representatives of State and local governments and other groups, organizations, and individuals as the Council deems advisable.

COMPENSATION OF THE EXECUTIVE DIRECTOR

SEC. 204. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(92) Executive Director—National Youth Service Council."

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(128) Deputy Director—National Youth Service Council."

TRANSFER OF FUNCTIONS OF PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

SEC. 205. (a) The functions of the President's Council on Youth Opportunity and the Citizens Advisory Board on Youth Op-

portunity established pursuant to Executive Order 11330, approved March 6, 1967, are transferred to the Council.

(b) All personnel, assets, liabilities, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred by subsection (a) are transferred to the Council.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are authorized to be appropriated such sums as may be necessary, not to exceed $2,000,000 for any fiscal year, to carry out the provisions of this title.

TITLE III—NATIONAL YOUTH SERVICE FOUNDATION

ESTABLISHMENT OF FOUNDATION

SEC. 301. (a) In order to carry out the purposes of this Act, there is hereby established an agency to be known as the National Youth Service Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to a Board of Trustees (hereinafter referred to as the "Board"). The Board shall be composed of 15 members who shall be appointed by the President, by and with the advice and consent of the Senate, of whom 4 members shall be appointed from among officials of agencies of the Federal Government, administering any youth service and learning program, and 11 members shall be appointed from among individuals from private life who are widely recognized by virtue of their experience or ability as specially qualified to serve on the Board. The Director of the Peace Corps, the Director of the Teacher Corps, the Assistant Director of the Office of Economic Opportunity for Volunteers in Service to America, the Director of the Neighborhood Youth Corps, the Director of the Job Corps, and the Director of the Foundation shall serve as ex officio members of the Board. In making appointments from private life, the President is requested to give consideration to the appointment of individuals who—

(1) will be representative of youth in the United States, and

(2) will provide collectively the appropriate regional balance on the Board.

(c) The term of office of each appointive trustee of the Foundation shall be six years; except that—

(1) the members first taking office shall serve as designated by the President, five for terms of two years, five for terms of four years, and five for terms of six years, and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

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

(e) The President shall call the first meeting of the trustees of the Foundation, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until one year after the date of enactment of this title. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years in duration. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect an individual from among the trustees to fill such vacancy.

(f) A majority of the trustees of the Foundation shall constitute a quorum.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 302. (a) There shall be a Director and a Deputy Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. In making such appointments the President is requested to give due consideration to any recommendations submitted to him by the Board. The Director shall be the chief executive officer of the Foundation. The Director shall receive compensation at the rate provided for level IV of the Federal Executive Salary Schedule, and the Deputy Director shall receive compensation at the rate provided for level V of such Schedule. Each shall serve for a term of four years unless previously removed by the President. The Deputy Director shall perform such functions as the Director, with the approval of the Foundation, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(b) The Director shall carry out the programs of the Foundation subject to its supervision and direction, and shall carry out such other functions as the Foundation may delegate to him consistent with the provisions of this title.

AUTHORITY OF THE FOUNDATION

SEC. 303. (a) The Foundation is authorized to—

(1) make grants, enter into contracts or other arrangements in any State with public and private nonprofit agencies, including junior colleges and other institutions of higher education, under which such agencies will recruit, select, train and enroll persons who have attained the age of 17 years of age but not 27 years of age, for periods up to two years in a youth service and learning program assisted under this title;

(2) make grants, enter into contracts or other arrangements in any State with public and private nonprofit agencies to conduct youth service and learning programs;

(3) enter into arrangements in any State to furnish persons who have attained 17 years of age but not 27 years of age to public and private nonprofit agencies to carry out any youth service and learning program or any other program approved by the Foundation to be conducted by such agency or organization;

(4) to recruit, select, train and enroll persons who have attained 17 years of age but not 27 years of age for youth service and learning programs;

(5) conduct youth service and learning programs;

(6) provide technical assistance to any public and private nonprofit agency receiving assistance under this title;

(7) develop and carry out a program to encourage greater participation by State and local agencies and by private agencies and organizations in programs offering greater opportunities for youth participation in projects for the betterment of the community.

(b) No payment may be made under paragraphs (1), (2), (3), (6), and (7) of this section, except upon application therefor which is submitted to the Foundation in accordance with regulations and procedures established by the Board.

LIMITATIONS ON PAYMENTS

SEC. 304. (a) No payment may be made pursuant to this title in excess of 80 per centum of the cost of the program, project, activity, or award for which the application is made. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, or services. For the purposes of this subsection, financial assistance under any provision of Federal law other than this Act shall be considered financing from a non-Federal source.

(b) Not more than 12½ per centum of the funds provided in this title for grants or contracts pursuant to paragraphs (1), (2), and (3) of section 303(a) shall be made available within any one State.

(c) No compensation or stipend paid to any individual pursuant to this title may exceed $5,000 in any fiscal year. This limitation shall not apply to medical or travel expenses and other special expenses as determined by the Foundation.

(d) Assistance pursuant to this title shall not cover the cost of any land acquisition, construction, building acquisitions, or acquisition of major equipment.

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

ADMINISTRATIVE PROVISIONS

SEC. 305. (a) In addition to any authority vested in it by other provisions of this title, the Foundation, in carryng out its functions, is authorized to—

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(8) make advances, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(9) rent office space in the District of Columbia; and

(10) perform such other functions as are necessary to carry out the provisions of this title.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Foundation deems appropriate.

ADVISORY COUNCIL OF YOUTH SERVICE AND LEARNING PROGRAMS

SEC. 306. (a) There is established an Advisory Council on Youth Service and Learning Programs (hereinafter referred to as the Advisory Council) composed of 24 members appointed by the President from among individuals who are widely recognized by reason of experience, education, or scholarship as specially qualified to serve on such Advisory

Council. In making such appointments the President shall give due consideration to any recommendations submitted by the Board. At least 8 members appointed to the Advisory Council shall not have attained the age of 27 years on the date of appointment.

(b) The Advisory Council shall advise the Board on broad policy matters relating to the administration of this title. The Advisory Council shall select its own chairman and vice chairman.

(c) Each member of the Advisory Council who is appointed from private life shall receive $100 per diem (including travel time) for each day during which he is engaged in the actual performance of his duties as a member of the Council. A member of the Council who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. (a) For the purpose of making payments pursuant to paragraphs (1), (2), and (3) of section 303 (a) of this title there is authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1970, $300,000,000 for the fiscal year ending June 30, 1971, and $600,000,000 for the fiscal year ending June 30, 1972.

(b) For the purpose of carrying out other provisions of this title there are authorized to be appropriated $75,000,000 for the fiscal year ending June 30, 1970, $200,000,000 for the fiscal year ending June 30, 1971, and $300,000,000 for the fiscal year ending June 30, 1972.

S. 1938—INTRODUCTION OF A BILL TO AMEND THE RAILROAD HOURS OF SERVICE ACT OF 1907

Mr. HARTKE. Mr. President, on behalf of Senators BURDICK, HARRIS, MAGNUSON, MCGEE, and WILLIAMS of New Jersey, I rise to introduce a bill which has for its purpose the promotion of safety and employees and travelers upon the Nation's railroads by limiting the hours of service of the railroad employees.

The present law on this subject, enacted March 4, 1907, provides in general that a railroad may not keep its employees on duty for more than 16 hours in a 24-hour period. My bill would make it unlawful for a railroad to keep an employee on duty longer than 12 hours in a 24-hour period or permit him to go on duty without having had at least 8 consecutive hours off duty during the preceding 24-hour period. The bill would provide for certain exceptions in emergency situations and it would tighten up the definition of what is considered time on duty.

I believe this measure is wholly reasonable and in the public interest. There have been many changes in railroad operations since 1907 and they have, for the most part, placed more strain and tension on the employees. Engineers now frequently have both the operation and care of the locomotive units placed on them. The actual speed of trains has increased in running over the road. The threat of derailment due to poor maintenance or to daredevil motorists at grade crossings hangs over the train crew's head and creates its own tension. Daily exposure to acts of vandalism—including rock throwing, attempts at train wrecking, even robbery and physical violence—makes the need of rest more imperative for the train crews.

There is little comparison between today's trains of three to six diesel units, hauling up to 300 cars with a lading of 10,000 tons or more, and the small steam-powered trains of one locomotive and 30 to 60 cars with a lading around 1,000 tons, back in 1907. Today's trains require far more responsibility from the employees and, therefore, more alertness.

My bill will help make sure that railroad employees are rested and fully alert and can do a safer job for their employers and the American public. I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

The bill (S. 1938) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce, as follows:

S. 1938

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 safety of employees and travelers upon railroads by limiting the hours of service of employees thereon", approved March 4, 1907 (45 U.S.C. 61, 62, 63, 64), is hereby amended to read as follows: "That (a) this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any territory of the United States, or from one State or territory of the United States or the District of Columbia to any other State or territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

"(b) For the purpose of this Act—

"(1) The term 'railroad' includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease.

"(2) The term 'employee' means an individual actually engaged in or conencted with the operation of any train.

"(3) Time on duty shall commence when an employee reports for duty and terminate when the employee is finally released from duty, and shall include:

"(A) Interim periods available for rest at other than a designated terminal;

"(B) Interim periods available for less than four hours rest at a designated terminal;

"(C) Time spent in deadhead transportation by an employee to or from duty assignment;

"(D) The time an employee is actually engaged in or connected with the movement of any train; and

"(E) Such period of time as is otherwise provided by this Act.

"SEC. 2. (a) It shall be unlawful for any common carrier, its officers or agents, subject to this Act—

"(1) to require or permit an employee, in case such employee shall have been continuously on duty for twelve hours, to continue on duty or to go on duty until he has had at least ten consecutive hours off duty; or

"(2) to require or permit an employee to continue on duty or to go on duty when he has not had at least eight consecutive hours off duty during the preceding twenty-four hours.

"(b) In determining, for the purposes of subsection (a), the number of hours an employee is on duty, there shall be counted, in addition to the time such employee is actually engaged in or connected with the movement of any train, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

"(c) Crews of relief trains or wreck trains may be permitted to remain on duty for a longer period than is otherwise permitted by this section when necessary to clear the track at the scene of a wreck, but only until such time as the track is cleared sufficiently to permit movement of trains.

"(d) The provisions of this section shall not apply to an employee during such period of time as the provisions of section 3 apply to his duty and off-duty periods.

"SEC. 3. (a) No operator, train dispatcher, or other employee who by the use of the telegraph, telephone, radio, or any other electrical or mechanical device directs or controls the movement of any train or who by the use of any such means dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements—

"(1) shall be required or permitted to be or remain on duty for more than nine hours, whether consecutive or in the aggregate, in any twenty-four-hour period in any tower, office, station, or place where two or more shifts are employed; or

"(2) shall be required or permitted to be or remain on duty for more than eleven hours, whether consecutive or in the aggergate, in any twenty-four-hour period in any tower, office, station, or place where only one shift is employed.

"(b) For the purpose of subsection (a), in determining the number of hours an employee is on duty in a class of servce, and at a place, described in clause (1) or (2) of such subsection, there shall be counted, in addition to the time spent by him on duty in such service at such place, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

"(c) Notwithstanding subsection (a) of this section, in case of emergency the employees described in such subsection may be permitted to be and remain on duty for four additional hours in any period of twenty-four consecutive hours of not exceeding three days in any period of seven consecutive days.

"SEC. 4. (a) Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of section 2 or section 3 of this Act shall be liable to a penalty of $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him.

"(b) It shall be the duty of the Secretary of Transportation to lodge with the appropriate United States attorney information of any violation as may come to the knowledge of the Secretary.

"(c) In all prosecutions under this Act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents.

"(d) The provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge

of the employee at the time said employee left a terminal, and which could not have been foreseen.

"SEC. 5. It shall be the duty of the Secretary of Transportation to enforce the provisions of this Act."

SEC. 2. This Act shall take effect thirty days after the date of its enactment.

S. 1939—INTRODUCTION OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT OF 1969

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the Federal Property and Administrative Services Act of 1949, and ask unanimous consent that the bill and a justification be printed at this point in the RECORD.

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

The bill (S. 1939) to amend the Federal Property and Administrative Services Act of 1949 to provide that the procurement of certain transportation and public utility services shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities, and for other purposes, introduced by Mr. MAGNUSON, by request, 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. 1939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended; 40 U.S.C., Sec. 481) is amended by adding at the end thereof the following new subsection:

"(e) Any other provision of this Act or any other Act to the contrary notwithstanding, the procurement of transportation and public utility services under the provisions of this Act or any other Act shall be in accordance with all applicable Federal and State laws and regulations governing carriers and public utilities; *Provided,* That the Secretary of Defense may from time to time, and unless the President shall otherwise direct, exempt the Department of Defense from action taken or which may be taken by the Administrator under clauses (1)–(4) of subsection (a) of this section whenever he determines exemption from such action to be in the best interests of national security."

The justification, presented by Mr. MAGNUSON, follows:

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT OF 1969

JUSTIFICATION

The purpose of the following proposed Amendment is to require the Government Services Administrator (GSA) in his capacity as procurement officer for the Federal Government, to adhere to applicable State regulatory provisions when procuring transportation or public utility services.

The effect of the proposed Amendment will be to overrule the decision of the United States Supreme Court in *United States* v. *Georgia Public Service Commission,* 371 U.S. 285, 9 L.Ed. 2d 317 (1963). This case concerned GSA authority to arrange the transportation of Federal employee owned household goods from Savannah to Atlanta, Georgia, by Georgia PSC certified carriers, but at rates below the PSC approved tariffs.

A three judge Federal district court unanimously upheld State regulation, but on appeal the Supreme Court, with Justices Goldberg, Harlan and Stewart dissenting, reversed, holding that Congressional policy, as expressed by the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 481, as amended, 41 U.S.C. 251 *et seq.,* permits Federal procurement officers to disregard State economic laws in obtaining cheaper rates. See also *Paul* v. *United States,* 371 U.S. 245, 9 L.Ed. 2d 292 (1963).

The rationale of this decision might be applied to other areas subject to State commission regulation, such as permitting Federal procurement officers to arrange intrastate transportation by carriers holding no State authority. Also, there could be an erosion of Federal regulatory jurisdiction.

Adoption of the Act will avoid these consequences.

S. 1940—INTRODUCTION OF THE EXPORT EXPANSION AND REGULATION ACT

Mr. MUSKIE. Mr. President, on behalf of myself, Mr. PACKWOOD, and other Members, I introduce, for appropriate reference, the Export Expansion and Regulation Act of 1969. This bill is designed to replace the Export Control Act of 1949, which expires on June 30 of this year. Hearings on this bill, as well as the Export Control Act, will begin on April 23, 1969, before the International Finance Subcommittee of the Banking and Currency Committee.

Mr. President, the Export Control Act was passed 20 years ago. I think it would be well for us to examine the circumstances under which it was passed and, without taking too much time, acknowledge some of the changes which have taken place since then.

In 1949, the entire world was struggling to overcome the ravages of the war. The Soviet Union had adopted policies and taken actions which were an obvious and immediate threat to the security of the United States and its allies. This threat, coming at the time and in the manner in which it did, raised tensions between the Western allies and the Soviet Union to a height never equalled before or since. It came at a time when all of Europe was economically and physically decimated. The United States was the only Western country whose industrial and technological capabilities remained intact. It was the only country capable of helping Europe regain its economic independence through technological, industrial and financial help. When Russia presented its threat, it was necessary for the United States to take whatever steps it could to minimize the danger. It should be remembered that Russia was also decimated by the war. Consequently, to deny Russia the benefits of American trade and technology was one effective way of minimizing the Soviet threat, at least for the time being. This fact occasioned the passage of the Export Control Act. That act served to provide positive scrutiny and control over virtually all exports to the Eastern European countries which were not already controlled by even more restrictive measures.

At that time, the act was an effective means of denying the Soviet Union advanced technology and strategic materials which could have military application, and, consequently, it was an effective tool both for national policy and security.

But much has happened since 1949. The Soviet Union has rebuilt its economy so that its technological and industrial level is greater than ever. Thus, it can now produce many products which it formerly might have sought from the United States.

Also, our relations with the Soviet Union and other nations of Eastern Europe have changed. I would never pretend that our problems and differences with these countries are over. However, I do believe that we have moved to the belief that our problems and differences can, and ultimately must, be solved by constant attempts to effect a meeting of the minds. We must make these attempts over the conference table and in the marketplace—wherever and whenever we can meet with our East European counterparts—be they manufacturers, politicians, diplomats, or traders—to discuss our mutual interests and concerns. In order to expand this dialog, it is necessary for us to actively seek ways and means to increase our contacts and dealings with Eastern Europe. By taking advantage of every opportunity to meet, talk and deal, we should be able to accelerate what is going to be a long and laborious process to eventual understanding and accord.

There are other circumstances which have changed since the original passage of the Export Control Act which affect its current effectiveness. As I pointed out earlier, to deny the Soviets access to our goods and technology was at one time an effective way to minimize the threat to us. For at that time, the denied goods and technology were available nowhere else. However, the United States was successful in its endeavor to help Europe and Japan rebuild. We were so successful that the free world economy surpassed its prewar level many years ago. There are now very few U.S. products which cannot be approximated or duplicated by one or more of our allies. Moreover, our allies have not imposed the severe restrictions on themselves that we have upon ourselves in regard to trade with Eastern Europe. Consequently, at this date, a vast majority of products which cannot be obtained by Eastern Europe from this country because of our unilateral export restrictions can be easily obtained from one or more of our allies. In many other instances, goods which could be obtained from this country even under the current restrictions are bought elsewhere merely because of the nuisance and delays caused by excessive redtape made necessary by current U.S. regulations.

Thus, in short, restrictive U.S. trade practices formerly served to deny products to Eastern Europe. In most instances, they now serve only to deny sales to American business.

At one time, it is possible that this country could have said that it did not need the business—there was a severe shortage of American dollars after the war, and no one seriously considered the possibility of a balance-of-payments deficit. Now the situation is different. Every day we struggle to improve our balance-of-payments picture—over both the

short and the long term. The latest figures show that the percentage growth of our exports is decreasing. The ratio of our exports to imports is getting worse. Under these circumstances, it would be foolhardy to refuse to consider allowing American business a more competitive access to an existing market—an access which would in no way affect the national security.

These are a few of the compelling reasons to seriously consider bringing the U.S. trade practices in regard to Eastern Europe into line with the other countries of the free world.

Last summer, at my request, Senator MONDALE conducted extensive hearings on the subject of East-West trade. The material he accumulated is unique and comprehensive. It has been an invaluable aid in helping single out specific proposals which warrant further consideration by Congress. Many of these proposals are contained in the bill we are introducing. In the hearings which begin tomorrow, we will continue to explore means by which we can continue to afford maximum protection to the national security while, at the same time, allowing American commerce maximum opportunity to prosper without the burden of artificial barriers.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1940) to provide for continuation of authority for the expansion and regulation of exports, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. MONDALE. Mr. President, today Senator MUSKIE and Senator PACKWOOD have introduced amendments to the Export Control Act in the form of new legislation, the Export Expansion and Regulation Act of 1969. I participated in the development, the drafting and the discussions of the bill. I am pleased to associate myself as a cosponsor with this effort to bring U.S. controls over East-West trade into line with present trade realities.

The amendments to the present Export Control Act reflect the concerns and purposes developed last year in the Senate on East-West trade. In May 1968, I introduced an East-West trade resolution on behalf of myself and Senators Clark, HARTKE, INOUYE, JAVITS, EDWARD KENNEDY, Robert Kennedy, MCGOVERN, Morton, MOSS, PELL, PERCY, and STEPHEN YOUNG. The resolution states:

> Whereas current export credit and other restrictions on United States trade in peaceful goods with Eastern Europe impede the response of the United States to changes within the Communist world; and
>
> Whereas the changes in Eastern Europe are vital to the maintenance of United States objectives in building a peaceful, democratic world; and
>
> Whereas an increase in United States exports to Eastern Europe will assist in meeting the United States balance-of-payments problems; and
>
> Whereas public misconceptions plague efforts to expand East-West trade: Therefore be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress that the Export Control Act regulations and the Export-Import Bank financing restrictions should be examined and modified to promote the best interests of the United States by permitting an increase in trade in peaceful goods between the United States and the nations of Eastern Europe.

This bill is introduced as a result of findings in hearings on the resolution last summer before the International Finance Subcommittee of the Senate Banking and Currency Committee. The witnesses substantially agreed that the military and economic strength of Eastern European countries is not affected by U.S. trade restrictions which are more severe than the restrictions imposed by Western Europe and Japan. Both economic and political advantages could be gained for American business and diplomacy if U.S. restrictions on East-West trade are reduced to the level of those imposed by Western Europe and Japan.

Witnesses warned of the consequences should the United States continue to apply its restrictions upon East-West trade extraterritorially to foreign subsidiaries of American firms and to foreign purchasers of American exports.

These amendments, which I worked on, to the Export Control Act are intended to reduce the complexities, delays, and uncertainties in the administration of export controls, which now hamper American business enterprises in competing for trade both in Western and Eastern Europe, without sacrificing the objective of controlling the export of strategic goods. We believe that these amendments will be conducive to an appropriate expansion of U.S. trade and an improvement in relationships between the United States and other nations, while at the same time providing adequate safeguards against the sale to other nations of goods of military significance.

The cold war may have diminished on other fronts, but the United States still battles vigorously in the trade arena, waging our own brand of economic warfare. Ideally, trade should be neutral, regulated only by the marketplace, and until World War II, the U.S. Government restricted exports only in time of war or special emergency. When the war against the Axis powers ended, trade restrictions continued—but the enemy changed: It became any nation under the control of a Communist government. American lines are drawn in the Export Control Act of 1949:

> It is the policy of the United States to use its economic resources and advantages in trade with Communist-dominated nations to further the national security and foreign policy objectives of the United States.

The apprehensions about East-West trade center on our participation in the advancement of a rival economic system. The argument is that as long as the United States maintains a "leadtime" in economic and technologic progress, the nations of Eastern Europe cannot outproduce or threaten the United States.

The Soviet Union's achievements in space and the growing volume of trade between Western and Eastern Europe belie the theory that Eastern European countries cannot achieve economic success without us. In fact, economic warfare may result in exactly the opposite of the intended effect. By withholding trade, we encourage a nation to develop its own resources. Rigid export restrictions result in a denial forcing the creation of new industrial capacity to produce the item denied.

The Russian space technology and missile guidance systems may be the world's most sophisticated, yet American high technology industries are told that the United States should restrict exports of these commodities in order to maintain a technological lead over the Russians of 2 to 5 years. Too much information is available through other sources in Western Europe and Japan or published in technical journals for "straightarm" techniques to be effective. American creativity has kept our technological lead intact in most fields; products on the market reflect technology that is 3 to 5 years old. If Communist importers copy such technology from items bought on the world market, they only succeed in locking themselves into out-dated systems.

On the other hand, Western trade can have a profound effect on the nature of life in Russia and in Eastern Europe. For example, the implications of a contract between the Italian Fiat Co. and the Russians for an automobile manufacturing plant in Russia are many: they will need repairs, gasoline, highways, and insurance, all factors in social change. The Russian auto plan projects expenditures of $800 million for the new Fiat plant, $400 million for tires, gas, and steel, and $1.4 billion per year for highways and gasoline stations. By 1975, their investment in transportation will equal ours in the 1920's.

Such Western trade with Communist nations is not a form of aid. All imports must be paid for, and the money for the imports can come only through exports developed by investment in the production of items for export. No nation can gain through imports the economic advancement it is not capable of providing for itself; trade quickens the economic growth of both trading partners.

A companion to the broad economic warfare approach to trade is the concept of trade as a political weapon. Our Government tends to bestow trade upon nations we consider our friends and withdraw it from others as punishment for unfriendly political acts. Czechoslovakia is a good case in point. Although Czechoslovakia is one of three Communist members of the General Agreement on Tariffs and Trade—GATT—we withdrew most-favored-nation status—a normal status for all of our other trading partners in GATT—from Czechoslovakia in 1951.

Our entire system of export controls reflects political relationships. We refuse to trade at all with some Communist nations—Mainland China, North Korea, North Vietnam, and Cuba; within Eastern Europe, Poland and Rumania are treated more liberally than Czechoslovakia, Hungary, and Bulgaria, and all of these trade with us under better conditions than does East Germany.

To undo restrictive trade practices, we must dismantle complicated administra-

tive export controls. No specific Government authority is necessary for American businesses to participate in international trade. However, individual transactions are subject to a variety of trade controls.

The constitutional basis for this control is the Commerce clause, providing that "Congress shall have power to regulate commerce with foreign nations." Congress has delegated this power to the President, particularly under the Export Control Act which gives the President nearly unlimited power to prohibit or curtail exports, and the President, in turn, has delegated discretion over export control to administrative officials, primarily in the Office of Export Control of the Department of Commerce. These administrators now control the movement of more than $30 billion worth of exports per year to all countries of the world.

The Export Control Act of 1949, as extended and amended most recently in 1965, restricts exports of materials which are in short supply in the United States, and restricts exports of materials which have potential military and economic significance and may adversely affect, if exported, the national security of the United States. The short supply controls at the present time, have little effect. On the other hand, an elaborate mechanism restricts exports of possible military and economic significance.

The first step for an exporter is to determine whether his product may be shipped under a general license or whether it requires an individually validated license. A validated license application, accompanied by an "order" from the importer for the item, may take 6 to 8 weeks to be processed through the Office of Export Control. The processing may include review by an interdepartmental committee consisting of representatives from the Departments of Commerce, State, Defense, Treasury, and sometimes from the Departments of Agriculture, Interior, the Atomic Energy Commission, the National Aeronautics and Space Administration, and the Federal Aviation Agency. The exporter's problems increase if it is his American subsidiary in Western Europe, for example, that wishes to obtain a license.

American businessmen complain that licensing delays and redtape lose sales in Eastern Europe and often prevent American businesses from trying to develop the market. If goods equivalent to American products are available elsewhere, other countries will buy from the alternate sources to avoid the complicated paperwork and restrictions and interference imposed by the American Government, which also result in long delays in delivery to customers who can find faster and less complicated arrangements by dealing with other western countries.

Most businessmen engaged in East-West trade will complain in private about the complicated applications and the long delays associated with export licenses. A few companies described the problems they have encountered in the public hearings before the Subcommittee on International Finance of the Senate Banking and Currency Committee last summer.

The Minnesota Mining & Manufacturing Co., the developer of magnetic tape, now finds itself competing with qualified manufacturers of video and computer tape: two firms from the United Kingdom, two from France, one in Belgium, a German firm, and four Japanese companies. Foreign buyers are switching from wire to magnetic tape for almost all communications purposes, but American sellers are not sharing this market as fully as they should because magnetic tape is on the U.S. export control list and subject to licensing delays.

For example, Minnesota Mining received the following in a letter from a Swiss firm to which they had made a bid for the sale of video tape:

> We have come to the conclusion it would be too long to supply you with all the information you require in order to get approval of the Department of Commerce in Washington and much to our regret we will for the time being have to use other products.

Another letter to Minnesota Mining reads:

> Your statement regarding the long delivery time due to the procurement of the export license surprises us greatly. For comparison we might quote we recently purchased these magnetic tapes via the suppliers of the computers, for example, the British ICT, and we have gotten the merchandise always promptly, in many cases even within one week.

One of the largest of the country's electronics firms, Hewlett-Packard in Palo Alto, Calif., must obtain export licenses for 97 percent of its product line. Hewlett-Packard received an order for a computer designed for medical application from a charity hospital in East Germany. The company knew the recipient, knew the doctor in charge of research, and knew the purpose of the ordered computer: patient monitoring. But the hospital would order the computer only if Hewlett-Packard could guarantee an export license, and it takes weeks to process the application through the Office of Export Control because East Germany is subject to very stringent U.S. export controls.

I ask unanimous consent that two letters from Mr. David Packard, then president of Hewlett-Packard Co., be included in the RECORD at this point in my remarks.

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

HEWLETT-PACKARD CO.,
Palo Alto, Calif., June 21, 1968.

Hon. WALTER F. MONDALE,
U.S. Senate,
Committee on Banking and Currency,
Washington, D.C.

DEAR SENATOR MONDALE: Thank you for your letter of May 27th, and your invitation to comment on the East-West Trade Resolution (S.J. Res. 169) you have recently introduced. Before commenting, however, I wish to commend your succinct and well-phrased introductory statement. It is extremely encouraging to me, as a businessman, to see that a key member of the U.S. government has such an excellent grasp of the major difficulties faced by U.S. businessmen interested in East-West trade.

The Hewlett-Packard Company is a major designer and manufacturer of highly sophisticated instrumentation used in electronics, medicine and analytical chemistry. Hewlett-Packard has sold its products outside the United States for many years, and now has wholly owned or controlled sales companies in nineteen of the more highly developed countries of the free world, and factories in West Germany, the United Kingdom and Japan.

During 1967 the company received almost $250,000,000 in orders for finished goods. Of this almost $60,000,000 was from outside the United States, with approximately 75% representing U.S. exports. In addition, some $5,000,000 in parts and components were supplied from the U.S. to our three international factories. Hewlett-Packard expects its international sales to more than double within the next five years.

To date, only a small amount of our products have been sold to Eastern Europe—less than 1% of our total international sales volume in 1967. This is not too surprising, however, since up to recently we have done very little to stimulate interest in Eastern Europe. We believe that the restrictions imposed by the COCOM and unilateral U.S. controls, made the sale of virtually any of our products in Eastern Europe difficult and time consuming. Any efforts we might have expended to stimulate sales would yield small returns, when compared to the return we might expect from the same effort elsewhere.

Late last year, however, we decided we could no longer afford to ignore the East European market, which as you point out, has been growing at a remarkable rate. We were, and still are, hopeful that some day tensions would ease sufficiently to allow a considerable increase in U.S. trade with Eastern Europe. We were convinced that we should now undertake a more active sales program against that day, or else we would find it virtually impossible to break into a market which had gone to our West European competitors largely by default.

As a result, the Hewlett-Packard Company is presently engaged in a long range program to increase its sales of non-strategic products in Eastern Europe. Several sales engineers employed by Hewlett-Packard S.A., our Geneva based wholly owned European marketing subsidiary, have been assigned the task of traveling in the territory and providing on-the-spot assistance to East European purchasers and end users. This year we have participated in the Leipzig and Budapest Fairs. We will also take part in the Posnan and Brno Exhibitions, as well as other smaller shows. We anticipate this new effort will cause our East European sales to more than double in 1968, with an even further substantial increase the following year.

Despite these large percentage increases, we do not expect our 1969 East European sales volume to exceed more than two or three percent of our anticipated 1969 West European volume. This relatively low figure is due in part to the lower degree of sophistication, and hence smaller overall size of the East European market. It is also due to the fact that we are new and inexperienced in dealing with Eastern Europe.

We do not believe credit will be an immediate problem, since the dollar value of a typical transaction is quite small in comparison, for example, to an expensive automated machine tool, or to an entire factory.

We feel by far the most important factor limiting our sales to Eastern Europe is the high level of unilaterally imposed U.S. export controls. Controls of this type, not imposed on our West European and Japanese competitors, drastically lower our effectiveness, despite the fact that many times our products have better inherent performance capabilities, are frequently of better quality, and often lower in price.

It is our firm belief that if Hewlett-Packard Company is to be successful in Eastern Europe, steps will have to be taken to reduce the effect of the unilateral U.S. controls to more nearly that of the COCOM controls. To maintain a high level of unilateral controls merely serves to deny business to U.S. firms, for the East Europeans can and do purchase similar products from West European and

Japanese manufacturers, who can sell their products freely.

Needless to say, we are opposed to the sales of strategic goods and materials which might be in the nature of aiding the enemy, but at the same time we feel the long term interest of peace will be best served by increased communication and understanding between the various countries of the world. We believe a larger volume of East-West trade can and will contribute to a better understanding without in any sense providing substantial aid which would strengthen our enemies, or potential enemies. In balance we believe increased East-West trade would be a very constructive program.

Sincerely,

DAVID PACKARD.

HEWLETT-PACKARD CO.,
Palo Alto, Calif., August 28, 1968.

Hon. WALTER F. MONDALE,
U.S. Senate,
Committee on Banking and Currency,
Washington, D.C.

DEAR SENATOR MONDALE: In my letter to you of June 21, 1968, commenting on the East-West Trade Resolution (S.J. Res. 169), I stressed that we felt the high level of unilateral U.S. Export Controls was the most important factor limiting our sales to Eastern Europe. At the time, I was not able to offer any statistical evidence to support this claim. However, we have recently completed a major study of our world-wide business during the six-month period November 1, 1967 to April 30, 1968. If we apply the various current levels of international (COCOM) and unilateral U.S. Export Controls to the mix of products sold during this time, dramatic evidence can be obtained as to the effect such controls have on our business.

The results of this study are shown on the attached chart. In each of the three cases internationally imposed COCOM controls affect 44% of our sales. These controls would also, presumably, affect the same portion of sales of foreign competitors with similar product mixes located in the other COCOM participating countries. However, as a U.S. firm, we must also contend with the unilaterally imposed U.S. export controls. These controls, which are not duplicated by the other COCOM countries, affect 6% of our sales to friendly Western countries and a huge 53% when we deal with the USSR and the other East European countries, excluding Poland and Romania. In fact, in this latter category, we are able to sell only $3 out of every $100—mainly medical equipment such as electrocardiographs—without restriction under General License.

In contrast, West European and Japanese competitors with similar product mixes can sell $56 out of every $100 to Eastern Europe without restriction. Now, this wouldn't be so bad if little or no competition existed in Western Europe and Japan. But this is not the case. In every instance we have investigated we have found similar items to be available from non-U.S. sources. In this light, the high level of unilateral U.S. controls makes our marketing task much more difficult. We must contend with the time and added expense required to make formal license application, the long delays encountered in obtaining decisions, and the fact that our East European customers and our East European sales force is never quite sure whether a substantial portion of our product line can be sold or not. Since most of the material over which the United States exercises unilateral export controls is readily available elsewhere, it seems to us that the high level of these controls merely serves to deny business to U.S. firms. The controls, in effect, serve to push East European purchasers into the hands of our West European and Japanese competitors who are only too willing to sell their products.

Sincerely,

DAVID PACKARD.

Mr. MONDALE. Mr. President, another example involves an electronics firm on the east coast which received a request for television equipment intended for the Czechoslovak television system. The order represented a Czech decision to favor the United States-West German television system over the French-Russian approach, but the license application took over 2 months for processing. Fortunately, the buyer was in a position where it was possible to wait.

The present Office of Export Control Licensing procedure is based on a "case method" which relies upon past decisions by the Office to set the guidelines for present licensing policies. The process is inherently conservative because it discounts the rapid pace of growth in high technology industries. The concept of economic warfare embodied in the present act's language requiring licenses for items of "potential economic significance" and the actual operation of the licensing system combine to limit the foreign trade possibilities of the most dynamic segments of American industry.

Most businessmen believe that the spectacular economic growth of the United States has been and will continue to be dependent upon the unfettered development of high technology. When American companies are denied markets, whether in Western Europe or in Eastern Europe, by restrictions on the exportation of sophisticated items, then the export controls act only to inhibit the growth of these industries.

The longer the United States refrains from participating in these markets, the more entrenched become our growing Western competitors.

Total East-West trade in 1967 with the West was over $15 billion which means the market is growing at the rate of 24 percent. In 1966 the United States had 4 percent of this market; in 1967 the U.S. share of the market decreased to between 2.5 and 3 percent of total East-West trade.

As long as other Western countries trade with Eastern Europe—as they are to an increasing extent—the objective of denying Communist nations the advantages of advanced technology are circumvented, at the expense, only, of the United States and its businesses.

SENATE JOINT RESOLUTION 96—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE POSTHUMOUS PROMOTION OF THE LATE GENERAL OF THE ARMY DWIGHT DAVID EISENHOWER TO THE GRADE OF GENERAL OF THE ARMIES

Mr. DIRKSEN. Mr. President, I introduce a joint resolution for appropriate reference, and I should like to read it into the RECORD:

S.J. RES. 96

Joint resolution authorizing the posthumous promotion of the late General of the Army Dwight David Eisenhower to the grade of General of the Armies

Whereas, the late General of the Army Dwight David Eisenhower served as Supreme Commander of the Allied Expeditionary Forces during World War II; and

Whereas, the said General Dwight David Eisenhower was Commander-in-Chief of the Armed Forces of the United States for eight years while serving as the thirty-fourth President of the United States; and

Whereas, the said General Dwight David Eisenhower served his country for many years with great honor and high distinction as both a military and civilian leader: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, in recognition of the late General of the Army Dwight David Eisenhower's outstanding service to his country and his high devotion to duty, the President is authorized to issue, in the name of the said General Eisenhower, a commission in the grade of General of the Armies.

(b) The commissioned grade authorized by subsection (a) of this section shall, after issuance by the President, be appropriately reflected on all records of the Department of the Army relating to the late General of the Army Dwight David Eisenhower.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 96) authorizing the posthumous promotion of the late General of the Army Dwight David Eisenhower to the grade of General of the Armies, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Armed Services.

SENATE JOINT RESOLUTION 98—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING EMERGENCY CREDIT FOR FLOOD VICTIMS

Mr. MONDALE. Mr. President, at the quest of Senator GEORGE MCGOVERN, who is recuperating from an illness, I am introducing a joint resolution to authorize the Commodity Credit Corporation to advance $25 million to the emergency credit revolving fund in the Department of Agriculture for loans to farmers who are victims of the floods in the upper Missouri, the upper Mississippi, Idaho, and other areas this spring.

The joint resolution is identical to a similar resolution passed by Congress a year ago to give assistance to flood victims.

The Farmers Home Administration recently obtained the release of $41 million in loan funds, but I am advised that these funds, plus collections into the FHA's revolving loan account will be necessary to meet already outstanding loan commitments.

The amount of the authorization in the joint resolution has been set without detailed information on needs. The floods are right now cresting in some areas and the full extent of damage to farmers and the amount of their credit needs has not been accurately determined. The Agriculture Committees of the Senate and the House should be able, during hearings, to make a determination whether or not the $25 million specified in the joint resolution is adequate to meet needs and to amend the amount, if necessary, when the resolution is reported to the floor.

I saw the extent of this year's flood damage from the air and on the ground last Friday when I examined devastated areas in Minnesota. It is clear that loan

funds will be needed if many farm operators are to stay in business. Farmers in the upper Missouri and upper Mississippi basins have had unusually heavy snows to contend with during the winter. Many of them have exhausted their resources digging out of the snow, buying emergency feed to carry livestock, and paying other abnormal wintertime expenses. The additional costs of removing debris, plowing under silt deposits, leveling fields and repairing other damages will make it impossible for them to continue operations unless emergency loan funds are made available very quickly.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

The PRESIDENT pro tempore. 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. 98), to authorize the temporary funding of the emergency credit revolving fund, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S.J. RES. 98

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make additional advances to the emergency credit revolving fund (7 U.S.C. 1966) in a total amount not to exceed $25,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Wyoming (Mr. HANSEN) be added as a cosponsor of the bill which I introduced recently (S. 1832), to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Dakota (Mr. YOUNG), I ask unanimous consent that, at its next printing, the name of the Senator from Kansas (Mr. PEARSON) be added as a cosponsor of the bill (S. 1790) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

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

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of the bill (S. 1706) to strengthen the antiobscenity laws in order to protect minors against the distribution or sale of obscene materials through the mails or interstate commerce, to establish the Division of Obscenity Control in the Department of Justice, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from North Dakota (Mr. YOUNG), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of the bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of the bill (S. 1782) to amend section 7(b) of the Small Business Act to provide for new interest rates on the Administration's share of disaster loans.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Michigan (Mr. HART), I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the bill (S. 835), to amend the act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital.

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

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of the joint resolution (S.J. Res. 85), to provide for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week."

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

SENATE RESOLUTION 181—RESOLUTION REGARDING THE CENTENNIAL ANNIVERSARY OF THE YOUNG WOMEN'S MUTUAL IMPROVEMENT ASSOCIATION OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. BENNETT submitted a resolution (S. Res. 181) regarding the centennial anniversary of the Young Women's Mutual Improvement Association of the Church of Jesus Christ of Latter-day Saints, which was referred to the Committee on the Judiciary.

(See the above resolution printed in full when submitted by Mr. BENNETT, which appears under a separate heading.)

SENATE RESOLUTION 181—RESOLUTION REGARDING THE CENTENNIAL ANNIVERSARY OF THE YOUNG WOMEN'S MUTUAL IMPROVEMENT ASSOCIATION OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Mr. BENNETT. Mr. President, I submit, for appropriate reference, a Senate resolution regarding the centennial anniversary of the Young Women's Mutual Improvement Association of the Church of Jesus Christ of Latter-day Saints.

Organized in November 1869, the YWMIA is celebrating its first 100 years in church organizations throughout the world. The climax of the centennial will occur in late June when the annual MIA world conference is held in Salt Lake City.

This is a unique organization which has made an immeasurable contribution to the spiritual, social, and cultural welfare of thousands of young women. I am proud to introduce the resolution which calls simply upon the Senate to take note of this milestone in Mormon Church history, and to commend the organization for its fine work. I hope its next 100 years are as successful as its last 100.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 181) which was referred to the Committee on the Judiciary, is as follows:

S. RES. 181

Whereas the Organization for young women of the Church of Jesus Christ of Latter-day Saints formally known as the Young Women's Mutual Improvement Association (YWMIA) was organized November 28, 1869 and this year marks its centennial anniversary to be commemorated by church congregations throughout the world; and

Whereas the YWMIA enriched and improved the lives of hundreds of thousands of young women during the past century through organized programs of dance, drama, music, speech, sport, camping, home-making, and spiritual counsel; and

Whereas the YWMIA has made an invaluable contribution in preparing young women to make meaningful contributions to their families, their communities and their church; and

Whereas the highlight of the YWMIA Centennial will be the Annual MIA World Conference June 27, 28 and 29 at Salt Lake City, Utah; be it

Resolved, That the United States Senate pays tribute to this fine organization and commends it for the contributions it makes to the youth of its sponsoring organization and to the Nation itself, by helping to develop wholesome, well adjusted talented young women with high personal ideals and devotion to God and country.

