To qualify as a "dependent widower" of an employee who dies in service for purposes of a survivor annuity under the civil service retirement system, the widower, among other things, must (a) be incapable of self-support because of mental or physical disability, and (b) have received more than half of his support from the employee. This bill would revise section 8341 of title 5 to remove the requirement that the widower of an employee who dies in service must have been a "dependent widower" in order to qualify for a survivor annuity.

In fiscal year 1969, 5933 widows and 17 dependent widowers of deceased employees were added to the benefit roll. If the amendment proposed by this bill had been in effect, an estimated additional 900 nondependent widowers would have been added to the roll. The Commission estimates that enactment of this bill would increase the normal cost of the retirement system by .04% of payroll. It would add $196.1 million to the unfunded liability, to be amortized in equal installments of $10.3 million a year for the next 30 years.

The Commission favors the enactment of H.R. 468 for the following reasons:

1. The present provision for automatic survivor annuities reflects discrimination between the sexes. The nondependent husband does not have equal protection against economic hazard; he has no entitlement to a survivor annuity whereas the non-dependent wife is awarded a survivor benefit.

2. The present provision runs counter to the facts of current day living. By and large, women work because the family needs the money, and the income earned by women is significant in the support of the family. On the principle that one purpose of a retirement system is to cushion family living standards against loss of income caused by death, it is appropriate to drop the dependency requirement for husbands of working wives.

3. The provisions for annuities to surviving spouses of deceased *annuitants* do not include a dependency test. It is inconsistent to apply such a test in the provisions for annuities to surviving spouses of deceased *employees*.

4. From a practical viewpoint, the proposed provision would be easier to administer because the dependency determinations are usually time consuming and frequently difficult to resolve satisfactorily.

This bill does not take into account the enactment of Public Law 89-554, approved September 6, 1966. In addition there are a few technical changes which should be made in the bill. Accordingly, if this bill is to be given further consideration, we suggest amending H.R. 468 as follows:

(A bill to provide equality of treatment with respect to widows and widowers of certain employees who die in service)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8341 (a) of title 5, United States Code, is amended—

(1) by inserting "and" after paragraph (2);

(2) by striking out paragraph (3); and

(3) by renumbering paragraph "(4)" as paragraph "(3)".

SEC. 2. Section 8341(d) of title 5, United States Code, is amended—

(1) by striking out "dependent widower" wherever it appears and inserting "widower" in place thereof;

(2) by striking out paragraph (2); and

(3) by renumbering paragraphs "(3)" and "(4)" as paragraphs "(2)" and "(3)".

SEC. 3. Section 8341(c)(2) of title 5, United States Code, is amended by striking out "subsection (a)(4)" and inserting "subsection (a)(3)" in place thereof.

The Bureau of the Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

SENATE—*Thursday, June 25, 1970*

The Senate met at 9 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

O Thou in whose boundless being reposes all treasures of wisdom and truth and holiness, grant that as we draw near to Thee there may be imparted to us a measure of that wisdom, truth, and holiness which transcends our human powers. Lift all our endeavors this day above our own strength and wisdom. Mediate to us Thy energy of mind and spirit and judgment.

Grant us, O Lord, the grace of a thankful and uncomplaining heart, the grace of courage to speak boldly for what is right, the grace of patience when others speak in disagreement, the grace of silence when it is wiser than hasty speech, the grace of forgiveness toward any who wrong us, and the grace of steadfastness in desiring to know and do Thy will.

O God, may the Congress, the executive and judicial branches of the Government, and the people concert their energies for the achievement of justice at home and peace among the nations.

In the name of the Prince of Peace. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 25, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 24, 1970, be dispensed with.

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

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the completion of the remarks of the able Senator from Mississippi (Mr. STENNIS) today the able Senator from Virginia (Mr. BYRD) be recognized for not to exceed 20 minutes.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New Hampshire (Mr. MCINTYRE) is now recognized for a period not to exceed 1 hour.

Mr. BYRD of West Virginia. Mr. President, will the Senator from New Hampshire yield to me for a unanimous-consent request without losing his right to the floor?

Mr. McINTYRE. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR

NOW IS THE TIME FOR SHOES AND TEXTILES

Mr. McINTYRE. Mr. President, on April 16, of this year, I introduced S. 3723, to provide for orderly trade in the importation of textile articles and articles of leather footwear. The bill is identical to H.R. 16920, introduced in the House by Mr. MILLS, of Arkansas, the chairman of the House Ways and Means Committee.

The Senator from Maine (Mrs. SMITH), my senior colleague from New Hampshire (Mr. COTTON), the Senator from Alabama (Mr. SPARKMAN), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. TALMADGE), the Senator from Wisconsin (Mr. NELSON), the Senator from Penn-

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sylvania (Mr. SCOTT), the Senator from Nebraska (Mr. HRUSKA), and the Senator from South Carolina (Mr. THURMOND) have joined with me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that at the next printing of the bill the name of the Senator from Wyoming (Mr. MCGEE) be added as a cosponsor.

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

Mr. MCINTYRE. Mr. President, I may say that I welcome additional cosponsors, and their names will be added to those supporting this legislation.

Title I of the proposed legislation would limit 1970 imports of all textile articles and leather footwear, by category, to the average annual quantity which entered the United States in 1967–68. After 1970 the permissible level of imports would be adjusted upward or downward annually, in proportion to increases or decreases in domestic consumption.

The President would be authorized to enter into international agreements regulating imports into the United States of all textile articles or footwear from any supplier nation. Any nation entering into an agreement with the United States would not be subject to the limitations imposed by the bill. The provisions of any agreement must be with the declared legislative purpose of this bill: "To foster the maintenance and expansion of economically strong textile and footwear industries in the United States and to avoid the disruption of markets for textile articles and footwear in the United States."

Title II of the bill reforms title III of the Trade Expansion Act of 1962 and provides that a domestic industry would be eligible for escape clause or other adjustment assistance where imports are found to be: "A substantial cause of serious injury or the threat thereof."

Present law requires a finding that an increase in imports, caused in major part by trade agreement concessions, has been the major factor in causing or threatening injury. The substitute test is comparable to that which was in effect from 1948 to 1962.

The President's discretion as to whether or not to afford relief following a finding of injury by the Tariff Commission would be left unchanged. Also intact is that part of the 1962 act which, in lieu of raising tariffs or imposing quotas, empowered the President to enter into negotiations with the countries supplying the injurious imports to work out a solution to the problem similar to the technique used in connection with the long-term textile arrangement.

The authority of the President to enter into trade agreement negotiations would be renewed and extended to July 1, 1973, but for the limited purpose of enabling him to grant "compensation" to countries which may be adversely affected by escape clause actions taken by the President under the reformed "tariff adjustment" provisions provided in the amendment.

Mr. President, this legislation is needed and needed now.

Yesterday the Department of Commerce issued the following announcement after the meeting between Secretary of Commerce Stans and the Japanese regarding imports:

> The Minister of International Trade and Industry of Japan, Kiichi Miyazawa and the Secretary of Commerce of the United States, Maurice H. Stans have met during these past three days to discuss the matter of textile trade between the two countries.
>
> After full exploration of the subject from all angles they have concluded that it is not possible to negotiate an agreement at this time for the voluntary limitation of Japanese textile imports into the United States.
>
> Each country understands and respects the position of the other and hopes that further discussion at another time may provide a solution to this complex matter.

This announcement that trade negotiations with Japan have broken down has again highlighted the need for immediate action to protect domestic industries which have been injured, perhaps fatally, by the ever increasing flow of cheaply made foreign goods into our domestic market.

But, I say, even if these meetings with the Japanese had given some ray of hope, this would not have materially lessened the need for this legislation. We need a permanent program, one which will provide protection—clear protection for the future.

A trade agreement with Japan alone would not be the complete answer to the textile problem. Japan is not the only nation which exports to this country. It may be the largest at this point, but Hong Kong, Korea, Taiwan, Malaysia, India, Portugal, and Spain are gaining in productivity every day. This means that these nations will soon want an even larger chunk of the lucrative American market.

An agreement with Japan, or any one nation, for that matter, will simply slow down that particular nation's exports to the United States, while the nations waiting in the wings will imediately pick up the slack. The same can be said for the footwear problem. If we sign an agreement with Italy, Spain and Portugal will jump in feet first.

In fact, it has been reported to me that the Japanese negotiators informed Secretary Stans that even if they did sign an agreement, they would not put it into effect until their major competitors also signed.

The evidence is thus clear that individual trade agreements are not the sole solution. A genuine balance can only be struck by legislation such as I propose—legislation which reaches all nations and gives no one nation a competitive advantage over another.

The basic reason for this trade imbalance is the wide wage differential between our domestic industries and their foreign competitors. For example, the average American shoe worker is paid $2.78 per hour while his Italian counterpart makes $1.06 per hour and his Spanish counterpart earns only 59 cents an hour. It is no wonder that these nations can flood our markets with inexpensive goods. The same shocking statistics are true for the textile industries. The wages paid to Far Eastern textile workers, where most of the competition originates, are again far lower than those of our textile employees.

The result is obvious. Let us take shoes, an industry with which I am most familiar. In 1969 imported footwear accounted for over 25 percent of our domestic market. Compared with 1968, imports jumped 20 million pairs, while domestic production fell 52.3 million pairs. The Commerce Department estimates that, if the present trend continues, approximately 50 percent of the total market supply of footwear in 1975 will be of foreign manufacture.

Like all statistics, they are dry and without real meaning. But they can easily be translated into very human terms. Last year these imports have forced the closing of 59 shoe plants in this country. Last year 76,500 job opportunities were lost. In 1970, cheaply made imports are expected to eliminate 80,500 jobs and by 1975 this is expected to go as high as 168,600 jobs. Between February 1969 and February 1970, there was a net drop of 10,000 workers in the shoe industry.

The economic factors are obvious—our balance-of-payments deficit increases; our unemployment rolls increase; our taxes go up; in short, the whole country suffers.

The need for an immediate solution has been recognized by one of the most able and knowledgeable members of the administration—the disappearing Assistant Secretary of Commerce Kenneth Davis, Jr. Unfortunately, Mr. Davis' career was cut short last week when he expressed his honest belief that the President was being poorly advised on this most important issue.

Secretary Davis, who came to the Federal Government under this administration after a brilliant career as a businessman, last week gave his wholehearted support to the Mills-McIntyre bill. He stated that he was convinced that "one of the most important direct steps that must be taken, if we are to preserve our economic strength, is to stop the deterioration of those of our major domestic industries which are being unduly and unfairly impacted by foreign imports."

Secretary Davis correctly denied that this bill is a purely protectionist measure. Rather it is the proper manner to allow foreign nations to share in the growth of our domestic markets. This is the point, Davis asserted, that the President should make to our foreign competitors. We are not cutting them out of a market, but rather we are setting up a proper basis for their inclusion.

I commend Secretary Davis for his honesty and forthrightness. It is a shame at this most crucial juncture in our economic history, the administration chose to dismiss a man of his caliber, rather than listen to his advice.

It seems clear now that President Nixon recognizes the dire straits the shoe industry is in. Yesterday he ordered the

Tariff Commission to make an investigation to determine whether the domestic shoe industry needs relief against the flood of imports. He also directed the Commission to determine whether the "escape clause" method was needed to relieve the embattled footwear industry. Although I commend the President for making this unusual move—the first time any President has asked for an escape clause investigation since the institution of the trade agreements program in 1934—I feel that this is not enough. Action is needed now—and action can be taken now by prompt congressional approval of this legislation.

Yesterday's announcement by Secretary Stans makes it clear that the chastisement of Secretary Davis was a mistake. The evidence is now clear that the Japanese were not willing to discuss this vital problem on a rational basis.

As there is no longer any real hope for an immediate administrative solution to the crisis, we in the legislative branch must act and act quickly. We must stop the torrential flow of textile and footwear imports before we reach a point from which it would be impossible for our domestic industries to ever recover.

As the distinguished Senator from Missouri (Mr. SYMINGTON) said, in a recent address in St. Louis:

> We are exporting jobs while we import shoes. The same can be said for textiles—as imports rise, so do the unemployment figures.

I believe my distinguished friend from Missouri was particularly cogent when he continued:

> In its effort to promote free trade, the United States has made every reasonable effort to reduce, if not eliminate, non-tariff barriers. Directly contrary to the "good neighbor" policy, however, the European Common Market, along with Japan and other countries, have been establishing new discriminatory arrangements which are designed primarily to cut off imports from the United States.
>
> One has the right to ask just how long the United States of America continue to defend the free world, almost by itself, and in addition finance the free world, almost by itself, and at the same time agree to policies which allow these other countries, through the lower prices they are able to offer as the result of far lower wages, to take work out of this country—work which represents the opportunity for decent jobs for our own people?

This is a matter of economics—it is a matter of cold, hard statistics—it is a matter of business—it is a matter of labor—but most important it is a matter of people and our future in important segments of our daily life.

I am not one who normally join in the business of predicting the future. The future is such a complex and mysterious place that I shy from saying that I am all-knowing enough to predict what it may look like.

But I will go out on a limb—and I do not believe it is too far out on a limb. These two industries, which have played such an integral role in our national life have been injured by this foreign thrust.

I will venture a prediction that if we do not heal this wound they have received—and do so immediately with the passage of this legislation—the wound will become fatal and these two industries may well disappear from the American scene.

And all America will pay the price.

Mr. McINTYRE. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, I congratulate the distinguished Senator from New Hampshire for a very brilliant dissertation and discussion of this problem, a vexing problem that has been with us for a long time.

I regret, and I apologize to my colleagues, that I do not have a written statement. But I have lived with this problem for 25 years. So I do not believe I need a written statement. I lived with it for 6 years while I was Governor of Rhode Island. I saw the textile industry vanish from my State job by job, day by day, month after month, and year after year. The situation has become progressively worse, as the Acting President pro tempore (Mr. HOLLINGS) knows. When he was Governor of his State, he played a very important part in seeking to save the textile industry in his community.

I have seen thousands upon thousands of jobs lost in an industry so highly essential that it was classified as second only to steel to the security of our country. Yet we have been able to do very little about this disintegration of a vital industry.

I regret to say today that our prodigal policies of the past have come home to roost; and I dare say, as the Senator from New Hampshire has pointed out, that the situation will get much worse before it gets any better. We will just have to stop playing Santa Claus if we want to save America, and we will have to stop using our economy as a political pawn in propping up the rest of the world.

In the process of trying to save the world, we have stuck our noses and our American dollars into too many businesses that do not belong to us. This may be commendable and noble, but we are now drifting into a troublesome state of unemployment in this country and this is at a time when we would expect, with the increase in population, that employment would increase. And even in better times—in the good times—textile employment was on the downgrade as American markets were more and more invaded by foreign textiles.