APPOINTMENT OF ADDITIONAL DISTRICT JUDGES—AMENDMENT

AMENDMENT NO. 12

Mr. BAKER submitted an amendment, intended to be proposed by him, to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

ESTABLISHMENT OF THE GREAT PRAIRIE LAKES NATIONAL RECREATION AREA—AMENDMENT

AMENDMENT NO. 13

Mr. BURDICK submitted an amendment, intended to be proposed by him, to the bill (S. 248) to establish the Great Prarie Lakes National Recreation Area in the States of South Dakota, North Dakota, and Nebraska, and for other purposes, which was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

NOTICE OF HEARINGS ON THE FAIR CREDIT REPORTING ACT

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 823, a bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information.

The hearings will be held on Monday, Tuesday, and Wednesday, May 19, 20, and 21, 1969, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, room 5300, New Senate Office Building, Washington, D.C., 20510; Telephone 225–7391.

NOTICE OF HEARINGS ON ELECTORAL REFORM

Mr. BAYH. Mr. President, the Senate Subcommittee on Constitutional Amendments will conclude its hearings on electoral reform with 3 days of hearings. These hearings will be held on April 30, May 1 and 2. The hearing on April 30, will be in room 324, Senate Office Building, while the hearings on May 1 and 2 will be held in G–308, auditorium of the New Senate Office Building. The hearings will begin at 10 a.m. each day. Persons having questions regarding the hearings are invited to contact the subcommittee staff in room 419 of the Senate Office Building, extension 3018.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. SCOTT. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Louis C. Bechtle, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years, vice Drew J. T. O'Keefe, resigning.

Bill Carnes Murray, of Georgia, to U.S. marshal for the northern district of Georgia for the term of 4 years, vice Elmer J. Hardegree.

George J. Reed, of Oregon, to be a member of the Board of Parole for the term expiring September 30, 1974.

F. L. Peter Stone, of Delaware, to be U.S. attorney for the district of Delaware for the term of 4 years, vice Alexander Greenfeld.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, April 29, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

THE GRADE OF GENERAL FOR THE ASSISTANT COMMANDANT OF THE MARINE CORPS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 119, H.R. 3832.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3832) to amend title 10, United States Code, to provide the grade of general for the Assistant Commandant of the Marine Corps when the total active strength of the Marine Corps exceeds 200,000.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, 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. 91–130), explaining the purposes of the bill.

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

PURPOSE OF THE BILL

This bill is designed to establish the grade of general for the Assistant Commandant of the Marine Corps, at the discretion of the President, with the advice and consent of the Senate, when the personnel strength of the corps exceeds 200,000. The bill also provides that when the active duty strength drops below this figure after an officer has been appointed to the Office of Assistant Commandant and to the grade of general, he will retain the grade so long as he retains the office. However, his successor will not be eligible for the grade of general until the strength again exceeds 200,000.

JUSTIFICATION

At the present time, the Marine Corps is authorized one officer in the grade of general—its Commandant. Marine Corps officers designated for appropriate higher commands or performance of duty of great importance and responsibility are limited by law to the grade of lieutenant general, unless they are assigned as Chief of Staff to the President or Chairman of the Joint Chiefs of Staff. This legal limitation was enacted in 1947 and since that time there have been many changes in the Marine Corps which have impacted on the office of the Commandant and his principal assistant.

The size of the Marine Corps in 1947 was 93,000—today its size is 314,000. In 1947 the number of marines serving overseas was 19,000, but today there are 101,000 marines serving overseas, including 82,000 in Vietnam. In 1947 the Commandant was not authorized to sit as a member of the Joint Chiefs of Staff. Today the Commandant sits with the Joint Chiefs of Staff whenever matters directly concerning the Marine Corps are under consideration. The magnitude of these changes alone has enlarged the scope and complexity of the responsibilities of the Commandant, and this, in turn, has greatly expanded the responsibilities of his principal assistant.

The Assistant Commandant represents the Marine Corps at meetings of the Joint Chiefs of Staff whenever the Commandant is unavailable. The Vice Chiefs of Staff of the other services, whose positions are almost identical to that of the Assistant Commandant, hold the rank of general, or its equivalent, while the Assistant Commandant holds the rank of lieutenant general.

It is the opinion of the Committee on Armed Services that the Assistant Commandant should enjoy a status comparable to his counterparts. At the present time the Commandant of the Marine Corps is the only four-star general officer in the Corps.

In addition, the substantial growth in the Marine Corps has had a significant effect upon the responsibilities exercised by the Assistant Commandant, who must give close supervision to the ever-increasing number of personnel, weapons systems, programs, and operations with which the Marine Corps is involved.

A comparison of the ratio of four-star general and flag officers to total strength in the Army, Navy, and Air Force, reveals that the Marine Corps is substantially below the other services. The strength and ratio comparisons as of January 31, 1969, are shown below:

STRENGTH AND RATIO COMPARISONS

	On board strength as of Jan. 31, 1969			
	U.S. Marine Corps	U.S. Army	U.S. Navy	U.S. Air Force
Officer	24,927	170,720	85,800	136,576
Enlisted	289,168	1,304,840	655,334	736,135
Total	314,095	1,475,560	741,134	872,711
4-star officers	1	17	8	13
Ratios:				
4-star to active generals	1:75	1:29	1:38	1:33
4-star to total strength	1:314,000	1:86,800	1:92,600	1:67,100

FISCAL DATA

According to the testimony, the pay and allowances increases from the grade of lieutenant general to the four-star grade will be $4,800 per annum.

THE FIRST 90 DAYS

Mr. MANSFIELD. Mr. President, in response to a request from the Associated Press, last week, to give our impression of the first 90 days of the Nixon administration, the distinguished assistant majority leader, the senior Senator from Massachusetts (Mr. KENNEDY), and I issued a statement. We ask unanimous consent that this statement, with reference to the first 90 days of the Nixon administration, as seen from our point of view, be printed in the RECORD.

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

THE FIRST 90 DAYS

The first 90 days of the administration of President Nixon are over. So, too, is the calm which has characterized them. If a signal of the end is needed it is to be found in the tragedy of the intelligence-reconnaissance plane off North Korea. From now on, crises both at home and abroad are likely to crowd in upon the nation.

These initial months have enabled the President to prepare for what lies ahead and he has used the time well. His highly successful trip abroad, for example, brought him into friendly contact with heads-of-state with whom he will be dealing in the years ahead. Relations with France have been placed on a better plane and at the same time diplomatic contact with Cambodia is now being reestablished. At home, the President has proceeded at a deliberate pace to fill out the hierarchy of his administration with men of his own choosing and to work out changes in the budget of the previous Administration. All in all, the first 90 days of President Nixon have been marked by care, caution, and competence.

The evolution of the new administration now moves from the opening phase to the follow-through. During the months ahead will come proposals, policies and programs which clearly carry the President's imprimatur. They will be needed to deal with the problem of Viet Nam as well as the intensifying issues of inequitable and heavy taxation and inflation. These problems along with a host of other difficulties await the President's initiatives.

What also remains to be seen is whether the President can gain control over the far-flung activities of the military and civilian wings of the government. From administration to administration, the Executive Branch has grown into an administrative enormity. Unless President Nixon is able to devise means for grasping control of the continuing machinery of government for which, in any event, he has the responsibility, the tragedy off North Korea will be but the beginning of his difficulties.

THE NORTH KOREAN AIR ATTACK

Mr. SCOTT. Mr. President, I applaud President Nixon's wisdom and firmness in dealing with the outrageous but typical action of North Korea in attacking one of our unarmed reconnaissance aircraft over international waters. Our people are capable of a mighty rage and indignation at wanton killing, and there has been a proper outpouring of these reactions in recent days. The response of our Government, however, must at the same time be that of a powerful nation whose very strength in the community of nations lies in the self-imposed restraint in dealing with smaller countries, however demented and belligerent they are. We will show that we will not be deterred from our policies and our mission by ugly deeds, but we will not be drawn into war by a small, criminal state intent on destruction of all for their own ends; either.

Mr. President, there are two national security needs which must be kept uppermost in mind when considering response to the North Korean attack and the tragic loss of 31 men, and President Nixon kept these needs very much in mind.

One is the continuing need for the very kind of intelligence that such aircraft as the EC–121 can gather. Intelligence is the closest thing to casualty insurance against war; the more coverage we have the less likely we will need it in global conflict. It is intelligence which permits us to meet the aggression of a North Korea before they reignite the Korean war—a threat which is renewed from time to time by that irresponsible government. It is intelligence which helps America to secure the lid before it blows off, all over the rim of the boiling pots in Asia and elsewhere. If we are to continue gathering this intelligence, we must protect those who gather it, and in that context, the movement of the naval task force to the sea off Korea is eminently justified.

The other need which the President kept in mind is that of meeting North Korea's test of our will and the nature of our response. We have shown that we have the will to continue actions which we feel our national security and peace in the world demand. Such a demonstration of will is most especially required when dealing with a government such as North Korea, which has virtually no respect for decent relations between governments, but resorts to brutality with a morbid fascination unmatched in the world.

I submit that this crisis has been handled very well by a new administration. Our Government has been tested and found strong, but not headstrong; intelligent, but not tangled in intellectual indecision. I am saddened by the tragic attack, but heartened by the response of President Nixon to see that it is not repeated.

PRESIDENT NIXON'S HANDLING OF THE KOREAN AIR ATTACK INCIDENT

Mr. STEVENS. Mr. President, I am proud to join my colleagues in commending President Nixon for his statesmanlike handling of the recent crisis with Korea.

The destruction of an unarmed aircraft by the North Koreans is a striking example of irrational conduct. The United States, under President Nixon's leadership, has responded to their action in a totally rational manner. This is the mark of a great power, and the President's decision to act with restraint is the mark of a great President.

As the North Koreans so ably proved, it takes little thought or sensitivity to murder. We could have responded in kind. We cannot help but feel a helpless rage at such occurrences; that is a natural thing. But, as the leader of our Nation, President Nixon's example to other nations has been an excellent one.

In the discussion and debate that followed the loss of the aircraft, I have heard the North Koreans termed a "fourth-rate power." The stature of a nation may not lie in its military power, but rather in its ability to conduct itself and its affairs in a civilized and rational manner. In this incident, the North Korean Government has clearly cast itself in the role of a fourth-rate power.

Quite sensibly, President Nixon has instructed our defense people to continue surveillance of North Korean activities—in the free international zone of air travel—but with armed escort. As a former pilot of unarmed aircraft, I know what that means. It means simply that the pilots and crews of these flights will have a "fighting chance"—no American ever asked for more than that as he carried out his Commander in Chief's instructions. I, for one, hope that this meaningful change in policy will not go unnoticed in North Korea.

REPUBLIC OF SOUTH AFRICA SUGAR QUOTA SHOULD BE ABOLISHED

Mr. YOUNG of Ohio. Mr. President, among the nations of the world, the Republic of South Africa has the tragic distinction of being the only country whose legal and social structure is frankly and aggressively based on racial discrimination. The black majority of that nation has been systematically brutalized by the vicious policies of apartheid. The oppression of black citizens of South Africa by the white minority is a stain on the conscience of the free world.

Frankly, we in the United States have much to atone for and to correct in the treatment of our 20 million fellow Americans who are black. However, we have made great strides toward eliminating discrimination in our legal structure and in assuring all Americans the rights guaranteed them in the Constitution of the United States. We are also making a determined effort to eradicate economic discrimination and to provide full and equal opportunity for the development of the potential of every American regardless of race.

Mr. President, the winds of freedom are blowing throughout the world in a manner and to an extent almost beyond belief. Across the China Sea, on the African Continent, and everywhere the toiling masses and the underprivileged are striving to achieve economic and political freedom—just as in generations gone by we achieved political and religious freedom.

The time is gone when imperialists may oppress colonial peoples and natives they have sought over the years to keep in ignorance and in bondage. Human beings everywhere have served notice they may no longer be exploited or enslaved.

We Americans must not stand idle while the peoples of Asia and Africa emerge into nationhood. Our great spiritual and political heritage has inspired these peoples. At the same time they are very much aware that we have maintained cordial and economically lucrative relations with South Africa, the most racist nation in the world. The racial policies of that nation are anathema to the conscience of the world. They have been condemned in the United Nations and by nearly every government on earth. Still, these abominable policies have grown steadily more extreme and more authoritarian.

It is high time that we begin a reassessment of our policy toward the Republic of South Africa. Frankly, I do not believe that a business-as-usual attitude is appropriate between the United States, the greatest democracy, and South Africa, the only avowedly racist government in the world.

Therefore, I was indeed proud to be a cosponsor of S. 1858, introduced by the distinguished senior Senator from Massachusetts (Mr. KENNEDY) to eliminate

the sugar quota presently allocated to the Republic of South Africa. While this quota represents only slightly more than 1 percent of all sugar quotas reserved for foreign countries, it will provide South Africa with more than $5 million in subsidies above the world market prices for sugar in 1969 alone. During the past 7 years sugar producers of South Africa have benefited by more than $19 million in surplus profits generated by our sugar subsidy. Proponents of the quota for South Africa will argue that in earlier years South African sugar producers earned $3.6 million less when the American sugar price was lower than the world market price. However, this temporary loss was more than made up in subsequent years. Wealthy sugar producers in South Africa now look forward to increasingly large windfall profits from the sale of their sugar, sown and harvested by oppressed black laborers with little more status than that of serfs. It is ironic that the Sugar Act includes stringent provisions to protect American workers in the cane and beet fields, while it permits growers overseas to exploit workers who toil under intolerable conditions.

Mr. President, for more than half a century I have made my home in Cleveland, Ohio. In 1967 citizens of Cleveland elected a black man, Carl B. Stokes, as their mayor. He has been an outstanding mayor of that great city. His leadership qualities have been recognized by mayors throughout the Nation who have been following his lead in helping to solve the problems of their communities. Carl Stokes is now a candidate for relection. I believe he will be reelected by an overwhelming majority and I shall do everything that I can to assist him. I find it unconscionable to consider that the American citizens are presently unwittingly supporters of the South African economy and thus of an apartheid system in which a Carl Stokes or any other black man is unable to rise above the status of fourth-class citizen and is sentenced from birth to economic serfdom. I resent the fact, and I am sure millions of my fellow Americans also do, that whenever I purchase sugar I am indirectly enriching some South African racist farmer and the economy of his nation.

Although abolishing the South African sugar quota is only a minor step toward correcting our relationship with South Africa, it at least embraces the sound principle that nothing in our official governmental actions will lend positive economic support to this South African regime. It would be a significant moral gesture not only from the United States to the world community and especially to black Africans and the other colored peoples of the world, but also to our own citizens seeking justice, racial equality and complete civil liberties here at home.

Furthermore as an economic by-product, through such action the present South African sugar quota could be allotted to the new sugar-producing nations of Africa, countries whose economic development is far less advanced than South Africa.

The South African sugar quota should be eliminated as soon as possible. There is no reason whatever for delay.

THE HEADSTART PROGRAM MUST BE CONTINUED AND EXPANDED

Mr. YOUNG of Ohio. Mr. President, it is difficult to believe that funds for the Headstart program for this coming summer may be cut 35 percent. The Headstart program is such a meritorious program and is so needed that these funds should be increased by at least 50 percent and not reduced. The reason given by administration officials for the proposed cut is that there is allegedly a shortage in funds for such programs.

Very definitely, I do not go along with that sort of reasoning. Cutting the funds for worthwhile programs for youngsters is not only a manifestation of hypocrisy but it is entirely inconsistent with the needs of our Nation.

We in the Senate are being importuned to provide authorizations and appropriations of billions of dollars to land men on the moon, to support our involvement in a civil war in Vietnam and to construct an ABM system, allegedly to gird our ICBM sites against a missile attack from Communist China or the Soviet Union. This preposterous boondoggle, opposed by almost every reputable scientist in the Nation, including the science advisers to Presidents Eisenhower, Kennedy, and Johnson, will cost $9 billion to begin with and may eventually cost as much as $100 billion.

It includes purchasing 250 acres of land in the environs of the District of Columbia, the only metropolitan area slated for an ABM system. Washington, D.C., has been termed the "National Command Authority" by some slick public relations man in the Pentagon. Of course, the District of Columbia is not represented by two Senators as was every city previously picked for the Sentinel, now termed "Safeguard, missile sites." So it is proposed that 250 acres of high-priced real estate close to the District of Columbia will be set aside for the Safeguard ABM site. Yet, the slum areas of the District of Columbia and the thousands of poor, ill-housed, jobless, and uneducated District of Columbia residents who live in them are to continue to be neglected.

We must concern ourselves with our own critical problems. We must provide that the have nots in Washington and in every part of our Nation share more of the wealth and plenty of the Nation. We must try to provide work for every worker and a home for every family.

It is difficult to have harmony, racial and otherwise, until all Americans come to the realization that really all of us belong to and are a part of the same race—the human race. We read of crimes in our cities, such as in Washington, and in Cleveland where I live. Many crimes do occur in our inner cities, so-called, and fewer crimes occur in our suburban areas. Unless we give top priority to the needs of our inner cities, while it may seem that those living in suburban areas are presently safe from violence that occurs from time to time in urban centers, then it is safe to assert that this is probably for the present time only. We know that poverty, inadequate housing, lack of opportunity to acquire job training, unemployment, a poor education coupled with poor housing, poor or no recreational facilities, malnutrition, and other factors combined contribute to violence in our Nation. Where and to what extent this violence may extend no one is able to foresee unless we in the Congress give top priority now to legislate to continue and expand needed programs such as Headstart, to eliminate slums, provide decent housing and end malnutrition and abject poverty.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

S. 1929—INTRODUCTION OF A BILL TO PROVIDE FEDERAL PENALTIES FOR CAMPUS REVOLUTIONARIES

Mr. BYRD of West Virginia. Mr. President, the events of the past weekend at Cornell University in Ithaca, N.Y., have given even more sinister dimensions to the wave of revolution and anarchy which is engulfing high schools and the campuses of colleges and universities throughout the land.

The disruptive events at our educational institutions during recent months have been a cause for utmost concern by millions of law-abiding American citizens.

The country has been treated to the nauseous spectacle of campus rebels, from both student and faculty ranks, forcing weak-kneed, spineless administrations to kow-tow to outrageous demands. Our institutions of higher learning are being characterized as places where youngsters go to learn how to riot instead of for an education.

At many of our schools burning and breaking of property and occupation of buildings by students has become the rule rather than the exception. And just recently, student demonstrators bodily ejected a member of the Harvard faculty from his office.

Extreme as these events have been, however, I don't think that just a few weeks ago anyone would have predicted the incredible sight which was witnessed at Cornell University last weekend.

What point have we reached in the history of our civilization when a band of student rebels can arm itself with rifles, hatchets, and shotguns, and then extort concessions from a university administration?

Mr. President, I believe that extraordinary events demand an appropriate response, and for that reason I am today introducing what I believe to be a strong and far-reaching measure providing for

a Federal response to subversion of our educational institutions.

My bill, which is modeled after the Civil Rights Act of 1968, prohibits the disruption of the administration or operation of any federally assisted educational institution.

The bill provides a fine of up to $1,000 and/or imprisonment up to 1 year for any person who, with the intent to prevent, obstruct, or interfere with the orderly administration or operation of such an institution, willfully, first, appropriates, occupies, or destroys any real or personal property which is property of such institution, is situated upon the premises of such institution, or is situated within any structure of such institution; or, second, denies or abridges by force, threat of force, or any act of disruption the right of any person to participate in or enjoy the benefits of any class, facility, program, or activity conducted or provided by such institution or authorized by appropriate administrative authority of such institution to be conducted upon the premises of such institution.

The offenses which I have described constitute a misdemeanor unless they result in bodily injury to any other person. The offenses become a felony in cases of bodily injury and, as such, carry a penalty of up to $10,000 and/or 10 years' imprisonment. If a death should result from such actions, the bill provides a penalty of from 10 years to life in prison.

There are some persons, no doubt, who will say that this is an oppressive measure. To the bleeding hearts I say only that firm action is certainly called for in America today to counterbalance the mollycoddling, permissive attitude championed by confused individuals who are seeking to destroy our heritage and our entire system of values.

What this bill proposes, certainly seems reasonable enough, for it does not limit the right of students to present legitimate grievances and requests to the administrators of our educational institutions. The bill only becomes a factor when individuals decide to sidestep the normal channels of civilized, democratic communication in favor of disruptive, intimidating action which infringes upon the right of educators to educate and serious students to learn. And that, after all, is what our schools are all about.

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

The bill (S. 1929) to amend title 18, United States Code, to prohibit the disruption of the administration or operations of federally assisted educational institutions, and for other purposes, introduced by Mr. BYRD of West Virginia, was received, read twice by its title, and referred to the Committee on the Judiciary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

S. 1911—INTRODUCTION OF A BILL TO PROVIDE THAT TIME FOR VOTING IN PRESIDENTIAL ELECTIONS BE EXPANDED TO 24 HOURS

Mr. GOLDWATER. Mr. President, I introduce a bill and I ask that it be appropriately referred.

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

The bill (S. 1911) to expand the time for voting in presidential elections to a 24-hour period and to provide that such period shall be uniform throughout the United States, introduced by Mr. GOLDWATER, was received, read twice by its title, and referred to the Committee on Rules and Administration.

Mr. GOLDWATER. Mr. President, in connection with the current discussions throughout the Nation and activities in the Congress relating to the subject of making reforms in the manner of choosing a President and Vice President, I believe it is appropriate for attention to be given to all means whereby our election machinery can be altered and improved so as to encourage and facilitate the maximum participation by our citizens in the selection of such officers. In fact, I believe we would be overlooking one of the most important aspects of the entire area of electoral reform if we did not combine efforts to modernize the system for electing a President with efforts to insure that the greatest numbers of citizens will be able to vote in such elections.

As one who has been involved as a candidate in one of these campaigns, I am especially appreciative of the importance to the American democratic system of obtaining the greatest possible expression of the national will.

For these reasons, I have already submitted a proposed constitutional amendment that would remove the serious limitations on the right vote in presidential elections which result from excessive residence and physical presence requirements. The measure which I offered, Senate Joint Resolution 59, could enable as many as 11 million additional citizens to cast votes to select a President by loosening residence requirements, insofar as practical, and expanding opportunities for absentee voting. This amendment alone could result in an increase in 11 percent in the numbers of voters participating in the election of a President.

Today I offer a second measure designed to broaden the effective voice of our citizens in the selection of the two highest officers in this country. I am introducing today a bill to provide that the time for voting in presidential elections be expanded to a full 24-hour period and that this period be uniform throughout the United States. This means that the polls will open and close across the United States at the same moment. In view of the likelihood that some alternative to the present electoral college will be approved, whether it be the district plan, proportionate system, or direct election method, I have drafted my bill so as to conform with any one of these proposals that might be adopted.

Mr. President, in introducing this bill, I am carrying out an intention expressed when I testified before the Subcommittee on Constitutional Amendments last month concerning reform of the electoral college system.

I am confident that enactment of this proposal would make it considerably easier for millions more of our citizens to vote who now find themselves unable to go to the polls because of the limited period for voting. These citizens may number over 10 million. For example, one recent survey claims that 3 million citizens of voting age were barred from casting ballots because they were unable to leave their work. Several million other citizens were sick or disabled on the day of the election. It is my belief that several million of these citizens and some in other categories would find it possible to cast ballots if the voting period were extended to 24 hours and persons had a choice of convenient hours for voting on portions of 2 calendar days rather than on only 1.

The period I have chosen, from 6 p.m. to 6 p.m., central standard time, is designed to permit voters to use the polls at the end of normal working hours on the first day, through the evening and night of that day, prior to going to work on the second day, and up to midafternoon on the second day. Such a range of choices should enable many millions of citizens to find a time when it will be easy for them to go to the polls, but who are now prevented from exercising their franchise by unavoidable demands on their time or temporary illnesses.

As an additional benefit, my bill could eliminate many of the criticisms arising because of the reporting of significant percentages of the results from some States before the polls close in all other States. With voting spread over a 24-hour period covering portions of 2 calendar days, the possible influence of vote projections should be considerably reduced since people in all areas of the country will be able to vote at a convenient hour right up to the end of the election and the election will not end in one area before it does in any of the other regions.

Mr. President, I hope that serious consideration will be given to this measure by the 91st Congress. The enactment of my proposal would be one more step in assuring that the role of our people in determining their future will be strengthened and encouraged. I believe that this is the only bill on this subject that would conform to any system used for the selection of a President, whether it be the present electoral college method or some other system. Consequently, I would hope that Members of all persuasions may find it possible to support my proposal as a worthy approach to increasing participation by the public in the election processes. If the bill I offer today would be coupled with the constitutional amendment, I proposed to remove excessive residence requirements and expand absentee voting, the impact of both measures com-

bined could bring about an increase of 20 million or more in the number of citizens who vote in presidential elections.

DEDICATION OF BUST OF FORMER SENATOR LISTER HILL

Mr. SPARKMAN. Mr. President, on Sunday, March 30, in Birmingham, Ala., the University of Alabama Medical Center dedicated a bust of former Senator Lister Hill. The bronze bust, the work of sculptor Gwalberto Rocchi, is in the Lawrence Reynolds Library. When the medical center library is completed, the bust will be reinstalled there.

It is not necessary for me to remind the Members of this body of the great achievements in medicine of Senator Lister Hill. I know that all of my colleagues will join me in hailing this new recognition of a distinguished Alabamian.

I ask unanimous consent to have printed in the RECORD an article entitled "Life-Sized Bust of Senator Hill is Dedicated," written by Dennis Washburn, and published in the Birmingham News for March 31, 1969.

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

LIFE-SIZE BUST OF SENATOR HILL IS DEDICATED

(By Dennis Washburn)

A 14-year-old youth, Lister Hubbard Hill, stripped the veil from a life-sized bronze bust of his grandfather, Sen. Lister Hill, in ceremonies at Smolian House Sunday afternoon.

And about 75 family friends and officials of the University of Alabama Medical Center applauded the metallic likeness of Alabama's retired U.S. Senator created by famed Italian artist Gwalberto Rocchi.

As Sen. Hill stood beside the bust and addressed the group, observers gazed in fascination from one of the other—from the bust to the Senator, and then back again, and again.

But the Senator made little reference to the piece of art in his remarks to the group.

He reminisced briefly on changes in the world of medicine in recent years, and changes in governmental participation in medicine.

"I can remember when the government's share in medical expenditures was $81 million a year," he said, "And for the past several years this has grown to more than $1½ billion per year."

Observers could hardly help remembering that Hill, himself, was responsible for much of the increased interest of the federal government in medicine.

His personal efforts in medical legislation such as the Hill-Burton Hospital Construction Act has resulted in the construction or remodeling of more than 9,000 hospitals as well as direct federal aid to struggling medical schools, organization of a massive research program in the medical sciences, and the building of centers for treatment of mental illness and retardation.

Sen. Hill spoke about the University of Alabama Medical Center complex in Birmingham. "I remember the first time I visited the Medical Center. It was only one square block then. Now, it occupies more than 15 blocks, and this is only the beginning," he predicted.

"Those who are sick and those who suffer cannot wait for attention," said the Senator. "Men's lives hang in the balance."

He cited the need for a better medical educational program, more doctors, more dentists, more nurses, and the acquisition of more medical knowledge.

"We are here today to dedicate ourselves to a greater, more magnificent Medical Center in Birmingham," said Hill.

And as the spectators started applauding he stepped forward again and quieted them with upraised hand.

"Does that applause mean that you've all enlisted in the cause?" he quipped.

The handclapping volume swelled then.

Dr. Joseph F. Volker, executive vice president of the University of Alabama in Birmingham, introduced Sen. Hill after the unveiling.

Pointing to the bronze image of the senator, Dr. Volker said:

"This bust is here because of the desire of the many friends of the Senator to have his much beloved features reproduced in bronze by a distinguished artist."

Dr. Volker said the bust will remain, for the time being, in the Lawrence Reynolds Library. "Then it will be removed to the Medical Center Library when that is completed," he said.

The bronze bust was commissioned on behalf of the Medical Center as a permanent art contribution in honor of Sen. Hill.

The unveiling was one of the final events of the 1969 Birmingham Festival of Arts.

SENATE JOINT RESOLUTION 99—INTRODUCTION OF A JOINT RESOLUTION TO PROCLAIM HELEN KELLER MEMORIAL WEEK

Mr. JAVITS. Mr. President, on behalf of myself, the Senator from West Virginia (Mr. RANDOLPH), and the Senators from Alabama (Mr. SPARKMAN and Mr. ALLEN), Miss Keller's native State, I am today introducing, for appropriate reference, a joint resolution to authorize the President of the United States to issue a proclamation designating the first week in June of this year and every year thereafter as "Helen Keller Memorial Week." This proposal has the support of the American Foundation for the Blind.

As you know, June 1 of this year marks the first anniversary of Helen Keller's death. I am sure that many of my colleagues attended the funeral services here at the Washington National Cathedral, where her ashes are interred, and heard Senator Lister Hill, the distinguished former chairman of the Senate Committee on Labor and Public Welfare, deliver the eulogy for his longtime friend.

The story of Helen Keller's conquest of the staggering double handicap of blindness and deafness is well known. The tireless lifelong devotion of this unique individual to improve the lot of the blind, the deaf, the handicapped, and the economically underprivileged marks her as one of those rare beings with whom the human race is periodically blessed who has the understanding, compassion, foresight, and ability to make people right wrongs and repair neglect. An American, Helen Keller was a true citizen of the world, her enlightened influence resulted in schools for the handicapped and new concepts of human dignity and worth for the handicapped and underprivileged in place of custodial institutions and cruel neglect.

I am very pleased that Helen Keller lived to see the outstanding progress made as a result of congressional action in the development of more effective education and rehabilitation programs for children and adults with all types of physical and mental handicaps. I am glad that she saw the beginning of more effective ways to help the economically deprived break out of the poverty cycle. All of these were matters of great concern to her, and she started her pioneering effort to interest people in social problems well before this concern became established public policy.

A national observance each year in memory of Helen Keller will give the American people for generations to come an opportunity to rededicate themselves to the goals and ideals to which she devoted her long and fruitful life. It is fitting that such a national observance in memory of a unique American be launched with a Presidential proclamation.

The Senator from West Virginia (Mr. RANDOLPH) and I commend this joint resolution to our colleagues and urge their support.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 99) to authorize the President to issue annually a proclamation designating the first week in June of each year as "Helen Keller Memorial Week," introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 1926—INTRODUCTION OF A BILL TO AMEND THE TUCKER ACT

Mr. JAVITS. Mr. President, during the first session of the 90th Congress, I introduced and the Senate passed my bill to amend the Tucker Act to increase from $10,000 to $50,000 the jurisdictional limitation of the Federal district courts in certain contract cases against the Federal Government. This bill was supported by the Department of Justice and the Administrative Office of the U.S. Courts.

At that time I said that—

> The primary purpose of this bill is to allow former Government employees to join suits for reinstatement with suits for back pay. The former must be brought in the district courts, but the latter must now be brought in the Court of Claims if the amount in question exceeds $10,000.
>
> The Justice Department has estimated that if the jurisdictional limit were raised to $50,000 as contemplated by this bill, more than 99 percent of the backpay claims could be heard in district court—freeing the Court of Claims for more important work and considerably reducing the cost of litigation for claimants outside the Washington area. In addition almost one third of all the other contract cases against the Government could be heard in district court.

Since that time, it has come to my attention on numerous occasions that this bill would in addition confer substantial benefits upon our Nation's small businessmen.

The Senate Select Committee on Small Business, of which I am ranking minority member, the Small Business Administration, the Department of Defense, the Government Supply Agency, and others are all making a concerted effort to insure that our small businessmen receive their share of Government procurement. This greater involvement in Government procurement has had the predictable

effect of involving these small businessmen in contract claims with the Federal Government.

Under the present jurisdictional limits, all of these claims in excess of $10,000 must be heard before the Court of Claims here in Washington, D.C. This, of course, places an extreme hardship on a small businessman with a claim over $10,000 by requiring him to either retain Washington legal counsel or bear the additional expense of having his local counsel travel to Washington, often consuming several days in the process. In addition, witnesses, exhibits, records, documents, and other physical evidence of both the claimant and the Government are often required to be brought to Washington frequently at substantial additional cost to both the Government and the claimant.

The jurisdictional limits of the Tucker Act have never been amended since 1887, a time when $10,000 represented a significantly larger sum than it does today. And in view of the expanding operations of the Federal Government resulting in an ever increasing number of contracts throughout this Nation it is imperative that persons contracting with the Government be afforded a reasonable opportunity of having their smaller contract claims adjudicated in their local Federal courts. I, therefore, send to the desk, for appropriate reference, a bill to amend the Tucker Act which is identical to the one offered to the 90th Congress passed by its Senate.

Mr. President, 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. 1926) to amend the Tucker Act to increase from $10,000 to $50,000 the limitation on the jurisdiction of the U.S. district courts in suits against the United States for breach of contract or for compensation, introduced by Mr. JAVITS, 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. 1926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of subsection (a) of section 1346 of title 28, United States Code, is amended to read as follows:

"(2) Any other civil action or claim against the United States, not exceeding $50,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort."

FUND FOR EDUCATION IN WORLD ORDER

Mr. JAVITS. Mr. President, on March 5, 1969, Senators FULBRIGHT, MCGOVERN, and I addressed the Fund for Education in World Order's National Convocation on the Challenge of Building Peace. As it was reported widely in the press at that time, the meeting was invaded by a group of demonstrators disguised as waiters, who disrupted the proceedings, waving Vietcong flags and marching around the room carrying pigs' heads on trays.

I had been informed that such a disruption was imminent, but I determined to go on in any event, because I think this Nation must not allow disruptive forces to suppress the very right of free speech and discussion which they, erroneously purport to exert.

Nothing could be farther from the American tradition than this kind of demonstration. The Constitution protects the right of free speech and assembly, but has never protected a disruption designed to destroy someone else's right to peaceably assemble and speak.

I do not question the right of demonstrators to hold their own meeting and discuss whatever they wish. Nor do I question their right to peaceably and nondisruptively demonstrate outside someone else's meeting, or to heckle reasonably. But the invasion of a private meeting for the purpose of undermining a free exchange of views among those who have devoted considerable time and effort in planning a meeting is something which I deplore and which has no place in the American political tradition.

Mr. President, I have here the verbatim transcript of these proceedings, and I ask unanimous consent that they be printed in the RECORD.

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

FUND FOR EDUCATION IN WORLD ORDER

(National Convocation on the Challenge of Building Peace, New York Hilton, New York, N.Y., March 5, 1969)

Master of Ceremonies: Chet Huntley.

Greetings: Randolph P. Compton, Jack P. Jefferies, Stewart Rawlings Mott, and Matthew B. Rosenhaus.

U.S. Senators speak out: J. WILLIAM FULBRIGHT, JACOB K. JAVITS, and GEORGE MCGOVERN.

Mr. MOTT (in progress). Today we have with us some of the most important workers in the voluntary organizations, in the academic community and those from Washington. I'd like to introduce those at the head table who will not be introduced later in the program, and I'd like to ask them to stand as I read their names and continue standing until I give you the signal for applause.

First, on your left, is Miss Josephine Spencer, who is Secretary of the Fund for Education in World Order.

Next to her is Earl Osborn, who is President of the Institute for International Order and a member of the Board of Trustees of The Fund.

Next is Sen. Joseph Clark, former senator from Pennsylvania. Sen. Clark is now President of the United World Federalists.

Next is Mr. Randolph Compton, who is Chairman of the Board of Trustees of The Fund for Education in World Order.

Next is Mrs. Gardner Cox from Boston, a long-time friend of the peace movement.

Sen. ALAN CRANSTON of California.

Moving to my left, a man who is unknown to many of us in New York and who has represented himself very well both in the program last night as well as today's panel session, Sen. Robert Packwood from Oregon.

The next is—he needs no introduction. Paul O'Dwyer.

Mrs. Maurice Pate, a member of the Board of Trustees of The Fund for Education in World Order.

Congressman CLARK MACGREGOR, Republican of Minnesota.

Sen. Ernest Gruening, former senator from Alaska.

Mr. Seth Milliken, another long-time friend of the peace movement and of The Fund.

Mr. Malcolm Andresen, a Trustee of The Fund and co-chairman of our Finance Committee.

Mrs. Betty Lall, a nationally-known expert on arms control.

The Hon. Jack Gilligan, former congressman from Ohio.

And Michael Washburn, the Executive Director of The Fund for Education in World Order.

A round of applause for them all. (Applause.)

Today we have come together to ask ourselves the question and ask of our experts in the academic community and in government: What can we do to promote the cause of peace? I think that each of you, among the circles that you move in and the work that you undertake every day, you have that same gnawing question asked by people who have willing spirits and are looking for a role. I think today, in this major convocation, we have an opportunity to come together for educational purposes, to talk about the issues and to speak our mind.

We are very thankful to those of you who have helped to make that convocation possible, to each of you who became sponsors of the convocation and sent in a check to help underwrite the cost of it. We're thankful to all of the speakers who have given you a day of their time to come and participate fully in this day's work. And we're thankful especially to the foundations and to the corporate sponsors who have been willing to step out and to put the name of their corporation or of themselves on the line on behalf of peace. And particularly I'm thinking of men like Robert Stewart of the National Can Corporation and Joseph McDonald of Servomation, and many other of you businessmen who have come together for this purpose. (Applause.)

And next I'd like to introduce my co-chairman and a prominent businessman himself, President of the J. B. Williams Company, Matthew Rosenhaus. (Applause.)

Mr. ROSENHAUS. Thank you, Mr. Mott.

Honored Guests, Ladies and Gentlemen: I hope that today will mark the beginning of a significant effort toward peace in the world. They say that great oaks from little acorns grow, and we are just learning to crawl. We have a very simple, naive faith. We believe that the people of the United States, the people of the world, want peace. They've waited thousands of years for it, and we think that the time is coming up now when they're going to get it. (Applause.)

More than that, we are convinced that the brain power is now living here and throughout the world that can build a structure for peace, and we mean to stir up that brain power and put it to work.

We need your help. We need everybody's help in this effort. Peace is everybody's business, and we hope that all of you, when you depart today, will remember to tell your friends, tell your acquaintances. Let's all get together in this and let's help build the peace that we all want.

It is now my happy privilege to introduce the President of our Fund, Jack Jefferies, on my right. (Applause.)

And also the Chairman of our Fund, whom you were introduced to a moment ago, who is a grand guy and really started this whole thing, Randy Compton, who is going to make a presentation. (Applause.)

Mr. COMPTON. Friends, Honored Guests and those here on the dais who are all, with the world, interested in one subject: how to develop a better world order:

I have believed that education, especially that of young people, must be a key element in any effort to build a just and lasting peace. Some months ago The Fund started a program to provide support for research, training, in problems of peace, and today I am delighted to announce that two of the first fellows to result from this program, the first grants, are being given in honor of the two co-chairmen of this Convocation, Mr. Stewart Mott and Mr. Matty Rosenhaus, whose contribution to The Fund's effort to build public support for peace, education, has already been immense, as we see from the response here today.

I'd like to ask Jack Jefferies to present the fellowship program.

Mr. JEFFERIES. The Matthew B. Rosenhaus Fellowship in World Order Studies is being presented this year to a young woman from the Columbia School of International Affairs, Miss Geneese Gottschalk. Geneese is studying arms control and peace-keeping at Columbia, and after leaving Columbia she plans to work at the United Nations in these same areas. (Applause.)

The Stewart R. Mott Fellowship in World Order Studies is being awarded to an outstanding Ph. D. candidate associated with the Michigan Center for the Study of Conflict Resolution, Andrew Seville. Andy will complete a fascinating dissertation on policy-making attitudes and perceptions of State Department officials as they relate to our foreign policies on arms control, Vietnam, the United Nations and our problems of peace. We believe that Andy will go on to make many important contributions to our peace. (Applause.)

Thank you.

Mr. ROSENHAUS. And now, a gentleman who needs no introduction, except I would like to say two things about him. No. 1, in an industry where few last and survive for two or three years, he's made a great record. This gentleman is about to begin his fourteenth year. Also, they didn't get enough from him five nights a week so they extended him to six nights a week. Your friend and mine, Chet Huntley.

(Applause.)

Mr. HUNTLEY. Thank you, Mr. Rosenhaus.

Mr. Mott, distinguished Guests and Ladies and Gentlemen:

This Convocation, this dedication to an effort in behalf of peace, does not occur by accident. It does not take place in limbo. It is the product of something—of hope, or work, of financial investment and the conviction by a great number of men and women that world peace is a valid and attainable objective.

I suggest there is present in this country and perhaps in the world a new dedication to peace, a new determination to achieve it. For example, how to realize peace was very much an issue in our recent political year, and the pledges which were made in behalf of it were certainly not frivolous. The national desire for peace and the frustrations accruing from its absence had tremendous impact on the political decisions and political events of last year. Recently we read the excellent report of a committee working under the auspices of the American Association for the United Nations. The central thrust of that report was, again, a call for a greater constituency in behalf of peace and a convincing argument in behalf of the premise that it can be had.