In 1969, at a time when we were experiencing the biggest boom in our American economy, I have seen two mills shut down in my State. I saw over 1,000 jobs lost in the two mills. Mind you, that was only a year ago. We have pleaded our case under four Presidents. We took our case to Mr. Eisenhower. We took it to Mr. Kennedy. We took it to Mr. Johnson. And we have taken our case to Mr. Nixon.

We have always received a sympathetic and cordial reception when we have got to the Oval Room. But we went in with empty pockets, and we came out with holes in our trousers. Nothing effective was ever achieved because we could never make the foreign textile industry understand the realities of life. Today we have the story in the news release. If we read the news release very carefully, we see the very subtle answer to the whole business.

The article reads:

> The Minister of International Trade and Industry of Japan, Kiichi Miyazawa, and the Secretary of Commerce of the United States, Maurice H. Stans, have met during these past 3 days to discuss the matter of textile trade between the 2 countries.

We have been meeting on this level for years.

The news release continues:

> After full exploration of the subject from all angles, they have concluded that it is not possible to negotiate an agreement at this time for the voluntary limitation of Japanese textile imports into the United States.

I will ask the Senate, frankly, How naive can we be? There is not a Japanese politician who could put his signature on any agreement in Japan and stay in office more than 24 hours. We have never understood that. They cannot afford to do it. Mr. President, I will tell you why. They cannot afford to do it because the Japanese industry will not allow them to do it.

This man was admonished by his industry before he came to America. He had his instructions. This is nothing more than a sideshow, hoping to stop the Mills bill. That is all it was intended for. They knew when they came here that nothing would happen, and we knew when they came here that nothing would happen. Nothing did happen. Whom are we kidding?

Mr. TALMADGE. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. TALMADGE. Is it not natural that Japanese politicians elected by Japanese citizens would be more interested in Japanese jobs than they would be in American jobs?

Mr. PASTORE. Of course.

Mr. TALMADGE. Does it not follow that American politicians should be more interested in American jobs than in Japanese jobs?

Mr. PASTORE. That is correct.

Mr. TALMADGE. That is what it boils down to.

Mr. PASTORE. We have been saying that for years.

Mr. TALMADGE. I thank the Senator for yielding.

Mr. PASTORE. I hope I am not consuming too much time. There will be other opportunities for me to make this speech. I have already made it a hundred times.

The idea that the economy of a foreign country is sancrosanct to us but that our unemployment is not of our concern is something I cannot understand.

I am a little vexed about the statement that there will be a trade war and limitations against us all over the world if we

dare to take this action. We cannot sell an American camera in Japan right now, and we cannot sell an American suit in Japan right now. But we cannot stop a Japanese camera from coming into this country.

Mr. President, do you know who told me that? It was the Under Secretary of Commerce when he came before our committee. He had been employed by the Kodak Co. He admitted that the Kodak Co. cannot sell a camera in Japan. But the Japanese can send cameras here, and Germany can send cameras here.

There is a restriction against American goods in every free country of the world, and the United States is the only country which does not have restrictions.

This is a foreign constriction that comes close to home—to our own neighborhoods, right to our doors.

Look what happened to us in Rhode Island. In 1969, 1,100 jobs in textiles were lost in Rhode Island. When I was Governor of Rhode Island 49 percent of our income came from the textile industry, and now it is down to less than 15 percent. We do not have an export business in textiles. We do not sell them anywhere in the world. If we do, it is so minimal that one could not recognize it if he saw it.

Every nation that becomes free gets into the textile industry and usually with our generous assistance. These nations go into textiles to do what? It is not to put suits on the backs of their own natives. No; it is to sell them on the American market on a willy-nilly basis. They would undercut and undermine American industry although they need a sound, secure, and prosperous America to keep those nations secure and sound.

We cannot make these people understand that they may be killing the goose that laid the golden egg. Mr. President, you cannot make even the State Department understand it.

The State Department should understand it. Whenever we say to these exporting countries "Let us sit down like reasonable people and discuss this situation," the answer is constantly, "No." This morning their latest answer is still "No, we cannot negotiate at this time."

Mr. President, the deficit in our balance of payments last year was $7 billion. The difference in the balance of payments between us and Japan was $1.5 billion, in their favor. The world is worried about the strength of the American dollar because of the imbalance in our trade. We had better do something about it.

I have quoted the experts who testify to the high defense essentiality of textiles. There seems to be little point in allowing such an essential industry to shrink to the point where it could not satisfy basic civilian and national needs in an emergency.

Mr. Stans has been a very reasonable and understanding man. I must pay him that compliment. I have talked with him dozens of times. He understands negotiating under present conditions is like knocking one's head against the wall. You cannot penetrate it. You will bust your head, but you will not dent the wall of adamant rejection. That is what we have been experiencing. We have been busting our heads, and we have not been able to penetrate this wall of unreasonableness.

I say to Mr. Stans: According to the New York Times you are going to appear before the House Ways and Means Committee. I hope you have Mr. McINTYRE's words and wisdom in your hand and in your heart. Mr. McINTYRE has already explained his bill. It is a reasonable bill. We want to limit the importation to the average of 1967 and 1968. If our market rises, they can increase it; if our market declines, they will have to decrease it.

There is nothing wrong with that. I only hope that when Mr. Stans goes before that committee today he will say it as it is; that he will speak as an American interested in the American industry. We do not want to hurt anybody in the world. We have helped everybody in the world. We have helped South Korea, we have helped Taiwan, we have helped Japan, we have helped Italy, we have helped France, we have helped England. Name the countries, Mr. President, and we have helped them all. We are not out to hurt them now.

We are only saying to our good friends, "When you were in trouble, we came to your help. We took you off your knees and helped you stand up straight. Now America is beginning to experience a little trouble in its economy, and we want you to be understanding." If that is being unreasonable, then I do not know what reason is.

I say further, Mr. President, that the time has come for action. We will never, never, never get an agreement unless we pass the bill that is sponsored in the House by Representative MILLS and sponsored in the Senate by my good friend the Senator from New Hampshire (Mr. McINTYRE). And that I may evidence my complete support of his proposal. I hope the Senator from New Hampshire will allow me to ask unanimous consent to be made a cosponsor of his bill.

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

Mr. McINTYRE. Mr. President, I thank my good friend from Rhode Island, who, long before I came to the Senate, was fighting so hard not only for the textile industry but for jobs for America. I am delighted that he has told us this morning just how he feels about this legislation.

Mr. President, I yield 5 minutes to the distinguished Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, I desire to associate myself with the remarks of the able and distinguished Senator from New Hampshire and the able and distinguished Senator from Rhode Island. I thought they stated the issue forcefully and clearly. I am proud to be a cosponsor of the bill which has been introduced by the Senator from New Hampshire.

Mr. President, we have witnessed this week a complete travesty in our long and fruitless efforts to develop an accommodation with Japan in the area of world textile trade. High officials of that nation arrived here Monday to begin, it was believed, serious negotiations with our Government, which hopefully would result in an agreement to regulate the ever-increasing flow of textile and apparel products into the U.S. market. It quickly became apparent that the Japanese had no intention of conducting serious negotiations. Their position bordered on intransigence. "Take it or leave it," they said. There was absolutely no basis offered for meaningful discussion, much less agreement, and the talks were properly called off yesterday.