Recently, again, I believe some of the distinguished senators and congressmen present here today were petitioned in Washington by the leaders of a new women's organization boasting 50,000 members, founded in Beverly Hills, California, dedicated to work in behalf of peace and demanding that a federal department for peace be created and that it be given Cabinet status. (Applause.)

I would point out that although the volume of American and worldwide student unrest is frequently so high that it's difficult for us uninitiated to comprehend all that's being said, yet it is clear that the call for peace runs strongly through all the talk, all the literature, all the chants, all the music and all the turmoil of our young. (Applause.) This determination of millions of the world's young to achieve and maintain peace is indeed one of our greatest hopes and our finest assets. (Applause.)

Peace has had no greater champion anywhere than the men and women of our own and foreign scientific communities. Peace and education are virtually synonymous. It was Senator Fulbright who said in a 1966 speech in Stockholm, "Education is a slow-moving but powerful force. Far from being a means of gaining national advantage in the traditional game of power politics, international education should try to change the nature of the game, to civilize and humanize it in the nuclear age." (Applause.)

Another encouraging development of these post-war years has been the quickened interest in peace and the investment in its pursuit by American businessmen and industrialists, and our artists, and indeed most of the artists of the world, have been splendid ambassadors for peace. And there are many others, groups and individuals, and we need them all.

The quest for peace is never the exclusive project of one group, one profession or one people. It would be most difficult, I believe, to determine who makes or who can make the finest contribution to it. The will to international peace can and does come from the most humble sources and from the most unstudied, unpremeditated acts. It can germinate from a smile or the clasp of a hand, and it can come from those who have no great names nor reputations. We also know it can be nourished by kings and presidents and by ministers and lawmakers. But I have seen peace advanced by an American handing a ballpoint pen to a young Russian. I have seen and heard it generated from the trumpet of Louis Armstrong. Our scientists, who converse with Soviet and other foreign scientists, have a tremendous capacity for the promotion of peace. Students and youth are tremendous forces for peace, and we might well consider ways and means to export more of our own, for modest periods of time, and to import all we can. (Applause.) The Fulbright Scholarship plan has been a tremendous peace instrument.

Yes, I think there is a quickened interest and a renewed determination in behalf of peace. We all recall, I am sure, those buoyant and bright days of 1944 and early 1945 when the organization of peace fascinated us. Even in small American towns and American communities you could find citizen organizations working on peace formulas, writing charters, constitutions, preambles and bylaws. But then peace slipped by us. It was not to be—not yet. And many of us, I think, grew cynical. Indeed, the temptation was there to regard peace as an idle dream and a delusion.

But hopefully that spate of cynicism is coming to an end. Perhaps more of us are coming to comprehend at last that there is actually no alternative to peace except despair—(applause)—no alternative except despair and ultimate ruin, and that is not consistent with the nature of man. Peace is not one of several choices. It is the only choice. But it is one that mankind has to make. So it is mandatory, my friends, that we believe in it, that we work for it and that we invest in it.

Now, it is my happy privilege to introduce the distinguished Senator from Arkansas, J. William Fulbright, Chairman of the Foreign Relations Committee.

(A standing ovation.)

Senator FULBRIGHT. Mr. Mott, Mr. Huntley, and ladies and gentlemen—

(A demonstration disrupted the proceedings.)

Mr. MOTT. Ladies and gentlemen, we were expecting something of a demonstration today. We would have been disappointed if we hadn't had it. (Applause) In fact, I was prepared to yield one or two minutes of my time on the program to any responsible spokesman who would want to come up here.

I think they've had their say and I think we are pleased now to come back to Sen. Fulbright.

(Applause.)

Senator FULBRIGHT. You never come to New York that you don't get interesting meetings. I suppose that's one reason we just can't get along without New York, because it adds spice and interest to our lives.

It's a great honor to be invited to such a large meeting. Last summer, when I was running for reelection, I don't recall that I ever saw so many people together in one place. But there are a number of those here today who were very helpful in that endeavor last summer, and that's one reason why I'm here.

It is a great honor to participate in any kind of meeting in which the objective of peace and particularly education for peace is the principal theme. Having been an old professor, of course, this has been my own approach. I felt, ever since I entered public life, even before the Congress, that this was the one hope—that is, it's long-term, but it is the hope.

It's true today that, I think, nearly everyone is for peace. The trouble has been in the past that they're always anxious for something else a little more. And this has been true particularly of those who have the responsibility of government. There is something very strange that happens to all of us, I suppose, who are designated by their fellow citizens as their representative to protect the national security. I think this is a strange psychological phenomenon. I've never quite understood it. I don't today, when I see the transformation that takes place in people who are given great responsibility in public office.

One of the purposes of the committee on which I have the honor of being chairman is to educate just such people. That has been its objective for a number of years. The hearings which we have to a great extent are educational hearings. The ones we will have in the coming year will be educational hearings. And I can't say how glad I am, how pleased I am, that the distinguished senior Senator of New York is now a junior member of that committee and will add a great deal. (Applause.) I know that Sen. Javits brings to that committee a long experience and will add a great deal to these educational hearings.

There are many different aspects of this problem. You will have the ABM discussed, and Sen. Javits, I'm sure, will refer to it. We are having hearings tomorrow in my committee—in a subcommittee of my committee, tomorrow on this subject. The Symington subcommittee is talking about a different aspect of this same struggle for peace, going into the impact of our presence abroad in so many countries upon our foreign policy. There are many different aspects of it.

The one thing which my committee is thinking now of—(disturbance).

Mr. MOTT. If there is a spokesman for the group which is making the current demonstration who would like to come to the podium and make a one-minute statement, we welcome your coming to this podium for that purpose. Otherwise—if there is one person who would like to speak for the group—Excuse me, sir.

We have a gentleman here who would like to make a brief statement—we will keep it to one minute—to demonstrate we believe in the freedom of speech and free expression, and after the presentation we would like to

proceed without interruption with our program.

Go ahead.

A SPEAKER. The question that we're asking is how long liberal America is going to deceive itself with these kinds of peace convocations and meetings. The power structure of this country, which is represented by people sitting at this table, either positively or negatively, is not going to allow peace as long as it puts money into their pockets. Why isn't General Motors out there? Why isn't Lockheed out there? The reason that they're not out there is that they are suppressing and murdering people all over the world and you good people are standing by and allowing it to happen.

To talk about peace is nonsense. What we have to talk about is that we have and we have had since the Second World War a liberal country. Johnson was put in by the largest plurality ever and we all turned three or four years later and said that the militarists have taken over. Of course they've taken over. You people let them.

A VOICE. Who are you? Who do you represent?

SAME SPEAKER. I represent no one but myself. It's not important, my name. We're into too much of my name is this, my name is that. The problem is that the people here do not represent anybody. You are individuals who represent yourself, and until you begin to talk as such, it doesn't mean anything.

The media stands up here and makes a statement about peace. He did not say anything that deals with the problems that exist in the world today and the problems that exist in this country—all we're here to tell you—we're here—what we're trying to say is that until good people like all of you stand up and say this country—this country is riding roughshod, economically suppressing people in South America, in Asia and in Africa—until we stop the power leaders of this country from doing that, we will not have peace. And there are people and they are my brothers and they are here and we're going to pull it down around your heads. (Applause.)

Mr. MOTT. Personally I welcome the intervention, and I think there are many in this room who agree with the last speaker. (Applause.)

Now, I shall ask the security guards to make it possible for us to proceed without further interruption because we have a tight schedule. We'd like to get on with our program. I'm sorry that we cannot permit individual statements which would otherwise eliminate our program for the day.

I'd like to welcome Sen. Fulbright back to the speaker's table. (Applause.)

I'd like to call for order, please, and I'd like to ask the security guard to remove from the room any of those who would like to continue disrupting the meeting.

I'd like to ask the assistance of the security guard to bring order to the room.

Ladies and gentlemen, if I may have your attention, please. Because of our tight time schedule, I'm going to ask Sen. Fulbright to return to the podium and to continue speaking. I hope you will all give him your full attention, regardless of whatever interruption you may have. (A standing ovation.)

Senator FULBRIGHT. Well, there is nothing I could possibly say that would be nearly as eloquent about the difficulties of achieving peace as you've seen here today. (Applause.) Those things which are of significance in working for peace are very controversial, as the young man who just spoke mentioned, and as the people always do, because it does affect many old traditions and many interests which have intrigued and fascinated the human race since the beginning of time. After all we have had, the customary way of settling disputes or the customary way of carrying on national activities has been through the use of force. To make a change in this is going to be extremely difficult.

I would only end, because it's not a very good time to try to be too specific, to say that the Committee on Foreign Relations is going to undertake some hearings I think of a rather unusual approach, which will not be related to a specific measure.

I don't know whether you can hear me or not. (Applause.)

But I've become extremely interested, and other members of the committee, too, are trying to have hearings which may be considered educational in the broadest sense as to why great countries like our own, in spite of our desire for peace, have always seemed to engage in a succession of wars. This involves a study of the psychological aspects of national behavior and it will, if done properly, undoubtedly arouse a great many questions in many people's minds, because there will be some activities which are traditional, which will have to be examined. We like to think of ourselves, just for one example, as being a peace-loving nation, and we all profess it, as has already been professed.

Well, I must say I've been heckled in my campaigns, but not quite as persistently as they do in New York.

But in any case, Sen. Javits is going to speak and Sen. McGovern. Perhaps they won't arouse quite the same interest as I do.

But we will have committee meetings in the very near future which I hope will be interesting to you and I hope that it will be a means by which we can bring matters of interest to you from people who have given very deep thought to these difficult problems.

Thank you very much for your very cordial reception.

(Applause.)

Mr. HUNTLEY. Well, one day a little wisdom will settle upon our young friends and then they may indeed have something truly remarkable to say.

Now, it is my privilege to introduce the senior Senator from the State of New York, the Hon. Jacob Javits.

(Standing ovation.)

Senator JAVITS. Thank you very much, Chet Huntley.

My colleagues in the Senate, my colleagues in the House and my former colleagues in the Senate who are here, whom I am delighted to welcome with you all, Mr. Mott, Mr. Rosenhaus, Mr. Jefferies, ladies and gentlemen:

I'd like first to say that I think Bill Fulbright, my chairman, is one of the greatest sports as well as one of the greatest men this nation has ever seen. (Applause.)

Now, I shall finish my speech, I might just as well tell my heckling friends, and I shall not even draw a long breath or stop in the course of it. So they can carry on as much as they like.

Now, it's the kind of an occasion, I might say, ladies and gentlemen, in which a speaker is minded to say, "I'll put this in the record and tell you what I really have on my mind," and that's what I intend to do in the five minutes that I shall take.

You are hearing something which we all experience in public life and something which needs very urgently to be commented on in the struggle for peace, the reason for this luncheon. For, I do not believe that the cause of peace will be advanced by those who would use violence to suppress even its opponents, let alone its friends. (Applause.) And with all due respect to those who may be uttering loud cries—and as I said a minute ago, I've had too much experience with it to stop speaking—I might tell them that it's just as much violence to try to destroy a meeting by a protest of this character—and by such unbelievably bad taste—as it would be to storm in here and upset the tables or to throw a stink bomb.

Now, what is the answer? Now, what are the rights of protesters to participate in this meeting? I think that Mr. Mott was unduly generous in allowing time to the speaker for the protesters. This is not a meeting out in the street where you are campaigning, like I have, and where you occasionally do that, or answer any questions that come along. This is a meeting to present very distinguished men, Sen. McGovern, Sen. Fulbright, to deal with an extremely serious subject upon which people want to be educated.

The rights of protesters are to be given a frame of reference, an opportunity to persuade the people—but not to ride on the back of this organization holding this luncheon. Can the protesters attract this kind of a luncheon audience themselves in the opportunity to persuade those who they think need to be persuaded? But I will not let them, and I don't think you ought to let them—it is your attention, your applause, your interest which is the test—I will not let them coerce me and I hope you will not let them coerce you. (Applause) It's just as much coercion to be compelled to come here and see and hear something that you didn't want to see and hear and didn't buy the privilege of seeing and hearing and didn't invite seeing and hearing as it is to hit you over the head and tie you to a chair and make you listen.

Now, I've said what I had on my mind and I shall take the other two minutes to deal with the basic subject which I was going to present to you today. But I'm deeply exorcised because this is my town. This is not the kind of a reception that New York gives to Sen. Fulbright and to Sen. McGovern and to other very distinguished senators of the United States, and if no one else is going to tell them that, I feel it my duty and my privilege to tell them that myself. (Applause.)

Now, the essence of our situation—and I shall deal with quite a different subject from that of Sen. Fulbright and probably from that of Sen. McGovern—is that there is an extremely great opportunity to make a real breakthrough for peace right now, and that opportunity relies upon the fact that the Senate will undoubtedly ratify, in my judgment—apparently it's the President's judgment—the non-proliferation treaty. (Applause) Given that opening, an enormous mixed question of politics and security will be presented to the United States, and that question will be incorporated in whether or not the nation proceeds with further procurement or deployment at this time of an antiballistic missile system.

Now, many of us believe, in the Senate—Sen. Fulbright has been very much a leader of this kind of thinking—that the security of the United States does not require that we proceed in this way. We believe that the opportunity presented by the provision in the non-proliferation treaty—Article 6 of that treaty, which calls for good-faith negotiations on the limitation of armament and on disarmament will afford us an ideal opening to try to negotiate, especially with the other super power, a real arms limitation. Probably such a negotiation would be really the basically first one in terms of the real nuclear hardware in the world, a real limitation upon the onward rush of nuclear preparation which so many of us believe can get to the point sheerly by virtue of automaticity where we won't be making the decisions any more but they'll be made blindly and without any human intervention by some computer.

And we believe that this decision cannot be a military decision alone because if it is, it will mean the procurement and deployment of the ABM, now a thin system, ultimately the works. But we believe that this must be admixed with the political judgment that this is the time when, if we stop—and we can stop, in our judgment, without necessarily putting any time tag on it, without

jeopardizing the security of the United States—that if we stop, there is a real chance to get somewhere on nuclear arms limitation.

Therefore, I have only one message for you. One of the big problems of all liberal groups is that they are magnificently idealistic, but they're so long-term that nobody could care less. Here is an immediate opening on ABM deployment in which the peace movement in this country can really get started in a very tangible way with a very practical result and with a real likelihood of success. And so I beg of you, look into this question carefully, read as much about it as you possibly can, listen to our hearings—they'll be open and public, as Sen. Fulbright has said—and get behind the twin proposition that history will have presented us when we ratify the non-proliferation treaty. History will have presented us with an unparalleled opportunity to begin to reverse the onward rush of the nuclear arms race. The greatest blow for peace which we can strike, the greatest new plateau upon which we can stand, is that the two super powers—now really receptive and ready—have the support, the urging of public opinion to bring about the true beginning of an effort to attain a rule of law instead of the rule of force in this world. And that is by the negotiation, the successful negotiation of an arms limitation agreement beginning with the very practical, immediate step of a limitation on or the elimination of the antiballistic missile.

Thank you very much.

(Applause.)

Mr. HUNTLEY. The next speaker is a young man who enriched our political dialogue last year, Chairman of the Select Committee on Nutrition and Human Needs, Sen. George McGovern of South Dakota.

(Standing ovation.)

Senator MCGOVERN. Thank you very much, Mr. Huntley and my colleagues in the Senate, ladies and gentlemen:

I would like to begin by saying that I come here as a member of the United States Senate who, for 5 or 6 years, has carried a heavy heart and a deeply troubled mind about the course our country has been following in Southeast Asia and also about the areas of neglect here in our own society. But I must say that nothing that has happened in the beginning of our attempt at a dialogue here this afternoon has done anything but deepen the troubled character of both my heart and mind, because I am convinced that we diminish the chances for peace in the world and we degrade our own society when we do not pay each other the honor of a respectful hearing. (Applause.)

Some 200 years ago Edmond Burke, the great parliamentarian of the British people, made an observation about his age: "I am aware," he said, "that our age is not what we all wish, but I am sure that the only means of checking its further degeneracy is to concur heartily with whatever is best in our time." And it's in that spirit that I am pleased to be associated with the organizations and with the people and with each of you who are represented here today who are trying, each in his own way, to identify himself with what we believe to be the best in the traditions of our country and in the hopes for the future.

Six years ago the late President Kennedy spoke to the students at American University in what I believe to have been his greatest speech, his most imaginative speech, and in that speech he described his own vision of a world at peace. It was not, he said, a world of the pax Americana enforced by American military superiority. Neither was it a balance of terror maintained by the super powers. Rather, he said, it is a world made safe for diversity in which there is the opportunity for difference of ideology, difference of political philosophy and difference of viewpoint on the issues facing all mankind. And then he said that peace must begin with each one of us, with our attitudes towards each other, with our attitudes towards the Soviet Union and with our attitudes towards our own place in the world as a great power. The President concluded his remarks that day with the announcement that he was stopping the testing of nuclear weapons in the atmosphere, no matter what any other power did, and that we would not resume if other powers did not engage in the testing of weapons. He went on to add that the risk inherent in disarmament and in reductions of the arms race would pale by comparison with continuing on the course we were then following.

Now, I think that perhaps without thinking through all the implications of it, most of us accepted the wisdom of the late President Kennedy's words just as we accepted the earlier warning of President Eisenhower that there is no longer any reasonable alternative to peace. The question then is: Why does the arms race continue? When the President spoke, our military budget stood at 53 billions of dollars. In fiscal 1970, which is immediately ahead of us, if we add in the anticipated supplemental requests, we will be dealing with a military budget of somewhere around 90 billions of dollars; and added to that are the substantial continuing costs of past wars, which bring to nearly 72% of our total federal budget the amount going to war purposes. This is seen in contrast with some 11% that we allocate for the whole range of society-building programs in the field of education, health and community development.

Now, I hope this afternoon we can be clear on one central fact. We cannot meet the challenge of a turbulent developing world with military power (applause) and we cannot resolve the ferment and the protest in our own society by force of arms. (Applause) There are problems all around this world of enormous significance to every mortal on this planet that cannot be reached with a B–52, and there are problems here in our own homeland that cannot be met by any show of power or force. And that is why we should bring an end to the war in Viet Nam and make certain that never again do we stumble into a cruel and futile effort of that kind. (Applause)

It may very well be that the only lasting value that will come from this tragic experience in Southeast Asia is the lesson that it has to teach us, that we need to look more critically at our preoccupation with military power and begin laying the foundations for more enlightened political judgments. And that, I take it, is the central purpose of this conference.

Beyond this, our recent divisive and turbulent experiences here in our own land should lead us to reexamine the domestic priorities, the domestic agenda that is before us. Today our military capability is vastly greater than it was six years ago when, as a first-term member of the Senate, I suggested a 10% reduction across the board in our military spending. So I would like to suggest here today, with a new sense of urgency, that we inaugurate in the fiscal 1970 military budget an across-the-board cut of at least 10% in military spending. (Applause) That reduction could be administered by the Secretary of Defense in the manner he deems most responsible, but there are areas of specific urgency that I would like to suggest that be high on the list of eligible cuts in the field of surplus spending.

One of those is the ABM system (applause) which we do not need, which will add nothing to our security, from all indications, and may in fact aggravate the dangers to this country by introducing another round into the arms race. There are other items in the military budget that time does not permit to tick off here today, but to suggest that there is within that enormous, swollen budget ample room for a modest 10% cut.

Now, it may be argued that defense matters are too crucial to the nation's security to seriously consider reductions of that kind. But that argument overlooks the larger dimensions of national security. If we are so preoccupied with armament spending that we permit the largest and most sophisticated cities in this country to decay at the center while millions of Americans are ill fed, ill housed and ill schooled, I do not regard that as sound national security policy. (Applause.)

Where is the wisdom in devoting so much of our own resources or talent to military defense that we undermine the foundations of the very society we are trying to defend? (Applause.) The size of the military appropriation is so enormous that, to a considerable degree, when we pass judgment on that budget we are determining much of our priorities and much of our domestic agenda.

In 1969 we are approaching, if our hopes for the end of this tragic war are realized, a period in which our capacity to convert to peacetime purposes will be sorely tested. That is the reason for the Economic Conversion Act that was introduced in the Senate yesterday by myself and by my co-sponsor senators now totaling some 35 members of the Senate, which is designed to give us a greater capability of converting from an excessive military spending to peacetime purposes.

I conclude with this question: Will we permit our country and our posture in the world to fall increasingly under the sway of military considerations or will we have the wit and the wisdom to realize that we could very easily lose the American dream if we continue to pursue the illusion of security through armaments? Before we make that choice, let us recall the words of Virgil: Easy is the descent to hell. Night and day the gates stand open. But to reclimb the slope and escape to the outer air, this indeed is a task.

That is the common task that ought to bind us all as mortals. It's a task well worthy of the best effort of each one of us.

(Standing ovation.)

Mr. MOTT. Sen. McGovern, Sens. Javits and Fulbright, Chet Huntley, we are profoundly grateful to you for having come to New York today to talk to one of the most significant parts of the peace constituency which you need to support your actions in Congress.

We are especially lucky today to have with us five brand newly-elected Senators who will be in Congress for the next six years and who will be able to represent in large part our point of view. We are thankful to Sen. Packwood and Sen. Cranston deeply for participating in today's program.

Earlier today I was asked about the program we had last night. We had a small meeting of the speakers, the sponsors, and someone said, "Where are the young people?" Well, I'm very pleased to say that other than those young people from whom you have heard so vociferously, we do have in the audience today nearly 1,000 young people from universities all over the country who are members of the constituent organizations participating in the Fund for Education and World Order who have come to join us. (Applause.)

I'm pleased also to be able to announce that thanks to the dinner gathering last night and some of the commitments made by individuals here in this audience, that the Fund for Education in World Order has identified an aggregate support for its program for the next year the sum of $400,000, and that's just the beginning.

I'd like to point out to you that many of the organizations have put literature on the tables just outside the ballroom and you are invited to pick up the pamphlets that are there for distribution.

I'd like to call to your attention also that two weeks and a day from today, on March 20th and 21st, there will be a very important

meeting on U.S.-China relations, which you are urged to attend. There is a brochure describing that on the outside table.

The National Education Television Network has covered today's program most adequately, and there will be a highlight summary of the features of the program today played tomorrow night at 9:00 o'clock in New York. There will be a program on Newsfronts tonight, and I understand that the entire program will be repeated on Sunday. You will have to check your schedule to find the times for that. I believe it's going to be screened on the nationwide network of NET.

I think the solutions to peace are quite simple. I am puzzled sometimes by the very complicated arguments put forth by many of the peace organizations who often war with each other as to the methodology. To me it seems very simple to make a plan of action to spend $5 billion not for the ABM but to produce textile machinery and other badly needed health services and supplies that can be shipped to the red menace in Russia or China that we so fear. It strikes me that we need to create a climate where conscientious objection is dignified and respected and made easy. (Applause.) It seems so simple to me that with a phased buildup of troops in Viet Nam, that we could have with equal ease a phased withdrawal of troops from Viet Nam. (Applause.)

We are not here today to pass resolutions. This is not a delegate body. However, because of Sen. Fulbright's hearings in the Foreign Relations Committee which begin tomorrow and because we understand that President Nixon is likely to bring the ABM issue to a head starting early next week and call for construction, continued construction on the ABM sites, it has been suggested that we at least give a voice vote approval to a resolution. You're not being asked to represent your organizations, only to give your opinion as individuals. The resolution reads as follows:

In the absence of a consensus of public opinion on the ABM system, we urge President Nixon to defer indefinitely any further construction on ABM sites and to permit ample additional hearings on the subject in both the Senate and the House.

Do I hear an affirmative vote? (Applause.)

I'd like to point out that our panel starts promptly at 2:30 this afternoon. You are requested to vacate the ballroom so that the tables in here can be set up for the afternoon session.

And once again, I urge you to read the literature describing the Fund for Education in World Order, to support the organization, and I thank you all for coming. (Applause.)

ORDER OF BUSINESS

Mr. JAVITS. 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.

BONNEVILLE UNIT OF THE CENTRAL UTAH PROJECT AFFECTED BY BUDGET CUTS

Mr. MOSS. Mr. President, because Utah escaped with a relatively small cut in reclamation construction funds in the budget revisions which President Nixon sent to Congress, the people of our State should not be complacent. The fact that the Nixon administration proposed such deep cuts in reclamation construction—a total of $38 million in 17 Western States—does not bode well for the future of our most important water project, the Bonneville unit of the central Utah project.

The Johnson administration had asked for $8 million for fiscal 1970 for Bonneville, and the Nixon administration did not cut this back for the simple reason that these funds were all obligated, and could not be cut.

But our neighboring States were not so lucky with their reclamation projects—Nevada, Colorado, and Wyoming all took stiff reductions.

We Utahans had hoped to increase our $8 million for Bonneville to at least $15 million. But with our neighboring States taking such cuts under the Nixon budget in their projects, Utah's chances of getting more money for Bonneville have gone aglimmering, I am afraid.

And this is tragic, because at the rate we are proceeding, it will take a hundred years to complete the central Utah project—and we cannot afford to wait that long. The heartland of Utah must have more water if we are to continue our progress.

I take vigorous issue with President Nixon in some of his decisions as to where Federal funds should be cut. He gambles with the future of the West when he cuts reclamation. It is rash and reckless to cut so deeply in funds for projects which we in Utah must have to survive.

There are many other places the President could cut the Federal budget with less harm to our people. Let us cut some of the frills before we cut basic programs like reclamation.

I suggest we abolish the Subversive Activities Control Board, for instance. This board has 14 people on its staff, and its five board members each get $36,000 a year. Yet for years they had absolutely no cases before them. Only recently, the Justice Department has given them a few cases to try to justify their existence. Yet the budget request for the Board for fiscal 1970 is for $365,000.

Let us cut the $200,000 we spend each year to advertise American cigarettes overseas. Since 1956 we have spent about $3 million to promote U.S. cigarettes and tobacco overseas. About a million of this has been spent since the Surgeon General made his damaging report on tobacco and health. Yet even since we have known beyond any doubt that smoking was injurious to our health, we have continued to spend taxpayers' dollars to promote more smoking.

Or, if you want to get at the root of the tobacco question, why do we continue to pay price support money to farmers who raise tobacco? The net price support cost of the tobacco crop in the fiscal year 1968 was $1.8 million. I, personally, would feel a lot better if we were spending money to help find alternate crops for tobacco farmers so they could make a living without having to grow a crop which is harmful to many people.

Or, finally, if you want to get into the area of real savings, why do we not admit now that the Safeguard antiballistic missile will not give this country any additional measure of real security, and cannot be justified? We could then save at least $2 billion in 1970 and some $7 billion in all.

The cuts proposed in reclamation construction by the Nixon administration are a bitter pill for the West to swallow, when there are such glaring examples of more justifiable budget cuts which could be made.

When we cut reclamation funds, we strike at the hopes and aspirations of the people of Utah and all of the West. We cannot afford to have these programs gutted, and I will certainly do what I can to see that Congress votes to override these unreasonable reclamation slashes.

WHY SHOULD WE BUILD A NEW MANNED BOMBER?

Mr. PROXMIRE. Mr. President, in former Secretary of Defense Clark M. Clifford's "posture" statement on the 1970 defense budget, which was prepared by him and the Defense Department on January 15, 1969, the figures given for United States and Soviet intercontinental bombers were as follows:

United States	646
U.S.S.R.	150

These figures, found on page 42, give the strength of each nation as of the first of September 1968. These are the heavy bombers which could fly two-way intercontinental missions. In a footnote it is pointed out that the Soviets also have a force of medium bombers and tankers capable of striking Eurasian targets.

NO EVIDENCE OF SOVIET DEPLOYMENT OF NEW BOMBER

On the following page, the then Secretary said:

> The estimate of the Soviet manned bomber force is essentially the same as presented last year. There is still no evidence that the Soviets intend to deploy a new heavy bomber in the early 1970's. (p.43)

On page 46 of Secretary Clifford's posture statement he also said:

> Their BISON and BEAR long range bombers are distinctly inferior to our B–52's and we have long since eliminated from our forces the B–47's which were clearly superior to their BADGER medium bombers.

SECRETARY LAIRD SHIFTS PROGRAM

It seemed clear that we had an overwhelming superiority over the Russians both in quantity and quality of our manned bombers.

But when Secretary Laird came before the Senate Armed Services Committee on March 19, 1969, he said in his "new" posture statement that the Pentagon had decided to cut off the FB–111 program at four squadrons and concentrate our efforts on the development of a new strategic bomber, AMSA.

AMSA stands for advanced manned strategic aircraft.

Secretary Laird further testified that the fiscal 1970 budget of the outgoing administration provided $77.2 million to continue the competitive design phase—engineering drawings, wind tunnel testing, and mockups—for the AMSA and

to advance the development of the long leadtime avionics and propulsion system.

Then, in what I thought was a highly significant and, at that time, little notice sentence, Secretary Laird said:

We now propose to increase that amount by $23 million to shorten the competitive design phase and *permit the start of a full scale engineering development in fiscal year 1970.* (Italics added.)

NEW MANNED BOMBER TO BE BUILT

I took this to mean that the Air Force was now going ahead with the AMSA. It appeared to me that by adding $23 million, they were on their way. If they reached the so-called contract definition stage with the added $23 million, they would then build at least one prototype at a cost certainly in the neighborhood of $1.5 to $2 billion. I was also told that the Air Force planned to build 240 planes. It was said the estimated cost was $50 million per plane. The added $23 million, according to the Secretary, "could advance the initial operation capability—IOC—of this aircraft by one year from 1978 to 1977." In other words, $23 million now would mean delivery of the fleet in 1977.

On April 7, I wrote a letter to the Secretary asking pointedly if they now intended to build this new manned bomber. While I have not yet received a reply—and I make no point about that, since I asked a series of detailed questions which will take some time to answer—the Secretary of the Air Force, Robert C. Seamans, Jr., and the Air Force Chief of Staff, Gen. John P. McConnell, have called for the development of a new manned bomber, in testimony behind closed doors of the Senate Armed Services Committee, according to published reports.

DECISION STRAINS CREDULITY AND CREDIBILITY

Mr. President, this decision, in my judgment, strains the credulity of Congress and the credibility of the military. By an appropriation this year of $23 million, we essentially back into a new manned bomber program which will cost at least $12 billion, and which will not be delivered until 1977.

In addition, the history of both costs and delivery dates for major weapons sytsems is such that they routinely are delivered 2 to 3 years late and at costs which greatly exceed estimates. In my judgment, then, we are talking about a fleet of 240 planes which will be delivered a decade from now at a cost of at least $24 billion.

OBSOLETE BEFORE IT FLIES

But the fundamental question is why we should be building a manned bomber in an age of sophisticated missile systems. Most people think the weapon will be obsolete before it ever flies.

In 1962, 7 years ago, the President and the then Secretary of Defense resisted an expensive addition of manned bombers. Secretary Laird said the AMSA would be operational in 1977, or 8 years from now, or 15 years after the highest officials of our Government questioned the fundamental need for an additional generation of manned bombers.

EFFECT ON THE ARMS RACE

There are other important questions which this action raises as well. What effect will this decision have on the arms race?

Will not the Russians feel compelled to increase either the number of their bombers or the defensive system needed to cope with AMSA or to improve their offensive weapons, or all three? And will this not in turn lead the Military Establishment in this country to argue that because the Russians have increased their proportionate effort, we must also increase the expenditures of our resources for additional weapons to meet their new threat?

BACK DOOR TO DEVELOPMENT OF THE SST?

There is one further point I should like to make. There are some who believe that the program is going forward in order to develop a supersonic transport (SST) essentially under military aegis in order to meet the overwhelming objections to the continuation of the SST program at a time when priorities for virtually every other domestic program rate higher on any rational scale.

INTEND TO OPPOSE FUNDS

Mr. President, unless new overwhelming evidence is produced, I intend to fight the development of the AMSA. I believe that this request is an example of the operation of the military-industrial complex at its worst.

PLANE UNNEEDED

From all the independent evidence we have, the plane is unneeded. The reports I quoted from Secretary Clifford's statement concerning the national intelligence estimates of the Russians plans and capabilities with respect to manned bombers certainly give no reason to go ahead with the development of AMSA.

To build a new, highly expensive, multibillion dollar manned bomber in these circumstances is both a waste of our resources and an example of misplaced priorities.

CAN ENFEEBLE OUR DEFENSE

I give way to no man in my concern for the safety and security of the United States of America. But if we build AMSA, not only will the cost be immense, but also, by devoting funds to obsolete weapons, we enfeeble our military strength and make this Nation less secure rather than more secure.

I have circulated a letter to a number of my colleagues urging them to join me in opposing the development of AMSA. I believe that both Congress and the Country should be warned against this folly.

I ask unanimous consent to have a copy of the letter. I sent to Secretary Laird on April 7 printed in the RECORD.

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

APRIL 7, 1969.

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

MY DEAR MR. SECRETARY: In your "posture" statement to the Senate Armed Services Committee on March 19, 1969, you addressed yourself in part to the subject of a new supersonic manned bomber—the AMSA (Advanced Manned Strategic Aircraft—pp. 29–30).

You pointed out that the original fiscal year 1970 budget submitted by the previous administration:

". . . provided $77.2 million to continue the competitive design phase (engineering drawings, wind tunnel testing, and mockups) initiated with fiscal year 1969 funds and to advance the development of the long lead time avionics and propulsion system."

Then, in what appears to be a highly significant although little noticed sentence, you continued:

"We now propose to increase that amount by $23 million to shorten the competitive design phase and *permit the start of a full scale engineering development in fiscal year 1970.*" (Emphasis added.)

You then concluded,

"With the new design proposals in hand, we should be able to resolve, once and for all, the long-standing controversy over the configuration of AMSA. While no decision on production and development need be made now, the accelerated R. and D. effort could advance the Initial Operational Capability (IOC) of this aircraft by one year, from 1978 to 1977."

In your statement you also said that:

"We have decided to cut off the FB 111 program at four squadrons and concentrate our efforts on the development of a new strategic bomber, AMSA."

So much for the facts.

The statements raise highly important questions of far reaching significance. I am told by what I consider to be most reliable sources that they have some, if not all, of the following implications.

(1) The addition of $23 million to the budget will take the project into the "contract definition" stage.

(2) Your statement that this will "permit the start of a full scale engineering development in fiscal year 1970," means that one or more prototypes will be built.

In other words, by the addition of a mere $23 million now, the new bomber ultimately costing billions will be built. I am told that the Air Force estimates that the contract definition stage will be arrived at by about November 1969.

(3) The effect of reaching the contract definition stage essentially commits us not only to the prototypes (which puts costs over the billion dollar level) but, in the absence of overwhelmingly negative results, essentially commits us to a full scale program.

In other words, this is "a" or "the" critical decision. This certainly would seem to be borne out by the decision to cut off the existing FB 111 program at four squadrons and to eliminate funds for it altogether in FY 1970.

(4) I am told that the program calls for 240 planes at an estimated cost of $50 million each. As the C–5 cargo plane will cost at least $40 million a plane and the original estimates for the SST were from $30 to $40 million a plane, this figure would seem to be on the low side. As you know, costs would be higher because a supersonic, high- and low-level bomber not only must carry the same sophisticated instrumentation as a supersonic civilian plane but also must carry the highly complex weapon system instrumentation as well.

Estimates therefore are as high as $80 million per plane.

(5) This means that by the addition of a very small amount—$23 million—this year, we are essentially committed to at least a $12 billion program. It could go much higher.

I need not point out that this is double the cost of the whole ABM program about which there is such controversy.

(6) This also raises the fundamental question of why, in an age of sophisticated mis-

siles, should we be moving to a new, major, highly expensive, multi-billion dollar manned bomber weapon system?

In 1962, seven years ago, the President and the then Secretary of Defense resisted an expensive addition of manned bombers. The AMSA would not be operational until 1977, eight years from now or 15 years after the highest officials of our government questioned the fundamental need for an additional generation of manned bombers.

Will not the AMSA be obsolete by the time the fleet of bombers is delivered?

(7) Even more far-reaching is the question of what effect this decision will have on the arms race? Will not the Russians feel compelled to increase either the number of their bombers or the defensive system needed to cope with AMSA or to improve their offensive weapons, or all three? And will this not in turn lead the military establishment in this country to argue that because the Russians have increased their proportionate effort we must also increase the expenditures of our resources for additional weapons to meet their new threat?

At this time, public estimates are that the Soviets have 155 strategic bombers to our 680, and have recently de-emphasized their program. Should we not take advantage of this development rather than run the risk of stimulating a manned bomber race?

(8) There are some who believe that the program is going forward in order to develop a supersonic transport essentially under military aegis in order to meet the overwhelming objections to the continuation of the SST program at a time when priorities for virtually every other domestic program rate higher on any rational scale.

In view of all of this, I want to ask for answers to the following specific questions.

First. Do you intend to reach the "contract definition" stage for AMSA by approximately November 1969 or, in any case, in the coming fiscal year?

Second. Does not the addition of the $23 million to start "a full scale engineering development" mean that contracts to build the plane will be let?

Third. What is the minimum estimate of the cost per plane at this time, including research, development, technology, and engineering, and the provision for spare parts?

Fourth. Do not present plans call for a fleet of 240 planes and a program which would be operational by 1977? What is the estimated ultimate cost of the program?

Fifth. Why in an age of highly sophisticated missiles, do we need a more advanced manned bomber than the B–52 or the FB 111? And do we need one which will not be operational until at least 1977. And in view of the fact that almost every recent major weapon system has been delivered two to three years late, are we not really talking about a new manned bomber becoming operational a decade from now? Is this plane really necessary?

Sixth. Given the present state of world affairs, what are the implications for a further intensification of the arms race if this program is launched?

It may be that there are rational and reasoned answers to these questions. But from the information I have, there is every possibility that without critical examination we will back into a multi-billion dollar, unneeded program, which will be obsolete before it is finished, and which could heat up the arms race.

Before we commit ourselves to a $12 billion manned bomber program by spending $23 million, the Country and the Congress should know what it is doing.

Because of your definitive statement that funds for the FB 111 program will be eliminated in fiscal year, 1970, I have every reason to believe that we are essentially committing ourselves to this far reaching AMSA program.

If this is true, the public should know it and be fully aware of its consequences. I would welcome answers to the questions I have asked and a definitive statement about the consequences of the added funds for a full scale engineering development.

With best personal wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

DISRUPTION AT CORNELL UNIVERSITY

Mr. JAVITS. Mr. President, yesterday, the faculty of Cornell University voted 726 to 281 to reject an agreement recently signed by the university administration and a group of gun-carrying students who had occupied the student center for 36 hours. What American was not appalled by the picture on the front pages of our newspapers, probably throughout the country, although I have not seen them all, of these students carrying rifles and bandoliers of ammunition, marching out of Willard Straight Hall?

Yesterday's vote was not an easy one for the faculty, which is as liberal as the students in most universities. I know Cornell University very well, and I think it is true there also.

Under such circumstances, the faculty deserves to know whether it has support in refusing to be coerced—literally at the point of a gun—into granting concessions which the faculty considered unreasonable.

I support the faculty position, and I hope very much that most students, white or black, at Cornell support the faculty position as well. I support it because I think it is in the best interest of the objectives of broader student participation in the university's affairs and of the black students themselves. It is my duty to make known this support because I have stood in this Chamber, in the Chamber of the other body, and before other public forums not only throughout this country but throughout the world and fought hard for civil rights, the right of 18-year-olds to vote, Federal aid to higher education, and student recognition.

The issue which prompted student occupation of Willard Straight Hall was the disciplining, by judicial procedures within the university, of five students who were involved in incidents last winter. Dean of the faculty, Robert D. Miller, had agreed on behalf of the administration—to avoid the danger of armed confrontation between students and police, which was appallingly real—to recommend to the faculty that these measures be abandoned in exchange for ending the occupation. The faculty rejected the compromise with this statement:

> Without in any way judging the merit of the judicial decisions recently taken with respect to the black students, we believe that to reverse the decision under coercion and threat of violence would endanger the future of the university and we refuse to do it.

Mr. President, these are brave men.

Four years ago Cornell, under the gifted leadership of James Perkins, a very old friend of mine, began a program to recruit black students from the ghetto. They are entitled to no special thanks for having done so; they should have. But they did it and they were one of the first universities to do it.

Last fall Cornell announced plans for an Afro-American curriculum, putting it ahead of many universities in this respect. Whatever the deficiencies of these plans, whatever the honest grievances of the black students, dictating conditions under a threat of armed violence is absolutely unacceptable. Peaceful protest such as employed by the late Dr. Martin Luther King often involved physical occupation of a building or public facility, in testing State laws or local laws, many of which were unconstitutional. But never, never were rifles, shotguns, or bandoliers of ammunition part of that protest.

Much has been accomplished in the last decade through peaceful demonstration, but these events at Cornell are not of that character. These particular students have acted in such a way as not to protest an injustice, but to coerce capitulation. If "agreements" obtained under these conditions are tolerated in this university, the tactic could be employed in universities throughout the land, eventually bringing down our entire system of higher education.

I have fought here and elsewhere for years against military dictatorships. The specter of young people armed with rifles and bandoliers of ammunition making law in the mouth of a gun, is a frightening reminder of that kind of tyranny.

In refusing to accept such an ultimatum the faculty acted as it had to act to maintain the integrity of the university. The protestors, by arming themselves and threatening with arms, went beyond the brink. They cannot be allowed to prejudice and harass the whole legitimate student protest movement by such recklessness.

A cross was burned in front of the dormitory housing coeds, largely black young women. When those guilty of that grievous offense are caught, I shall speak as strongly against any amnesty for them. That act of terrorism is just as damnable and reprehensible as the actions we are condemning here today.

A related fact worthy of note in this connection is the easy availablity of guns to students. It is my understanding that for some weeks there were rumors on the Ithaca campus that firearms were being stockpiled, but since it is not against the law there for anyone to purchase and own a rifle or shotgun without registration, moral persuasion was the only weapon the administration had to prevent the stockpiling. Obviously, a stronger law in New York and nationally—as many of us have been advocating for years—would have delayed purchase, enabled authorities to keep track of purchases, and perhaps have averted this most unfortunate incident.

The Governor of the State of New York, in a fortuitously well-timed action—has just signed a measure calling upon colleges and universities in the State to file plans for dealing with stu-

dent disorder as a qualification for receiving State aid.

This, incidentally, I think, is a most intelligent and constructive action to take because it leaves the primary responsibility of deciding how to handle the matter in the hands of the college authorities.

Colleges and universities have adequate power to deal with the situation, provided we hold up their hands. That is what law and policy should do, rather than pit the Government of the United States against the individual student through student loans.

The Cornell incident is a clear and naked situation in which the faculty has stood up and on which I consider it an honor to support them.

I hope very much that this unfortunate experience will prove three things: First, that the universities and colleges have the necessary means and the authority in their own hands, through discipline, to act to deal with this situation most effectively.

Second, that we can encourage them to exercise that authority as being in the highest interests of higher education in the United States.

Third, that the friends of student recognition and the supporters of reforms which are being sought, have a special obligation to stand up in exactly this kind of situation. Their credentials are good, so they have the best chance to communicate with the students and to see that the movement is not corrupted, despoiled, or destroyed by the kind of recklessness shown by these misguided and very ill-advised young people at Cornell University. It is for these reasons that I have spoken today, Mr. President.

I ask unanimous consent to have printed in the RECORD the articles published in the New York Times, referring to these incidents and also to the signing by the Governor of New York of the bill to which I have referred.

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

CORNELL FACULTY VOTES DOWN PACT ENDING TAKEOVER—DRAFT RESOLUTION CONDEMNS OCCUPATION OF HALL AND THE CARRYING OF GUNS—CAPITULATION ASSAILED—WHITE STUDENTS DENOUNCE AS APPEASEMENT ACCORD ON SEIZURE BY NEGROES

(By Homer Bigart)

ITHACA, N.Y., April 21—The campus of Cornell University was under a "situation of emergency" this evening as the faculty met to decide whether the administration should honor a seven-point agreement under which gun-carrying Negro students ended a 36-hour occupation of the student center yesterday.

A test vote, taken after two hours of debate, showed the faculty rejecting the agreement, 726 to 281. The vote was taken on a draft resolution condemning the forcible occupation of Willard Straight Hall "and above all the carrying of guns as a part of the action."

A crowd of white students carrying placards denouncing the agreement as "capitulation" and "appeasement" greeted 800 faculty members as they filed somberly into Bailey Hall to deliberate ratification of the agreement between members of the militant Afro-American Society and the dean of the faculty, Robert D. Miller.

THREATEN TO RESIGN

Dean Miller promised to recommend nullification by the faculty of judicial procedures against five students who were involved in incidents last December and January. But he faced what appeared to be a growing faculty revolt. A number of professors of the College of Arts and Sciences went to the meeting threatening to resign if the procedures were nullified.

The faculty, which was in no mood for what it called "capitulation," concluded in its resolution:

"Without in any way judging the merit of the judicial decisions recently taken with respect to the black students, we believe that to reverse the decision under coercion and threat of violence would endanger the future of the university and we refuse to do it."

Earlier, President James A. Perkins announced "emergency action."

No more guns on the campus, he said.

Dr. Perkins called it a "shattering experience" when Negroes, many of them carrying rifles and shotguns, and draped with bandoliers, came out of Willard Straight Hall.

"This incident cannot be repeated," Dr. Perkins said. "I am now declaring that on the campus students and nonstudents will not be allowed to carry a gun.

"Any student who is found carrying a gun outside his own room will be automatically suspended and any nonstudent seen or found carrying a gun will be arrested."

Also Dr. Perkins forbade the seizing of campus buildings.

"Any student who enters the building for the purpose of occupying it for coercive purposes would also be automatically suspended and any nonstudent who enters a building for the same purpose will be liable to arrest."

Without mentioning the Afro-American Society, Dr. Perkins said he would move to disband any organization that tried to occupy a building henceforth.

Later, at noon, he declared a situation of emergency, saying he had assumed full authority and responsibility for the safety and security of the campus and that he would establish an emergency advisory board of three faculty members, three students and three members of the administration.

RELATIONS WITH TOWN CHANGE

Relations between Ithaca and Cornell have seemed patterned on the stormy town vs. gown syndrome. Dr. Perkins has sometimes been critical of the town and county for police intrusions on the campus, generally defending his students. Now, in this crisis of arms, he said he had been in constant contact with Mayor Jack K. Kiely and Tompkins County District Attorney Matthew McHugh.

He said he did not feel the situation critical enough to ask Mayor Kiely to declare a "limited state of emergency," which presumably would give the local and state police free rein on the campus. Dr. Perkins said he had gone this far in hopes that "more drastic action may be avoided."

His strongly worded pronouncements gratified those students and faculty members who opposed what they called "appeasement" of the blacks.

WHITES DEMONSTRATE

Before Dr. Perkins spoke, a dozen white students marched past the podium carrying slogans, "guns off the campus" and "stand up for freedom." They drew applause from perhaps a third of the assembly and a few scattered hisses.

The throng listened politely. For 22 minutes, Dr. Perkins spoke of the need for humanity on the campus, making no direct reference to the tumult of the last three days.

Dr. Perkins said he was speaking at a "time of trial and anguish for our country, for higher education and Cornell University."

"And the question before the house today, and in the immediate days to come, is whether we have the collective wisdom and sensitivity in sufficient measure to deal with what I am certain future historians will doubtless call one of the great testing points in that peculiar institution we call the university."

The problems of the modern university and Cornell in particular was "the pressure of new priorities," and the "pressure of decentralized decisionmaking."

Discussing these priorities as they affected university governance, Dr. Perkins said, "Participation of the community will have to be increased by an order of magnitude." This applied to all levels of the university community but did not mean "instantaneous town meeting," he said.

"What are the chances for success that this great university and the great people in it will be willing to deal with the triple problem of humanizing our studies, humanizing our priorities, and humanizing our governance?" Dr. Perkins asked. He said he did not know the answer, but he was hopeful.

URGES HUMANE APPROACH

He concluded:

"If the process is looked at, studied, examined, and managed by those who take a selfish and parochial point of view, those who do not see in this audience the fact that this is a large and differentiated human community, those who believe that clinging to the past is safer than the explorations of the future, those who believe that their only recourse to the kind of world they wish is through violence, and those who feel that any change is anathema; if this is what we see when those in this room look in the looking glass they are not likely to be the decisive instrument for seeing to it that the world ahead of us is the one in which we wish to live.

"If we approach this complicated task as humane men, all is possible."

Before the convocation, faculty members and students of various groups were busy caucusing. It was a mild, sunny day and the fringes of the campus were golden with forsythia, but an air of tension prevailed.

The department of government faculty held a caucus and came out strongly against guns.

All but four of the department's 20 professors signed a manifesto saying that they would suspend classes and "review our relationship with the university" if the faculty endorsed Dean Miller's action.

They were joined by 11 other professors from Arts and Sciences. Among the signers were Clinton Rossiter and George Kahin, authorities on government administration.

The manifesto chided President Perkins for his statement "belatedly forbidding the carrying of guns," and said that Dean Miller's motion to nullify the judicial procedures of the university posed an "intolerable and, one would have thought, unthinkable situation."

EXCERPTS FROM TALK BY PRESIDENT OF CORNELL UNIVERSITY ON STUDENT DISSENSION

(NOTE.—Following are excerpts from the speech yesterday by James Perkins, president of Cornell University.)

We meet this afternoon at a time of trial and anguish for our country, for higher education and for Cornell University. And the question before the house today and in the immediate days to come is whether we have the collective wisdom and sensitivity in sufficient measures to deal with what I am sure future historians will doubtless call one of the great testing points in that peculiar institution we call the university.

The first thing I wish to say is that we must be mindful of the fact that in the nineteen-sixties American society, indeed society around the world, was engaged in that wrenching process of substituting new priorities for old. And such a circumstance, which does not happen every decade, is one

where free institutions are put to their finest test.

For a university, the problem is particularly most important and severe. It's important because in the Western world there is no other community that has a chance to pick through on a time scale comparable to the problem, to pick through the balance of values and factors needed to come up with wise social policy.

PARALLEL WITH 1850'S

The first question is what in the nineteen-sixties, seventies and eighties will be, and must be, considered humane studies. We are at the point of re-examination of our whole curriculum, somewhat like that of the eighteen-fifties, where some of you may know this country went through another convulsion prior to the Civil War, and the universities were caught in the middle of it, and the convulsion had to do whether or not the universities were going to maintain a narrow notion of curriculum of a classical variety or whether they were going to be useful to society by taking up matters having to do with agriculture and industrial development.

That decision looked like it might not be made in the forties and fifties, and just before the Civil War there had been three years of an absolute decline of the number of students going to institutions of higher education, because they had decided—if I may use the modern term—they had decided they [the institutions] were irrelevant.

This same atmosphere is part of the picture of the nineteen-sixties, and our curriculum is now in the process of being re-examined from stem to stern to make sure that the contents of what we learn and the style in which we teach represents the new priorities rather than the old ones.

EMPHASIS ON HUMANE STUDIES

The emphasis in the next decade is going to be on the humane studies, in order to perfect a much better balance in the content of what we teach with our science and technology. It must also at the same time recognize that humane teaching involves a priority to the learner rather than to the knowledge that the learner must learn.

This brings me to the second big problem that we have quietly and in an unstated way been debating in the last year, and tentatively in the last few weeks and the last few days. The world, in my judgment, has assumed new overriding priorities, and I would like to state them.

The priority that is growing on the public attention, and has not by any means reached its apogee, is a concern for peace.

A second priority that is pushing on stage is the priority of justice, as opposed to affluence. Those who came through depression years have frequently told you and reminded ourselves that it did not seem to us that justice was possible in a world where 20 per cent of the population was unemployed. I'm not sure today that that's possible. But our overriding preoccupation in seeing to it that the country got on its feet blinded us, in my judgment, to some of the consequences of the measures we took to produce full employment and an affluent society.

PREOCCUPATION WITH RICHES

That blindness is being eroded, and the dark glasses are coming off as we face the kind of world and environment that has been produced by a single-minded preoccupation with affluence and full employment. We are at last, and lately, coming to recognize that the function of society is to serve the needs of the people who are members thereof, and that an unjust society has within it the seeds of its own destruction. And no amount of affluence without a just society can even in the long run be affluent.

A third priority: And that is a preoccupation—as I've indicated—with the individual as such. Partly for reasons of hegemony, partly for reasons of stability, partly for reasons of affluence or determination to achieve it—a nicer way to put it is full employment—we have forgotten perhaps that the purpose of the whole human exercise has got to do with the prospects for the greatest conceivable development of each independent and distinct human being and the priority of requiring attention to the individual differences is now overriding the priority of the human being in his collective aspects.

THE RIGHT TO PARTICIPATE

A third point, where the two pressures of new priorities and university adaptation comes together, have to do with the nature of the governance of this big and complicated community.

This involves students and faculty; this involves administration and trustees; this involves all of us, recognizing that no community can be considered legitimate in which we or those of us who ask for the right to participate in its decisions have that right denied.

This does not mean that everything we do has to be run or can be run by instantaneous town meetings operated by a hundred computers spread throughout the campus. It does mean that we are only at the beginning steps of figuring out how those who have a right to be heard shall be heard at the right point where their being heard will be, in fact, effective.

This is going to be one of the most complicated self-examinations in political science and public administration the country has yet known, and that the university has yet known.

What are the chances of success? That this great university and the great people in it will be able to deal with the triple problems of humanizing our studies, humanizing our priorities and humanizing our government. I do not know this afternoon the answer to that question.

I do know, however, that if the process is looked at, studied, examined, and managed by those who take a selfish and parochial point of view, those who do not see in this audience the fact that this is a large and differentiated human community, those who believe that clinging to the past is safer than the explorations of the future, those who believe that their only recourse to the kind of world they wish is through violence, and those who feel that any change is anathema—if this is what we see when those individuals look in the looking glass at themselves, the university is not likely to be the instrument, the decisive instrument, for seeing to it that the world ahead of us is the one in which we wish to live.

A NOTE OF OPTIMISM

However, if while looking at ourselves we see people who at least will try to be sensitive to the agonies of others, who will be patient with the process of resolving individual differences, because they know we have the right to be different; if we see people who are courageous enough to see the pillar that leads to the future, as opposed to wanting to sit on the beaches of the past; if, in short, when we look at ourselves we see the prospect of humane men and women, believing that this is a great university and will be one for decades to come—and that whatever the trials and difficulties, we will be determined that we will act in the large way of which I have come to discover most, if not all, of the people in this room have acted in similar circumstances—I end therefore on a note of optimism tinged with concern.

My optimism stems from the fact that I have never seen a major issue in the some six years I have been at Cornell addressed by those who have done so with sensitivity and human compassion, notwithal in a way that has made looking back on it proud of us, proud of ourselves that we are Cornellians.

If we approach this complicated path as humane men, all is possible, as this afternoon, I firmly believe to be the case.

GOVERNOR SIGNS MEASURE REQUIRING COLLEGES TO MAINTAIN ORDER

(By William E. Farrell)

ALBANY, April 21.—Governor Rockefeller today signed a bill that requires all colleges and universities in the state to adopt rules and regulations for the "maintenance of public order" or run the risk of losing state financial aid.

The bill requires college and university trustees to adopt within 90 days rules of conduct as well as an enforcement program that govern the conduct of students, faculty, staff and visitors.

In a statement, Mr. Rockefeller said that "penalties for violation are to be clearly set forth and must include provisions for ejection of violators from the campus and suspension, expulsion or other appropriate disciplinary action in the case of a student or faculty violator."

CITES CORNELL DISORDERS

"The intolerable situation on the Cornell University campus dramatizes the urgent need for adequate plans for student-university relations and clear rules governing conduct on the campus," Mr. Rockefeller said.

"The absence of such plans and established rules of conduct create an atmosphere in which serious disorders can arise and destroy the orderly functioning of any university."

The Governor said the failure to file such rules and regulations with the state within the 90-day period "would render the college ineligible to receive any state aid or assistance until they were filed."

The bill signed by the Governor was sponsored by Assemblyman Charles D. Henderson, Republican of Steuben County. It was prepared by a special Assembly task force appointed by the Republican speaker, Perry B. Duryea Jr., and was passed by the Legislature last month.

The bill was one of several passed by the Legislature this year aimed at campus disorders. It is considered by some to be the mildest of all the measures passed and is the first to be signed by the Governor.

One source said tonight that it was unlikely that Mr. Rockefeller would now sign the so-called Flynn bill—named for its sponsor, Senator John E. Flynn, a Yonkers Republican. This bill would ban state financial aid to college students convicted of crimes "committed on the premises of any college."

It has been attacked by opponents as being discriminatory because it would affect low-income students who receive state stipends, and not those involved in fracases who pay their own tuition.

The Flynn bill has also drawn the opposition of State Education Commissioner James E. Allen Jr., who said it by-passed college officials, who, he has said, should be responsible for setting rules and regulations governing conduct on campus.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

URBAN MASS TRANSIT PROBLEMS AND A PROPOSED SOLUTION—SENATOR HARRISON A. WILLIAMS, JR., ONCE AGAIN LEADS THE WAY

Mr. MONDALE. Mr. President, in his recent message to Congress, President Nixon announced that he will soon recommend a new program for the development of our Nation's mass transit systems.

Over the years, the junior Senator from New Jersey (Mr. WILLIAMS) has initiated almost all of our Nation's mass transit legislation. Senator WILLIAMS was the author of the now historic Mass Transportation Act of 1964. Recently, he again exhibited his leadership when on February 17, 1969, he introduced the Urban Mass Transportation Act of 1969. This proposed legislation would create over a 4-year period of time a $1.8 billion trust fund in order to finance our Nation's mass transit programs. The need for additional financing of our mass transportation programs becomes obvious when it is realized that the annual national appropriation is now a mere $160 million.

In a speech delivered on March 11, 1969, before the Fourth International Urban Mass Transportation Conference, Senator WILLIAMS explained his proposed legislation in detail and called on commuters, truckers, and highway interests to support its provisions. I sincerely hope that President Nixon will give careful consideration to the Williams bill before making any specific recommendations to the Congress. With the President's support, I am confident that this legislation can create the transit systems necessary to meet the future needs of our Nation.

Mr. President, I ask unanimous consent that the text of Senator WILLIAMS speech be printed in the RECORD.

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

URBAN MASS TRANSIT PROBLEMS AND A PROPOSED SOLUTION

At long last, the spotlight of public attention has been focused on our transportation problems. Everyone residing in the metropolitan area is a living example of the horrible statistics and he knows what the message is—better and more efficient public mass transportation.

Additional money must be spent. Improved facilities must be made available. Improved coordination between Federal and local government is absolutely essential. If this is not done, we all will struggle on in a morass of endless traffic congestion.

The need, as all of you know, is self-evident. In 1910 more than half of our population was urban; today that figure is increased to more than 70%.

The convenience, productivity and income of this urban majority are obviously dependent upon transportation. The life of the city depends on its transit system. Inefficient transportation services increase the costs of local industry and commerce. They rob citizens of their time and comfort.

Transit systems created 50 years ago may have served very well the needs of that distant day—but no amount of patching of the old will be adequate today, not to mention tomorrow. We have only to look at Boston, Los Angeles and New York City.

To prove the point. One all too prevalent example is the New York I.R.T. When it first started, the I.R.T. carried its passengers at 40 MPH. It was both comfortable and speedy. Today, Gilbert Burck of Fortune Magazine has called the I.R.T., "one of civilization's most degrading experiences." It is dirty, unreliable, and uncomfortable. In addition, it is totally unsafe. Thefts and muggings are abundant. There are 400 suicides or fatal "falls" each year. All this helps to keep the subway policemen busy. Did you know that they total more than all but two dozen cities have above ground?

However, not the least of the I.R.T.'s or perhaps any of the old mass transit's worries is its grave fiscal problems. The I.R.T. loses $7-million per year in operating losses and a great deal more than that if depreciation is counted.

Other examples which could be cited would include the New Haven and the Erie Lackawanna, both of which are commuter lines which are bankrupt. In our dynamic society people move. They have, they are, and they will leave the city core for the suburbs. With them move the industrial skilled job opportunities. At the same time, white collar administrative jobs in the central city increase.

To meet the transportation problems caused by this shift, people automatically turn to private automobiles. In city after city, there is no adequate alternative. The results have been both predictable and inevitable. The air is foul with fumes, accidents take more than 150 lives a day. In areas where land is at a premium, it is devoured by streets, garages, and parking lots. Today almost 50% of the land in suburban areas belongs to the cars. 41,000 miles of interstate highway were allotted by Congressional legislation in 1956. Upon its completion in 1972, this highway will occupy more land than the entire state of Rhode Island. And there is already a clamor to extend the program.

These roads and others utilize lands which were once productive in now-needed tax revenues. This, though, is just highways.

The automobile itself is a prime hoarder of space. The average automobile with one person in it utilizes more space than nine times one person riding in a mass transit vehicle.

Mayor Raymond Tucker of St. Louis put the situation this way: "The plain fact of the matter is that we just cannot build enough lanes of highways to move all of our people by private automobile and create enough parking space to store the cars without completely paving over our cities and removing all of the . . . economic, social, and cultural establishments, that people are trying to reach in the first place . . . even if we could do it physically, the costs would bankrupt the combined resources of the cities, state and Federal governments."

The Department of Commerce concurred: "Merely adding highways which will attract more automobiles which will in turn require more highways is no solution to the problem of urban development."

While I can't predict that the urban tortoise will turn into a hare—I can on this lucky day of March tell you better days are on the way (more about that in a minute).

This vast expanse of concrete which continually proliferates has not achieved the intended results. Indeed as far as the life of the city dweller is concerned, our highway system has been a complete and utter failure. There's nothing better than the interstate highway as you wing your way across the country. But when it brings you to the city, you stop.

It's difficult to put a price tag on this intra-city traffic congestion but everybody has been trapped in a snail-like traffic jam and you don't need figures to explain your losses.

To express companies and other industries that use trucks, the lack of an efficient transit system is painfully clear. For example, last Friday morning one of my staff members boarded a general delivery truck in Newark, New Jersey, at ten after eight. Nine and one-half miles and an hour and twenty minutes later he finally reached the other side of the Holland Tunnel in downtown New York. For 45 more minutes he travelled just four or five blocks with the truck driver, who then made his first delivery of the day.

The truck driver cheerfully explained that this was a better day than usual since the threat of snow had eliminated many of the automobiles which would have otherwise been on the road.

McCall's magazine estimates that traffic delays cost its publication approximately $50,000 extra annually. The costs are extra drivers' pay, gas, and equipment. When frustrations build up—and the driver gets "up tight", efficiency drops and accidents occur.

When we relieve the worst traffic congestion with better passenger transit—and we can and we will—one of the first beneficiaries will be the trucking industry. I am not being facetious, therefore, when I extend a friendly hand of invitation to this industry—an invitation to help enact legislation designed to provide an efficient mass transit system.

Obviously more highway money is not the answer. Since 1957, $36-billion has been spent on highways. In fiscal 1967 alone the Federal Government spent $5.35-billion on urban and intercity transportation. Of this amount, only $160-million, a mere 3% went for mass transportation—billions for highways, but tokens for urban mass transit.

An illustration of the absurdities of our priorities is that just last year we committed ourselves to an anti-ballistic missile system, the cost of which will be $10-billion and if this system was expanded to total coverage, Senator Symington estimates it could go to $400-billion. This is a system which I think all will agree is of doubtful value—it may not even work. These billions can and must be put to uses of proven value. Less than half of the initial $10-billion would supply total mass transportation for the cities of Los Angeles, Seattle and Atlanta. This money would bring to our nation a mass transportation system second to none. And one of which we would all be proud.

The fact of the matter is that just not enough Federal money has been made available for mass transit programs. $175-million has been appropriated for fiscal 1970. The minuteness of this appropriation becomes absurd when you realize that $37.00 of Federal money is spent on highways for each $1.00 spent on mass transportation.

Seven major capital grant applications presently pending before the Department of Transportation already amount to more than $206-million or $31-million more than is available. Moreover, these applications do not reflect the true need for mass transit funds. Rather they reflect what officials of seven existing systems feel they can reasonably expect to get out of the limited funds available. To come anywhere near satisfying the mass transit needs it is estimated that $15-billion will be necessary over the next ten years.

To overcome the deficiency of funds needed to build a better and more balanced transportation complex, I have introduced the Urban Mass Transportation Act of 1969. Congressmen Patman and Barrett have introduced the same bill in the House of Representatives. This bill will establish a mass transportation Trust Fund to provide the capital investment necessary to meet the growing transportation needs of our nation's cities.

The Mass Transportation Trust Fund would be financed by a portion of the declining excise tax on automobiles from 1971 through 1974. Over this four-year period an estimated total of $1.8-billion would be available for loans and grants for mass transportation.

Right now I want to declare emphatically that this does not infringe upon or touch one single penny of the highway Trust Fund. It merely takes our existing tax presently paid

into the general Treasury funds and applies it to mass transportation.

Funds from the program would be used for both Urban Transportation *and* Urban Development. The bill would also permit both a loan and grant to a single transit system—a flexibility not possible under the present law. A further provision directly links mass transportation projects to over-all city planning.

This bill would also alleviate the problems resulting from the artificial restriction limiting the amount of funds spent on any one state to 12.5%. While I envy the open spaces and natural beauties of Wyoming, Wyoming's need for urban transportation funds is not equal to that of New York, New Jersey, Pennsylvania, Illinois, or California. To equitably balance the program, the bill provides a discretionary fund of $50 million which can be used in heavily populated states.

I know that the first and loudest objection to this bill will be, "Should automobile owners pay for mass transportation? Their money should go for highways, not buses and trains." The answer to that is simple: "we're all in the same traffic jam together and what we're trying to do is to get out of it together. This is truly a situation where whatever helps one helps the other.

If we are willing to move forward we can replace the present traffic jams with a system which makes travel easier and more pleasant. We can erase the poor image which besets urban mass transit.

Moreover, we already have the tools in the planning stage to revitalize urban mass transit. Indeed, future urban travel can be as imaginative and as exciting as present urban travel is drab and uninviting.

MAYOR LINDSAY PROPOSES "NEW DIRECTIONS FOR THE ADMINISTRATION OF CRIMINAL JUSTICE"

Mr. MATHIAS. Mr. President, many of us recall the contributions which our former colleague, Hon. John V. Lindsay, made to the cause of improving criminal justice while he served as a Member of the other body. Since his election as mayor of New York City in 1965, he has continued and expanded his efforts in this vital area. Some of the most innovative projects in the entire Nation have been carried out in New York City during his administration and under his leadership.

In a recent article, entitled "New Directions for the Administration of Criminal Justice," published in the January issue of Judicature, the Journal of the American Judicature Society, Mayor Lindsay has presented some observations and suggestions which deserve attention from all who are involved in the administration of justice.

For example, the mayor calls on the law schools of America to involve their students in the operations of "the law on the streets" through an imaginative proposal for full-time internships, which would allow students to devote all their attention to the criminal process for several months. Such a program would not only meet the desires of many students for a more relevant course of legal study, but would also focus the attention of law schools on areas in which they could contribute to reforms.

At the same time, Mayor Lindsay points out that the bar itself must play a more direct role in achieving legal reforms. He cites the activities of the Junior Bar Association of Washington, D.C., as a possible model for young lawyers in other cities.

Because of its timeliness and significance, I feel that Mayor Lindsay's article merits wide attention. 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:

NEW DIRECTIONS FOR THE ADMINISTRATION OF CRIMINAL JUSTICE

(By John V. Lindsay)

As the report of the National Advisory Commission on Civil Disorders made clear, the administration of criminal justice very nearly broke down under severe, unpredictable pressures during the riots in the cities in the summer of 1967. In those extraordinary days, our judicial system dealt primarily in volume; it possessed no demonstrable ability to deal with individuals. The consequences were a grossly inadequate conviction rate, violations of civil rights, and judicial decisiens based on group rather than individual situations.

The disorders gave spectacular but transient publicity to these deficiencies. The continuing tragedy in our cities is that the administration of criminal justice is not working satisfactorily on a daily basis. Under normal circumstances, the system dispenses mass justice and fails to deal properly with the individual. Yet in these same courts, hundreds of thousands of our least fortunate citizens first confront their government and first experience the application of the government's laws to them.

Here is where the American bar can find a cause. For here, despite our democratic system, our careful constitutional system of individual rights, justice in America fails our professed ideals. It fails largely because we have not gone beyond the paper of the law to its application in fact. To a great extent, we have lost contact with the workings of the law. Both law schools and lawyers have lost touch with the law on the streets—enforced by police, prosecuted by district attorneys, adjudicated by judges. Yet here is where our legal system is truly tested—and today, across the country, it frequently fails the test.

To achieve permanent improvements in the administration of justice, I think we must begin with a reconnection of the lawyers and the law schools of our nation with the criminal justice system. We must educate them in the workings of the criminal system. We must stimulate interest and concern for its inequities and inadequacies. We must install a new responsibility throughout the bar and the law schools for the quality of justice in America.

Too many of our nation's leading lawyers have devoted their professional lives to tax and corporate law. They have tried to avoid participation in, or responsibility for, the criminal justice system. Even worse, too many leaders of the bar have felt that the criminal justice system was lowbrow law—to be reserved to less distinguished, less affluent members of the bar.

In a time of complex procedures, statutes and case law, it has been easy to treat the criminal law as a specialized area of practice and rationalize that it be left to its specialists. We tend to focus on its visible parts and on the major theoretical questions. We will debate the conceptual merits of *Mapp* and *Miranda*, but few of us will try to learn how they in fact work on the street.

I think it is time to break some old traditions and adopt some new practices. Instead of starting with Supreme Court decisions and working down to the lower courts, I think our law schools ought to undoctrinate their students into the ultimate effects of the administration of criminal justice. How does a "stop and search" law really affect the people involved—the policeman as well as the suspect? What does a summons look like? How are the poor provided with legal counsel?

All of these questions are topical, relevant, tangible. I think the law schools ought to give their students the opportunity to find the answers, if only for the reason that an intensifying complaint among all college and university students is that their courses are too abstract; that they do not relate directly to the conditions and demands of the real world. Here, I believe, the law schools can take a leadership role in coping with that general resentment.

In my judgment, two efforts must be made: First, we have to get the law schools more deeply involved in the actual workings of the law—on the streets, in the dentention pens; in the courts; in the prisons. Second, we must encourage the schools to recognize the relationship of the law to other disciplines such as medicine—in alcoholism, narcotics, tort cases, or psychiatry—in criminal intent.

LEGAL INTERN PROGRAMS

Recently, two programs announced by New York University under Ford Foundation grants moved in these directions. One provides for twenty "squad car lawyers"—law students who will go on patrol with the New York City police and then follow the first felony arrest they witness through every stage of the criminal process. They will observe every step of the police procedure: booking, interrogation, fingerprinting, transporting, detention; every phase of defense counsel consultation and advice, of prosecution interrogation; and of judicial procedure. At the end of the semester, they will have a full picture of how the law has been applied in practice "from the bottom up" in twenty cases.

The second program will enroll law students in seminars in psychiatry and forensic medicine to follow actual case histories and learn from clinical experience the complicated interaction of these branches of medicine with the law.

These are important programs, but they do not go far enough. The problems of the law on the streets are too complex to be reduced to a two-credit seminar, on a one-afternoon-a-week basis. We must move farther and faster. We must develop changes, not simply in the substance of legal education, but in its structure. We can't expect law students to grasp the problems of police officers or the courts on a two-hour-a-week assignment.

To meet these problems, I propose a drastic change in the structure of legal education. The key would be a seven-month legal intern program, which would extend over one semester and one summer. The program might begin in February and end in September. This would not be a part-time course, but rather, a full-time involvement of the student in a specific aspect of the criminal process. Four days a week, the student would work in the criminal process; on the fifth day, he would participate in a seminar to review and discuss what he encountered. As a full-time endeavor, this program would have to carry with it a full semester's academic credit. The student would be required to take no other course or seminar. For the summer months, he should be paid. The summer period is important to make the program long enough to permit a full and fruitful study of a part of the criminal process and to allow for some practical follow-up on the findings of the program.

It is important that these programs go beyond educating the law students as to the nature of the administration of justice. That in itself would be important. But such a program should also focus on the problem of changing the legal system—it should focus on a specific problem area and develop ways to improve it. In effect, this should be a course in the dynamics of legal reform. These courses would change each year as the

problems change. They will not be static, but responsive. Their goal would be to initiate change and then move on to another problem. The objective, a fine one, I think, is to involve the law schools as institutions in the realistic process of legal change.

In New York City in the past few years a number of critical reforms have been introduced in the administration of criminal justice. Most of them have been initiated by the Vera Institute of Justice, working closely with various city agencies and often using law students. These reforms would have been ideal subjects for a legal intern program. They include the famous Manhattan Bail Project, begun by Vera with New York University law students in the Manhattan Criminal Court seven years ago.

It has now spread to over one hundred cities across the nation and has resulted in the first federal bail reform legislation in the nation's history. It is saving New York City millions of dollars annually in detention costs and it is saving thousands of New York's citizens the indignity and disruption of unnecessary incarceration. The Manhattan Summons Project, which began in one precinct, is now city-wide. This is now saving our city over sixty-four thousand police man hours annually by eliminating unnecessary trips to court for arraignment. The twenty-four-hour arraignment court is providing around-the-clock judicial service to citizens and police alike, permitting us to eliminate the old precinct lock-ups, to ensure prompt arraignment, and to save police and defendant time in court.

Working with the Criminal Justice Coordinating Council, which I established last year, Vera has expanded its activities as with the Manhattan Bowery Project, which operates a fully staffed medical detoxification program for Bowery derelicts. By means of the program, we have moved to end the traditional revolving door of police-court treatment of derelicts which is both inhumane to the individual and inefficient for the scarce resources of the criminal system. We are taking the police and the courts out of the degrading business of "cleaning the streets," and we are instead substituting an exciting program to service and care for these forgotten residents of our city.

The Council and Vera are focusing heavily on the problem of court delays which chews up the scarce time of police, attorneys, judges, defendants, and witnesses alike. It is one of the most agonizing aspects of the administration of criminal justice.

Our first project in this area was the Traffic Court Alert. On a test basis, we had policemen in traffic cases report to their regular posts instead of to the courthouse. They stayed in regular communication with the court on "alert" status. An officer was called in only when the case would be definitely heard and he would clearly be needed.

I am pleased to report today that in our first four months of limited operation we have been able to cut by fifty percent the time policemen previously spent in court. We are now moving to expand this project city-wide and into the criminal courts as part of our continuing campaign to place more policemen on patrol on the streets of our city.

Each of these projects would have been suitable for legal intern programs. Each of these problems in the administration of criminal justice could have benefited from the fuller scrutiny and involvement of law students and law schools. Each is suggestive of the kind of dynamic new course our law schools should be giving in the practical problems of criminal administration and its reform.

One problem with existing internship programs is inadequate supervision and coordination which often results from having professors or attorneys supervise the program on a part-time basis. Instead, I propose the creation of a new position at our law schools to go along with the proposed new legal intern program—the position of clinical professor of law. This would be a new kind of faculty member who would spend his full time supervising the program, conducting seminar, and coordinating the work of the students with the law school on the one hand and the agencies on the other.

It will not be enough to find new ways to involve our law schools in the problems of the criminal system. We must strive as well to find new channels to involve the members of the organized bar in these same efforts. We should aim beyond the establishment of new crime commissions or study groups to research problems and produce reports that inevitably end up on the shelf. We should involve ourselves in the operations of the legal system and in the process of legal change.

This involvement is particularly necessary for young lawyers who may be growing restless with the requirements and rewards of private corporate practice.

JUNIOR BAR ASSOCIATIONS

In Washington, D.C., for example, a Junior Bar Association is a dynamic force for legal reform. It has pioneered the implementation locally of some of the reforms I discussed earlier, such as the Summonses and Bail Projects. It is moving forward on other fronts as well. This is an important vehicle for tapping the energy and idealism of young lawyers, from the time they leave law school until they reach thirty-five. It is a way of stimulating young leadership and creativity that is too easily lost in the larger and older bar association structures.

A Junior Bar Association could act as a new form of legal service agency to provide skills where needed in the legal system. This would complement existing legal aid and community action legal services efforts in each city. It might include the establishment of voluntary panels of young lawyers available twenty-four hours a day to go to police precincts to represent indigent defendants. Or it might mean the establishment of special groups versed in consumer law to help community groups set up various kinds of consumer cooperatives and credit unions.

It is time we also found ways to involve the senior members of the bar more fully in the criminal process. Again, I do not think this can be done adequately merely by setting up new bar association committees. It will require some drastic rethinking of ways to use private attorneys in the administration of justice. Our goals should be to reacquaint the leaders of the bar with the daily workings of the criminal process and to stimulate a renewed concern on their part for improving and updating the system. Sadly, it appears that too many of our foremost attorneys have only a theoretical interest in the criminal process.

I believe the process is far too important—to our cities, to our society and to our profession—to be viewed from afar. The moment of truth for the law is in its enforcement on the street corner by the policeman, and its adjudication in the courtroom.

As recent Supreme Court decisions have made abundantly clear, one cannot divorce the substantive law from our judicial procedures and processes. It does no good to refine the statutory law and set careful penalties if inadequate manpower compels the district attorney to make unwarranted bargains in return for a lesser plea or if the penal institution merely embitters the convict rather than rehabilitates him.

In either case, the law as passed by the legislature, and perhaps endorsed by the organized bar, is most likely defeated in practice—not because of its own defects, but because of the multiple failings of the system. And unless the system begins to work, no law, no matter how sound and reasonable, can be either effective or fair.

The function of the criminal justice system should be made the highest priority of the American bar. It is in the lowest criminal courts that our system of individual rights is tested on a daily basis and it is here that hundreds of thousands of citizens have immediate contact with their government.

I believe that more can be done by more members of the bar in the field of criminal justice. I have been thinking about how their talents and energies might be best employed, and, here, I think, is the kind of involvement that might take place.

Throughout the judicial process, there is a staggering caseload and an extreme shortage of judicial manpower. I think a program might be initiated to allow the appointment of "temporary judges" for a thirty-day period on a voluntary basis. The local bar association would establish a screening committee to recommend to the Mayor distinguished attorneys who have served at the bar for at least ten years for appointment as temporary judges. Upon appointment, they would receive a short orientation course and could then sit for two or three weeks in either trial or arraignment parts.

In some states this might be permissible by court rule; in others it might require new legislation. It will only be meaningful if it receives the support of the leaders of the private bar who will begin to accept this kind of two- or three-week service in Criminal Court as part of their obligation. In any event, I think the concept should be explored.

An ongoing project which is taking place in New York City is a Court Employment Project under the aegis of the Mayor's Crime Council and with the active cooperation of the Vera Institute of Justice. A committee of the Council, chaired by Mr. James Oates, chairman of the Equitable Life Assurance Society, has established a special employment office in the Manhattan Criminal Court, where selected defendants are chosen for participation in the project.

The records of those chosen are reviewed by both the district attorney and the judge and, if they approve, the case is held over for a three-month period. During the three months the defendant is placed in a job or job training program and given careful and intensive counseling by a staff primarily composed of ex-convicts. At the end of the three months, if the employment record is satisfactory and if there have been no further problems with the police, the original case is closed.

This, I believe, is an imaginative attempt to provide individualized treatment for those entangled in the criminal process and to make every effort to introduce stability and order to their lives, rather than further disruption and hostility. It is this kind of alternative to incarceration that is essential if we are to deal adequately with the needs of the large volume of criminal offenders so as to prevent recidivism instead of fostering it.

What has been happening in this country—on the university campuses as well as in the ghettoes—places intense strains upon our police, our courts, our entire body of criminal law. Members of the bar should be the primary defenders of our legal system, to ensure that at all times it is just and equitable, that at all times the individual's rights are paramount.

For many of us, that will demand the adoption of rigorous new responsibilities and the sacrifice of established comforts. We may have to spend less time in the conference rooms and more time in the courthouses.

It must be done, however, because our unyielding allegiance must be to the law. We must be mindful that the law is not concerned with the position, the race or the wealth of those it touches. The law exists, not for the administration of equity, but for the administration of justice.

PACIFIC AIRLINE ROUTES

Mr. HART. Mr. President, President Nixon's decision on the Trans-Pacific Airline case has now been made public. President Johnson's decision added point-to-point competition between American carriers on Pacific routes. President Nixon's decision to a large extent takes it away. For this reason I believe President Nixon's decision unwise.

Early in the political campaign President Nixon spoke approvingly of cutting back on Government regulation. The alternative to regulation, of course, is competition. In this case, the President has used his office to protect existing routes from a substantial rise in competition—to protect the "ins" from the "outs."

His decision means that regulation has been increased, not lessened. It demonstrates again that Government regulation may be often used to protect those already in power from new entry. It explains why the regulated who loudly protest the evils of Government regulation are happy to receive its benefits.

It is my understanding that the law limits the President's role to a review of the foreign policy aspects of the Civil Aeronautics Board route awards: with that in mind let us review this case.

After lengthy hearings begun 3 years ago a CAB examiner made findings of fact on adequacy of service, traffic, and projection of future demand, and the customary route recommendations. The Board, charged by law with overall responsibility for the policy under the Federal Aviation Act, disagreed with some of the examiner's conclusions and recommendations. The changes made by the Board were well within the scope of its authority and such changes in hearing examiners' findings are made routinely by regulatory bodies. President Johnson, discharging his responsibility under the law, approved, with one exception, the Board's recommendation. The exception involved a route to Japan. The Japanese Government is strongly opposed to certification of additional carriers. One must presume the President was responding to this attitude, clearly a foreign policy consideration.

Now President Nixon has eliminated additional carriers from Pacific routes. There will be significantly less direct point-to-point competition on any Pacific route between U.S. carriers than under President Johnson's decision.

I suggest that the real threat to the public interest lies in the resolution of the case in a way which for practical purposes tends to eliminate point-to-point competition and which delays the certification of new service by remanding the case to the CAB and setting the stage for lengthy litigation.

Given the existing structure of the international carrier industry and its method of fixing ticket prices, the addition of fresh point-to-point competitors to Pacific routes is the only way to create pressures which might lower prices and improve service.

These routes are highly important to the United States and to the countries of Asia. Traffic on them is growing at an annual rate of 20 percent, even in the face of high fares which presently prevail. As many air carriers operating on the North Atlantic routes have discovered, the demand for air transportation is highly elastic. As price decreases the demand increases sharply. Should ticket prices drop substantially the growth of traffic on these routes should be dramatic. The rewards to all the nations of the Pacific in the form of more trade, better international understanding and greater opportunity for face-to-face contact between peoples would increase.

Under the existing system, rates are fixed by committees of the International Air Transport Association. The association, called IATA, is a membership association of the world's major commercial air carriers. The membership, for rate purposes, is divided into traffic conferences on a regional basis. Traffic Conference No. 3 covers Asia, Australia, New Zealand, and the Pacific Islands. The conferences meet privately and discuss the rates they will charge. Each member has veto power.