It was a replay of similar efforts of the past. Mr. Stans, despite diligent and sincere attempts over many months to reach an accommodation with Japan, has again met with rebuff. I am certain his patience, and that of the Administration, has finally worn thin.

The attitude and intentions of the Japanese in this particular situation defy understanding. It was apparent, I felt, that their last-minute mission to the United States was an effort to prevent a legislative solution to the severe problem of imports now damaging many areas of our own industries. Their logic was faulty—by their actions this week they have made the strongest possible case for enactment of the bill introduced by the Honorable WILBUR MILLS, chairman of the House Committee on Ways and Means.

I urge Senators to join me in supporting identical legislation introduced in his body by the distinguished Senator from New Hampshire (Mr. McINTYRE).

The bill gives the President an instrument which encourages and makes possible voluntary agreements with nations such as Japan. Had this bill been in force, there would have been genuine negotiations in progress now with Japan. Once it is enacted, the framework for serious discussions, leading to mutually satisfactory arrangements, will be firmly established.

During the long period of negotiations with Japan, the good health of our American textile and apparel industries has continued to erode. Employment has continued to drop. Mill closings in 1969 to date have numbered some 50 plants, affecting an estimated 15,000 employees.

In addition, curtailed operating schedules have resulted in thousands of layoffs, and reduced paychecks for those still on the job. Overall, textile employment is down by 36,000 jobs from its January 1969 level of 1 million.

The case for special consideration of our textile and apparel industries has been made forcefully and repeatedly. No one is asking for a halt to Japanese textile imports, or of the textile imports from our other friends in the Far East or elsewhere in the world. The principle of sharing in our own markets is firmly established and accepted. Imports will remain at generously high levels. Provi-

sions for growth in imports are part of the proposal—Japan and others will share in the future growth of domestic textile-apparel consumption.

We can no longer afford inaction. This is indeed the time to reflect the mood of the American people, who simply do not understand why unrestrained imports can be allowed to stifle the existence of our own great textile and apparel industries. Fairness in world trade is our objective, but in these particular cases, fairness has thus far been a lost cause. We are expected to open our markets to inundation, while our trading partners in the Far East—most specifically Japan—erect barriers not only against our own goods but the goods of other countries.

Japan is now among the great world powers. She is no longer a weak, developing nation, struggling to rebuild from the devastation of war. She has assumed a rightful place among the leaders in world economic power. It is time she assumed the responsibilities that go with that position.

Japan has not accepted her full responsibility for sharing in the orderly development of world textile trade. Thus far, it has been a one-way street, with the United States shouldering virtually all the traffic.

The result is patently clear. We are losing the vitality of one of this Nation's great economic and social assets. Our textile-apparel industries provide excellent pay and benefits for nearly 2½ million people. They have an unequalled record in giving jobs and training to thousands upon thousands of our less advantaged citizens, including minorities; people who, in many cases, are finding a place in industry for the first time.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. TALMADGE. I ask unanimous consent that the Senator from New Hampshire may yield me 1 additional minute.

Mr. McINTYRE. Mr. President, I am happy to yield 1 additional minute to the Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for 1 additional minute.

Mr. TALMADGE. Mr. President, there are textile plants in my State of Georgia, and in the other Southern States, which now employ very large numbers of Negroes—ranging from 30 to 40 percent of employment in some instances. These are job opportunities that must be expanded, not eliminated through the destruction of markets by unreasonable levels of imports from very low wage nations.

I am dismayed that good-faith efforts of our Government have, in the case of Japan, once again come to naught in this perplexing matter of textile and apparel imports. We can arrive at a satisfactory solution only through legislative means.

I respectfully submit that we join now in seeing that such a solution is at last made possible.

I thank the Senator from New Hampshire.

Mr. McINTYRE. I thank the extremely able Senator from Georgia. I wish to say to him that my memory goes back to the time when the distinguished Senator from Rhode Island (Mr. PASTORE) went to the White House to talk with President John F. Kennedy in 1963. I remember that at that time the President said, "It is very difficult for me to call the Ambassador of Japan and complain about this flood of imports into the United States, because the Ambassador replied that last year the Japanese bought from us some $5 billion worth of goods, whereas, in contrast, we sold $3 billion or so the other way." Now that situation is reversed, and our balance of trade with the Japanese is down.

Mr. TALMADGE. We have a $1.5 billion trade deficit with Japan, and more than $1 billion of that trade deficit is in textiles. In other words, we are importing more than $1 billion in textiles into the United States than we are exporting worldwide.

Mr. McINTYRE. I thank the Senator.

Mr. President, I am happy to yield 7 minutes to the distinguished Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the Senator from New Hampshire.

FURTHER DETERIORATION IN SHOE INDUSTRY

Mr. President, from 1958 to 1968 world trade doubled; and during the past two years there has been additional record growth; but industry in this country has not benefited from this expansion as it should; in fact, our own balance of trade abroad has been, and is, deteriorating rapidly.

This diminishing trade surplus results from a steady increase in imports to the point where, in 1969, the United States had by far the largest balance-of-payments deficit in its history—6.9 billion dollars, more than double any previous year.

Of course part of the negative balance of payments situation is due to inflation here at home; but the real source of the problem goes far beyond that. It is a matter of record that Europe and other countries, particularly Japan, through the establishment of nontariff barriers after they have made tariff agreements with us, have taken unfair advantage of the previously agreed upon trade policies; have for example created clever new impediments to the entry of our exports into their markets, which impediments enable them to circumvent said tariff agreements.

As a result, it is becoming steadily more difficult for this country to compete in various types of goods, not only on the world market, but right here at home; and the "basic reason" for this unfortunate condition is the soaring influx of cheap labor imports, which this Government allows to come in from abroad.

No industry in the United States today feels the pinch of this unfair foreign competition more than does the shoe industry.

As illustration, labor consumes some 30 to 40 percent of the cost of shoe production in this country. But it would actually be illegal if American industry paid its shoe workers as little as they receive in all other competing countries.

The average wage of footwear workers in the United States was $2.29 per hour in mid-1969 according to the U.S. Department of Labor; and that is low as against the overall average industrial wage in this country.

Nevertheless Italy, our leading shoe competitor, pays its shoe workers only $1.04 per hour; and in Spain, another leading exporter of leather footwear, the hourly wage earned by their shoe workers would not buy a dozen eggs in this country. It averages 56 cents per hour.

Japan, the world's leading vinyl footwear manufacturer, is little better. Its shoe workers average 58 cents per hour.

Is it any wonder that American producers find it increasingly difficult to compete with this foreign production?

Based on the above facts, it is not hard to see why, during the 10-year period from 1960 through 1969, there was no growth whatever in domestic shoe production; whereas the importing of shoes increased over 600 percent.

In 1969, 196 million pairs of shoes were imported into this country, an increase of 11.5 percent over the previous year. That figure represents 34 percent of estimated domestic production.

This rising tide of shoe production is having widespread ramifications on our shoe industry here at home; and because Missouri has always been, as it is today, one of the leading shoe-producing States, this is of grave concern. Unfortunately, in my State in the decade prior to 1968, the number of jobs in the production of footwear in Missouri declined 26 percent.

The closing of American shoe factories more than doubled in 1969; and 25 percent of all such factories have shut down since 1947.

What this means we are actually doing through our trade policies, therefore, is importing shoes, while we export jobs.

There must, of course, be some balance to protection polices. We do not expect, or desire complete restriction. I believe the so-called crawling peg quota system proposed recently by the Senator from New Hampshire (Mr. McINTYRE) would be wise. Under this system, a reasonable base number of imports is set—say, the number of pairs of leather shoes imported in 1967; and in the future the amount of imports allowed into this country would increase at a constant percentage, as the level of domestic consumption increased. Imports would therefore be permitted a share of the market, but would not drive domestic producers out of business.

By leaving a corner of the market to imports, domestic industry would be stimulated by the competition, and would be sure of maintaining the high quality and design standards which have for so long been characteristic of its work.

In summary, it is time for the United States to take a more firm and logical

position with respect to its trade policies. We can no longer afford to agree to unilateral policies which not only curtail our exports to other countries, but enable those countries to take over our domestic markets.

Who will deny that it is time to get our economy moving again; and what we need now is action, not more rhetoric.

In that way we can do more than preserve our footwear industry—and the jobs that go with it. We can increase production, and thereby increase the number of available jobs, and in that way have a major impact on rising unemployment.

Let us never forget that our citizens being employed, on the right basis from the standpoint of wages, hours, and conditions of work, is one of the greatest of all measures toward a strong America—and a strong America is the best hope on this earth for peace and prosperity.

Mr. President, I congratulate the distinguished Senator from New Hampshire for his able and constructive work in this field. It would be a privilege to join him as a cosponsor on his bill.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the name of the Senator from Missouri be added as a cosponsor.

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

Mr. McINTYRE. I thank my good friend from Missouri. It is important to have such a persuasive and influential Senator on our side.

I yield 2 minutes, now, to the distinguished Senator from West Virginia (Mr. RANDOLPH) who has worked so long and diligently to help in this important fight.

Mr. RANDOLPH. Mr. President, the able Senator from Missouri (Mr. SYMINGTON) has mentioned footwear. In the State of West Virginia, my colleague (Mr. BYRD) and I are intensely interested in the growth of the footwear industry which has brought into our State several manufacturing plants. This is a recent development in West Virginia.

For instance, I recently stressed the value of the Hanover Shoe Co.'s plant at Franklin, W. Va., during a visit to that community. The Hanover Co. came into our State and worked with our people, and helped train them for the jobs, and now they speak highly of the skills of those men and women in the production of shoes.

This is the story in five locations in West Virginia, where the footwear industry means a great deal to our people. The areas are Summersville, Franklin, Kingwood, Romney, and Huntington.

I wish to emphasize that the new money being brought into West Virginia directly and, in a sense, indirectly, by the shoe industry is estimated at $40 million a year. The shoe industry employs approximately 1,800 men and women in our State, with an annual payroll of nearly $4.5 million. We know how important that is to West Virginia.

I shall not take up other matters which have been so fully and helpfully explained by the knowledgeable Senator from Missouri and other Senators, including the Senator from New Hampshire (Mr. McINTYRE), who leads us in this effort. But I can assure him of my desire to stand beside him, to work with him and to join as a cosponsor of his bill. While focusing attention on the serious problems of footwear and textile imports, we are aware of the difficulties confronting other industries as a result of imports.

I have advocated measures to provide reasonable programs to regulate the rate of increase in future imports in a number of basic industries, including glassware flat glass, steel, and electronic components. My purpose in noting other product areas is to reemphasize the need generally to develop a trade program which not only recognizes the legitimate interests of both foreign and domestic producers but contains the necessary elements of protection for industry and employees in the United States.

I thank the Senator from New Hampshire and I commend him very much for his leadership.

Mr. McINTYRE. I thank the distinguished and able Senator from West Virginia for his fine contribution. I am happy to have his knowledgeable support. I ask unanimous consent to add the name of the Senator from West Virginia as a cosponsor of this legislation.

Mr. RANDOLPH. I would like that very much.

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

Mr. McINTYRE. I am happy to yield to my good friend the Senator from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. President, I thank my good friend for yielding. I take this opportunity to commend the distinguished Senator from New Hampshire (Mr. McINTYRE) for his valuable leadership in attempting to seek an equitable solution to the serious problem of excessive imports of footwear and textiles into the U.S. market. I am happy to associate myself with his remarks and to join with him and others in this bipartisan effort to protect American workers.

I would also like to commend President Nixon for his good-faith effort to negotiate voluntary import quotas. I believe this would have been the better way, and I regret very much that legislative imposition of import quotas now appears necessary. But it is necessary—emphatically so, if we are to save the jobs of textile workers and shoe workers all across this country.

During the past year I have received several thousand letters and cards from shoe and textile workers in my State expressing their concern over the continued increase in imports. I have told these people that if efforts to negotiate voluntary quotas failed I would support reasonable legislation to alleviate the problem which plagues these industries. It now appears that there can be no voluntary agreements, and I intend to work within Congress to achieve a reasonable and equitable legislative solution.

Mr. McINTYRE. I thank my good friend from Tennessee.

One of our big problems in the shoe industry is that many of the shoe plants represent the sole industry in a small town. When they close, whether it be in Maine, New Hampshire or elsewhere, the effect on the town is tremendously deteriorating.

Mr. RANDOLPH. Mr. President, will the Senator yield for 20 seconds at that point?

Mr. McINTYRE. For 20 seconds; yes.

Mr. RANDOLPH. That is brought home so meaningfully in a community like Romney, in Hampshire County, W. Va., where the population is about 1,500, and between 350 and 380 persons are employed in the manufacture of shoes.

Mr. McINTYRE. It wipes out the town.

Mr. RANDOLPH. That is correct.

Mr. McINTYRE. I yield now to the distinguished Senator from the great State of Maine (Mrs. SMITH).

Mrs. SMITH of Maine. Mr. President, I commend the Senator from New Hampshire on organizing this expression in the Senate.

For many years now I have advocated mandatory quota legislation, but very few have been willing to go beyond permissive legislation.

Surely by now the folly of permissive legislation is evident—and surely by now it must be clear that Japan, for whom we have done so much, has no intention to make any voluntary agreement.

In the face of the arrogant refusal of the Japanese to be reasonable and to cooperate, we have no other alternative than to enact mandatory legislation to stop exporting textile and shoe jobs to Japan.

In fact, we should have done it long ago, when I and other Senators urged such action, instead of the tragically misleading and totally inadequate, if not hypocritical, so-called orderly marketing agreement legislation.

Mr. President, I urge the Senate and every Senator, whether affected by these imports or not, to become active and to support the distinguished Senator from New Hampshire in his proposed legislation.

Mr. McINTYRE. Mr. President, I should like to respond to my good friend the Senator from Maine who is always so helpful in this effort. I remind her that when she led us to the White House to talk with our President 4 or 5 months ago about this problem, the President indicated that he was very, very desirous of working out voluntary agreements. If my memory serves me right—and I was quite heartened by it—our President said that he felt that if the voluntary methods did not work out, the quota type of orderly marketing, as proposed in the Mills bill, was a fair way to go at it.

Does the Senator recall that?

Mrs. SMITH of Maine. The Senator is correct, so far as I recall.

Mr. McINTYRE. Mr. President, I am happy to yield to my good friend the Senator from Pennsylvania (Mr. SCHWEIKER).

Mr. SCHWEIKER. Mr. President, I thank the distinguished Senator from New Hampshire for providing me the opportunity to speak out on the urgent need for action to bring the uncontrolled flood of textile and leather footwear imports to reasonable levels. It is apparent

that this rising flood of imports will threaten more economic hardships on our country. Thus, I share the view that we should accelerate the steps necessary for a prompt and meaningful solution of this problem.