On routes with few competitors and limited seat capacity the economic pressures needed to force lower rates are missing. Carriers are content to carry fewer passengers at monopoly profit. However, as the seat capacity on a route increases so does the economic pressure to fill the seats. That pressure translates itself into lower fares. The experience on the North Atlantic routes provides an excellent example. Fares, particularly those of the promotional package variety, have dropped steadily.

Mr. President, I confess to having a strong distaste for this method of setting fares. It is not subject to the antitrust laws and it is not subject to CAB regulation. Perhaps this system should be changed but changes would require legislation and my concern is more immediate. I should like to see more carriers and more capacity on each of the Pacific routes. Further delay benefits only those carriers presently serving the routes. Partial elimination of point-to-point competition further benefits the existing carriers by removing pressures for lower fares.

The real losers are the American people. Additional competition on the Pacific routes is essential and if legislation is required to get it we should begin to think about appropriate steps.

I ask unanimous consent that the editorial entitled "The Pacific Air Fight," published in the Scripps-Howard newspapers be printed in the RECORD.

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

THE PACIFIC AIR FIGHT

Although he did approve some increased competition among U.S. airlines, President Nixon has scuttled a large share of the commercial airline expansion President Johnson had approved for the Pacific area.

His decision brought no joy to Denver's World-wide aviation ambitions—which has been sent soaring by Johnson's decision to include Denver's Stapleton International Airport as a jumping-off place toward the Far Pacific by non-stop flights to Hawaii. The reversal of route grants also cut off Denver ties in the intricate airways network leading to the Far East and the antipodes via southern routes.

Nixon told the Civil Aeronautics Board he disapproved Johnson's rulings in six instances, based upon consideration of foreign relations and national security. It previously had been announced at the White House that these were the "only" considerations on which he would revise the Johnson decisions.

But White House aides told reporters some of the proposals were turned down because they were "lacking in economic viability." They said the estimates of increased Pacific traffic on which the Johnson decisions had been based were out of date and overly optimistic.

Since he did not spell them out, the international and security factors which influenced the President's decisions hardly can be debated. Six foreign carriers now compete against Pan Am, TWA and United in the Pacific.

But the airlines themselves, along with the CAB, seemed to be wholly convinced of the economic possibilities in the Pacific.

When he made his recommendations a year ago, the CAB examiner who heard the case had said:

"From every point of view—defense, economic, trade, tourism—the interests of the United States are being drawn inexorably toward the countries of the Pacific Basin."

This case, in substance, had been under way more than 10 years. The CAB reopened official proceedings in 1965. The record covers 9,400 pages; oral arguments alone went on 68 days. The examiner's recommendations of last April were revised by the CAB, revised again by President Johnson and now re-revised by President Nixon.

As evidence of their hopes for business in the Pacific, the competing U.S. airlines have spent millions and millions of dollars seeking rights to the routes. In 1967 alone, they spent some $4 million just on lawyer fees.

With bigger and faster planes, they were hoping to cut fares and flying times and thus enormously increase the tourist popularity of Hawaii, Japan and even New Zealand and Australia.

Security and foreign relations aside—whatever they may mean in this instance—competition generally is the public's greatest benefactor, in air travel or any other field. In this respect, Nixon's decisions cannot be regarded as other than disappointing.

But if the Pacific business of the future is as lucrative as the airlines obviously believe, this fight will go on and on (as it should) until the U.S. carriers get a fatter proportion of the Pacific business and American travelers and shippers get better service.

AMBASSADOR DAVID K. E. BRUCE

Mr. SPONG. Mr. President, for the better part of this decade, Mr. David K. E. Bruce has been our Ambassador to the Court of St. James in London and now has retired. He not only served in London for 8 years—longer than any other American—but he was our Ambassador to both France and Germany and the only American to hold these top three diplomatic posts.

Ambassador Bruce's long and varied career of public service also included membership in the legislature of both Virginia and his native Maryland.

Few diplomats have served their country with more diligence than Ambassador Bruce. Virginians have taken pride in his accomplishments and hope that in retirement he will spend much time at his residence, Staunton Hill, near Brookneal, in Charlotte County, Va.

Attendance at an Embassy briefing in London, presided over by Ambassador Bruce, gave one an opportunity to ap-

preciate the depth of experience and knowledge that enabled Mr. Bruce to cover with clarity the entire range of Anglo-American relations.

We salute this distinguished American and wish him well in the future.

THE RIGHT APPROACH

Mr. HANSEN. Mr. President, the thoughts of a great number of Americans has centered on the downing of the U.S. Navy plane by the North Koreans. I want to take just a moment to comment on President Nixon's response to this serious matter.

I interpret the President's statement—that he has ordered the flights continued, with protection—to mean that our men will seek to shoot down any aircraft which attack.

Mr. Nixon also emphasized that renewal of the flights, which were discontinued when our plane was downed, is not indication that this is the final action we can take or will take in this matter.

The need to continue the flights is obvious. I believe the President made that clear. We still have 56,000 American troops in South Korea. The North Koreans have made threats against these men, and the border incidents have increased appreciably.

For the protection of our troops, we must continue to know, on a daily basis, what the North Koreans are doing. The best way to determine this apparently is through continued use of the reconnaissance planes.

Our aircraft have flown 190 such missions this year already, and there have been no warnings from North Korea against these missions. Our plane was 90 miles from their shore when attacked and at no time during this flight was it closer than 40 miles.

The attack on our unarmed aircraft was unprovoked and certainly unexpected.

I believe the President has taken the right approach.

SENATOR HARRIS CALLS FOR EQUITY IN RESULTS IN AMERICA

Mr. MONDALE. Mr. President, the senior Senator from Oklahoma (Mr. HARRIS) spoke recently before the National Press Club about the challenge to our society's unequal distribution of economic and political power.

He spoke of managing the economic system to improve the quality of American life. He spoke of basic rights for citizens. And he spoke of access to the decisionmaking processes for all Americans.

I am pleased that our Democratic Party Chairman touched on a number of questions with which I have been especially concerned—enforcement of antidiscrimination regulations; adherence to school desegregation guidelines; reform of our tax structure; real movement toward peace in Vietnam; the effect of anti-ballistic-missile deployment; of our hopes for peace abroad and progress at home; reform of the Democratic Party.

I took special interest, however, in Senator HARRIS' call for "a system of economic and social accounting which measures not just the sterile statistics of gross national product and corporate and individual income, but reinjects ethical concerns and human values into our economic management system and measures the quality of American life."

Mr. President, the senior Senator from Oklahoma (Mr. HARRIS) and 21 other Senators are sponsors of my proposed Full Opportunity Act, S. 5, which would establish a Council of Social Advisers and take a long step toward the kind of measurement Senator HARRIS speaks of in his address. I look forward to early hearings on the bill.

I ask unanimous consent that the complete text of Senator HARRIS' remarks before the National Press Club be printed in the RECORD.

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

REMARKS OF SENATOR FRED R. HARRIS, NATIONAL PRESS CLUB, APRIL 17, 1969

All over America today, as never before in the history of our country, people are challenging our society's unequal distribution of economic and political power.

America's greatest need today is the need to achieve equity for all our citizens—not only equity in opportunity but equity in results.

Equity requires that America put first things first, establishing a system of economic and social accounting which measures not just the sterile statistics on GNP and corporate and individual income, but reinjects ethical concerns and human values into our economic management system and measures the quality of American life—a system which allows us to get our priorities straight so that it may not be said of us: "They could hear the lightest rumble of a distant drum but not the cries of a hungry child."

Equity means making real certain basic rights of every American. In addition to the traditional right to live and lodge and eat where one wants, equity means the *right* to a minimum standard of income for those who cannot help themselves, and the *right* to equal opportunity and a decent job at a liveable wage for every person willing and able to work; the *right* to a decent home in pleasant, wholesome surroundings; the *right* to a decent education, which prepares for living as well as for earning; the *right* to good health and enough to eat; and the *right* to be treated fairly—as a taxpayer and as a consumer of public and private services.

Equity means also that all Americans must have real access to the decision-making processes which affect their own lives.

There is a fundamental sense of unease in our society—a feeling of powerlessness on the part of many of our citizens in the face of huge and impersonal institutions—a sense of inequity, of inability to obtain response or recognition from our schools, our churches, our governmental bodies and our political parties.

There is a nagging sense of worry in our society—a concern that we are drifting listlessly into the stormy face of new and growing problems which beset our radically changing lives and world. For, as the President of the Massachusetts Institute of Technology recently said:

"We are beginning to discover that the right of free citizens to move freely without hindrance can be made meaningless by the breakdown of mass transportation, and the right of free assembly can be negated by impassable city traffic, or, for that matter, by uncontrolled crime in the city street. We are beginning to suspect that free speech and free press might become irrelevant if we were slowly strangled by the air we breathe or slowly poisoned by our drinking water. We are beginning to see that equal rights and equal job opportunity, when finally obtained by citizens long denied them, can be made meaningless by intolerable housing conditions or by ineffective education systems. We are beginning to realize that if exploding populations create a world of starving humans almost standing on each other's shoulders, *all* concepts of freedom can become irrelevant, and American prosperity could be infuriating and incendiary to billions deprived of either hope or future."

Now, President Richard Nixon has been in office for eighty-seven days. Yet, we will not carp and criticize. But we still await with more than casual interest his first substantial moves to really lead this nation.

For, as Teddy Roosevelt said, the Presidency *is* a "bully pulpit," and the test of leadership is not how accurately the leader gauges the mood of the people, but how skillfully he can appeal to those sparks of idealism which, though often smothered beneath layers of apathy and inertia, flicker still, waiting to be brought to flame.

The test of leadership is not only how successfully the leader is able to diminish the sounds of political acrimony, but also how acutely he detects the quiet voice of moral outrage, of social justice, of human compassion.

But, as the President cannot evade his responsibility to lead, neither can the Democratic Party refuse to take its stand on the great moral issues of our time.

Toward making equity real in our society, America has made proud and measurable progress in recent years—frequently with strong bipartisan support in the Congress. From the advances we have already made, we will now either advance further or retreat; we cannot stay where we are. We shall watch to see in what direction President Nixon will now attempt to lead us—or *whether* he will lead.

But, so long as the Democratic Party remains a vital influence on the national scene, there shall be no retreat.

The Democratic Party must move—and we are moving—to get our own house in order so that we may be prepared to do our duty.

We will allow no retreat on the issue of race and human equality.

We are concerned about the lack of clarity with which this Administration acts and moves on this, the most fundamental matter of equity in America—on social and economic equality for black people, for American Indians, for Spanish speaking Americans and other minority groups. There must be no retreat from the elementary and basic gains we have made in recent years, and we must not permit administrative neglect or half-hearted enforcement to slow the march forward.

We are disturbed by the reported advice of the newly appointed general counsel in the Department of Health, Education and Welfare concerning relaxed desegregation guidelines, advice which seems at variance with the statements of Secretary Finch. We are concerned about the actions of the Department of Defense in awarding contracts without requirement of full civil rights compliance. We puzzle over how these actions and the circumstances of Clifford Alexander's resignation as Chairman of the Equal Employment Opportunity Commission can coexist with Administration assurances of continued progress toward full equality.

President Nixon, we feel, must soon end this confusion; he must soon clearly choose between right and wrong on the moral issue of race. He cannot satisfy both sides, for only one of them is right.

We must allow no retreat on the issue of poverty. There must be no retreat from the

determined march we have begun against inferior education and training, the lack of decent jobs, the bad housing, and the poor health and malnutrition which prevent millions of Americans from having a real chance to attain equity in their lives.

We are disturbed by the announced plans to cut back on summer Head Start funds, to turn youngsters out of closed-down Job Corps centers, to retrench on financing of health research and health delivery, and the refusal to pay the pitifully small price to do away with hunger.

These positions of the Nixon Administration seem dreadfully inconsistent with its announced intention to offer new approaches on the terrible urban and other domestic problems which daily grow more difficult.

A nation which can increase its real production by some $40 billion a year, which is the richest and most medically knowledgeable, most agriculturally productive country in the world, cannot escape the moral burden of continued poverty, when, as the 1968 Democratic Platform makes so clear, "For the first time in the history of the world, it is within the power of a nation to eradicate . . . the age-old curse of poverty."

President Nixon, we feel, must soon strike out on some clear course; he must soon clearly choose between right and wrong on the moral issue of poverty and hunger. He cannot satisfy both sides, for only one of them is right.

We shall not dwell upon President Nixon's campaign pledge to end the surcharge tax, for we know that election often makes wiser men of former candidates. But there must be no retreat from the resolute march toward fairness and equity in our tax system. Throughout America, taxpayers are increasingly outraged by a system which is regressive in its overburdening of those of lower and middle income, while allowing many of the rich to escape their fair share of Government costs.

We are concerned about this Administration's delay in presentation of its promised tax reform position, disturbed by those things which are reported to be left out of these recommendations to be announced.

President Nixon must soon break this silence. He must soon clearly choose between right and wrong on the moral issue of equity and fairness. He cannot satisfy both sides, for only one of them is right.

There must be no retreat from the long march toward peace. We shall not dwell upon President Nixon's campaign announcement of an undisclosed plan to end the war in Viet Nam. But we shall declare our concern that private peace talks, underway before his election, have only now begun again. We must declare our firm, continuing desire for a systematic de-Americanization of that war, for real progress toward South Vietnamese assumption of greater military responsibility and institution of real and lasting political, social and economic reform.

We are disturbed by the rhetoric of Secretary Laird, who spoke of "military victory" upon his visit to Viet Nam and by his confusing and disappointing public statements against withdrawal of any American troops from that area during 1969.

We are deeply worried by the growing militarization in America and by the continued delay in sitting down with the Soviet Union to discuss a lessening of arms race tensions. Deeper than the technical questions of whether an ABM system will work are questions concerning the triggering of further escalations in the race for armaments advantage and the sobering question of the direction America will go, the priorities it will establish for itself in the next decade.

President Nixon's decision to scrap the Sentinel Missile System and then to advocate a somewhat curtailed Safeguard system, backed up by varying arguments, seemed to be more political than military in its apparent attempt to do a little for each side of the argument.

President Nixon must soon make the hard decisions on the moral questions of war and peace. He cannot satisfy both sides, for only one of them is right.

We do not expect or insist that President Nixon meet and solve these issues within one hundred days or any other arbitrary period. We do insist that he address himself and his administration to these issues. For they must be met. And the people of America must soon be called to the task—in clear tones, in firm voice.

We shall not make partisan capital of these solemn causes. But we shall ask this Administration to lead, and we shall offer our own solutions.

The late Robert F. Kennedy was fond of quoting Tennyson's Ulysses:

"One equal temper of heroes' hearts
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield."

The Democratic Party will continue to be entitled to lead the United States of America to the degree it continues to strive, to seek and not to yield—to the degree it speaks to the changed problems of our day, to the moral issues of our time, in terms which are meaningful and relevant to our lives and to the lives of our children.

For a time, we Americans may be tempted to rest on our record, to count the comforting beads of past progress, to recite the American litany of success, to turn our face away from the winds of change. But those winds blow more fiercely than ever in 1969. And the sounds we hear are not a call to retreat, but the trumpeting summons to advance toward individual dignity and self-determination, for equity, for an end to war and for the first steps toward that world peace which can yet be ours.

Those sounds will not be stilled by a call for silence.

Because the Democratic Party does hear those sounds and because we *will* and *must* respond to them, I believe that we shall be returned to leadership and—more importantly—to responsibility.

WATER AND INTEREST RATES

Mr. CURTIS. Mr. President, the Commercial Appeal, of Memphis, Tenn., published a very interesting editorial on April 1, 1969, entitled, "Water and Interest Rates." It refers to the excellent proposal made by the senior Senator from South Dakota (Mr. MUNDT).

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Memphis (Tenn.) Commercial Appeal, Apr. 1, 1969]

WATER AND INTEREST RATES

When interest rates began to soar about a year ago, concern was sounded about the effects this would have on the nation's water and land conservation programs.

The concern stemmed from the fact that approval of projects such as stream flood control depends upon a formula which compares the economic benefits to be derived with the costs involved. Higher interest rates obviously would have to be included in the cost side of that formula. As a result, a project that could have been justified two years ago might now be disqualified simply because interest rates had risen.

Senator Karl Mundt (R-S.D.) is asking Congress to correct this situation. He points out that unless corrective action is taken soon, there will be under-development of the nation's water resources in the years ahead which could lead to a shortage of water in the future due to lack of sufficient reservoirs.

What Senator Mundt proposes is that in the future water conservation planners crank into the cost-benefit formula definite economic values for benefits which in the past have been considered intangible.

He points to the Gillham Reservoir project in Arkansas as one example of how this could be done.

In reviewing the justification for that reservoir, it was noted that the cost side of the equation included $328,000 for recreation. Yet, the breakdown of benefits showed no gains for recreation.

Similarly, in the Biloxi Harbor, Miss., project, no economic benefits were toted up for the increase in barge hauling of coal there due to the development.

In the long run, lower interest rates would simplify the problems facing water resources planners, but until such rates show a decline consideration of the economic value of such projects should indeed be revised as Senator Mundt suggests.

NEGLECT OF ARTS BY NIXON ADMINISTRATION

Mr. PELL. Mr. President, I realize that President Nixon is faced with many tremendous and awesome problems. However, it is also important that the quality of American life, as well as its protection, should be of great concern to us. Indeed, I believe that an emphasis on the arts and humanities during the next few years should be maintained.

During the last campaign, there were many appeals made by those interested in the arts to support Mr. Nixon. Nationally, some artists and actors and many patrons of the arts supported the Republican nominee. In my own State of Rhode Island—a very distinguished group of citizens—alined themselves as "People in the Arts for Nixon."

Interestingly enough correspondence has since come to me out of this same group decrying the lack of support for the arts, evidenced by the Nixon administration. But the reason for taking the floor at this time is to say that I believe it is a disgrace that the position of Chairman of the National Endowment for the Arts is being left vacant.

The former excellent Chairman, Roger Stevens, had received a great deal of bipartisan political support for reappointment and, far more important, was tremendously respected and approved of in artistic circles. However, he was not reappointed, the reason being given, that he had once raised funds for the Democratic Party. That was in early March. My understanding is that the White House is now searching for a person suitably acceptable to the world of arts but who presumably has also a high Republican profile. Perhaps such a combination is hard to find.

While recognizing that President Nixon is fully occupied with the problems of the day, I do wish that the White House would hurry up in pressing this search or that it would at least be delegated to some individual so that a decision made which might in part fulfill the expectations of so many people who are members of "People in the Arts for Nixon."

EXPRESSION OF SOVIET ABM INTENTIONS

Mr. FANNIN. Mr. President, in the days leading up to the vote on the anti-ballistic-missile system, I think that it is wise for us to hear from all sources.

Much has been made, by opponents to the ABM, of the apparent intention of Soviet forces. They say that if we do not deploy our defensive system, then that will give the Soviet leaders no reason to develop a weapon to use against us. I admit that this kind of argument is too sophisticated for me to grasp. For the life of me I cannot see how our defensive capability can be considered provacative, while their defensive capability is not.

However, casting that argument aside for the moment, let us look at what the Soviets themselves say about their intentions. Early this month a copy of the book "Fifty Years of the Armed Forces of the U.S.S.R.", by Marshal M. V. Zakharov, arrived in the Library of Congress. This Russian officer was Chief of the General Staff of the Soviet Armed Forces. In the book he recalls that in 1958 the Russian equivalent of our ABM began taking shape. The Russian initials designating their defense system are PVO. This defense group became equal with Army, Navy, or Air Force.

Marshal Zakharov writes that in 1958 the PVO began taking on new dimensions. He says:

> The creation of ballistic missiles and space vehicles required a modern air defense system, to respond not only against the aircraft threat but also—and first of all—to provide anti-missile and anti-space (specifically in Russian, anti-cosmic) defense.

Thus it is clear that as long as 15 years ago the Russian high command decided that an ABM was needed and apparently work has proceeded full steam ahead since then.

The question I put then to the ABM critics is—If ABM is so costly, or meaningless, or valueless as claimed, then why have the Russians pushed so hard and fast in these past years to reach a point where they are already deploying their ABM and more? Why is it all right for the Russians to have a defense against nuclear ballistic missiles and not all right for the United States to claim the same defense?

Mr. President, I am indebted to the newsletter of the American Security Council for this information, and I ask unanimous consent that the entire text of the newsletter be printed in the RECORD.

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

THE SOVIET ABM MONOPOLY

While the United States conducts a great national debate over whether or not to begin construction of an anti-ballistic missile defense, it is important to note that the genesis of a Soviet ABM system occurred 15 years ago.

In fact, with its own ABM well advanced, the Soviet Union today is apparently testing the far more sophisticated problems of defending against space weapons.

This would give Russia great additional lead time, even if the United States plan for a Safeguard system around some of our Minuteman silos is approved immediately.

Since 1954, when the Kremlin's top military and political planners decided to create a new branch of military service equal in status to the Army, Navy and Air Force, the Soviet Union has been moving ahead in the development of nuclear age defenses.

That new service was named P-V-O Strany for the Russian word *protivovozdushnaya oborona* meaning "anti-air defense".

Initially, P-V-O consisted of little more than anti-aircraft defense units and their equipment, anti-aircraft artillery, jet fighters and radar. Its first commander was World War II hero of the defense of Leningrad, Marshal L. A. Govorov.

Early this month a copy of a new book—*Fifty Years of the Armed Forces of the U.S.S.R.*—arrived in the United States for registration at the U.S. Library of Congress. Published last year, it was written by Marshal M. V. Zakharov Chief of the General Staff of the Soviet Armed Forces. In it, he recalls that in 1958 P-V-O began taking on new dimensions.

"The creation of ballistic missiles and space vehicles required a modern air defense system, to respond not only against the aircraft threat but also—*and first of all*—to provide anti-missile and anti-space (specifically, in Russian, anti-cosmic) defense.

THE SOVIET ABM SYSTEM

Soviet scientists, engineers, designers and industrialists were mobilized to provide a new subdivision called P-R-O (protivoraketnaya oborona or ABM, literally anti-rocket defense) while the original responsibilities of P-V-O were turned over to a new subdivision, P-S-O (protivo-samoletnaya oborona or anti-aircraft defense).

P-R-O missiles were first deployed in 1963 and have since been steadily increased in number and improved. P-R-O first relied on a so-called "point defense" not unlike (but far less sophisticated than) the *Safeguard* system requested by the Nixon administration for protection of a few selected sites where our Minuteman retaliatory intercontinental ballistic missiles are installed.

As the Russians viewed "point" defense, P-R-O was set up around their ICBM strategic weapons centers, key miiltary command centers and the most vital industrial complexes. This system was soon enlarged to provide regional defense rather than just point defense.

Lately, the Soviet Union has begun installation of a line defense ranging down the Baltic Coast and named for one of the anchors in the line—the city of Tallinn, capital of Estonia.

P-V-O has set up regional command centers throughout the Soviet Union and the border areas of its satellites where both P-R-O and P-S-O units are stationed. However, the only known regional deployment of P-R-O missiles in heavy concentration is around the metropolitan complex of Moscow. Recent news accounts indicate there are some 67 P-R-O missile sites around the Russian capital.

THE P-V-O MISSION

P-V-O has established six command centers in the Eastern European satellites—one each in Bulgaria, Czechoslovakia, East Germany, Hungary, Poland and Rumania. These are primarily early-warning stations. (Incidentally, Soviet military journals often cite the existence of such bases in the satellites as the reason for stationing Russian or Warsaw Pact troops on satellite territory.) In addition, there are fourteen command centers in the Soviet Union.

P-V-O operations with the satellite countries are completely integrated under a Warsaw Pact three-star Russian general who operates from the headquarters of the Russian national P-V-O command. Thus, P-V-O, like all other military operations in the Soviet bloc, is totally integrated under Russian control. So much for Communist satellite independence.

Marshal Zakharov writes:

"The troops of P-V-O . . . consist of surface to air missile units, fighter aviation, radiotechnical troops, and missile carrying aircraft. Surface to air missile troops are the new branch (P-R-O) of P-V-O troops . . . equipped with combat missile complexes of differing purpose and capability.

"The characteristic element of these missiles is the fact that they are guided in flight which permits directing the missile to the target area and homing it on the target for its complete destruction. The aiming of missiles is accomplished by means of complex automatic computerized guidance systems. The target is destroyed as a rule by the first launched missile. The modern surface to air missile complexes are capable of destruction of all existing types of planes and missiles the enemy possesses at this time . . .

"The surface to air missile troops are constantly undergoing developmental improvements. New families and generations of missiles are created with improved and perfected combat qualities and alert capabilities. The range of operations, speed of launching, and all other operational characteristics of P-R-O missiles are constantly being improved."

Thus, with pride and assurance to the Russian people does the Soviet Chief of Staff claim ABM progress over the past ten years in the Soviet Union. It may be discarded by critics of ABM as mere braggadocio but the fact remains they have ABM forces in being and we do not. No U.S. commander can assure the American people that they have a defense against nuclear war because the U.S. has not allowed its military to provide such defenses.

The Soviet Union officially describes P-R-O's mission as the "interception and destruction of enemy missiles or rockets in space, preferably at distant approaches to their objectives and far from national territory."

The commander-in-chief of P-V-O is Marshal P. F. Batitsky who took over in 1966. His responsibility for P-R-O and the conventional P-S-O anti-aircraft defenses has been expanded to include the establishment of an entirely new field mentioned earlier by Marshal Zakharov as anti-space/cosmic defense.

This subdivision of P-V-O is labeled P-K-O (protivosmicheskaya oborona, Russian for defense against space-orbiting combat missiles or intelligence [spy] satellites).

Such space defense may have three objectives—first, to be able to neutralize or destroy U.S. reconnaissance satellites which presently are our prime source of information about Soviet missile and space developments and/or second, to develop a means of neutralizing or destroying our intercontinental ballistic missiles shortly after they are launched. The third objective is one stated repeatedly by the Soviet Union's top officials—to gain control of Space. Our intelligence gathering agencies have come across numerous references in Soviet speeches and official documents in support of such an objective.

RECENT SOVIET TEST

Evidence of a Soviet test of anti-space defense was provided by a report, just released, from the U.S. Air Defense Command's "Satellite Situation Report." That document discloses that between October 19 and the first of November, three space vehicles were launched by the Soviet Union from their Cape Kennedy—known as the Tyuratam Space Center. Cosmos satellite 248 was sent into orbit on a trajectory that would carry it to an angle of 62.2 degrees over the equator. On practically the same course, Cosmos 249 and 252 were sent after it. About 300 miles above earth, the three satellites were in close proximity. Suddenly, 249 and 252 exploded into lots of little pieces, according to

the U.S. Report. Cosmos 248, unharmed, continued on its way.

The explosion of the two satellites was non-nuclear, according to press reports.

The educated speculation of many of our military and space experts is that Cosmos 248 may have been a new military space vehicle designed to neutralize or destroy "enemy" satellites.

Neutralizing a satellite makes its camera inoperable so that it is "blinded". It has long been the view of specialists in space research that our best early-warning of a Soviet first-strike decision would be our reconnaissance satellites. The Russians have said they would try to develop a means of putting such an intelligence gathering space vehicle out of commission.

It now appears that the Russians may be doing just that.

The full impact of the Soviet Union's emphasis on an ABM system was demonstrated for the world to see on April 14, 1969 when Warsaw Pact forces conducted their first Spring maneuvers.

Marshal Batitsky, who holds the post of Air Defense Commander for the Warsaw Pact as well as that of Chief of P-V-O, was placed in charge of the maneuvers which were described as an effort to improve "anti-aircraft" defenses, but reportedly involved much more than a defense against conventional weapons or vehicles.

It is clear that P-V-O, structured to include P-R-O, P-S-O and P-K-O, enjoys a high priority in Soviet military planning.

One may fairly assert, as some U.S. critics of an ABM system have, that just because the Soviet Union has devoted so much attention to a Russian ABM there is no reason why America must follow suit. But those same critics owe it to themselves and to the American people to ask, as well, why the Soviet leadership considered it to be desirable or necessary to develop such an elaborate defense. If the ABM is so "costly", "useless" or "meaningless" as critics of the American plan are wont to charge, then why have the Russians pushed so hard, so fast in the past decade to reach the point where today they are rapidly building their own ABM and more?

Until that question is answered convincingly, supporters of the ABM defense concept in the United States have a right to keep asking: why should the Russian people have a monopoly on defense against nuclear war?

STUDENT ASSISTANCE ACT OF 1969

Mr. MONDALE. Mr. President, on April 14 I introduced S. 1788, the Student Assistance Act of 1969. The bill, if enacted, would do much toward expanding the higher education opportunity structure in this country. It would also be one of the most efficient ways to help millions break out of the cycle of poverty.

Since the bill has been introduced, a number of persons have asked questions about the bill. I ask unanimous consent that a questionnaire be printed in the RECORD.

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

QUESTIONS AND ANSWERS ABOUT THE STUDENT ASSISTANCE ACT OF 1969

1. How many students will be affected by the bill when fully implemented?

The bill provides grants to students under the provisions of Student Opportunity Grants and the Federal Fellowship Program. Loans will be provided through the Higher Education Loan Bank. Three to four million students might eventually borrow money from the bank to pay a part of their college expenses. At least 1,500,000 students would receive aid under the two grant programs, if they were fully funded.

2. Is the Student Opportunity Grant program similar to any present federally supported student aid programs?

Yes, it is. It is very similar to the G.I. Bill, a program that is familiar to many Americans. Both pay money directly to the student and let him attend the educational institution of his choice. Both make this aid available to students attending postsecondary vocational schools as well as colleges and universities. Both permit aid to half-time and three-quarter time students in addition to full-time students.

3. How do Student Opportunity Grants differ from the G.I. Bill?

There are two primary differences. First, Student Opportunity Grants will be based on need with the size of the grant ranging from $200–$1500, depending on the students' financial need. The G.I. Bill pays a flat sum to eligible veterans who qualify as a result of service in the military. To full-time students this G.I. Bill grant amounts to $130 per month. Second, universities attended by students receiving Student Opportunity Grants will receive a cost-of-education allowance for each student receiving a grant. The G.I. Bill does not pay a cost-of-education allowance to the educational institution.

4. How does the Student Opportunity Grant program compare with the present Educational Opportunity Grant program?

There are several differences:

(a) The E.O.G. program requires colleges to match funds they receive through this program on a 50–50 basis while the S.O.G. program requires none.

(b) The E.O.G. assistance goes only to the most needy students, with some institutions imposing a very low family income restriction. The S.O.G. program will aid these needy students. But it will also reach students from middle income families, particularly those with several children, more than one of whom is attending college.

(c) The S.O.G. program will pay a cost of education allowance to the school attended by those who receive grants; the E.O.G. program does not pay such costs.

(d) The S.O.G. award will go directly to the student who will have the choice of attending the institution he wants to attend; the E.O.G. award is dispensed by individual educational institutions. Before the student can get this aid he has to find an institution which has it available. Such an institution may not be the one he would prefer to attend and it may be difficult to find an institution with available money.

(e) E.O.G. awards can go only to full-time students. S.O.G. awards (proportionally reduced) can go to half-time and three-quarter-time students. Some students with heavy financial responsibilities may not be able to attend school full time. By carrying a heavy work load, with the money they could receive from a S.O.G. they may be able to attend school part-time.

(f) The S.O.G. program will provide an additional allowance for any dependents a student receiving a grant may have, if the student is determined to be self supporting. The E.O.G. program makes no provision for dependents.

(g) The maximum amount of the E.O.G. grant is $1000. The maximum S.O.G. grant will be $1500.

5. How does the Student Opportunity Grant program improve upon the Educational Opportunity Grant program?

It does so in several ways:

(a) To get an E.O.G. a given student must first find an institution with money to which he can apply. Institutions located near him, or ones that he would prefer to attend, may not have the money available for making the grant. Finding an institution which does have money may require several applications. This is a costly and time-consuming process which, in itself, erects certain obstacles to attending college.

(b) If a student knows that he will qualify for a grant, regardless of where he intends to go to college, he can begin planning to attend college early in his high school years. Veterans Administration psychological consultants and Office of Education studies indicate that the crucial decisions related to attending college are made then. The knowledge that this assistance is available will encourage low-income students to attend college.

(c) The formula which allocates E.O.G. money to institutions sometimes does not allocate the money where the greatest financial need is.

6. Why pay a cost-of-education allowance?

Although college costs are very high, the charge to the student does not cover the cost to the institution for educating him. Students at both private and public institutions receive a subsidy. If this bill increases college attendance, as it is designed to do, then it will require these institutions to stretch their subsidy over a larger number of students. This would increase the pressures to increase charges to all students. The cost-of-education allowance will ease this pressure.

7. Why is the bill needed? Aren't present programs working?

It's not a question of present programs working. Their results have been promising. It's a question of making improvements, and of making more needed aid available. This bill is needed for two reasons. First, the cost of attending college has vastly increased over the last several years. Between the years of 1948 and 1968, the cost for attending a public college for one year increased 72.3%; attending a private college increased 91.3%. During the same period of time the Consumer Price Index increased 44.6%. This means that the percentage increase in cost of attending college has almost *doubled* that of the increase in the Consumer Price Index. Since the cost is increasing so fast, there is a need to provide assistance from needy and middle income families. Second, there is evidence that there are still a number of able but needy students not reached by the present programs—the size of this group is at least 650,000.

8. What has been the difference in cost and tax return on the G.I. Bill?

The first two G.I. Bills, which covered veterans of World War II and the Korean conflict terminated in 1965. The total cost of these programs was $19 billion. Veterans Administration and Department of Labor studies suggest that the education made possible by these programs generated higher incomes for veterans who participated in the programs. The tax return on the income added was estimated at $1 billion per year. This means that during the lifetime of these men, the tax revenue on the added income will more than double the cost of the original program. At the present time the Department of Health, Education, and Welfare estimates that the lifetime differential in earnings between a college graduate and a high school graduate is $136,187. If this differential were taxed at the rate of 15% the added tax revenue would be $20,428.

9. Why does this bill emphasize direct aid to students?

It is the most efficient way to focus Federal resources on the neediest students who without this aid might not attend college, and it maximizes the choice of the student.

10. Why does the bill emphasize graduate as well as undergraduate education? Shouldn't the government's resources be concentrated on undergraduate education first?

The resources of this country are great enough to finance both undergraduate and graduate portions of this bill. Graduate enrollments are growing faster than undergrad-

uate enrollments. Between 1960 and 1965 graduate enrollments increased by 70.3% while undergraduate enrollments increased 54.3%. This is putting increased strain upon present forms of graduate support which is not increasing as fast as enrollments. In addition, graduate students are somewhat more likely to attend schools in states other than that of their residence. Although no precise figures are available, it is also plausible that they are more likely than undergraduates to move to other states upon receipt of their degree. For these reasons, many state legislators are becoming increasingly reluctant to support graduate education, which is the most expensive of all education.

11. How does this fellowship program differ from present graduate fellowship programs?

It differs in several ways:

(a) Awards are based on both ability and need while present fellowships are based only on ability.

(b) As long as the student is in his last two years of working toward the Ph.D. or equivalent degree, he is eligible for the award regardless of his field of study. Present programs require the student to study in federally approved fields of study.

(c) The new program will be awarded directly to the student for study in the institution of his choice. Presently, only National Science Foundation Fellowships are awarded on this basis.

(d) The cost-of-education allowance paid the institution under this program will be greater (and more realistic) than that of most present fellowship programs.

12. Why should the awards be given to a student, regardless of his field of study? Shouldn't Federally supported fellowships encourage graduate students to study in fields where there are pressing national needs?

There may be a need for special federal fellowships designed to provide special assistance in areas where there is a national shortage. The Federal Fellowship Program will not replace present graduate support programs, many of which are designed to encourage students to enter fields of study in which there is a national need. At the same time, present programs provide disproportionately small support to training in education, social sciences, humanities, and business.

13. Who will make the determination of awards of money for students receiving Student Opportunity Grants and Federal Fellowships?

The Commissioner of Education will contract with private non-profit corporations to make this determination. All rules and regulations used to make determinations will be approved by the Commission of Education. These regulations will be published in the *Federal Register*, so that all can see them. When the student decides what school he will attend, he will inform this agency and his award will be dispensed through the institution he attends. His educational institution will also certify his course load, his progress toward the degree, and any change which might affect the amount of the student's award. Educational institutions will be reimbursed for their administrative expenses.

14. How does the Higher Education Loan Bank differ from the Guaranteed Loan Program and the National Defense Student Loan Program?

The bank will be a private non-profit corporation chartered by the government. It will make loans directly to students. These loans, like those in the Guaranteed Loan Program and the N.D.S.L. program, will be guaranteed by the Federal Government, and interest and repayment will be deferred until after the student completes his education. The chief difference is that the Bank will make loans directly to students. At the present time Guaranteed Loans are dispensed through local banks and National Defense loans through educational institutions.

15. What is the advantage of the Bank over the N.D.S.L. program?

There is no intention of replacing the N.D.S.L. program. But it has two disadvantages. It requires appropriations for much of the capital. The Bank will make it possible to tap the private sector for this. Also, the ability of the student to get the money hinges on whether it is available at the institution he attends. It may not be. The ability of a student to obtain a loan from the Bank would not hinge on the institution he happened to attend.

16. Why does the bill permit students to take 30 years to repay their loans? Isn't that a long time?

It is true that N.D.S.L. program permits only 10 years for repayment and the Guaranteed Loan program permits 15 years. However, this is a burden to many people, particularly to those who have to borrow large amounts. The thirty-year limitation spreads this burden over a longer period of time. It will make it easier for those who have to borrow large amounts to repay their loans. Earlier repayment will also be permitted.

17. Will the student be obligated to assign a certain percentage of his income to repay the loan?

No, the student will be obligated to repay only the principal and interest of his loan. Interest will be paid by the Federal Government as long as the student is still in college. The charter of the bank is sufficiently flexible so that the repayment could be a fixed amount each year or could start with lower amounts during the first few years and rise over the years as income increased. The only requirement is that the student pay all the interest after he has finished his education (except for up to three years for such service as the Peace Corps, VISTA, or the military), and that repayment be made within thirty years.

18. Where will the Bank get the money it lends?

The bank will get its loan funds from securities (or bonds) which it sells. In this way it will be able to tap private capital. At the present time, capital for the National Defense Student Loan program must be appropriated from public funds—although as loans are repaid these funds also become available for loans.

19. What are the advantages of the Bank over the Guaranteed Loan Program?

To get a guaranteed loan a student must apply to a local bank. The decision to grant the loan is made in the context of the credit rating of the student's family. Sometimes, students with academic promise fail to qualify for these loans on this account. In addition, money may not be available at the local bank, where the student would ordinarily apply, for educational loans. The law limits the amount of interest which the bank can charge for loans insured by the Guarnateed Loan Program. As a result, banks are becoming increasingly reluctant to make these loans. Many of these sources may be willing to make large amounts of money available for this purpose. But they are not willing to make it available for a loan-by-loan basis. Finally, the Bank will isolate these loans somewhat from the private capital market. The federal guarantee of the security coupled with the guarantee of the loan itself should reduce the interest rates. Moreover, the use of the Internal Revenue Service to collect the loan should reduce collection costs which could also be passed on to the student. It should make a large pool of money available on a national basis to which a student could apply for a loan. The greatest advantage of the Bank is that it would make a maximum amount of capital available for education loans with a minimum amount of Federal funds required. It should also facilitate the availability of loans for educational purposes.

20. Why is a cancellation provided when a borrower's income does not attain a certain level?

This will keep the repayment of the loan from becoming an unnecessary burden on low income persons who find that their income is not as high as they expected. It will also encourage certain individuals with a high risk of not completing their education by giving some incentive for trying, or at least starting their education.

21. How do the provisions concerning student outreach differ from outreach provisions?

The main differences are:

(a) The bill provides training grants to high school teachers and student leaders to equip them to counsel high school students about college, finance, and career possibilities.

(b) The bill sets up 500 Higher Education Opportunity Centers across the country to provide accessible places where students and parents can obtain information, application blanks, and other items concerning financial aids and college possibilities.

(c) The bill funds new projects designed to identify students potentially able to benefit from college work and encourage them to attend college. It also funds new research efforts which will throw light on the blended motivational and financial difficulties associated with low college attendance rates.

BALTIMORE'S JOB BANK PROVES VALUABLE IN HELPING THE UNEMPLOYED

Mr. MATHIAS. Mr. President, one of the most frustrating aspects of the unemployment problems of our cities has been the difficulty of bringing together the people who are seeking work and the jobs which need to be filled. In many cases, gaps in education or training may separate men from jobs. But in all too many instances, the failure is one of information and counseling.

For several years, many of us have discussed the possibility of creating computerized job banks to match people with available positions. I am glad to be able to report that this concept has now been put into operation in Baltimore, where a very exciting and promising program is being run by the Maryland State Employment Service and local antipoverty agencies.

Under the Baltimore system, an up-to-date list of several thousand job openings in the metropolitan area is prepared by computer every evening, and printouts are delivered each morning to neighborhood employment and counseling offices. Armed with this comprehensive, current list, counselors can direct men and women to appropriate jobs without delay or confusion.

This new efficiency and broader service has enabled the job bank to find employment for thousands of Baltimoreans who had formerly been numbered among the hard-core unemployed. During the last 3 months of 1968, for example, the job bank helped 2,184 poor persons to find work, more than triple the placements made in the same period in 1967.

One of the most impressive aspects of the Baltimore job bank is the high degree of cooperative and teamwork which has been sustained by State and local agencies. Some 18 antipoverty and social service agencies now participate day to day in the job bank program, which thus provides a coordinated citywide service for both employers and jobseekers.