At the same time, I am aware that the problems encountered in establishing a workable and realistic long-range trade policy between the United States and its world neighbors are among the most difficult being faced by the administration and the Congress.

While I am not inclined to favor broad-scale import quota legislation, it is apparent that in some cases it may be desirable to provide limited legislative remedy, coupled with vigorous efforts toward voluntary agreements between the countries concerned. In this regard, I have sponsored legislation relating to the importing of dairy products, footwear, steel products, and glass. Representative WILBUR MILLS aptly defined the issue when he stated:

> The only way to save the liberal trade philosophy is to restore public confidence that imports will not continue soaring out of control.

I believe it is appropriate that we recognize the attitudes and policies of some of our friends around the world who deliberately restrict our access to their markets while at the same time eagerly disrupt our domestic markets. To add insult to injury, many of the foreign companies involved benefit from government subsidies.

Obviously, legislated quotas are less desirable than negotiated solutions. However, some of our domestic industries are being destroyed while we patiently await the accommodation of our economic competitors. Unfortunately, the patience of those men and women who are among the unemployed brought little benefit for them. I wonder if our policies to date perhaps have been unrealistic and unresponsive to a serious problem. In our desire to expand trade and strengthen our exports we have allowed once healthy industries to suffer and in some instances virtually perish. Ironically, in the case of shoe imports we are, at the same time, incurring a trade deficit.

In Pennsylvania, shoe imports, textile imports, glass imports, steel imports—particularly specialty steels—and electronic imports are causing acute economic problems in some areas. Relief for these industries has been neglected and the assistance provided after injury has been established, has been inadequate, and too late. In short, we are not effectively dealing with this problem.

Recently, I received a letter from the president of a large and important tanner of leathers informing me of the company's intention to liquidate after 112 years of business. He commented that—

> An orderly marketing approach to this ever-increasing problem is the most attainable and realistic way to allow the exporting nations the opportunity to share the growth in our market without preempting all of it to the detriment of so many good domestic companies that are faced with the problem of competing with low wage and export subsidy countries.

I must agree.

It is time we address ourselves to the immediate solution of this most difficult and sensitive problem.

Mr. McINTYRE. I thank the Senator from Pennsylvania, and I am delighted to have his support.

Mr. President, I ask unanimous consent that the name of the junior Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of this bill.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I am happy to yield 1 minute to the Senator from Wisconsin.

AMERICAN SHOE INDUSTRY IN SERIOUS CONDITION

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from New Hampshire for leading this discussion on the shoe industry. The shoe industry is in very serious straits in my State.

I have long been a strong supporter of a liberal trade policy. American industry has been built on this principle—and flourished because of it. But there comes a time when there is a difference between free trade and fair trade.

The shoe industry is facing a dire situation. I strongly believe that footwear has one of the strongest cases of all commodities for import relief.

From my own State of Wisconsin, I have been receiving literally hundreds and hundreds of letters for the past couple of years describing the drastic situation facing the shoe industry in Wisconsin. Plants have been closed down and unemployment is rising at a much higher rate than in other industries throughout the country. The House Ways and Means Committee has been holding hearings on general import legislation, among this several orderly marketing bills designed to regulate the flood of foreign shoes into our domestic market. We should and we must do all we can to stem the flood of cheap imports through international agreement but if this proves impossible, I see no alternative to strong import control legislation. To do otherwise would be unfair to a great American industry.

Not in the name of free trade but of fair trade. Competition is a hallmark of American industry, but unfair competition may be the death of it. I strongly urge Senators to act quickly to remedy this ever-increasing threat to our domestic shoe industry.

Mr. McINTYRE. I thank the Senator from Wisconsin.

I am happy to yield to the Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I compliment the Senator from New Hampshire for his leadership in arranging this colloquy this morning.

We do not produce many shoes first-hand in Wyoming, but we cover many of them; and we are deeply concerned about the point that the Senator from New Hampshire has raised in regard to the fate of the shoe industry.

Likewise, we are deeply interested in the fate of the textile industry on the east coast. The sheep industry of our State is one of our largest. While we have had a fairly average year, the earnings in the industry are still very low, and the sheepmen are continuing to go out of business.

I should add, Mr. President, that we do not seek to "do in" other countries. We do not seek to cut off the channels of trade. We have sought all along for a voluntary, negotiated balance of exchange between all the resource producing countries of the world—in the case of wool textiles, the Japanese, the British, and the Italians in particular; and of raw wool, the Australians notably—and the fact that this is not succeeding requires us to move to the quota formula. The quota formula will keep everybody in business, including our friends overseas, but most important it will protect our domestic producers on the local level so that they can plan ahead.

This is the kind of question that finds men of all political faiths strongly united out our way, and one of the leaders in this matter at all times has been my colleague from Wyoming (Mr HANSEN).

Mr. President, I ask unanimous consent that a more extended statement which I have prepared on this particular set of issues be inserted at this point for the RECORD.

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

STATEMENT OF SENATOR McGEE

Mr. McGEE. Mr. President, I support Senator McIntyre's position on the crucial textile import problem and have joined in the cosponsorship of S. 3723. I have participated actively in the frustrating attempts of the past nine years to obtain implementation of policies in favor of reasonable import limitations of wool products.

The woolgrowers of Wyoming and of the United States as a whole have a very direct interest in the health and prosperity of the American wool textile industry. Their interest is readily understood when it is realized that American mills are the sole customers of the American woolgrowers.

Therefore, every pound of wool imported in manufactured form strikes not only at the American mills whose products are being displaced but also at the American grower because his only customers are being injured.

Mr. President, in 1966 the weight of imports of wool textiles and apparel was approximately equal to U.S. production of shorn wool—approximately 100 million pounds, clean basis. In 1969, U.S. production had declined to 79 million pounds. This is a decline of 21 percent in only three years. During this three-year period the foreign imports of wool textiles and apparel have steadily increased. Also associated with the decline in domestic production of wool has been an increase in imports of raw apparel wool. Major suppliers of imported apparel wool are Australia, New Zealand, Republic of South Africa, and Argentina. Australia provided 54 percent, New Zealand 18 percent, Republic of South Africa 15 percent and Argentina 8 percent of the 1968 imports. Imports of raw wool items have increased to be about equal to our import of manufactured wool items. Each of these categories exceeds the quantity of wool supplied by U.S. producers. This is truly becoming a critical problem to the domestic wool industry.

Allow me to give further emphasis to this point by comparing it to wool production in Wyoming. Sheep production in my State, which is the second highest producer of sheep in the nation, represents about 13 per cent of Wyoming's agricultural income, and agriculture represents about 20 per cent of Wyoming's total economic activity. You can see that this is no small matter to the State of Wyoming which currently produces

approximately 9 million pounds of shorn wool, clean basis. Nevertheless Wyoming's share of the market is not even one-tenth of the total raw wool foreign imports.

Is it any wonder, Mr. President, that American woolgrowers are gravely concerned by the ever-mounting flood of low-wage wool product imports? To compound this problem the sheep industry in Wyoming and in other states throughout the nation is having difficult financial problems. Lamb and mutton face stiff competition from red meats, poultry and increasing lamb imports. Wool must compete with synthetic fibers and cotton for its share of the consumers' apparel dollar. This is understandable. But is it reasonable to expect the domestic sheepman to compete with ever-increasing flood of uncontrolled imports?