The Baltimore job bank is already serving as a model for similar efforts in other cities, and is being studied closely by Federal officials interested in the possibility of expanding such services to entire urban States or, ultimately, nationwide.

In an excellent article published in the Wall Street Journal of April 9, Richard J. Levine summarized the Baltimore experience and the promise it offers for finally bridging the gap between men and jobs. Because I feel that this important project deserves wide attention, I ask unanimous consent that Mr. Levine's article be printed in the RECORD.

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

HELP FOR THE JOBLESS: COMPUTERIZED JOB BANK PROVES A VALUABLE TOOL IN A TEST IN BALTIMORE—IT LISTS OPENINGS EACH DAY, SPEEDS PLACEMENT OF POOR—NEIGHBORHOOD OFFICES HELP—GETTING TO WORK IS A PROBLEM

(By Richard J. Levine)

BALTIMORE.—Unemployed slum-dwellers seeking work in this city have a new ally—the computer.

The Maryland State Employment Service is testing a computerized job bank that Federal officials believe may prove a potent weapon in the nationwide war against poverty. In 10 months of operation, the experiment has shown high promise.

Developed locally, the Baltimore job bank is a simple computer system that prints an up-to-the-minute list of some 9,000 job openings in the metropolitan area each weekday evening. The following morning copies are distributed to placement counselors with the employment service and Baltimore antipoverty agencies—giving them a current and complete list of openings for the first time.

On a typical day, the bank offers a broad array of openings. It lists jobs for teachers, mechanical engineers, maids, clerk-typists, secretaries, steel-mill laborers, auto mechanics, porters, cooks and lathe operators.

Baltimore officials say the job bank has been crucial in helping the hard-core unemployed, particularly in Negro areas. The bank has enabled the employment service to decentralize by increasing the number, size and efficiency of its neighborhood "Outreach" offices.

A FACTORY JOB

Among the beneficiaries is Mrs. Nannie Gregory, who now packs bottles of bleach in boxes for $2 an hour at Owens-Illinois Inc. Mrs. Gregory, who previously scrubbed floors at a hospital, went to an Outreach office and told the interviewer, "I want factory work." Next day the employment service called to inform her about the Owens-Illinois job.

Howard Mitchell, a 23-year-old laborer at Allied Chemical Corp., also got quick help from an Outreach office located just two blocks from his home after he lost his construction job. The job bank produced the $2.56-an-hour Allied Chemical opening a day and a half after Mr. Mitchell visited the Outreach office.

Some needy people are being reached for the first time. "We knew there were potential job applicants in the ghetto we weren't serving," says J. Donn Aiken, director of the Maryland Employment Service. "Many slum-dwellers who never visited our main office have been willing to walk up four flights to a neghborhood office located six or eight blocks from their home."

Mainly as a result of the job bank, Mr. Aiken says, the employment service was able to place 2,184 poor persons in jobs in the Baltimore area during September, November and December 1968, more than triple the placements a year earlier. (October was excluded from the comparison, the latest available, because of a bus strike then.)

MORE JOB BANKS PLANNED

Labor Department officials in Washington are enthusiastic about the Baltimore experiment. They are moving to establish job banks in St. Louis, Chicago, Atlanta, Hartford and Portland, Ore., by mid-year. By July 1970, they hope to have banks operating in 30 more cities.

Spurring this effort is the knowledge that President Nixon is a strong proponent of automating the U.S. Training and Employment Service so it can better serve the poor. He favors a national computer job bank capable of automatically matching men and jobs located anywhere in the country. Such a system is viewed as a logical outgrowth of the Baltimore-type bank, in which the matching is still done by skilled interviewers.

"This is an area in which modern technology can serve human needs," Mr. Nixon has said. "If computers can match boys and girls for college dates, they can match job-seeking men with man-seeking jobs."

Experiments in computerized job matching are already in progress.

The most advanced test is being conducted by the Utah Employment Service, which since January has operated the first computerized statewide matching system covering the full range of jobs. Labor Secretary George Shultz says the project "has broad implications beyond the state of Utah." It is still too early to evaluate its performance, however. Before the end of the year, experimental matching systems are scheduled to be working in Florida, Michigan and the New York City area.

A TRICKY TASK

However, Federal officials caution that major problems remain.

First, it is extremely difficult to design an effective matching system. A computer, manpower experts stress, can't duplicate the subtle judgments a skilled interviewer often must make about an applicant's abilities and interests to place him in a job. "We are years away from a sophisticated search strategy that is sensitive to the needs of the hard-core unemployed," declares Charles Odell, a high-ranking Labor Department official.

Moreover, a national matching system would require sophisticated, expensive computer equipment. The Federal Government spent about $500,000 to set up the Utah experiment, and officials estimate a nationwide matching system would cost from $60 to $180 million.

Finally, it's not at all certain there is an urgent requirement for a national matching operation. Even with substantial Government assistance, the poor may be loath to move hundreds or thousands of miles for a job. "The major need," Mr. Odell says, is for a matching system covering each metropolitan area.

At the moment, the Federal Government is working hardest on duplicating the Baltimore job bank—because it is relatively free of hitches and has proved its usefulness.

"Some computer experts sneer at the Baltimore project" because they feel the computer is being used simply as a printing device, observes Joshua Levine, a Federal aide who oversees employment automation efforts.

He stresses, the job bank "licks the overriding problem" today in many big-city employment service offices: How to provide job interviewers with up-to-date listings of job openings for the entire metropolitan area. A growing flood of paperwork frequently makes this impossible where lists are kept manually.

Actually, the Baltimore job bank was designed to meet a particular local need rather than to solve a national problem.

In late 1967, many large employers in the Baltimore area were complaining to Mr. Aiken of the Maryland Employment Service and to city officials that they were being harassed by a multitude of agencies seeking jobs for the poor. Mr. Aiken turned for help to John Allen, a computer expert with the Maryland Department of Employment Security, which is housed in the same building as the employment service and uses computers to run the state's unemployment insurance program.

In six weeks, Mr. Allen and three other computer specialists came up with the design for the job bank. It works this way:

Information on job openings, placements, referrals of applicants for interviews and employer cancellations of orders is punched on computer cards. Each night the cards are fed through an IBM computer, which prints out a revised list of job openings. Copies are made, bound into big books and distributed by messenger.

To establish the bank, the Maryland Employment Service has received $150,000 from the Federal Government, mainly for rental of a copying machine and the salaries of 10 additional employes. No computer equipment beyond that used for the unemployment insurance system was needed.

Because the most isolated Outreach office now can have the same information on job openings as the main downtown office, the employment service has increased its neighborhood offices from three to 15—five of whilch are located in the heart of the Negro ghetto—and is planning to add 10 others.

While many job-seekers who have benefited from the bank remain unaware of its existence, they are pleased with the help they have received.

Harold Adams, a 19-year-old Negro, was drawing unemployment insurance after being laid off by a local department store. With the aid of an Outreach office aimed at needy young people, Mr. Adams was able to land a job as a stock man at Londontown Manufacturing Co., a rainwear maker. Mr. Adams pronounces himself "satisfied" with the employment service's help. "They got me a job," he says.

The disadvantaged aren't the only ones benefitting from the bank. Twenty-four-year-old Mrs. Marcia Ritmiller, who is attending college at night, got her job as a technician at Johns Hopkins University's medical school after visiting the main employment service office. To find the opening, she relates, the placement counselor "simply went through the job bank book."

Eighteen antipoverty or welfare agencies, ranging from the Federally financed Job Corps to the Maryland Department of Parole and Probation, have been assigned desks in the employment service's main office. Representatives of these agencies diligently search the latest copy of the job bank book. Access to it has significantly lessened the need for the agencies to solicit job openings from employers on their own.

But antipoverty officials warn that the bank isn't a panacea for hard-core unemployment. Many of the listings aren't suitable for the people the agencies serve.

"I'd bet 80% of the jobs in the bank aren't available to the hard-core" because they can't be reached by public transportation, says Mrs. Irene Little, a Neighborhood Youth Corps worker. Still, she adds, the bank has made it easier to place trainees, and the listings often provide leads to other jobs.

Employers seem especially pleased with the bank's central control unit, which helps keep them from being flooded with more applicants than they want. By checking a master copy of the job bank book, a clerk can determine if the number of applicants referred equals an employer's request, or if the job has been filled or the order canceled.

"Our experience with the bank has been good," says C. A. Kozelski, personnel vice president of Black & Decker Manufacturing Co. The power tool maker used to receive

eight to 10 inquiries a day about jobs for the hardcore, says Mr. Kozelski, but now the problem has been eliminated.

The bank is also bringing more positive benefits for employers. "When we need people," says a Bethlehem Steel Corp. spokesman, "we just go to the job bank."

PRINCE SIHANOUK OF CAMBODIA

Mr. McGEE. Mr. President, Prince Sihanouk of Cambodia is a leader who has led his country on a tightrope policy of neutrality, more or less, shifting positions to accommodate the realities of power in Southeast Asia. He has been deft and sometimes exasperating, as Hedrick Smith observed Sunday in a column published in the New York Times. But he has been, through it all, a fairly good bellwether of the prevailing political winds in Asia. Thus, his move toward resumed relations with the United States last week is an encouraging sign that Sihanouk's opinion of the ultimate outcome in Southeast Asia has shifted considerably since he broke off relations with the United States in 1965.

Smith's column, which analyzes well the Sihanouk shift, deserves attention by Congress. I ask consent that it be printed in the RECORD.

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

UNITED STATES AND CAMBODIA: THE SIHANOUK WEATHERVANE TURNS WEST

(By Hedrick Smith)

WASHINGTON.—To veteran diplomats, Cambodia's Prince Norodom Sihanouk has long been one of the most reliable bellwethers of prevailing political winds in Southeast Asia. With a skill that has often exasperated, occasionally entertained, and always impressed much larger powers, the mercurial Prince has pursued a zig-zag course, deftly playing off Peking, Washington, Hanoi and Saigon to suit his own needs.

His constant objective has been Cambodia's—and his own—survival. For Prince Sihanouk is haunted by the fear that his small kingdom will be engulfed by its more warlike neighbors in Vietnam or Thailand, or sacrinced in the ideological clash between Peking and Washington.

AN INDICATOR

Cambodia's survival has rested, in large measure, on Prince Sihanouk's ability to pick the likely winner in the mortal combat swirling around him. The twists and turns in his foreign policy thus reflect his appraisal of the fortunes of the region—and are hence taken as an indicator of what shrewd Asian neutrals think about the outcome of the Vietnam war.

Small wonder, then, that some American officials last week took comfort that Prince Sihanouk wanted to resume diplomatic relations with the United States and had sharp words of criticism for Hanoi and the Vietcong. Although the Prince stuck to his basic neutralist posture, his latest moves were taken as a sign that he evidently thought allied prospects were improving.

Back in 1965, the Sihanouk weathervane was pointing the other way. With the Vietcong then seemingly on the verge of victory over a faltering Saigon, the Prince broke diplomatic relations with the United States and proclaimed Communist China as Cambodia's "No. 1 friend."

He accused American forces in Vietnam of arrogantly violating Cambodia's frontiers and he disingenuously denied that the Vietcong were hiding troops on Cambodian soil.

By 1967 Prince Sihanouk was hedging his bets. Evidently it looked like a long war to him. The North Vietnamese and Vietcong were no longer as discreet and inconspicuous about using Cambodian territory. But his own armed forces were too weak to do anything about it; they had problems enough trying to cope with Cambodian Communist rebels stirring in the countryside.

In recent weeks, his tune has really changed. He has taken to warning that Communist "provocations will only push us into the other camp." Apparently very worried at the security threat posed by tens of thousands of North Vietnamese and Vietcong troops in Cambodia, Prince Sihanouk has told his people that these Communist forces have set up "staffs, bases, hospitals, depots and rest centers" in Cambodia.

PASSED THE WORD

Privately he passed the word to Washington through the Philippines Embassy that he understood that in wartime some allied incursions from Vietnam were inevitable. And he acknowledged that Cambodia's disputed border with Saigon was poorly marked in spots.

With Prince Sihanouk in such a mood, Washington saw advantages in improving relations: encouraging his new line would increase international pressures on Hanoi to pull its troops back home. The Nixon Administration decided to recognize publicly Cambodia's territorial integrity "within its present frontiers"—something the Prince had always wanted to bolster his territorial claims against Vietnam and Thailand.

These soothing words moved Prince Sihanouk to action. On Wednesday, he announced he would soon reopen relations with Washington and said this would let him "play a new card since Asian Communists are already attacking us before the end of the Vietnam war."

The Prince, however, still supports the Vietcong politically and has snubbed an effort from Saigon to discuss their long-standing border dispute. But his position is more genuinely neutral than previously.

The reasons are not hard to find. The outcome of the war evidently looks more uncertain than ever before, and in a real compromise settlement, Prince Sihanouk calculates that it would pay to have some credit in Washington.

SUPPORT FROM WEST

In the long run, if the Paris negotiations succeed, Prince Sihanouk will want diplomatic support from the West for getting North Vietnamese and Vietcong troops to quit his territory.

NATIONAL SECRETARIES WEEK

Mr. DIRKSEN. For the 18th consecutive year, the last full week in April has been designated as Secretaries Week, with business, industry, education, government, and the professions joining in its observance. In 1969, Secretaries Week is April 20–26, with Wednesday, April 23, set aside as Secretaries Day. Under the sponsorship of the National Secretaries Association, International, the world's leading secretarial organization, the theme will again be "Better Secretaries Mean Better Business."

The week is acknowledged by Federal, State, and municipal governments and is observed with special NSA-sponsored activities. In the District of Columbia, Mayor Washington will sign a proclamation on April 21, urging recognition for all secretaries for the vital role they play. Deputy Mayor Fletcher will make the presentation for Mayor Washington. Present at the ceremony will be Mrs. Sally Dankmyer and Miss Alice Tilson, chairman and cochairman, respectively, Secretaries Week Committee.

Washington's Capital chapter and District of Columbia chapter will join together in the activities of the week, beginning with a church service on Sunday, April 20, at the Georgetown Evangelical Lutheran Church. Other activities for the week will include a tour of the McCall Printing Co. in Glenn Dale, Md., and a tour of WRC–TV studios including watching of a taping of the program "Its Academic."

The highlight of the week will be Secretaries Day, April 23, with a reception and banquet being held in the evening at the Shoreham Hotel. The speaker will be Kurt Henschen, news commentator, WWDC radio, and entertainment will be provided by the Riverside Four, a barbershop quartet, members of the Fairfax Jubil-Aires.

THE HEALTH AND NUTRITION NEEDS OF MIGRATORY FARMWORKERS

Mr. MONDALE. Mr. President, on April 9, 1969, Senator ALAN CRANSTON, of California, who is a member of the Migratory Labor Subcommittee, of which I am chairman, delivered the keynote address at the Mid-Continent Migrant Health Conference in Albuquerque, N. Mex.

I would like to share his speech with my colleagues, for it is significant in several respects.

First, Senator CRANSTON correctly points out that both the immediate and long-range health care and nutrition needs of our Nation's 1 million migratory workers and their families are overwhelming, and must be given immediate attention. Yet, health services under the Migrant Health Act are available to only one of three migrants. And, how ironic it is that many farmworkers who pick our Nation's abundance of food are suffering from malnutrition.

Second, I fully agree with Senator CRANSTON that the Migrant Health Act should immediately be extended for 5 years with substantially increased appropriations. Furthermore, I share his conviction that health care, like education, must be made available as a matter of right to every American citizen.

And, finally, the theme repeated throughout my colleagues' eloquent speech was that our Nation's priorities must be reevaluated and reassessed. As he notes:

> We casually expend billions on sophisticated programs for military defense and then nit-pick at the few dollars needed merely to investigate hunger and human need in our land.

The migrant health program is currently funded for $9,000,000 a year. By doubling the appropriation we could at least reach 300,000 more human beings with minimum health care. Yet we spent $560 billion for defense in the past 10 years, and expect to spend $100 billion to $115 billion in the year 1970.

I am not a romantic—I think this Nation needs a defense. But one of the key

issues facing this country is the necessity to realize that just because an idea is proposed by someone with stars on his shoulders, that does not put it above criticism. We have other problems too, and meeting the health and nutrition needs of our migratory farmworkers and rural impoverished is just one.

Mr. President, I ask unanimous consent that Senator CRANSTON's address, entitled "Better Health Services for All Rural Families" be printed in the RECORD.

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

BETTER HEALTH SERVICES FOR ALL RURAL FAMILIES

(Speech by Senator ALAN CRANSTON Before the Mid-Continent Migrant Health Conference in Albuquerque, N. Mex., on April 9, 1969)

I'm sure that you know the health problems of migrant and seasonal farm workers better than anyone else—better, really, than those who suffer the ills and pains and loss of energy that afflicts so many poor Americans.

Many of you have stood before other audiences and spoken with the eloquence of compassion about the disease, the hunger, the poverty which sap the strength and stifle the aspirations of the forgotten men of our countryside: the rural poor.

Many of you here are giving your careers, your very lives, to that forlorn cry for help that touches your hearts when you tend the babies and treat the mothers of the families who pick our crops.

It is because of your dedication that you have come to this Mid-continent Migrant Health Conference—looking for new ideas, better cooperation, and improved programs.

But most of all you come seeking hope—hope to surmount the anger and discouragement which come with knowledge of rural poverty—anger with a society that has the blind temerity to suggest to the rural poor that poverty can be overcome by hard work and initiative, when farm workers probably work harder for less money than anyone else in our society.

And discouragement with a nation that can casually expend billions on sophisticated programs for military defense and then nitpick at the few dollars needed merely to investigate hunger and human need in our land.

I wish that I could tell you that Congress and the nation are finally awakening to the desperate needs of the poor, in our cities and on our farms.

But you and I know that I cannot.

The indifference and apathy of our national attitude toward poverty are now being supplemented by our economic problems.

The dark clouds of an anti-inflationary economic policy threaten to blot out the fragile rays of aid and assistance which have brightened at least a few lives during the 1960's.

I do want to say to you that there are many members of the United States Senate who understand and care about rural poverty. Their number is increasing.

And I promise you that I will be in the thick of the fight to make a full and meaningful life possible for every American.

The immediate health needs of our migrants are well known to you.

The proposed 5-year extension of the Migrant Health Act—from 1970 to 1975—is essential for our nation.

Those of you whose devotion and hard work have developed and expanded migrant health services since the Act was adopted 7 years ago know all too well the sad reality:

Of the estimated one million migratory workers in the United States, only 31 percent were in counties served by migrant health projects last year.

Every American county with an annual migrant influx should have personal health and sanitation services available.

Yet for every one that does, two do not.

I say we must continue and expand migrant health services.

We must make it possible for the traveling farm worker's family to achieve some continuity of health care along the migration routes.

Further we must emphasize that the migratory family's needs are only a specialized version of the general deficiency of health services among the rural poor in our nation.

Even where the farm worker meets the residency requirements in his home-base county, he seldom has access to a comprehensive and effective health care program.

We must reach more of the rural poor, be they migrant or not, with better programs to treat and immunize, to supply needed vitamins, to improve sanitation, to educate in health and nutrition, and to provide hospitalization.

We must likewise face up to the problem of hunger in America.

The tragic findings of Senator McGovern and his colleagues on the Senate Select Committee on Nutrition and Human Needs should finally end the senseless prohibition against free distribution of food stamps for family units whose income is below a minimum level.

Food stamps should be used as tools to help solve the hunger problem.

There is, of course, no shortage of food in this country.

When children and adults are weakened and stunted by inadequate diets, we—and I mean our nation—are guilty of a meaningless and needless waste of our human resources.

As Americans we pride ourselves on our ingenuity—and surely a nation which can meet the challenge of outer space can figure out how to distribute surplus food to hungry children.

Meanwhile, we must end the exclusion of farm workers from the laws which regulate and protect other American working men.

Farm workers should be included under the National Labor Relations Act. I've joined with other Senators in sponsoring legislation to this end.

Compulsory workmen's compensation, and unemployment insurance, should be extended to farm workers in every state in our nation.

We must end the discriminatory residence requirements which deny to migrants federally supported public assistance programs and other benefits.

We must be alert to the understandable political tendency to concentrate limited poverty funds in the cities.

In no way would I suggest that the conditions of life in urban poverty neighborhoods are less than deplorable.

Nevertheless, I have seen rural slums in California which are as atrocious, as degrading to their inhabitants, as any core-city ghetto.

Yet as the turmoil of the cities seethes and bursts open through the long hot summers, the rural poor stand by silent and impassive, enduring the hardship of their kind of poverty—virtually unnoticed by the headlines and television cameras.

We must make sure that rural poverty-striken Americans are not ignored in our struggle for economic justice.

None of these proposals are new.

You have called for them in your conferences.

The Senate Subcommittee on Migratory Labor has called for them.

Churches and other concerned organizations have called for them.

Political conventions have called for them.

And I fear that the conferences, the conventions, the Congressional committees of next year and the next decade will say again and again what we say now and have said before:

Families still live in the disease and pestilence of poverty.

Worms still infest the bodies of little children.

The inadequate diets of pregnant mothers still condemn their unborn babies to deficient or retarded lives.

Migrants still die sooner from both disease and accident than their middle class brothers.

I believe this will be true—that is—unless we change our sense of national priorities.

Why should every dollar we spend on government health care programs and other plans to ease and improve the lives of the poor require such a battle in Congress and in our State Legislatures?

I think the answer is obvious:

Look at the 1970 budget now before Congress:

We are asked to spend $81.5 billion for national defense, $25 billion of which will be spent in Southeast Asia alone.

In contrast we can expect to spend about $13 billion for our entire federal health program, one half of which will be self-financed by medicare trust funds.

We are asked to spend almost $2 billion to land an American on the moon, while our entire food and nutrition budget is estimated at $720 million.

These strange priorities put the war in Vietnam ahead of the health of our own people.

A man on the moon is somehow more important in our scheme of values than feeding hungry children.

I believe it is time to reconsider these priorities. I believe the American people, and their Congress, are about to do exactly this.

Somehow in the maze of our political complexities we have lost sight of human values. Perhaps we are about to rediscover them.

It is on one specific aspect of these forgotten human values that I wish to place particular emphasis today.

As we call for specific programs and more adequate funding, let those of us concerned with health continue to demand that we reconsider and revise the priorities which shower funds on armaments and space exploration at the expense of poor people.

Our nation has long adhered to the principle of public education, insisting that every American has the right to attend a free public school.

We say that democracy must have enlightened, educated citizens if it is to remain a free society.

Our economy promises rewards based on hard work and education.

We tell our young people that if they stay in school and concentrate on studies, they will be able to get ahead.

Historically the philosophers of an equalitarian society have always insisted on the individual's right to an education as essential to giving every man an equal opportunity.

Isn't it time that we realized that exactly the same arguments apply to health?

It is an impudent mockery to say "all men are created equal" to a boy whose body or mind never developed properly because his migrant mother had a deficient pre-natal diet.

How can we seriously tell the child, whose health has been weakened by years of slum neglect, that because he lives in a free society he must stand on his own two feet and compete with his healthy middle class contemporaries for a job?

For our democracy to work, every person must have an opportunity to achieve a decent life for himself and his family.

Yet poor health is just as much of a barrier as a lack of education for the poor person—perhaps even more of a barrier, for disease and malnutrition feed on the strength and the spirit of a man, sucking him into despair and lethargy.

To fight their way out of poverty, poor Americans need all of their strength, all of their mental and physical resources.

Yet they have less access to national medical and other health services than anyone else in our society.

I believe it is time to give new substance to the promise of our democratic society to the poor people of our nation.

Let us declare that among the inalienable rights of every man, woman, and child in America is the right to be healthy. Let us declare that the right to be healthy is as essential a part of life, liberty, and the pursuit of happiness as is the right to an education.

And then, having avowed this commitment, let us assert and achieve the right to be healthy in every slum, at every cross roads, in every labor camp in our nation.

We must demand that every child has access to health services, that every family can get medical assistance when it needs it.

The United States can do this.

Once the threats to our national health have been recognized for what they are, we will rise to fight them with the courage and determination with which we have met other threats to our security and freedoms.

We have the knowledge, we have the people, we have the resources.

The right to health will add a shining new star to the panoply of America's promise.

Let each of us do all we can in the battle to make the right to be healthy an American reality.

FLIGHTS OF RECONNAISSANCE PLANES TO CONTINUE

Mr. BAKER. Mr. President, the decision to continue the flights of reconnaissance planes in the Sea of Japan to send armed escorts with them is a decision only the President should have made.

Since that was his decision I support it. I am sure North Korea received a much stronger warning than has been made public. A more emotional response might have been more satisfying initially, but I doubt if it would have improved chances for world peace.

From all evidence the shooting down of the unarmed plane was an aggressive act of war and while President Nixon made only a temporary decision, I think he made it crystal clear that he—and the United States—will not tolerate such incidents in the future. I support that policy.

A COMMITMENT TO EXCELLENCE

Mr. BURDICK. Mr. President, on April 11, Dr. L. D. Loftsgard was inaugurated as president of North Dakota State University in Fargo, N. Dak.

I believe his excellent inaugural address, entitled "A Commitment to Excellence," covered many of the problems and hopes in higher education today. His thoughts would be of interest to anyone concerned with the future development and growth of higher education. Therefore, I ask unanimous consent that his address be printed in the RECORD.

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

A COMMITMENT TO EXCELLENCE

(An address by Dr. L. D. Loftsgard, delivered on the occasion of his inauguration as the 10th President of North Dakota State University, Friday, April 11, 1969, at Fargo, N. Dak.)

I recall reading in the paper last spring about a Commencement address that our esteemed neighbor Dr. Malcolm Moos was slated to give at the University of Minnesota.

It seems that the exercises had been scheduled out-of-doors and, at the last minute, had to be cancelled because of rain. Dr. Moos, being an adaptable fellow as well as a public speaker of no mean accomplishment, decided, in preference to letting his speech go to waste, to deliver it to the family dog which had that day been graduated from obedience school. He later reported the dog, in the manner of students nowdays, had howled piteously at several points, but at least Dr. Moos had had the satisfaction of feeling the day was not completely in vain.

We have a very nice dog at our house. But I must say, it pleases me greatly that the Jonahs among my associates, who have been predicting for the past three months that the mighty Red would have swollen its banks with pride by now and inundated us all, have been confounded and I'm not having to give this talk to Red, our family's Irish Setter.

We are indeed pleased, and, speaking in behalf of the University as well as myself, flattered, to have such a distinguished group of friends present for this occasion.

A university is like a human being in many respects. And this is not really so surprising if you stop to think about it—being the brainchild of human beings and made up of people. It has character, a personality, an aggregate intellect, standing in its community, status among its peers and a social role that constantly changes in some respects, but remains rigidly constant in others.

I have the impression that, during its early years, NDSU, or the Agricultural College as it was known as in those days, was rather a brash, young, no-nonsense kind of institution, with its shirtsleeves rolled up and a determination to do everything it could to help the North Dakotans of that day survive in an oftentimes hostile environment. The work of such people as Edwin Ladd, the Waldron brothers, H. L. Bolley and others will attest to that.

In the years to follow, science and technology became the watchwords of the institution's education philosophy, equipping its people with the tools and skills they would need to cope with an increasingly technology-oriented society.

NDSU's official designation as a university nine years ago, portended another change in its philosophical role, a change which, in keeping with its growing maturity as an institution, reflects not only the realization that science and technology alone cannot solve humanity's problems but society's changing values as well.

I think John Quincy Adams summed all of this up rather succinctly more than 150 years ago, when he said, "we must learn the arts of war and independence so that our children can learn engineering and architecture, so that their grandchildren can learn fine arts and painting." Ironically, visionary though he was, John Quincy Adams apparently could not foresee the extent to which it would be necessary for us still to be learning the arts of war, simultaneous with engineering and architecture, while we continue the search for the elusive keys to human behavior that will allow us, one day, to get off this frightening roller coaster ride to self destruction.

This is a very exciting time to be involved with higher education. I wouldn't trade my role in it for anything. But it's also a very sobering time.

Recently, a prominent educator who has long been involved with educational planning on a global scale, published a report which he called a systems analysis of the world crisis in education. In it, he identifies five major forces at work in education today. They include the great flood of students we all have been experiencing in the past couple of decades; the alarming rise in the costs of education which has accompanied this expansion; the scarcity of resources—both human and economic—to cope with these increased demands; the unsuitability of the output of higher education today; and, finally, the inertia and inefficiency we are experiencing in adapting ourselves to cope with these problems.

Although each one of these factors is menu for extensive deliberation, I'm going to dwell for a moment on only the last two.

This one about the unsuitability of our output should particularly concern us today. As we watch our young people stride across the Commencement platforms here, and at other institutions this spring, I think we would do well to ask ourselves just what kind of creature is this that we have produced? I suppose there are some slightly Frankensteinian connotations to that statement, but I do think some rather deep soul searching is in order at this particular point in time.

When we speak of such things as quality or suitability, we are not talking about a given person's technical qualifications for a particular profession. I'm as fully confident as you are that when one of those bright, clear-eyed engineers or pharmacists or home economists steps up to receive a diploma with his "graduation-with-honors" ribbon fluttering in the breeze, he's as technically well qualified for his profession as any graduate in the world today.

But the word technology has two lines of origin. The "Techne" part carries the connotations of artifice and invention. The "Logos" part, the connotation of wisdom. The question then that we need to ask ourselves as educators, is whether or not these young engineers and chemists and agriculturalists we are educating are wise as well as skilled in their professions? I don't know, but I like to think that they are. Or at least that we have had some part in laying the groundwork that will help them to grow is wisdom as the years go by.

We in higher education are sometimes charged, most often of late by our own students, with producing not well-rounded, reasoning, feeling, civilized members of society, but rather technical automatons, custom styled to fit the needs of a mindless technological society, serving violence and war, and into which they fit as faceless interchangeable parts. Robert Hutchins leveled the latter charge at American education 30 years ago and has continued to reiterate it since then, including at the time of his visit here a couple years back. It is a very serious charge.

But I don't buy it. At least not completely.

Granted, there is some very convincing evidence that our current society is more interested in machines than it is in people. But I am not at all convinced that the fault lies wholly with the kind of people we have been producing through our educational system. Rather, I would prefer to believe that this is, as John Quincy Adams suggested, one step in the evolution of mankind. Now that science and technology have given us the tools for true civilization, the challenge to us is to learn to employ them for humane and positive ends.

In looking back over the history of this institution and that of the others like it, one cannot help but be profoundly impressed by the extent to which they have succeeded in harnessing science and technology for hu-

manitarian purposes. Where would we be today without the great achievements of our colleges of agriculture, medicine, chemistry and engineering?

And to suggest that a man who is educated in science or one of the professions is necessarily an unfeeling barbarian, incapable of humanitarian responses is a grossly subjective judgment, wholly unsupportable by logic.

Most of us are agreed, I think, that it need not be an either-or situation.

We need not abandon our instruction in technology and professional skills to place more emphasis on the humanities. We can and must have both. Most important, I think, is that we must be constantly alert to the inherent dangers of technology gone wrong. And to that end, we must aggressively pursue positive change in the direction of greater attention to human concerns.

This, then, brings me to the other major problem I cited earlier, that of inertia and inefficiency. Too many of us, I'm afraid, have a tendency to respond to crises such as these with "business-as-usual" methods. But because these complex problems don't lend themselves to simple solutions, what we end up with in too many cases is doing "business-worse-than-usual."

A leading American educator has said that in a great many of our colleges and universities the most stubborn enemy of excellence in performance has been low morale—a kind of hopelessness on the part of both administration and faculty—hopelessness about ever achieving distinction as an institution. Not only are such attitudes a corrosive influence on morale, they also make it virtually certain that the institution will never achieve the kind of excellence which *is* within its reach.

There is a kind of excellence within the reach of every institution. We are all acquainted with some organizations, some families, some athletic teams, some political groups that inspire their members to great heights of personal performance. Such high individual performance depends to a great extent on the capacity of the society or institution to evoke it.

Last June, in an effort to ask ourselves some of these questions as they relate to this university, the deans and I together with a handful of faculty members and some other key administrators, drove up to Lake Metigoshe, near the Canadian border for a sort of retreat—an opportunity to get away from the day-to-day concerns of life on the campus; a chance to look at what we were doing through the large end of the telescope; an opportunity to get some feeling of detachment. I felt it was a most successful outing. The initial recommendations that grew out of that conference will be published soon.

We talked about such relatively mundane things as needed changes in the various curricula, new ideas in research and extension; a system for better evaluating and rewarding faculty performance; greater real student and faculty involvement in decision making; the university's physical needs; and the importance of accommodating the academically gifted student as well as the academically underendowed. But this was the first time, in recent years at least, that we have taken the opportunity to put NDSU under the microscope to come up with recommendations about its future directions.

With a target date of 1975 to give us something to shoot for, we are currently beginning to implement some of the recommendations that came out of that retreat. We have lumped it all under the title, SU '75. Although this idea may seem new to us, its philosophical roots go very deep.

The land-grant system that created NDSU, was conceived under a powerful democratic dictum: That all work is dignified, and that students should be taught on the basis of their ability to learn some worthwhile work, whether intellectual or practical, rather than on the basis of money or social position.

That position was eloquently restated a few years back by John W. Gardner, when he said, "We must learn to honor excellence, indeed to demand it, in every socially accepted human activity, however humble . . . and to scorn shoddiness, however exalted. . . . An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because it is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

It is on this kind of philosophy that SU '75 is based.

It is not a list of specific changes we hope to bring about. Rather, it is a broad-based challenge to our teachers and students, a challenge to help us create environment in which SU '75 can happen. The specifics of these changes will come from our teachers, our students, and our alumni.

And I am particularly pleased to report to Mr. Gallagher, who so kindly offered the services of NDSU's 17,000 alumni a few minutes ago, that we do indeed have a challenge for them. Among the changes we hope to see at NDSU by 1975 are in the physical face of our campus.

One change is a new Music Building as a part of the Fine Arts Complex which was begun last year with the completion of Askanase Hall. Another would be the construction of new South Stands at Dacotan Field. Another is a new University Library. And there are more—a Research and Development Center to house the electronic computers; a new Auditorium to replace Festival Hall; and a Faculty-Alumni Center that will provide an atmosphere for the continuing exchange of ideas among all the University's people. Hopefully, some of these structures will be constructed with partial aid from state appropriations. Others may be eligible for Federal assistance. But part of this total program—an estimated $4 million worth—will have to come from sources other than governmental. It is our hope that leadership in this endeavor can be the alumni's stake in SU '75.

I guess I had never really appreciated before, the great extent to which a university is dependent upon its alumni. Faculty members come and go. In the main, their loyalty goes first to their discipline. Students are here for four or five years. But the dedicated alumnus belongs for the rest of his life. There is a mutual interaction between a good university and its alumni. As an institution grows in stature, the value of its diplomas grows accordingly. But such growth is realized only through the concerned and committed participation of its alumni.

The people who founded this university 79 years ago, had, I'm sure, lofty hopes for what it might become. I doubt if they envisioned anything quite like what it is today But they, and the people who came after them, have given us a strong foundation of dedication, commitments, and intellectual aspiration on which to build.

Today we face a responsibility to them, to the people of North Dakota, to our students, our alumni and ourselves that is infinitely more far-reaching in its implications than at any time before in our history.

In the light of this, it behooves us all to move forward, shunning intellectual faddism and conformity, yet striving for that singular excellence and individuality that is this University's heritage.

Thank you.

PRESENTATION OF PROFESSIONAL TROPHY AWARD TO OHIO

Mr. SAXBE. Mr. President, I am proud that Ohio has been selected winner of the Professional Trophy Award for the excellence of its industrial development program last year.

The award is presented annually by the Society of Industrial Realtors.

An independent board of judges voted North Carolina runnerup for the 1968 award. Virginia placed third and will receive an honorable mention citation.

This is the second time in the past 3 years Ohio has won the award. North Carolina captured the coveted trophy in 1960—the first year it was presented.

The award presentation will be made to Ohio Gov. James A. Rhodes at a luncheon May 6 at the Olympic Hotel in Seattle during the annual spring meeting of the society—a professional affiliate of the National Association of Real Estate Boards. SIR members specialize in marketing industrial properties and meeting industry's real estate needs.

All States and Canadian provinces are invited to compete for the award. In addition to Ohio and North Carolina, previous winners have been Maine, Manitoba, Texas, Georgia, and Kentucky, which won twice—in 1964 and 1967.

The Ohio industrial development program is carried out by the State's development department, Fred P. Neuenschwander, director.

In its entry, Ohio reported that there were 695 new firms and 2,623 expansions in the State in 1968, with new capital investment totaling more than $2.4 billion. Additional employment generated by industrial growth for the year was 124,346.

The entry noted that Ohio has led the Nation in new capital for plants and equipment in every year for the past 5 years. During this period, manufacturers have invested over $10 billion in Ohio industry, creating 600,000 new jobs.

The board of judges cited Ohio's broad-ranging, coordinated approach to development, and the excellent results it achieves with a comparatively low budget of $732,000—less that 7 cents per capita.

Ohio's "total development program" includes a sales division, research division, information division, atomic energy division, world trade division, travel and tourism division, offices in Washington, New York, Brussels, Tokyo, and Caracas, and advisory councils composed of 141 professional leaders who offer expert advice to the department and serve without monetary compensation.

A management consulting service for small businessmen, a computerized site selection system, and a fully automatic area information system are among the features of the 1968 Ohio industrial development program. The department emphasizes international trade and held five trade fairs in Venezuela, Brazil, Japan and Australia in 1968 which resulted in more than $12.4 million in business for Ohio companies.

The judges commended Ohio for embarking on a new planning program

called "Solutions for the Seventies"—a "strategy for the total mobilization of Ohio's human, economic, and natural resources." Vocational and technical schools, job retraining centers, minerals research and development, a transportation research center, improving the State's lakes and rivers, and stimulating recreation investment are included in this program.

The criteria against which entries were judged were: scope and balance of the program; degree of difficulty of the development program; efficiency of the industrial development efforts in relation to financial resources; amount of progress made during 1968 compared with previous years; industrial development program—relations with, and aid to, new and existing industries; attraction of industry; financing; and the program's contribution to the ethical stature and practice of industrial development.

Serving on the board of judges were: Robert E. Boley, executive director, Urban Land Institute, Washington; Russell B. Gallagher, manager, real estate department, Philco-Ford Corp., Philadelphia; Frank M. Heilmann, vice president, Fair Lawn Industrial Park, Franklin Lakes, N.J.; W. L. Ollerhead, vice president, the Chespeake & Ohio Railway Co./ the Baltimore & Ohio Railroad Co., Baltimore; Theodore K. Pasma, Economic Development Administration, Washington; Richard Preston, executive director, American Industrial Development Council, Boston; and Donald N. Stocker, manager, area development, Pennsylvania Power & Light Co., Allentown, Pa.

CUTOFF OF SCHOOL LUNCH FUNDS

Mr. TALMADGE. Mr. President, the Atlanta Constitution of April 16 contained an Associated Press article entitled "Aid Cutoff Hurts Poor Pupils Most."

This excellent article makes the point that the withdrawal of Federal assistance to school systems in desegregation noncompliance cases inflicts the most damage to the very ones that the law purports to help—poor and needy schoolchildren most of them Negro. Judging from the comments of some of the school principals interviewed by AP writer Don McKee, lunch programs for hungry children suffer the most.

This is what I have maintained for a long time. This is what I pointed out in the Senate on March 11, when I introduced a bill to prohibit the Department of Heath, Education, and Welfare from cutting off funds to school systems where they are being used in school lunch programs.

I hope that my proposed legislation will be adopted by Congress and that we can put a stop to this unconscionable practice. I cannot understand a policy of the Federal Government that allows small children, and in most cases poor and hungry children, black and white, to be penalized in this way. I cannot understand denying any children under any circumstances of their rights to education and training. I cannot believe that this was the intent of the Civil Rights Act of 1964. I know it was not intended that any agency of the Federal Government would act to cripple or destroy school lunch programs for needy boys and girls.

I sometimes wonder how it must feel to some of the officials in the Department of Health, Education, and Welfare to be cast in the role of hatchetmen over schoolchildren, with virtually dictatorial power to make decisions affecting the upbringing and education of thousands and thousands of small children—to decide in effect whether they will be given the full loaf of adequate schooling, or merely a breadcrumb.

Instead of taking money away from schools, we ought to be pumping every available dollar into them—especially into those schools where there are heavy concentrations of poor families and deprived children.

Some 6,000 schoolchildren are involved in the two schools discussed in the AP article. Each and every one of them needs the best education possible. It is their right. Yet they are being shortchanged because of a punitive policy of the Department of Health, Education, and Welfare. There are tens of thousands of other schoolchildren throughout the South that are being similary denied their right to a full and adequate education.

The argument is made that the Federal Government cuts off school money to relieve itself of being in the position of subsidizing illegal segregation. I cannot go along with that philosophy.

If the Federal Government continues to pour money and assistance into colleges and universities where students strike, riot, and destroy, and where the administrators are either unwilling or unable to maintain law and order, are we then subsidizing lawless anarchy on the campus?

When we spend Federal money to rebuild parts of cities that have been destroyed in riots by arsonists and looters, are we not then subsidizing lawlessness in the streets?

If Federal funds must be withheld from somewhere, I say withhold them from colleges which have been turned into revolutionary shambles by students, many of them on Federal loans, who make a mockery of law and order and a farce of higher education. These people are old enough to know what they are doing and college administrators must be aware of what they are permitting to take place.

Rioters and looters also know what they are doing, and it makes me flinch to see vast sums of the taxpayers' money being spent to repair their damage.

But let us stop punishing small and innocent schoolchildren for circumstances over which they have absolutely no control and controversy they do not even know about.

Mr. President, I bring the AP article to the attention of the Senate, and ask unanimous consent that it be printed 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:

AID CUTOFF HURTS POOR PUPILS MOST

(NOTE.—What happens when federal school funds are cut off? Who gets hurt? Does it force compliance? To get answers, The Associated Press investigated results in Georgia.)

(By Don McKee)

VIENNA, GA.—Refusal to accept integration guidelines cost Dooly County $359,000 a year in federal funds, a figure equal to 40 per cent of the school budget, and crippled enrichment programs at Negro schools.

The cutoff helped force a tax raise.

But hurt worst were hundreds of disadvantaged school children, most of them poor and Negro.

Losers were not the five school board members who rejected an integration plan of the U.S. Department of Health, Education and Welfare—HEW—two years ago.

The losers were school children: those needing special preschool help and remedial training but now without a program.

And sick children, who lost a school nurse.

Hungry children, who were getting hot lunches free.

"My biggest problem? Not being able to feed the children," said Negro Principal Frank E. Williams at Paul Vance School in Dooly County.

Dooly, the state's top cotton-growing county located in south Georgia, and Jones County, a sparsely populated pulpwood area near Macon, show the pattern of what results from cutting off federal funds for schools.

Most of the money went to Negro schools since they have by far the most low-income families, a key qualification for the larger grants. Withdrawal of funds was felt sharply in these schools, while the situation in predominantly white schools was not significantly changed.

That has been the main effect in Georgia systems, which authorities say are losing upward of $7.5 million a year. Some Georgians argue that HEW's cutoff of funds penalizes children because of actions of school boards.

But a HEW official says the school authorities must take the blame for not complying with "the law of the land."

Regardless of blame, the effects are the same.

Dooly County, 50 miles south of Macon, is bisected by Interstate 75, the major north-south tourist route. The county's 11,000 population is 60 per cent Negro, as is the school enrollment of 3,100.

THIS BREAKDOWN

School Supt. W. F. Stone gave this breakdown of the federal funds it received before termination in 1967:

Remedial-enrichment programs—under Title I of 1964 Civil Rights Act—273,000.

Antipoverty—Head Start others—$40,000.

"Impact area" funds based on the number of military dependents in schools, $26,000.

Vocational education, $15,000.

The total of $359,999 is equal to nearly 40 per cent of the 1967 school budget of $904,876. But since the bulk of the federal funds were for added, enrichment programs, the county had to make up only about $50,000 in its budget, Stone said.

This was done by raising property taxes $4 per $1,000 valuation last year, producing about $85,000 for schools.

A pressing problem was that of hot lunches for many Negro pupils, farm children whose families fall below the poverty level of $3,000 a year income and often must be trained to like milk because they have none at home, Stone said.

Principal Williams and his teachers at Vance elementary have taken it on themselves to raise money in their community. A pilot program of special state aid has helped.

"Sometimes we have only 19 children out

of 404 at this school who can pay for lunch," Williams said. "The majority still eat free."

FOOD CURTAILED

Stone said that with federal funds 733 meals per day had been provided free. Local efforts have kept the free lunch program going, but on a curtailed basis.

Lost with the federal money also:

A special reading teacher, a physical education teacher and six teacher assistants, a nurse, a band instructor, three lunchroom workers and two janitors—all for the Negro schools.

Dooly County's school board balked two years ago when HEW's formula demanded 150 pupils and 14 teachers cross the color line, Stone said.

Under a freedom of choice plan, about 35 Negroes had transferred to white schools. "You just don't change overnight," Stone said, arguing that HEW had asked too much.

There now are nine Negroes in two otherwise white schools, he said, though the system has dropped its integration plan altogether.

No public battle has resulted from the loss of funds and the recession in integration. But the Department of Justice notified the school board four months ago that a Negro parent had complained of discrimination.

BOARD REPLIES

The school board, in reply, adopted a resolution calling for compliance requirements to be "established by judiciary directives." Under federal law, the Justice Department may go into federal court to force compliance.

Jones County, which lies immediately northeast of Macon, has 3,000 school children, with a slight white majority. There are seven schools, four of them all Negro. About 65 Negroes attend predominantly white schools.

Federal aid totaling more than $150,000 was cut off in October 1966 when the school board rejected HEW's proposal to abolish the dual school system. Included in the loss, state records show, were $111,836 in enrichment funds and $21,677 in funds for military dependents in schools.

HUNGER PLAGUES

"Actually it seems like it brought things to a standstill," said Negro Principal Charles Adams of Bradley Elementary, also plagued with hunger problems. He said classroom equipment, such as reading machines and projectors, were still in use but there were no maintenance funds, no new filmstrips.

"Actually some of the machines are idle," he said.

Schools in Jones County are crowded and the critical need is for more room, said Supt. Linton Jordan.

WHAT'S EFFECT?

What was the effect of cutting off federal funds?

"The difference is in things we might have done," he said.

"We're operating like we always operated before we got the funds."

Jordan said $50,000 was spent in a reading program for Negro schools. Other federal money went into science equipment, textbooks, physical plant, lunches, a band with instruments costing $6,000, record players and four pianos.

NEGRO SCHOOLS

All this went to Negro schools. And there were ambitious plans for more programs before the money was cut off, said Marie H. Collins, a Negro teacher who coordinated the federal programs.

Principal Jerome Guy of Maggie Califf High School said Negro schools, like this, were "definitely retarded" academically by the termination of funds.

He said if he had to make a choice he would rather have improved education than school integration.

A federal official defended the cutoff of funds.

THE THEORY

"The theory of cutting off funds was that the federal government in such situations was in the position of subsidizing segregation," said Paul Rilling, regional civil rights director for HEW in Atlanta.

The theory that federal aid might be used to "encourage" compliance was involved also, Rilling said. This has worked in many instances, he said, citing the fact that most school systems have complied with the law.

"There has been substantial progress in the Deep South," said Rilling. In the 11 Southern states in 1964, he said, integrated schools had only 2 per cent Negro pupils, but now the figure is 20 per cent.

GOLDEN SPIKE CEREMONY PROGRESS

Mr. BENNETT. Mr. President, on May 10, 1969, at Promontory, Utah, a great moment in American history will be marked when the driving of the golden spike that signaled completion of the first transcontinental railroad is reenacted.

All of Utah is waiting for this major event.

Utah will have an especially hearty welcome for all steam train "buffs" during the activities planned to celebrate this historic event. A big steam locomotive of recent vintage, Union Pacific's No. 844, will operate in daily service between Salt Lake City and Ogden for a 10-day period beginning May 11. An "iron horse special" will be pulled from New York City to Omaha by steam, and there to Salt Lake City by the Nation's most powerful new diesel, dubbed a "centennial model." Special trains from Los Angeles and from the San Francisco Bay area will bring rail fans to Utah for the big event. The Union Pacific will bring a museum train to Salt Lake City and Ogden during the celebration which will include a vintage steam locomotive and tender, period-piece passenger and baggage cars, and several modern cars in which will be displayed maps, photos, tools, and other mementos of the railroad builders.

Gordon Eliot White, the fine Washington correspondent for the Deseret News, has written a most interesting article on the railroad industry which made this triumph possible. I ask unanimous consent that the article be printed in the RECORD in its entirety.

In addition I ask unanimous consent that a schedule of events for the golden spike celebration also be printed in the RECORD.

I urge all Senators and anyone else who reads these remarks in the CONGRESSIONAL RECORD to come and join us for this big event in Utah.

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

WHEN RAILS FIRST SPANNED THE UNITED STATES

(By Gordon Eliot White)

WASHINGTON.—The golden spike driven 100 years ago next month was the jewel that crowned the U.S. railroad industry. With the completion of the transcontinental rails, manufacturers such as Rogers, Cooke and Danforth, Baldwin, and Schenectady Locomotive Works were pushed to heights of power and efficiency in their steam locomotives. The dynamism of the U.S. railroad industry gave American manufacturers a worldwide market that was one of the key factors that helped make the post-Civil War U.S. a world power by the end of the 19th Century.

The manifest destiny of America was at once fulfilled at Promontory Summit in May, not only by the continent-spanning rails, but manifest destiny of a larger sort was given impetus by the closing of the frontier, the end of the challenge at home, and the growing power of American manufacturers in the world, led first by the builders of railroads.

The center of the locomotive industry in the U.S. for 66 years was Paterson, N.J. Built at the falls of the Passaic River, 20 miles west of New York City, Paterson was the new world's first planned city, created by Alexander Hamilton's Society for Useful Manufactures in 1791. Paterson's first steam locomotive, the "Sandusky," was built in 1837 by a Connecticut Yankee, Thomas Rogers. Ten thousand engines followed in the next 90 years.

The ceremony at Promontory Summit owed one of its stars, the Union Pacific's locomotive No. 119 to Paterson's Rogers' Brothers works. Turned out on Nov. 19, 1868, No. 119 had to be hauled up Market Street along the horse trolley tracks, since the locomotive works, built close to the water power of great falls, did not have their own rail siding. The new locomotive was dead-headed to Omaha, Neb., where it was set up for operation in mid-December.

The Golden Spike ceremony could have been held with Paterson-built locomotives on both sides of the junction point, since the Danforth and Cooke-built "C. P. Huntington" had been shipped round the Horn in 1864 and assembled in Sacramento to become the Central Pacific's first locomotive. In the end, the honor of being the western road's locomotive went to the "Jupiter," from Schenectady, after the "Antelope," which had been specially prepared for the ceremony, hit a timber on the rails west of Reno and could not continue to Promontory.

Like the rail route through Promontory, Paterson could not survive. Promontory was bypassed by the Lucin Cutoff, and Paterson's locomotive industry withered at the end of the century. The city's locomotive industry, which had made more engines in the 1880s than any other in the world, was on the downgrade a dozen years later and was finally swallowed up in the industrial consolidation of the American Locomotive Company in the early 1900's.

Along the way, the builders of No. 119 sold—and lost—locomotives in a dozen countries. Two were delivered to Mexico just before the Mexicans rose up and overthrew Emperor Maximillian; one of the unfortunate engines had been named "Carlota," after his empress. Several more were delivered during revolutions in Argentina and Venezuela and destroyed in the fighting.

Paterson's greatest locomotive builder, Thomas Rogers, once boasted, "No Englishman can show me how to build an engine." Today, all that is left of the Rogers' glory is a brass plate set in the wall of his Spruce Street works, now a shirt factory, with his name and the date, 1871.

GOLDEN SPIKE CELEBRATION CALENDAR OF EVENTS

Events are scheduled throughout 1969 as part of the national observance of the centennial for the driving of the Golden Spike which united the nation by rail. The calendar includes events prior to May 10, events of the actual celebration week and follow-up events from Memorial Day to Labor Day designed to interest summer tourists.

GOLDEN SPIKE CENTENNIAL CELEBRATION EVENTS

May 6–7—Golden Spike Railroad Symposium. All Day. University of Utah, Salt Lake City, Utah. Two-day Symposium, with papers being presented by leading railroad executives and historians. The Symposium will

feature the past, present and future of the railroad industry and its economic impact on the United States.

May 8—Golden Spike Empire Youth Symphony and Drama Festival, 8:30 PM. Fine Arts Auditorium, Weber State College, Ogden, Utah. A combined symphony, choral, drama and dance program presented by international and nationally recognized groups.

May 9—Golden Spike Centennial Reception & Dance, 8:30 PM. Salt Palace, Salt Lake City, Utah.

May 10—Pilgrimage to Promontory, 8:00 AM. Train leaves from Salt Lake City. Special train will carry guests to Ogden. Buses will then transport guests to Brigham City and on to Promontory Summit for actual reenactment ceremony:

The Golden Spike Special from Salt Lake City to Ogden with approximately 1000 international and national dignitaries will participate in the "Pilgrimage to Promontory."

Ogden City Reception, Ogden, Utah.

Brigham City Reception, Brigham City, Utah.

Dedication Ceremonies, Golden Spike National Historic Site Museum & Visitors' Center.

Historic reenactment of The Driving of the Golden Spike,[1] Promontory Summit, Utah.

Golden Spike Luncheon. Following Reenactment, Thiokol Facility, Utah.

May 10—Golden Spike Centennial Celebration Commission "Honors" Banquet, 8:30 PM. Lafayette Ballroom, Hotel Utah, Salt Lake City.

May 11—Golden Spike Concert, 9:00 AM. Mormon Tabernacle, Temple Square, Salt Lake City, Utah. Special concert by the Salt Lake Mormon Tabernacle Choir to be held on Sunday morning in connection with the weekly national radio broadcast of the Choir.

May 11–18th—Golden Spike Special "Steam" Excursion Trains (Salt Lake-Ogden-Salt Lake). Bus to Promontory from Ogden. Daily reenactment Driving of Golden Spike at Promontory (1:47 p.m. MDT—June 1st to September 1st).

June 1–Sept. 1—Daily reenactment Driving of Golden Spike at Promontory, 1:47 p.m. MDT. Pilgrimage to Promontory Days.

July 15–Sept. 15—Amon Carter Museum of Western Art's exhibit: "A Century of Transcontinental Railroading" (Provo, Salt Lake City, Ogden, Brigham City, Logan).

July 20–26—Intermountain West Pioneer Days Celebration (Ogden) Days of '47 Pioneer Celebration (Salt Lake City and most Utah communities).

July 26—Golden Spike Railroad Parade (Ogden).

SPECIAL EVENTS

Utah historically celebrates Pioneer Days commemorating the arrival of Mormon Pioneers to Utah in 1847. The 1969 July celebration will recognize the railroad centennial with parades, pageants, rodeos, pilgrimages to Promontory, etc.

A Union Pacific "Museum Train" displaying period locomotives, cars, artifacts will tour Utah rail communities on a schedule to be announced.

Rail-fan steam locomotive trips will operate from Salt Lake City to several points, sponsored by National Railway Historical Society, Promontory Chapter.

[1] This ceremony will be complete and authentic in accordance with historical records of the day. The original Western Union message flashed to the White House one hundred years ago will be repeated. The original golden spike and silver maul will be utilized and displayed. Authentic replicas of Central (now Southern) Pacific's "Jupiter" engine and Union Pacific's "No. 119" engine will be displayed on tracks laid on the original roadbed in the exact location of one hundred years ago. The reenactment celebration will be concluded with swinging of the silver maul and dispatch of the message.

ADDRESS ON CORRECTIONS, DELIVERED BY RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. BURDICK. Mr. President, of all the problems facing our criminal justice system today, perhaps none is as significant—or as frequently overlooked—as the shortcomings of the corrections process. The police are the most visible part of the criminal justice system. As such, their needs are widely recognized. There is a growing awareness, too, of the critical problem of court congestion. But, as a nation, we have for too long been content to ignore prisons.

But we see signs now that the critical role that corrections plays in our total crime control capability is starting to be recognized. Reforming and modernizing this key element in criminal justice is one of the goals of the new Law Enforcement Assistance Administration, created last year by the Omnibus Crime Control and Safe Streets Act. Thus, it was with great interest that I read the remarks of the Associate Administrator of LEAA, Richard W. Velde, to the Middle Atlantic States Conference of Correction on April 13 in Washington, D.C.

As chairman of the Judiciary Subcommittee on Penitentiaries, I have had the opportunity to observe the work of Mr. Velde and to know of his concern about our correctional institutions. While serving as minority counsel to the Judiciary Subcommittee on Criminal Laws and Procedures, he also acted as the unofficial minority counsel to the Subcommittee on Penitentiaries. It is because of this acquaintance with Mr. Velde that I call his comments to the attention of my colleagues.

Mr. Velde's speech offers a thoughtful, penetrating analysis of the crisis in corrections facing us today. I use the term "crisis" intentionally, for it is certainly no less than that when, as he points out, imprisonment serves frequently as an advanced course in crime, returning to society not a better citizen but a more proficient criminal.

However, the speech does more than point out the scope of the problems. It is gratifying to see that the LEAA program, in cooperation with the States, plans a broad series of reforms and advances. The subject certainly is one in which we all have a great interest today, and I respectfully ask unanimous consent that the speech be printed in the RECORD as part of my remarks.

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

REMARKS OF RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, TO THE 31ST ANNUAL CONFERENCE OF THE MIDDLE ATLANTIC STATES CONFERENCE OF CORRECTION, WASHINGTON, D.C., APRIL 13, 1969

OPPORTUNITY FOR PROGRESS IN CRIME CONTROL

Thank you for this opportunity to be here with you at the opening of the 31st Annual Meeting of the Middle Atlantic States Conference of Correction. Your theme—"Delinquency and Crime Control in Action"—reflects one of the foremost concerns of the American people. That concern has existed for a long time in varying degrees. What has been lacking is enough of the meaningful action referred to in your theme. If the crime and delinquency problems are great, so are the opportunities now presented to us. This is especially true for your organization, and groups like it. Your role in the improvement of America's correction system is central and vital. It is up to you and your colleagues to continue to give meaningful leadership in this field. Meetings like this one provide a forum for discussing problems and sharing information and ideas. This can help to ensure that progress is made in corrections. That progress must be both real and sustained if we are to control crime across the nation. Our goal, of course, is clear—a safer America.

As we work toward that goal, we must study, experiment, improvise, expend both resources and talent. The Law Enforcement Assistance Administration can help provide the resources, but we look to you—knowledgeable, experienced professionals—to provide the talent and imagination. Ideas can sometimes come from unusual sources. Let me give you just one example.

If some of you are night owls, you may see from time to time on late-evening television a classic prewar Humphrey Bogart movie that was partly filmed on location at San Quentin prison in California. The most interesting shots are of physical facilities—the main courtyard and prison buildings. I visited San Quentin last year. It was like walking onto that movie set. Though the film was made more than 30 years ago, everything looked the same—especially the main courtyard, where hundreds of the prison's 4,000 inmates milled about.

I am not singling out California for criticism, for it has one of the best prison systems in the nation. But if things are so unchanged over the years in a major prison in one of the best states, it takes little imagination to appreciate the present condition of the country's entire corrections system. San Quentin not only looks old. It is old. Portions still in use date back to 1842.

This sort of thing is far from unusual, as the National Crime Commission found. In the United States today, there are some 400 adult prisons, ranging from maximum security facilities to forest camps. Consider only the state institutions. Sixty-one of them were opened before the turn of the century. Of that number 25 are more than 100 years old. Many city jails pose similar problems. I have seen one in Omaha, for instance, that was built in the 1870s. Its gas light fixtures still work.

The fortress or battleship mentality that concocted the architecture of so many prisons unfortunately decreed that they would be operated in the same fashion. But what may have appeared to be effective 100 or even 50 years ago has little relevance now. More to the point, it simply doesn't work anymore. I suspect that it never did work very well.

Even the most generous observer would be compelled to say that the nation's corrections system is falling short in achieving its great tasks. It does not adequately protect society. It does not reform enough criminals. Certainly many are able to adjust to society, but is it because of what the corrections system does or is it mostly a matter of sheer chance and in spite of our best efforts?

THE NEED FOR HARD FACTS

One thing that must be accurately determined is how many persons return to crime after leaving prison. The Law Enforcement Assistance Administration hopes to lead the way in developing comprehensive statistics to find that answer and many more which can accurately describe what is happening in our correctional systems. We need to know the hard facts of life—in time enough to be able to do something about them.

Right now, and this is shocking, no sys-

tem exists for acquiring this essential data on a nationwide basis. Historically, correctional data such as rates of recidivism have been measured state by state. It is true that some states have developed fairly effective reporting systems. But the sad fact is that far too many have not. The state-by-state approach, even if it were being utilized successfully, at best provides only incomplete, comparable information.

A major advance in this area is being planned by the Law Enforcement Assistance Administration. Our enabling legislation specifically authorizes us: "to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States." It is our firm intention to implement this mandate as fully as modern technology and our financial resources allow.

The vehicle will be our new National Criminal Justice Information Center. It gives us the great hope of being able to collect, for instance, meaningful, real-time statistics from the entire nation on crime repeaters. It will do much more, of course, and collect statistics—and reliable ones—on all aspects of the criminal justice system, including data from the police and court segments. But it is statistics on corrections that concerns us here tonight.

WHAT WE KNOW NOW IS BAD ENOUGH

From the information we do have, we know that the problem of crime repeaters is enormous.

One of the states with the most advanced corrections system—and a fairly advanced statistics system—has found that its rate of crime repeaters is running between 47 and 49 percent and that figure includes only those who stay within the state's jurisdiction after release and can be located for survey purposes. Other figures indicate that nationally it may be from 50 to 70 percent.

We should ask ourselves how good a job would be good enough. Perhaps the goal should be to reduce crime repeaters to 10 percent—and then work to reduce that figure even more. We know nearly every inmate will be released from prison sometime, as only about three percent die behind bars. Since that is a fact, all I am suggesting is that it is very possible to make much more certain they will be law-abiding and useful citizens when they do re-enter society. That should not be beyond the capabilities of a country like ours, with its incredible scientific and industrial achievements, its rich endowment of human talent. No one knows what measure of success might be possible for there has never been a unified national attempt to find out.

However, there is an opportunity now to liberate our corrections systems out of the dark dungeons of neglect. It is the program of the Law Enforcement Assistance Administration, which was created last year by the Omnibus Crime Control and Safe Streets Act. With the aid of $19 million in grants, the states are now planning comprehensive improvements in their law enforcement and criminal justice systems. In this fiscal year, $29 million in action grants has been appropriated to carry out those plans. Congress has authorized $300 million for fiscal 1970, and $225 million of that—if appropriated—would be for action grants.

The first action funds may be awarded late this month. To receive grants, the state plans must be comprehensive—meaning that police, courts, and corrections must have significant attention. In the LEAA, we are determined that this will be the case.

The problems are as plentiful as they are obvious. In the San Quentin prison yard, for instance, I saw some 1,200 inmates milling around in forced idleness with nothing to do. In the Omaha jail, the inmates are seldom, if ever, taken out into an exercise yard. They just stay inside the cell blocks month after dreary month. In jail in one of the nation's largest cities, the great problem of homosexuality is dealt with by locking up all of the homosexuals together. These practices can hardly be conducive to preparing a man to turn from crime. They are too often graduate courses in criminality. Barbarism that is nurtured in prison is then unleashed on the public. That is a heavy burden for any conscience—individual or national.

Staffs of nearly every prison facility are too small. In many instances, they are badly trained. Guards in many states have a starting salary of about $300 a month. Most states hire guards who don't even have a high school diploma. A recent survey found that the *median* starting pay for custodial employees in adult facilities is from $4,000 to $5,000 a year. In juvenile institutions, it was even lower, $3,000 to $4,000 a year.

The catalogue of these tragic facts goes on and on. One study indicates that only three percent of prison line officers are college graduates. Another shows that of total correctional employees, only 2.4 percent are psychologists, social workers, or counselors. Yet, criminal acts in many cases indicate grave mental health problems. It's not the sort of thing that can be treated by prescribing aspirin or locking the emotionally disturbed inmate in solitary.

In too many states, corrections means nothing more than confinement. Programs that may sound good to outsiders exist only on paper. If the Society for the Prevention of Cruelty to Animals could inspect some prisons, I imagine they might want to picket to protest even worse cruelty to human beings.

The LEAA program can help to bring needed changes, so that the corrections system can be modernized and rebuilt. Frankly, major parts of it must even be replaced. I am not talking only of fortresses and battleships that should be dismantled. I also mean discarding practices, ideas and programs that merely perpetuate old evils. No one agency can do the job alone. It will require a cooperative approach that clings tenaciously to its goals. All levels of government must be involved, and all participants of the criminal justice system. The American people also must, at last, support and invest in these great reforms. Money in substantial amounts will have to be spent by state and local governments for better facilities, better training, more personnel.

The time for excuses has ended.

NEW APPROACHES ARE NEEDED

The great hopes for prisoner rehabilitation lie in the programs that embrace new concepts such as work release, halfway houses, community treatment, and really effective and adequately financed probation and parole.

For many offenders, particularly the youthful ones, imprisonment can cause more problems that it solves. For these and other categories of offenders, prison frequently becomes a sort of graduate school in crime, turning out a more finished product than it received. Let's make one thing clear—I'm not making a plea for coddling anybody. But the harsh reality of recidivism demands that we explore realistic, sensible alternatives to incarceration for certain offenders.

For instance, consider community-based treatment in this light. There also are other benefits. One survey found that, in 1965, it cost an average of $3,600 a year to keep a youngster in training school. But it cost less than one-tenth that amount to keep him on probation.

Probation and parole services must be given substantially more resources if they are going to fulfill their critical front-line role in the rehabilitation process. It is an area of great potential. Indeed, it may well offer the best opportunity for immediate, visible improvement in the correctional process.

The National Crime Commission noted that "the central question is no longer whether to handle offenders in the community but how to do so safely and successfully."

In some instances, there is great public hostility to such programs. Residents of a community may be apathetic about crime in their midst, or apathetic about approving money to fight it, but they rise up to oppose efforts to rehabilitate criminals. Somehow, communication has failed. I suggest that you and your counterparts must play a major role in re-establishing it. Not only with the public, but with state legislators, mayors and city councils, county governing boards.

THE PUBLIC MUST BE INFORMED

People should know, for instance, of the success by the Federal Bureau of Prisons in its work release and halfway house programs set up under the Prisoner Rehabilitation Act of 1965. These programs help inmates to become re-acquainted with society, in many cases acquainted with the real world for the first time. Their re-entry is well controlled, unlike the release of inmates from many state institutions whose major impulse is to stick up the first thing that moves. What else would you expect from a man who is dumped out on the street with no money, friends or prospects of finding a job.

The federal work release program so far has put some 5,000 persons into work release—and their earnings exceed $5 million. They send money to their families. They save money for their own release. And they achieve something money can't buy—pride in themselves for perhaps the first time and the knowledge that people trust them.

In addition to supporting intelligent corrections planning and expenditures, members of the general public also could participate more directly, if they choose, as volunteers in probation and parole programs. A number of pilot programs indicate such volunteers can be very valuable additions to a system now greatly overburdened and short of personnel.

Let me mention one federally-financed project that has demonstrated the effectiveness of volunteers in corrections work. A Denver County Court probation program, which received a federal grant, now has some 800 volunteers who work with people on probation. The volunteers are a cross-section of the community; they include celebrities like members of the Denver Broncos football team. The large number of volunteers makes possible a ratio of about one counsellor per probationer. To date, results have been very encouraging. Re-arrests before the project ran 3.5 percent. But for those who have received the concentrated probation services, the rate has dropped more than half—to 1.5 percent.

If as national surveys show the sensibilities of many are hardened against the adult offenders perhaps greater sympathy could be evoked for the youthful offenders. As a people we have always been moved by the sight of youngsters in trouble. A great many of them are in deep trouble today.

JUVENILE INJUSTICE

This country has been guilty of many failures in attempting to cope with crime but none is so spectacular as our failure to deal with the youthful offender. None is so significant, none is so frightning for our children are our most lawless citizens. Recent figures show that persons under 21 represent some 64 percent of all those arrested for the most serious crimes; homicide, forcible rape, robbery, aggravated assault, burglary, larceny, auto theft. Eight of every 10 auto thefts were by persons under 21. So were seven of every 10 arrests for robbery. Our 15 and 16-year-olds are arrested more frequently than any other age group.

The arrest rates for all crimes for juveniles continue to grow wildly. In 1966, for instance, arrests of adults declined slightly but arrests of juveniles increased nine percent. If they are criminals as youths, the odds now are good they will be hardened criminals as adults. Four out of every five adult felons were convicted of misdemeanors—generally as youths—before committing their more serious crimes. Most of that could have been prevented. The juvenile justice system is in such disrepair that of the 400,000 youths in jails each year, about 100,000 of them are imprisoned with hardened, adult criminals. No program can substitute for the concern that the people of this country must develop. They must know that we cannot go on failing so many children in such profound ways and still have any real hope for tomorrow. Those children are, after all, the one natural resource that we cannot get along without.

WHAT LEAA CAN DO TO HELP

Concern must, of course, be followed by action. In addition to the substantial action grants that the LEAA will soon award, a number of other programs are getting underway. Studies on how to make corrections programs more effective are being started by the National Institute of Law Enforcement and Criminal Justice, the research body of LEAA. The Institute also will evaluate the effectiveness of just about every major type of program in existence in corrections today.

Additional qualified manpower is desperately needed throughout corrections. You, of course, know only too well how overburdened correctional personnel are. Another need is for increased professionalization of present staffs. As a major step toward both these goals, the LEAA this year has given some $6.5 million to finance college degree studies by corrections and law enforcement personnel and those studying for careers in those fields. The grants and loans are administered by some 500 colleges and universities now taking part in the program. Eventually, 1,800 schools are expected to participate. This program will be of great help in improving correctional personnel and aiding recruitment efforts as well. The education funds this year are assisting some 14,000 persons. For the next fiscal year, we hope to have about $20 million for the education program. That would enable us to finance college studies by some 40,000 persons—most of them in corrections and police work. Those figures represent a substantial and very promising beginning.

The complaint is often heard that just about everybody ignores corrections. But that, I think, is changing. Your presence here is one indication. The work being done by you and your counterparts across the country is another. The requirement of Title I that corrections be treated as a full and equal partner in the criminal justice system—in planning and in allocation of financial resources—is another.

We must now transmit that sense of urgency so that people everywhere support these efforts as though their lives depended on it. In more instances than we might like to admit, that is precisely the case.

HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the United States of America has long been regarded by other peoples of the world as a great sanctuary of human rights. We have tried to establish an example of high ideals by the Declaration of Independence and to eternally preserve this example in our Constitution and the Bill of Rights. This is the Nation that professed to hold out the shining beacon of freedom and opportunity to the less fortunate. The Statue of Liberty proclaims:

Give me your tired, your poor,
Your huddled masses yearning to be free,
The wretched and refused of your teeming shores,
Send these, the homeless, tempest tossed to me;
I lift my lamp beside the golden door.

In the years following the Second World War, a world exhausted by strife and horrified by the revelation of Dachau, Breslau, and Auschwitz drew up a convention to outlaw any such future action. It was resolved that never again would an attempt to exterminate an entire people like the Nazi persecution of the Jews be permitted to occur. The resulting United Nations Convention on Genocide met with enthusiastic approval in most of the world, but here in the United States Senate it bogged down in the Committee on Foreign Relations.

Now, 19 years later, the United States remains among the small number of countries that have not yet ratified the convention. Eighty nations have preceded us in the ratification of the Genocide Convention, and the Senate has as yet taken no action.

Also unpassed are the Conventions on Political Rights for Women and on Forced Labor. There is no element in the American society that can be offended by the ideals set forth in these Conventions; indeed, they reaffirm what America claims to have stood for for 193 years. The United States practices political rights for women, and abhors forced labor. Why should we not demonstrate our beliefs again to the community of nations by the simple action of publicly voting to support these provisions.

There is no real excuse for delay. Let us act now to finish what should have been completed years ago. Let us ratify these Human Rights Conventions.

UNIVERSITY OF UTAH CHOSEN FOR ARTIFICIAL HEART PROGRAM—A TRIBUTE TO VISION

Mr. BENNETT. Mr. President, last Saturday it was my privilege to learn from the Department of Health, Education, and Welfare that the University of Utah has been chosen by the National Heart Institute as one of the Nation's first full-scale artificial heart, test, and evaluation centers.

The university's proposal was one of two selected over 13 others submitted by some of the most prestigious medical centers in the Nation. It was made possible by many factors, not the least of which is the excellent faculty and staff at the university medical center.

Combined with this personal asset is an excellent bioengineering program and a computer science department, all of which will support the overall project.

Nor can one fail to mention the fine work that has already been accomplished at the university in the area of artificial organs. Also the program will be closely coordinated with the Latter-Day Saints Hospital in Salt Lake City where a great deal of pioneer medical work has been done on heart problems.

The recent developments in Texas wherein a man was kept alive for 65 hours with an artificial heart, dramatically show what can be accomplished with artificial organs. I think we can safely say that we have only begun in the search for artificial devices to replace the human heart where necessary.

I have worked very closely with many persons in obtaining approval for this project, and I think all will join me today in saying that the University of Utah will exert its best scientific and medical efforts to become the artificial heart center of the world.

If past dedication, performance, and professional qualifications are any criteria, I am sure Utah will succeed.

This award brings a great deal of satisfaction to President James C. Fletcher, of the university, and to his fine staff at the school. I also wish personally to thank and compliment the dean of the medical school, Dr. Kenneth Castleton, and to Dr. Frank W. Hastings, the chief of the artificial heart branch, as well as Dr. Theodore Cooper, the Director of the National Heart Institute, for their efforts and contributions in this exciting field.

I should also make public note of the uncounted hours given by L. Ralph Mecham, formerly a vice president at the university; Raymond Hixon and Warren Johnston, of fluidonics divisions of the Imperial Eastman Corp., who also contributed to the success of this award.

Truly this is a milestone for the State of Utah and as the years go by and we look back to the developments which I am sure will come in the area of artificial organs, we can say that once again the pioneering spirit of the people of Utah has been dramatically demonstrated.

I would like to ask that an editorial appearing in the Salt Lake Tribune this morning be inserted at this point in the RECORD.

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

A TRIBUTE TO VISION

If there were any question about the U. of U.'s eminence in the world of Medical science they should be dispelled by the recent location at the institution of a nation heart study center. The designation also augments the embryonic University Research Park.

From a field of several well-known, long-established science centers, the U. of U. was selected as one of two locations for a full-scale artificial heart test and evaluation laboratory funded through the National Heart Institute in the Department of Health, Education, and Welfare. A Federal contribution of $800,000 will start the project.

Implications of such a program are varied and many. It amply justifies the emphasis on medical research at the University College of Medicine. Expanded facilities have provided for a distinguished faculty and outstanding contributions have been made to medical progress. The Artificial Heart Testing award not only acknowledges University excellence; it contributes to it as well.

The project is a credit to University President James C. Fletcher and all those who have worked diligently on the Research Park plan. The idea for commercial research conducted in conjunction with colleges and universities has proven itself on campuses in other states. But anything so ambitious always depends on ability and determination to get started.

Utah's selection for the heart testing center also derives from previous involvement in the project planning by Fluidonics Re-

search Laboratory of ITE Imperial Corporation, an early research park tenant.

Those connected to the project see it as the bellwether of similar research park developments. Quite certainly it will attract eminent scientists in the field of heart and artificial organ medicine. Allied enterprises are also likely to be located nearby.

We congratulate all who have joined in this cooperative effort. A special commendation should go to the many Utah citizens who supported the scientific excellence at the publicly supported institutions of higher education. The bright future only glimpsed a few years ago is almost at hand.

FUTURE U.S. TRADE POLICY

Mr. SYMINGTON. Mr. President, in 1968, the U.S. commercial trade surplus declined $3.4 billion to a mere $100 million, the lowest level since 1936. This very serious deterioration in our trade account resulted from a 22-percent increase in imports as against only a 9-percent increase in exports; and according to a recent report by the Commerce Department, prospects for substantially improving this trade picture in the near future would appear dim.

This report said in part:

If the export projections and the averaged import projections should be approximately correct—they are of course, subject to many variables and are merely illustrative of anticipated trend—the indicated trade balance in 1973 would range from a $1.8 billion deficit to a $1.2 billion surplus.

It is essential therefore that all measures possible and practical be taken to improve the U.S. trade position in the world. In some instances, this may require a reappraisal of our own trade restrictions which may be too restrictive on the ability of American industries to export more goods and services.

In other cases, negotiations will have to be undertaken with other nations in an effort to remove barriers and expand world trade. However, we would hope that any tariff agreements negotiated between our country and other countries or groups of countries be based on true reciprocity. Moreover, it should be emphasized that the United States will not stand idly by while others erect trade barriers, particularly nontariff barriers, which adversely affect the export of American goods and services. The reduction of trade barriers must be a two-way street; and every precaution must be taken that the Government not take unilateral actions which could jeopardize the competitiveness of U.S. products in foreign markets.

In this connection, as an example of the trade problems faced by American business, I ask unanimous consent to have printed in the RECORD an excerpt from remarks by Mr. Charles Sommer, chairman of the board of the Monsanto Co., at their annual meeting on March 27, 1969, in St. Louis, Mo.

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

It is the chairman, however, who traditionally reviews with you the consequences of certain policies and regulations of our federal government—and to this end, I have some rather specific observations to share with you this year.

First, let me deal with the subject of petroleum import quotas, which were established for national security purposes 10 years ago, to protect the energy market in the United States. We have no quarrel with this objective nor do we argue with the necessity of maintaining a healthy domestic petroleum exploration and production program. However, far from the original purpose of the quota system, we are caught in a harmful squeeze in obtaining raw materials for our U.S. petrochemical operations. As a result, chemical companies overseas can obtain these feedstocks at prices 40 per cent below those we have to pay for all feedstocks beyond the quotas. Consequently, we are currently paying a premium of $1.25 per barrel for such feedstocks; and this amounts to more than $13 million a year—a sizeable bounty borne by Monsanto but not by foreign competitors.

As you can see, this puts us at a material disadvantage in selling our products in export markets. And as tariff reductions are made under the Kennedy Round, our domestic competitive position will be in further jeopardy.

Therefore, we have joined with other U.S. companies, whose petrochemical operations are similarly affected, in petitioning our government to remove import restrictions on petroleum feedstocks for petrochemical manufacture. This would allow companies of this nation to be fully competitive here and abroad.

Now let me turn attention to an even larger segment of our business: man-made fibers. Again in 1968, imports reached an all-time high, approaching 10 per cent of our nation's total consumption. About two-thirds of the imports involved fibers themselves, and the rest were in blends in the form of textiles and apparel.

And how fortunate it was that at least during the year 1968, additional imports could be absorbed during a period of peak demand, the result being that the U.S. marketplace was not seriously disrupted.

Yet, the unhappy fact is this: tariffs on fibers, textiles and apparel are scheduled for decreases, in steps, over the next three years. We do not believe this situation is in the national interest. It is detrimental to our economy and to our workers. We simply cannot be content with such tariff reductions while our overseas competitors are using a different set of rules, aided by lower wage rates and a broad variety of subsidies.

Accordingly, we have joined our largest customer, the textiles industry, in appealing to the federal government. As you probably know, there is already in existence a voluntary agreement with foreign nations which limits the importation of cotton textiles and apparel. What we seek is this: a broadening of this agreement to include man-made fibers and materials made from them. We are encouraged that the new administration has promised support for our program, and we are now eagerly awaiting the first signs of implementation.

INTELLIGENCE GATHERING AND THE NAVY EC–121 PLANE

Mr. McGEE. Mr. President, some persons reacted quickly to the downing of the Navy EC–121 over the Sea of Japan last week, with the thought that the United States should not be flying so-called spy missions anyway, and probably could not turn up any useful information as a result of such missions. In other words, they were quick to say, in effect, that the incident, like the *Pueblo* seizure before it, should not have occurred because we should not have been there in the first place.

I disagree, as I suspect most informed Americans do. Intelligence gathering in the jungle world we live in remains a necessity. Nor does it clarify the issue to call such intelligence missions spying. Operations in or over international waters are not quite the same as intrusions of another nation's sovereignty.

Aside from this, we do learn essential information through these missions, although, as in all intelligence operations, we also turn up much chaff. Sunday, the New York Times published an article which gives a good example of why the planes fly these missions. 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:

WHY THE PLANES FLY THOSE RISKY MISSIONS

(By William Beecher)

WASHINGTON.—The slow, four-engine EC–121 moved into position some 50 miles off the eastern coast of North Korea. At a master radio console, a senior radio specialist who spoke Korean fluently started slowly turning his radio dial.

He listened for a few minutes and decided one channel was potentially interesting, carrying the voice transmission of a nearby radio operator guiding a pair of MIG's in his plane's direction.

He signaled to another technician to lock on to this frequency, clear out the static, and start a tape recorder.

Over the next 30 minutes, the linguist had swept the entire frequency band and had a dozen channels monitored and taped simultaneously.

INFORMATION PUZZLE

Most of the information, when it was delivered to the top-secret National Security Agency at Fort Meade, Md., would turn out to be of little value. But a few nuggets, when analyzed and dovetailed with information turned up at a diplomatic cocktail party in Jakarta, some photographs from a high-flying reconnaissance satellite, and a report from an agent working as a stevedore in a Soviet port city, would reveal that after the seizure of the spy ship Pueblo 15 months ago, Russia more than doubled the number of surface-to-air missile sites in North Korea, from 14 to 35, representing a total of 210 launchers. Future intelligence missions would attempt to pinpoint each of the new sites, determine the quality of their equipment and the training of their crews.

If war breaks out in Korea, knowledge of where these SAM's are and how they might be thwarted might be a crucial factor in the outcome.

ABOUT 190 MISSIONS

This mission happened not to be the one last Monday in which two North Korean MIG's came out and shot down the Navy reconnaissance plane. But it might well have been.

Over the last three months, the United States has flown about 190 similar missions over the Sea of Japan.

Others have focused on communications relating to Communist China's missile program, the border dispute between Russia and China, new radars being installed in all three potentially hostile Communist countries.

The Soviet Union's readiness to lend the assistance of two destroyers in searching for possible survivors among the plane's 31-man crew was, in the opinion of some American officials, not only an act of humanity but also an indication that Russia, with its own intelligence problems, was not particularly happy over the attack in international air space.

The Soviet Union has as an extensive a

worldwide intelligence-gathering net as the United States, concentrating rather more on intelligence trawlers and less on planes, but with about as many spy satellites.

A limited number of officials in both nations are fully aware of how important fast, accurate information can be in the cold war.