Economic changes affecting all agriculture include rising costs for labor, feed, taxes, interest and machinery which represent the main production costs. While the cost of inputs is in general rising, the trend in the price of feeder lambs, sheep and wool, has been highly variable. Until recent years, the price of lamb has been mainly downward from its peak in 1951.

With rising production costs and variable prices for lambs, sheep and wool, sheepmen find themselves in an uncomfortable position. The average sheepman earned only a modest return on invested capital in 1968. To successfully compete in this highly competitive environment, the sheep rancher must be a competent manager. His job is to formulate future expectations of prices, production rates and costs. He must apply business methods, science and economic principles to the organization of ranch resources in such a manner as to result in increased efficiency and maximum ranch earnings. Despite a year of average lamb prices, the Wyoming woolgrower has made a return of only about 3.5 per cent on his capital investment during 1968 and 1969.

During the eight-year period from 1960 to 1968, there was an increase in cost per head from $13.28 in 1960 to $16.15 in 1968. Leases and permits increased from 62¢ per head in 1960 to $1.04 per head in 1968. Also, shearing costs had a gradual upward trend as did the cost for taxes, depreciation, interest on operating loans, and ram costs. There was no noticeable trend in feed costs because the amount of feed purchased depends upon the severity of the winter. Likewise, the charge for interest on land mortgages is highly variable and depends upon the amount of real estate debts held each year and the interest rate.

Also due to the decline in the domestic market for sheep products, some of Wyoming's sheepmen are running as much as 20 per cent cattle. This is being done by sheepmen across the State to help cover their ever-increasing operating costs which cannot be covered by the low profit margin received from the declining sheep industry. As a result, shorn wool production in Wyoming during 1969 has dropped one per cent from 1968, according to the Wyoming and U.S. Departments of Agriculture. This is the second smallest wool crop on record.

There is another facet to this problem, one in which the Congress is directly concerned. The effect of the import influx runs directly counter to the aims of the National Wool Act, which was first passed in 1955 and has been extended three times since then. The act states that wool "is an essential and strategic commodity" and adds:

It is hereby declared to be the policy of Congress as a measure of national security and in promotion of the general economic welfare, to encourage the annual domestic production of approximately 300 million pounds of shorn wool, grease basis, at prices fair to both producers and consumers in a manner which will have the least adverse effects upon foreign trade.

Wool production has been declining and without doubt it would have dropped even further except for the incentive program provided by the National Wool Act. But one of the principal reasons for the decline is the devastating impact of rising wool product imports upon both manufacturers and growers. Mr. President, the disruptive imports of wool products run directly counter to the aim of Congress in passing and extending the National Wool Act; that is, the encouragement to wool growing in the United States.

It is ironic that in the portion of the act which I have just read there is the statement that the program should be carried out "in a manner which will have the least adverse effects upon foreign trade."

At the time the act was drawn there appears to have been no anticipation of what has become so readily apparent today—that foreign trade in the form of wool product imports would interfere with the successful operation of the National Wool Act.

Today I maintain close relationship not only with the woolgrowers but with the wool manufacturers of the United States because they are both so important to the economy of Wyoming.

I can say to you that the wool manufacturers have only one desire and that is to move forward with the economy of this country. They want to be able to hire more American workers at American wages. They want to expand their plants and productive equipment. Such growth cannot be achieved, however, if the manufacturers, their employees and the growers are to be sacrificed to unfair competition from low-wage foreign countries and cartelized trading arrangements.

The problems of wool manufacturers are interlocked with the sheepman's problems because the sole market for domestic wool is made up of the factories and textile mills in this country.

It is pertinent to note at this point that since World War II some 300 wool textile plants have disappeared, along with 60 per cent of key manufacturing machinery and tens of thousands of jobs. Clearly this is not the time to allow low-wage imports to further decimate so vital an industry.

Mr. President, the late President Kennedy made it abundantly clear that his textile program was intended to encompass limitations on imports of wool products. The policy of his administration was officially stated to be that wool textile imports should be held at 1962 levels because any imports in excess of these levels would cause market disruption. The legislation which we are discussing here today is certainly even more reasonable. It would establish as a base period the years 1967–1968, and foreign suppliers would be assured of their proportionate share of the increasing domestic market. Protection, however, should be given to our domestic industries.

Today the more than 300,000 woolgrowers in this country and their only customer, the American wool textile industry, find the situation has markedly and disruptively worsened. Government figures show that, as measured at the fiber level, 1962 imports were 20 percent of domestic production.

When President Johnson in 1964 stated his conviction that imports of wool products must be held at reasonable levels and that the industry should be restored to good health, the ratio has advanced to 22 per cent. Mr. President, the ratio in 1966 increased again—to 26 per cent. The projections for 1970 are even more dismal.

Perhaps there will be a question as to whether wool textile exports do, or might, offset at least some of the imports. Mr. President, exports are virtually nil. If American mills were able to compete in foreign markets to any extent there would be no import problem. I am informed, moreover, that the American industry without question is the most efficient in the world, yet its efficiency cannot overcome the low-wage advantage abroad. In fact, imported wool textiles—duty paid—frequently sell for less than the cost of production in highly efficient American mills.

On February 6, 1969, President Nixon stated that the rapidly rising level of textile imports was causing "very great distress in certain parts of the country and to a great number of wage earners." He said that in view of this critical situation, his Administration had embarked on a major effort to reach voluntary agreements with textile-exporting nations which would result in the orderly entry of a reasonable quantity of textile imports to the country.

During the past 14 months the United States Government has made a concerted effort to reach such agreements.

Japan today is the third largest industrial power in the world. Yet it maintains the most restrictive foreign trade policy of all major powers.

In spite of the position on textiles taken by our Government—a position based on fair play and reasonable compromise—the effort to solve this problem administratively has failed. It has failed primarily because of the unbending attitude of the Japanese.

The latest Japanese rebuff has occurred in spite of the fact that Japan enjoys the most favorable position of any nation in the U.S. textile market. Furthermore, Japan has entered into agreements with the European Economic Community, Canada, the United Kingdom and other nations limiting her exports of man-made fiber and wool textiles, and she maintains tight controls over imports entering her own market.

Mr. President, I am previously on public record as being in favor of unilateral action by the United States—the President or the Congress—if all attempts fail at securing cooperation of other governments in a wool textile trade arrangement. I reaffirm my position in this regard. However achieved, import limitations are needed—urgently needed in the interest of the woolgrowers, their customers, the woolen and worsted mills and, indeed, in the national interest as well.

Mr. McINTYRE. I thank the Senator for his contribution to the discussion.

I am happy to yield 1 minute to the junior Senator from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, I thank the distinguished Senator from New Hampshire. I compliment him for the leadership he has displayed in bringing this matter—this important concern of ours—to the forefront on the Senate floor today.

We are concerned, as all Americans must be, about any trade patterns which threaten our domestic industries, which are the best guarantee of a continued assurance of jobs in this country. Because of that, I join with the distinguished Senator from New Hampshire; and I ask unanimous consent, with his permission, that my name be added as a cosponsor of the bill.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. HANSEN. I should like to point out that last year we imported oil to the extent of 34.2 percent of our domestic production.

The distinguished senior Senator from Wyoming has already mentioned how important wool is in the textile picture in this country. Likewise, we have great concern about shoes because we raise a great deal of beef in Wyoming, as does my good friend from Montana (Mr.

METCALF), the Acting President pro tempore, who now occupies the chair.