The downed propellor-driven EC–121 had about six tons of electronics equipment. The 31 men aboard made up two crews to enable the plane to remain on station for about eight hours. The intense nature of the work involved requires that the technicians rest occasionally.

SATELLITES UNSATISFACTORY

In addition to monitoring radio messages, this type of plane is equipped to determine the frequencies employed in air-defense radar. The missions that the planes carry out are said to be too complex for spy satellites to conduct effectively.

"It would be nice," said a ranking intelligence official, "if we could program all the things we need into satellites, push a few buttons, and then wait for the information to come flowing in.

"Unfortunately that day, if it ever comes, is still pretty distant. What satellite can carry the six tons of equipment hauled by the EC–121? More important, without human judgment, how is it to decide which radio frequencies to monitor?"

"That's one of the principal reasons," he added, "why President Nixon insisted that, despite the risks, the EC–121 missions must resume off the Korean coast. If we give up our eyes and ears, we better get out of the area, fast."

FALLOUT IN JAPAN

The "spy plane incident" prompted the opposition Socialist party in Japan to revive attacks last week against the pro-American policies of Premier Eisaku Sato. Because the American plane operated out of an air base near Tokyo, many Japanese feared involvement in a new Asian conflict not of their own choosing. But Premier Sato defended the United States' right to conduct reconnaissance flights over international waters, and said such flights were "necessary" in the kind of world in which Japan lives. He added that the deterrent power of the United States-Japanese security treaty eliminated the danger that Japan might be dragged into a war.

THE PRESIDENT IS DOING THE BEST HE CAN

Mr. BENNETT. Mr. President, President Nixon has become a prime target of certain political factions both in Congress and throughout the country. They seem compelled to take out their own frustrations on the President and have attacked him without giving him a fair chance to resolve the grave problems which he faces.

Recently the editor in chief of the Hearst newspapers wrote an article about these attacks. I think Mr. Hearst has placed the problem in a very clear perspective. I ask unanimous consent that his editorial be printed in the RECORD.

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

EDITOR'S REPORT: DOING THE BEST HE CAN

(By William Randolph Hearst, Jr.)

NEW YORK, March 22.—Spring wasn't the only development sprung during the past week. The wahoo warriors of the nation's leftist-liberal establishment, after sharpening their tommyhawks in unaccustomed silence for two months, also sprung their expected spring offensive on President Nixon.

It was inevitable that they soon would take off after the Nixon scalp. As a symbol of conservative Republicanism, that scalp would make an even better trophy for the liberal wigwam than that of the Johnson scalp now hanging there, Johnson, after all, was a Democrat.

Thus about the only surprising aspect of the war whoops now being sounded, largely over the Nixon decision to go ahead with the Sentinel missile system, is that the wahoos were able to hold off so long. Some of them, notably Sen. J. William Fulbright, in fact couldn't wait for the rest of the pack.

Even before the Nixon ABM announcement, Chief Doveweathers from Arkansas was wailing that the President was about to risk Moscow's displeasure. When the announcement actually came, it was like a signal for all the rest to follow the Fulbright lead.

In thundering editorials, such liberal policy shapers as the New York Times and the New York Post decreed that Nixon's ABM decision was a disaster from any angle. Since then their stables of pundits—quickly joined by all the other acid-pen, self-proclaimed intellectuals of the leftist-liberal camp—have been lambasting the President himself as a poor leader limited, according to one of "a narrow, political, tactical and public relations view of the world."

And it's only the beginning. George J. McGovern, a dove who parrots the Hanoi line, sounded what is guaranteed to be the biggest single theme of the assault by castigating the new administration for what he called its lack of "strength and courage to genuinely reverse our course in Vietnam." Almost simultaneously, groups of war protestors announced they will resume mass demonstrations with a coordinated turnout in 23 cities on the Easter weekend of April 3–6.

Once again, in other words, the same old slings and arrows of the poisonous and divisive liberal camp can be expected from now on. How they will be used can be predicted with great accuracy. Whatever the President does will be either dead wrong, or inadequate. Above all he will be assailed for resisting Communist pressures from any source, whether Hanoi, Moscow or Peking.

What continually astounds me about the Fulbrights and the McGoverns is their consummate gall in attempting to dictate presidential policy. It was Richard Nixon who was elected to the White House, not the George McGovern who couldn't even get nominated by his own party. And although J. William Fulbright wants to be Secretary of State so bad he can taste it, even the liberal-minded John F. Kennedy wouldn't give him the job.

Compounding the gall of the Fulbrights, McGoverns and their ilk is the fact that none of them really know what they are talking about. It is only the President who has access to all the information needed to make momentous decisions. In his position, significantly and fortunately, he cannot afford to have the kind of one-track, made-up mind displayed by the leftist-liberal critics.

When Lyndon B. Johnson was in the White House he had a framed quotation from Abraham Lincoln sitting on his desk. It said:

"If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

That is a perfect guideline for any President—one which should be hung permanently on the wall of the White House Oval Room. It certainly would spare any Chief Executive a lot of unnecessary worry if he didn't listen to, look at or read all the mean, biting, cutting, incisive attacks on him. It's only proper to be aware of such opposition, of course, but he certainly doesn't have to try to appease the critics—nor should he be upset by them.

FDR had the gift of laughing off his critics, sometimes demolishing them with a quip. Eisenhower, too, had something of a cast-iron serenity. But Truman sometimes let the critics get under his skin and even the suave, easy-going Jack Kennedy banned the Herald-Tribune from the White House. LBJ, despite the motto on his desk, was the most vulnerable of all in recent years—eventually to the point of political paralysis.

I have a hunch that Dick Nixon, who once blew up at the press, has learned the hard way to let carping criticism roll off his back. After all, he knew exactly what his job entails before he got it. And he certainly knows that the leftist-liberals who are now whooping after him didn't vote for him in the first place, and never will.

Nothing is more true than the saying that the buck stops at the President's desk. Dick Nixon has many crucial decisions ahead of him—on Vietnam, the Mid-East, national defense, domestic priorities and equally controversial matters. However pressing any one problem is, furthermore, it is going to have to be considered and weighed against the commitments and needs of the others.

There is only one man who can, must and is qualified to make those tremendous decisions, and that is the man who was elected to make them. So far President Nixon is being criticized for doing exactly what he said he intended doing—to carefully and cautiously consider all his options before acting at the proper time in the best interests of all the people.

He promised no grandiose new programs, offered no panaceas and held out no hopes that America's problems would be solved overnight. Instead he promised a sane, efficient and wholly responsible administration. Up to now, all things considered, that's what we've been having.

Dick Nixon has been doing very well indeed. He's not only doing the job as he outlined it before his election, he's doing it even better.

The proof of that pudding, despite the yips of the wahoo warriors, is that a lot of Americans who didn't vote for him in November would do so today.

Our new President has everything to gain by following his present course—and possibly everything to lose by following the voices which echo Hanoi's and Moscow's complaints.

SECRETARIES WEEK

Mr. HATFIELD. Mr. President, I wish to remind Senators that Secretaries Week will be observed April 20–26, 1969, and will mark the 18th consecutive year for this observance. Wednesday, April 23, will be highlighted as Secretaries Day.

Although Secretaries Week was originated in 1952 by the National Secretaries Association, International, in cooperation with the U.S. Department of Commerce, it is for all secretaries.

The whole purpose of NSA, through its various activities, including Secretaries Week, is to maintain a program of continuing education for secretaries to keep them updated on changes and new developments.

Business equipment manufacturers recognize the ever-growing importance of skilled office personnel. They realize that in this age of technological change it is imperative for business enterprises, if they are to take full advantage of the modern equipment now available, to have staffs trained and educated to meet the challenge of competition.

It is truly said: "Better secretaries mean better business."

TRUTH IN GOVERNMENT

Mr. YOUNG of Ohio. Mr. President, one of the greatest needs of this country is a truth-in-government law. In America, 1,900,000 of the finest young men have been sent to Vietnam and Thailand to fight in an unpopular undeclared war. More than 200,000 fine young Americans have been killed and wounded in Vietnam to date, and more than 2,000 are missing in action or are prisoners of war. Thousands have died from bubonic plague, hepatitis, malaria, and other jungle diseases, and many more will suffer from the effects of and recurrence of attacks of these diseases throughout their lives. Also, we are spending at least $1 billion this year on an anti-ballistic-missile system to ring various areas of our country including Washington, D.C., with an ABM system, now termed safeguard ABM, by some bright public relations man working in the Pentagon. Americans should know the truth—this boondoggle may eventually cost as much as $100 billion and be obsolescent by the time that ABM silos have been installed just as were the Nike-Zeus missiles and others on which billions of dollars of taxpayers' money were wasted.

Since 1954, and particularly from November 1963, our country has replaced France in world opinion as the aggressor nation in Vietnam. Americans know that the strongest defense against communism is to make our American system of government work so that men and women the world over will regard the United States as the nation where all citizens, regardless of race or color, are liberty-loving Americans enjoying equal opportunities and complete freedom. It is high time that Americans were told the truth—that more than 600,000 Americans are fighting in Southeast Asia and many of them dying because the administration refuses to admit our mistake in attempting to create a pro-American, and anti-Chinese buffer state in South Vietnam following the time the French withdrew in 1954. As Walter Lippmann bluntly put it, "We are fighting to save face." More than 2,500 years ago Confucius wrote, "A man who makes a mistake and does not correct it makes another mistake." A nation making a mistake and failing to correct it likewise makes another mistake.

PRESIDENT'S REACTION TO NORTH KOREAN TREACHERY IS WISE

Mr. HRUSKA. Mr. President, the shooting down last Tuesday of the U.S. Navy EC–121 reconnaissance plane by North Korea has resulted in a further demonstration of the firm, calm, and capable grip which President Nixon has on our country's foreign affairs.

In making clear that our surveillance in international air space must and will continue and in stressing that such flights will be protected, the President did not respond with ineffective threats. He has responded with a statement of the case.

Dealing with an unpredictable and paranoid nation is at best difficult. It would be the height of folly to succumb to the temptation to act as that nation acts, irrationally and irresponsibly. President Nixon has chosen clarity and reason. The policy he has announced is not ambiguous, and I commend him for it.

I ask unanimous consent that the four newspaper editorials commenting on the President's action be printed in the RECORD.

The first, from the Oakland, Calif., Tribune, of which our former colleague is editor and publisher, well posed the spirit and feeling of the Nation at large, as to what should and what should not be done.

The other three are typical appraisals and approvals of the President's firm, realistic action.

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

[From the Oakland (Calif.) Tribune, Apr. 17, 1969]

ANOTHER ACT OF BARBARISM—ANOTHER INSULT UNANSWERED?

Our nation today is once again gripped in the agonizing dilemma of how to respond to a murderous and barbarous act by the belligerent Communist regime in North Korea.

North Korea is scornfully boasting to the world that on Tuesday it downed "with one stroke" a United States Navy reconnaissance plane with a crew of 31 men aboard.

The Pentagon says two bodies, but no survivors, have been found.

Our plane, a lumbering, 300-m.p.h. propeller-driven surveillance aircraft laden with six tons of electronic equipment, was clearly defenseless—in fact, shockingly defenseless under the circumstances.

The kill—apparently by two sophisticated Communist MIG jets—was as simple to achieve as it was cowardly.

Ours was a routine reconnaissance flight—the sort of flight which has been common over the Sea of Japan for 20 years, the sort of reconnaissance activity, in fact, carried on today by every world power.

The North Koreans contend the U.S. plane violated their air space—as if, even if it were true, this fact alone could somehow make right a homicidal skeet shoot in the sky with 31 defenseless American airmen as the target.

Our government flatly denies any such air space violation. The Pentagon insists the plane was lawfully traveling only in international corridors. The recovery by rescue ships of the bodies and portions of the plane's wreckage 120 miles off the North Korean coast points ominously to a blatant North Korean lie.

Our nation, of course, has been here before—just 15 months ago when the USS Pueblo was seized by North Korea, with one of its crewmen killed and the remainder ignominiously imprisoned, tortured and subjected to extracted "confessions."

We responded then with a weakness unbefitting our role as the leading defender of freedom and democracy against the dictators and tyrants of not only the Far East but of the entire planet.

When the Pueblo was seized we should have immediately proceeded to blockade Wonsan and other North Korean ports. No vessels should have been allowed to leave or enter until the Pueblo and its crew were back under United States jurisdiction.

But we didn't. Perhaps the argument could have been made then that to do so would have jeopardized the lives of the Pueblo crewmen. No such claim can now be made.

The words and warning of Thomas Jefferson at an earlier date in our history haunt us today.

In a letter to John Jay, Jefferson urged not only the establishment of a strong U.S. naval force but also prompt retaliation against any aggressor seizing or harassing U.S. ships on the high seas.

Speedy retaliation, Jefferson declared, was necessary because—as he put it—"An insult unanswered is the parent of many others."

We shall not be so presumptuous as to suggest what specific course of action our President should now take. No citizen does or can have the information available to a President. None of us can know all the implications of this latest, and obviously deliberate, Communist diversionary tactic.

But we can suggest what ought not be the limit of our response. We ought not merely express our outrage. We ought not be satisfied with merely a "strong diplomatic protest." We ought not let the matter repose in a new round of "negotiations" with sullen and smug tin-horn tyrants. We ought not settle for only the ultimate issuance of some debasing and self-degrading mutual "statement"—as we did in the Pueblo incident.

For, as surely as the unanswered insult of the Pueblo seizure was the parent of Tuesday's bloodthirsty attack on our unarmed reconnaissance plane, just as surely will this latest insult—if unanswered—be the parent of yet further insult and tragedy to our nation.

[From the Washington Star, Apr. 19, 1969]

THE RESPONSE

The protest lodged in Panmunjom over the downing of the United States reconnaissance plane by North Korea is, in view of the diplomatic realities, just about as much as this country can do by way of a non-military response. The decision to continue with the spy flights and to provide them with protection is the least that can be done to protect American lives.

President Nixon described the response as an interim move, pending a reply to the protest by Pyongyang. The probability is, however, that North Korea will either disregard the protest or counter with a protest of its own that the United States intruded on North Korean airspace. And the further probability is that the diplomatic dispute will stop there.

The only diplomatic escalation that could take place would be a move to bring the matter to the United Nations Security Council. But this would be an empty gesture. North Korea is not a member of the UN, and already has been branded an aggressor by the council. It could also be an unwise gesture, for it would force Russia to abandon its present neutral posture and side with North Korea, thereby jeopardizing the impending arms limitations talks.

As to the military response, it must be assumed that the President and his advisers have reviewed the need for the reconnaissance flights, and have concluded that the information supplied is worth the demonstrated risks involved. And the decision to protect such missions puts North Korea clearly on notice that the response to any future attack will be something more than a stiff note.

To have responded with an immediate retaliatory attack would have meant a serious risk of involving the United States in a second hot Asian war. And there are some indications that the attack was not a fully premeditated official act calling for a punitive response; that it was, perhaps, a paranoid general's notion of a fitting birthday gift for Premier Kim Il-Sung.

[From the Baltimore Sun, Apr. 19, 1969]

WARNING GIVEN

Like the protest officially delivered to North Korea at Panmunjom, President

Nixon's statement at his press conference on the shooting down of a naval reconnaissance plane was impressive for its restraint, a restraint appropriate to the seriousness of the incident. He emphasized the fact that the unarmed aircraft had not flown closer than 40 miles to the North Korean coast and he described the attack on it—90 miles from shore—as unprovoked, deliberate and without warning. He also made it very clear that these surveillance flights are regarded as necessary, and that they will be resumed, continued and from now on, protected.

Although Mr. Nixon declined to say what form the protection would take and was careful to note that his order for the protection was not a threat, the firmness with which he announced it can be interpreted as very plain notice to North Korea that it cannot halt the intelligence missions of United States planes over international waters and that any new attempts to interfere with those missions by force will be met by force.

That this is what might be called an interim decision is apparent from the President's assertion that "Looking to the future . . . what we will do will depend upon the circumstances." It will depend, he added, on what North Korea does, on "its reaction to the protest and also other developments that occur as we continue these flights." The incident of the EC121 is not finally disposed of. For the time being it is being left to diplomatic exchanges.

Obviously Mr. Nixon is trying to avoid any action that would worsen an already thoroughly bad situation. But he has told North Korea—an "unpredictable country," he said—that it will not be permitted to change the United States policy on aerial reconnaissance or to repeat its attack on our planes. Restrained as this message is, it carries an extremely sober warning.

[From the New York Daily News, Apr. 19, 1969]

A FIRM, CALM STAND

A firm, calm stand was taken at his news conference yesterday by President Richard M. Nixon on Red North Korea's Monday shooting down of an unarmed U.S. EC–121 reconnaissance plane.

One hundred ninety similar flights had gone unmolested this year, so that Monday's attack was a complete surprise.

The intelligence flights are essential, said the President, and will go right on—but protected henceforth (by aircraft carriers in the Sea of Japan).

This calm firmness probably will disappoint some Americans. And the Nixon tactics no doubt will have to be revised if North Korea persists in these Pueblo and EC–121-type outrages. For the time being, though, it looks to us as if Mr. Nixon is acting wisely.

AMERICAN PERSEVERANCE

Mr. McGEE. Mr. President, the former Prime Minister of Great Britain, the Earl of Avon, has authored a well-reasoned, cogent essay summing up the need for American perseverance, not only in its negotiations over Vietnam, at Paris, but also in its attempts to approach the Chinese, in the realization that any settlement in Asia which can endure must take into consideration in the interests of the representatives of Peking.

I ask unanimous consent that the article, written by Anthony Eden, and published in last Saturday's New York Times, be printed in the RECORD.

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

TOPICS: WHY WE MUST PERSEVERE WITH CHINA

(By Anthony Eden, Earl of Avon) [1]

LONDON.—Nobody should be surprised at the recent outbreaks of fighting on the Russo-Chinese frontier. Tension, punctured by incidents, has been the rule along much of the 4,000-mile frontier for some time now. We are not yet at the end of the busines, and we shall make a grave mistake if we belittle or discount the part which China must play in any settlement in Southeast Asia.

Frontier forays are not the only expression of the growing bitterness between Moscow and Peking. Chou En-lai's rebuke of the Soviet invasion of Czechoslovakia last autumn was sternly meant. The Chinese are acutely aware that they also are Russia's neighbors. Their purpose in censuring Moscow was in part, no doubt, to serve advance notice that no pretext of Communist neighborliness could ever justify any Russian intervention across Chinese frontiers.

Can these events be expected to have any influence on relations between the United States and China? The Chinese conviction that the United States menaces her security is, I believe, genuinely held. In Chinese eyes the inescapable evidence of this is the American military presence on the continent of Asia. It follows that if Washington contemplates a negotiation which would result in a phased reduction of American forces from South Vietnam, in return for a withdrawal of North Vietnamese forces, China will be a deeply interested party and should prudently be treated as such.

Not too much should be made of the postponement of the talks in Warsaw. There were some epithets flying when this happened. The time could soon come when Peking would not be embarrassed to exchange reflections with Washington, whether confidentially or otherwise. The United States has wisely shown a continued readiness to negotiate even after its opposite number declined the last round of talks. There is a fair chance that the Chinese will see in this an opening which could be useful.

VIETNAM WAR PRESENCE

It is not possible to approach the question of negotiation in Southeast Asia without regard to the events of the last fourteen years. With the passage of time, the mounting commitment and loss of life, all questions become more intense and harder to solve and it is necessary to get back to first principles. These are that the United States has no wish to establish any miiltary presence anywhere in Indo-China, provided that North Vietnamese military forces are withdrawn from south of the demilitarized zone.

This condition is indispensable if South Vietnam is to be free to determine her own future, but it carries with it the terms of American disengagement. A comparable withdrawal on both sides from Laos has to be phased in with any Vietnamese agreement. If we are to get back to the 1954 Geneva Agreements for Vietnam, we have also to return to the 1963 Agreement for Laos.

The fighting in Laos may prove the most stubborn issue overlooking the negotiations. Here Russia has an obligation reaffirmed only six years ago. It can hardly be denied that the 50,000 North Vietnamese troops are in Laos in defiance of that engagement, or that the equipment and supply of these troops is only made possible through Soviet weapons and material aid.

The fact that Laos is as reluctant as Cambodia to receive any foreign troops upon her soil only emphasizes the ruthless cruelty of this violation of a contract. If Moscow wants to stay hostilities anywhere, here is an immediate claimant. There cannot be any settlement otherwise.

The neutralization of the area still remains the final objective, but this must be for the countries themselves to endorse and for the greater powers to guarantee. Meanwhile Ambassador Lodge is undoubtedly right to persevere with the problem of the demilitarized zones, whenever opportunity offers. These zones are a necessity in any scheme of withdrawal and offer some assurance for the fulfillment of any pledges given.

SECRET SESSIONS FRUITFUL

It is unlikely that any progress will be made in these or other matters as the outcome of publicized meetings. We certainly were unable to achieve anything at Geneva until, after many weeks, we moved into secret session. Even so, most difficulties had to be resolved by two and two in contacts which were not known to have taken place and could therefore be broken off or renewed without ceremony or loss of face.

If and when this stage is reached in the present negotiations, it will be important, assuming that the aim is to reach a settlement which can endure, to establish and maintain contact with the representatives of Peking, whose interest in the area will not fade.

[1] Lord Avon, former Prime Minister of Great Britain, served as joint chairman of the 1954 Geneva Conference on Far Eastern Affairs.

KNOXVILLE, TENN.—A MOST BEAUTIFUL CITY

Mr. BAKER. Mr. President, more than 20 years ago John Gunther wrote a book in which he said Knoxville, Tenn., was the "ugliest city" in the world. No one knows how long Mr. Gunther was in Knoxville, but he has not been in the city since that time. Just the other day he reiterated his ugly-city statement on a nationwide television show, just at the time Knoxville was staging one of its most widely known events—and one of the most beautiful in the world—the Dogwood Arts Festival. People from all over the country, and some from foreign countries, travel over the six trails which are literally alive with dogwood blooms. It is truly a magnificent festival which features—in addition to the trees, arts, and crafts—sporting events, a parade, and other events and monuments of beauty. Since Mr. Gunther's visit to the city, on the initiative of the citizenry and the local government, there have been carried out several urban renewal projects, construction of one of the finest auditorium-coliseum facilities in the country, erection of a beautiful mall in the center of the business district, completion of a unique promenade on which several business establishments are located, and creation of a "gay-way" on the city's main thoroughfare. In addition, and as a result of some of these activities, Knoxville was declared an All America City. At the time of his recent statement I reminded Mr. Gunther of the old adage:

A foolish consistency is the hobgobblin of little minds.

Mr. President, I use this means to invite Mr. Gunther to revisit the city of Knoxville. I am confident that, once that is done, he will feel as many of us who know the city do—that it is one of the most beautiful cities in the world.

FOUNDERS DAY EXERCISES AT UNIVERSITY OF VIRGINIA

Mr. SPONG. Mr. President, on Monday of last week the University of Vir-

ginia celebrated the anniversary of Thomas Jefferson's birthday with its observance of Founder's Day. This year also marked the 150th anniversary of the university. It was my privilege to participate in these exercises.

Six Members of this body, among whom are the majority and minority whips, are alumni of the university. For us, Founder's Day has a special significance. However, I believe, all Members of the Senate will benefit from the remarks of Dr. Edgar F. Shannon, Jr., president of the University of Virginia, which eloquently place in perspective the forces that threaten higher education today.

I ask unanimous consent to have excerpts of Dr. Shannon's remarks printed in the RECORD.

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

EXCERPTS FROM REMARKS AT FOUNDER'S DAY EXERCISES, UNIVERSITY OF VIRGINIA, BY PRESIDENT EDGAR F. SHANNON, JR., APRIL 14, 1969

Thomas Jefferson was a revolutionary. Yet as one of the chief architects of what Julian Boyd has called "the most radical and irreversible revolution in history," he derived his conceptions not from fervid emotionalism but from a disciplined mind enlightened by the heritage of Western thought. The American revolution was radical and irreversible "because its moral proposition included the transfer of sovereignty from the hereditary ruler to the individual citizen." It was a revolution dedicated not to destruction but to the creation of a new order—"a new society based on the concept of the equality of man and governed by reason and justice." This, as Boyd has indicated, is the continuing revolution that we in this country must steadfastly seek to fulfill. This is an enduring revolution, never yet fully achieved, but to be pursued with work and hope and not to be abandoned in despair and irrationality.

Like the new country, the new university that Thomas Jefferson brought into being here 150 years ago was a daring innovation. It was founded as the first true university in North America, and Jefferson aimed his secular university to develop leaders for practical affairs and public service. Devoted, in his own words, to "the illimitable freedom of the human mind"—the phrase that we have taken as the theme of the Sesquicentennial—the University of Virginia was conceived as a means of affording full opportunity for a continuously evolving aristocracy of talent and intellect instead of one, as in the old world, based upon wealth or accidents of birth. This university then has been committed from the beginning to the undergirding propositions of the republic—the equality of man and governance by reason and justice.

Freedom to teach and to learn, to seek the truth through rational inquiry, are the hallmark, not only of the University of Virginia, but generally of American colleges and universities. Through this freedom and truth have come the primary benefits to society. Now this freedom, often under attack from outside the universities, is currently being endangered by irrationality, even coercion and force from within the universities themselves. A minority, espousing methods that are the antithesis of the idea of a university, seem dedicated to the destruction of our society and appear to have marked the universities as their first targets of a campaign for chaos.

The basic principles of the University of Virginia were never more pertinent to our society than they are today. Jefferson spoke somewhat grandly of the University of Virginia as intended to be "the chief bulwark of the human mind in this hemisphere." Usually we have thought of this metaphor in the context of external forces, but never before in American higher education was there greater opportunity for the University of Virginia, along with all institutions of higher learning, to be an inner bulwark for the defense of freedom and liberty in our society.

Here at the University, in Mr. Jefferson's words, "we are not afraid to follow truth wherever it may lead, nor to tolerate any error so long as reason is left free to combat it." He would be the first to support our protection of orderly dissent. He would no doubt share the frustration that many of us feel over the realization that advanced societies now have the knowledge and technical means to solve the problems of poverty, health, and education but thus far have failed to do so. Yet he would be concerned, as we in this university must be, that reason remain the means by which we combat apparent error. Intolerance and fanaticism, rudeness and vulgarity cannot be allowed to supplant reason as the instrument of dissent. And dissent itself must not be so strident as to become a purely negative force that will rend the fabric of our institution and destroy our bright prospects for united and constructive effort.

This afternoon we honor Mr. Jefferson by honoring those among our faculty, students, and alumni who have excelled in developing the mind. We celebrate both those who by rational processes are qualifiying themselves to take a leading part in "the continuing revolution" through orderly change, and those who have already been notable participants in the struggle to improve the condition of man. It is our privilege to salute those who have demonstrated in the words carved over our gateway—"the will to work for men."

TRIBUTE TO THE LATE MRS. LAU KUN, HAWAII SUCCESS STORY

Mr. FONG. It was my sorrowful task recently to say a fond farewell and eulogy to Mrs. Lau Kun, of Honolulu, Hawaii's beloved "Mama Lau." In the passing of Mama Lau, my island community lost a magnificent lady, for she lived a brave and beautiful life. She was an exemplary mother and grandmother of a fine family.

Once a poor immigrant girl from China, she overcame much to achieve much. By today's definition, she would be considered a "disadvantaged" person. Yet through her qualities of perseverance, diligence, and willingness to work hard, she overcame her disadvantages to become a true success in the American tradition.

Although she arrived in Hawaii an alien, she learned to love this country and became a naturalized citizen, her citizenship reflecting the true essence of America.

Although she had little formal education and spoke only Chinese when she came to Hawaii, she acquired the art of communicating most effectively and persuasively.

Although she was born poor, she labored long and ardously to improve her lot and that of her family. From a modest stall selling pork in a Honolulu market, she and her husband built, step by step, the largest supermarket chain in the 50th State.

Thus, in her own unique and colorful way, she personified many attributes which won the affection and admiration of thousands.

As one of the fortunate people who early came to know and love her, I was privileged to pay tribute to her life and memory at her funeral services on April 12. So that others may share in the inspiring example of her life, I ask unanimous consent to have the tribute printed in the RECORD.

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

TRIBUTE TO THE LATE MRS. LAU KUN, HAWAII SUCCESS STORY

(By U.S. Senator HIRAM L. FONG)

Friends: We are gathered together today to pay tribute to one of Hawaii's truly grand ladies, Mrs. Lau Kun, also known as Mrs. Lau Soo Shee, and more affectionately known as—our beloved Mama Lau—who departed this mortal life last Tuesday, April 8.

With her beloved husband Lau Kun, her son Eddie, her daughter Joanna, her son-in-law Maurice Sullivan, and her nine grandchildren—whom she loved above all—we weep and we mourn, for it is difficult to reconcile ourselves to the loss of one who was so vibrant, so full of vitality and love of life during her long and active tenure on this earth.

And yet, as we dry our tears we realize that although this good and noble lady left us, she bequeathed to all of us a heritage that will endure as long as we do—and beyond.

It is with a full and grateful heart that I pay highest homage to Mama Lau today by reminding us all of the priceless legacy she has left behind.

It was in 1921 that Mama Lau came to Hawaii as a young girl, nearly half a century ago. In modern parlance, young Mrs. Lau Kun would have been considered a "disadvantaged person."

She was a stranger in a strange land.

She spoke an alien tongue.

She was poor.

She had little formal education.

To most, these would be insurmountable handicaps. But not to Mama Lau.

She came to Hawaii as an alien, but she grew to love this land of ours and in time she became a naturalized citizen. Her quick native intelligence, her redoubtable perseverance and determination, enabled her to meet all the requirements for citizenship in these United States—not only legal citizenship, but the true citizenship that reflects the inner spirit and the character of the land.

Mama Lau arrived in Hawaii speaking only Chinese and, although through the years she did her best to unravel that difficult, idiomatic tongue known as English, she would have been the first to admit that she was not quite the master of her new tongue.

But what really counted was that, in her quaint and colorful way, without regard to syntax and grammar, Mama Lau could—and did—*communicate* very audibly and clearly whatever she had in mind. Above all she mastered that universal language which all understood—a language bespeaking her innate sense of kindness, helpfulness, decency, respect and brotherhood towards all mankind—a language which young and old alike understood and to which they warmly responded.

She arrived in Hawaii poor but she was not afraid to work—and work she did, side by side with her beloved husband Lau Kun, year after year, decade after decade. Even long after they had prospered and could easily have retired to a life of leisure and com-

fort, Mama Lau and her husband remained active in their business enterprises. She knew the value of honest toil to the human body and the warm satisfaction it gives the human spirit.

She arrived in Hawaii with only a few years of formal schooling in her old homeland, China. But she did not let that deter her. Intelligent and alert, she put to work the good, quick mind God had given her. And with her uncommon common sense, her constancy and courage, and her instant ability to learn from experience, Mr. and Mrs. Lau Kun advanced from the days of a simple wholesale and retail pork stall at the market at King and Kekaulike Streets to achieve these remarkable accomplishments—associates in the old Standard Market on Beretania Street, near Linekona School—owners of the Lanikai Store in Kailua . . . founders of the market located in Hawaii's first shopping center—Market City, Limited . . . and finally, founders and owners of the biggest supermarket chain in Hawaii—Foodland Supermarket with 18 super market stores. Mama Lau held the positions of vice president and director of this large food retailing complex.

Mama Lau's specialty was produce and—in the manner that she did everything—she knew her business well. Responsible for the purchase of fresh fruits and vegetables from both mainland and island sources, she won the respect and admiration of the farmers and wholesalers from whom she bought. She was looked up to by her workers and, indeed, even by her most avid competitors!

Although officially she retired a few years ago, it was really only a very partial "retirement". She continued to maintain a very lively and daily interest in her "superstores".

It was at Lau Kun's pork stall many, many years ago that my mother—shopping for pork for the big Fong family—first met Mama Lau. As both were from the Lung Doo district in Kwantung, China, they considered themselves as country cousins, and from that moment on, their friendship was spontaneous, deeply genuine, and lasting.

I, myself, made her acquaintance when I returned home to Hawaii in 1935, a fresh green grad of the Harvard Law School. I remember very distinctly just before World War II when she and her daughter Joanna came to my law office to have me draw up the documents in their purchase of the Lanikai Store in Kailua.

As Mama Lau did with so many, she took me under her wing, treating me like another son. She was very solicitous of my well being. She cooked and brought me various foods which she would urge me to eat as particularly healthful and strengthening to my body. When I sought to be a U.S. Senator, and on my seeking re-election, she went to the temple of Kwan Yin on Vineyard Street to pray and seek the oracles for signs of whether I would be successful in my quest.

Busy as she always was, she was never so busy that she overlooked family or friends. She was especially fond of her kinsmen, the Pangs and the Laus. She was always trying to help to bring her refugee relatives from the Orient, to guarantee their not being public charges, to provide employment for them and make it possible for them to enjoy a whole new start in life.

She was deeply engaged in philanthropic activities. She gave generously of what she had and got others to give generously to charitable, educational and benevolent causes. She was responsible for the successful campaign to erect the magnificent Koon Yum Goddess of Mercy temple on Vineyard Street. She was a director of the Palolo Chinese Home and a member of the Lung Doo Society.

Mama Lau had a heart as big as the world in which she lived so fully and through which she travelled so extensively. She loved people and they loved her—and it was not only her contemporaries who responded to her, but young people as well. She was that rare individual who could not, would not, comprehend a "generation gap" and in so doing swiftly succeeded in bridging it. To her, all people belong to the human family—and the human family *was* Mama Lau.

Outgoing and warm, forthright, vivacious, energetic yet gentle, Mama Lau had that true charisma that we encounter so rarely in a lifetime.

We, her friends and kinsmen, contemplate her amazing life and her shining character and cherish the heritage of love, courage, and devotion she left behind. And we ask: what can we do that would serve as a fitting memorial to Mama Lau?

One suggestion by her longtime friend, Dr. Lup Quon Pang, is to establish, in time, a radio-therapy unit at St. Francis Hospital to help victims of cancer like herself. I am sure such a useful and humanitarian memorial would please Mama Lau tremendously. And it has her family's blessing.

Another suggestion, which I offer in closing, is an intangible one—a memorial that each of us can help establish and perpetuate individually as we live out our lives and as we rear our children to carry on the torch of life in the generations to come. Let us instill in our own hearts and imbue our offspring with the will to learn and to persist . . . the drive to engage in useful and creative labor . . . an abhorrence of idleness and wickedness . . . a reverence for law and country . . . and an undying love for mankind.

This is what she gave us. And what each of us can give her in return is the silent promise that her shining example, her noble ways, her precious wisdom—will never die.

We cherish fond memories of this loved and most lovable lady. We will keep her remembrance always. She will always be with us, her friends and family, even though she is gone.

As a poet wrote:

"Of this bad world the loveliest and best
Has smiled and said 'Good Night', and gone to rest."

And now it is time for us to bid her a fond farewell.

Aloha nui loa . . .

Aloha . . . Dear Beloved Mamma Lau.

ORDER FOR ADJOURNMENT UNTIL FRIDAY NEXT

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until Friday next.

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

REPORTS TO BE FILED BY SENATORS AND CERTAIN OFFICERS AND EMPLOYEES OF THE SENATE UNDER RULES 41, 42, AND 44

Mr. STENNIS. Mr. President, some time before May 15, Senators and senior employees of the Senate will be filing statements as required by rules 41, 42, and 44 of the Senate. A number of Senators and others having suggested that they be reminded of their responsibilities, I therefore present this brief summary, in my capacity as the chairman of the Select Committee on Standards and Conduct, of the reports that will be due.

Two reports of personal financial interests must be made before May 15 under Senate rule 44 by Senators, former candidates for Senator, and officers and employees of the Senate who are compensated at a rate in excess of $15,000 a year.

The first of these reports should be filed with the Comptroller General. This report includes a copy of the individual's income tax return and a statement of certain income, holdings, and debts. This is a confidential report to the Comptroller General as expressly provided in the rule.

The second report is made to the Secretary of the Senate and contains a statement of contributions accepted and honorariums received. This report will be open to public inspection and copying.

In addition to these two reports, all officers and employees of the Senate who are engaged in outside business or professional activity or employment must make a report to their respective supervisors on May 15. The details of this requirement are contained in Senate rule 41.

The Select Committee on Standards and Conduct will gladly supply such further information as may be needed. Copies of suggested report forms may be obtained from the committee office In addition, the chief counsel of the committee is available for counsel.

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate until noon on Friday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that they may be appropriately referred.

I further ask unanimous consent that during this period, all committees may file their reports together with any individual, minority, or supplemental views.

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

ADJOURNMENT UNTIL FRIDAY NEXT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, under the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 1 o'clock and 25 minutes p.m.) the Senate adjourned until Friday, April 25, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 21, 1969, under order of the Senate April 18, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Shelby Davis, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.

Malcolm Toon, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

Fred L. Hadsel, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipoten-

tiary of the United States of America to the Somali Republic.

Executive nominations received by the Senate April 22, 1969:

UPPER GREAT LAKES REGIONAL COMMISSION

Alfred E. France, of Minnesota, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

OFFICE OF ECONOMIC OPPORTUNITY

DONALD RUMSFELD, of Illinois, to be Director of the Office of Economic Opportunity.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 22, 1969:

DEPARTMENT OF DEFENSE

Curtis W. Tarr, of California, to be an Assistant Secretary of the Air Force.

CENTRAL INTELLIGENCE AGENCY

Lt. Gen. Robert E. Cushman, Jr., U.S. Marine Corps, to be Deputy Director, Central Intelligence Agency, with his current rank of lieutenant general while so serving.

HOUSE OF REPRESENTATIVES—*Tuesday, April 22, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, for forasmuch as ye know that your labor is not in vain in the Lord.—I Corinthians 15: 58.

O Thou giver of every good and perfect gift, we are grateful for the opportunities for good which have been ours; for the love in our homes; for the fellowship of friends; for the freedom to worship as we desire, and for the happy experience of serving our country in this House of Representatives. Keep us ever alive with gratitude for Thy goodness to us.

Do Thou forgive our mishandling of some of Thy gifts—the opportunity neglected, the untruth accepted, the shallow judgment made, and the cynicism enjoyed. Forgive the unkind word, the unjust criticism, the false ambition, and every unworthy spirit which has reigned in our hearts.

May the light of Thy love and the triumph of Thy truth purify us and send us out into this day to be true to Thee, loyal to our country, and in love with our fellow men.

In the name of Him who reveals life to us we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC LANDS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PRESIDENT NIXON'S SO-CALLED BUDGET CUTS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, I am disturbed over President Nixon's so-called budget cuts, particularly the cold and callous cuts in the Veterans' Administration budget.

With the exception of the Defense Department and Health, Education, and Welfare, no other Department or agency budget was cut as much as the VA. The $245 million cutback includes delays in structural improvements to VA hospitals as well as a veto on hiring needed medical care personnel.

The Nixon administration has jeopardized the entire program of veterans medical care by killing the VA's request for 4,700 new employees, most of them in the field of medical care.

Approximately 3,600 new employees in hospitals and VA outpatient clinics and another 500 in medical research were approved by the outgoing administration only to be rejected by the Nixon administration.

The Nixon administration has turned its back on the growing problem of crowded VA hospitals with long waiting lists and a shortage of doctors and medical assistants.

As a member of the House Appropriations Committee, I will make every effort to restore at least a part of this budget cut so that our veterans can be assured of adequate medical care.

MUTUAL SECURITY PROGRAM

(Mr. PASSMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, Mr. Nixon's request for foreign aid for fiscal 1970 exceeds Mr. Johnson's January request by $19 million.

Mr. Nixon's request for mutual security funds exceeds the 1969 appropriation by $959 million.

Mr. Speaker, it would appear that all Presidents in recent years have a way of getting hooked on foreign aid before the White House lights are turned off on inaugural night. They are willing to reduce requests for funds for justifiable projects in America but they always ask for increased funds for similar projects under foreign aid.

There are no ifs, no ands, and no buts. Mr. Nixon, in his revised budget, when the military assistance program is included, is asking for more foreign aid funds than did Mr. Johnson in January.

Mr. Speaker, the total funds requested for foreign aid and assistance for fiscal 1970, carried under 22 headings, total in excess of $10,600 million. Stand by for recapitulation sheets covering totals, which will be placed in the RECORD in a few days.

The following recapitulation covers only one of 22 spigots of foreign aid and assistance:

MUTUAL SECURITY PROGRAM

Item	Fiscal year 1969 appropriation	January budget request, Johnson	Revised budget request, Nixon	Nixon request exceeds Johnson request by—	Nixon request exceeds 1969 appropriation by—
Economic assistance	$1,380,600,000	$2,320,800,000	$2,285,000,000	−$35,800,000	+$904,400,000
Military assistance	375,000,000	375,000,000	430,000,000	+55,000,000	+55,000,000
Total	1,755,600,000	2,695,800,000	2,715,000,000	+19,200,000	+959,400,000

HAPPY BIRTHDAY TO TURNER ROBERTSON

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to extend birthday greetings and felicitations to one of our very hard workers, the chief page, Turner Robertson, who has completed over 30 years of service in the House of Representatives and I believe that all of us will join in wishing him a happy birthday.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding, and I join with the distinguished majority whip in extending Turner Robertson our very, very best wishes from this side of the aisle on this occasion.

I do not know which birthday in years, but a good one, I trust.

Mr. BOGGS. I thank the gentleman. I believe Turner Robertson is about 60, but he will not admit it.

FREEDOM OF INFORMATION FOR THE DISTRICT OF COLUMBIA

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, I have today introduced a bill to bring the government of the District of Columbia under