Mr. President, one of the basic factors involved in our growing dependence on foreign products is the national security. This is particularly true of oil, upon which the United States depends for 75 percent of its energy. Oil is the lifeblood of the Nation. Our entire transportation system—rail, air, highway, and water—is wholly dependent upon oil and would come to a grinding halt without it.

Recent events in the Middle East and other parts of the world emphasize the risk of dependency on foreign sources.

I, therefore, plan to offer an amendment to the bill I have just cosponsored with the distinguished Senator from New Hampshire to include oil and to amend the act to prevent adoption of an oil import tariff plan which would reduce domestic wellhead crude oil prices.

I also believe that beef, lamb, and wool imports, as well as the workers affected by such imports, are entitled to the same consideration as the shoe and textile workers who have been and are being displaced.

Despite the great economic growth in the United States, because of import pressure, the price of beef at livestock markets has risen less than $1.85 per hundred pounds over the past 20 years, from $29.02 in 1950 to about $30.85 today. And the retail price of motor gasoline has risen only nine-tenths of a cent per quart, excluding taxes, in the two decades, while milk, a product not damaged by imports, has gone up by 13.6 cents per quart.

Another fallacy in the free-trade philosophy is the argument that quota legislation is "protectionist." They say that the American consumer is entitled to the prices at which foreign producers are able to sell their wares in this country.

The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage by a system of adjustment assistance is a wholly unjustifiable philosophy and represents an amazingly harsh attitude in point of public policy. I doubt that a New York City textile worker would be willing to trade his job for a relief check in order to buy a cheaper shirt made in Japan.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial and must take the consequences. Yet on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world. This lead is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantage.

We cannot hope to hold our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by sleight-of-hand trade statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

As further evidence of the need for realistic revision of U.S. trade policy, the figures recently released by the U.S. Department of Commerce show a substantial and continuing deficit in the U.S. balance of payments for the first quarter of 1970. That deficit last year amounted to $7 billion and at the rate reported for the first quarter, may well exceed the 1969 figure by the end of this year.

But even these figures do not tell the whole story. Figures used by the Department of Commerce include foreign aid shipments as exports and show imports at their foreign value without including ocean freight and other charges. This practice is contrary to that of nearly all other leading nations and results in an understatement of actual costs of our imports by some 10 percent.

Mr. President, this country has been generous in assisting other nations, in financing the rebuilding of Europe and Japan after World War II, in furnishing the technology, money, and even manpower to many so-called emerging nations to establish agriculture and industry of their own. The next step has been that we are then expected to furnish the market for whatever it is they produce—shoes, textiles, oil, beef, electronic components, steel, and so forth.

Measured in relation to exports of all other countries, American exports, including foreign aid, have lost ground in recent years. This means simply that exports from other countries have expanded more rapidly than U.S. exports. In turn this suggests that their goods are more competitively priced in world markets. In 1960 our share of world exports was 15 percent; in 1967 it was 14.5 percent. Had our exports in 1967 enjoyed the same proportion of world exports as in 1960 we would have exported $4.6 billion more in 1967 than we did export, or $35.8 billion instead of $31.2 billion.

The irrebutable fact is that we are in a weak competitive position in world markets and in our own market vis-a-vis imports.

The trend since 1960 is unmistakable. A trade policy that was based on competitive conditions as they existed before 1960 is no longer in focus. It is unrealistic.

What does our weak competitive position suggest with respect to our trade policy?

The problem of import competition would be more acute than it is were it not for the $30 billion annual boost to our economy provided by the Vietnam involvement. Since our tariff has been cut to an ineffective level without present hope of reversal some other instrument for control of our market and employment erosion attributable to imports must be provided.

Enactment of this legislation would provide assurance that imports, despite their cost advantage resulting from lower wages, will not be allowed to run wild and thus disrupt industry after industry. Instead of relying on first-aid ministration in the form of adjustment assistance, the injury to our employment and industrial expansion would be controlled ahead of time. Imports would not be awarded the right of eminent domain in our market but would be given the opportunity to grow in proportion to domestic consumption.

We face an opportunity to adopt a trade policy that would achieve the undoubted benefits of world trade without incurring its unfair and destructive impact on a widening front.

Mr. McINTYRE. Mr. President, I ask unanimous consent to proceed for 5 additional minutes. It is now 10 a.m. and I believe that, under the prior rule, we were allowed to continue until 10:04, which would make it 10:09.

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

Mr. McINTYRE. At this time, Mr. President, I yield one minute to the Senator from Rhode Island.

Mr. PELL. Mr. President, in general, I have been and continue to be a supporter of the freest possible trade among nations, believing that all nations benefit from the give and take of free markets. But it has become increasingly clear that as far as trade in textile is concerned, we have been doing all the giving in recent years while others have been doing all the taking.

We have given virtually open access to our domestic textile markets, and we have given up thousands of jobs once held by American textile workers. Our trading partners have taken our domestic markets and taken the jobs of American workers, while maintaining restraints on the entry of American products and capital into their markets.

We have given our best efforts at negotiating reasonable limitations on textile imports, and our trading partners have taken an adamant and unyielding position.

I regret very much that the earnest, good faith efforts of our Government over the years to negotiate a settlement of these trade differences have failed. I think we have no choice now but to enact legislation that will preserve a reasonable portion of the United States textile markets for American industry and American workers.

I therefore support the legislation introduced by the junior Senator from New Hampshire and congratulate and commend him on his leadership.

Mr. McINTYRE. Mr. President, I yield 1 minute to my good friend from North Carolina (Mr. JORDAN).

Mr. JORDAN of North Carolina. Mr. President, I commend my good friend from New Hampshire for his leadership in this piece of legislation which is so important to my State of North Carolina.

As many Senators know, North Carolina is the largest textile manufacturing State in the country. Its economy depends largely on the textile business.

I have purposely not cosponsored the bill because my family is actively en-

gaged in the textile business, and I do not want to be accused of a conflict of interest. I want that thoroughly understood.

Mr. President, the people of North Carolina are vitally interested in this piece of legislation. It has been pointed out here that we do not seek and we never have sought to put any other country's textile industry, or its shoe industry, out of business. We just want a part of it left for our own people.

The distinguished Senator from Rhode Island (Mr. PASTORE) spoke a moment ago of a mill in his State which had to close in 1969 which had employed 1,000 to 1,200 people.

At this time there is a mill within 6 miles of my home which was in operation for 95 years, but now is being liquidated and sold to the highest bidder for whatever they can sell it for, because the mill can no longer compete. It has been put out of business, and the 1,200 North Carolinians who were employed a year ago no longer have those jobs, and all the people in that village are completely out of business.

Mr. President, several years ago, I was one of those who went to the White House with the Senator from Rhode Island (Mr. PASTORE), and others, to see President John F. Kennedy, to discuss this very same subject. At that time he told us that he realized we were being hurt by exports to this country, particularly woolens. The distinguished Senator from Maine (Mrs. SMITH) will remember that very well. If we were to be in a war elsewhere than in the tropics today, we could not clothe our army with the woolens it would need because we have been put out of business in the woolen industry whose products came largely from the New England States.

I want to tell the distinguished Senator from New Hampshire (Mr. MCINTYRE) that the people of North Carolina are greatly indebted to him and all the other Senators engaged in sponsoring this legislation, and I commend them for it.

Mr. McINTYRE. Mr. President, I yield 1 minute to the distinguished Senator from Maine (Mr. MUSKIE).

Mr. MUSKIE. Mr. President, I join the distinguished Senator from New Hampshire and my distinguished colleague from Maine (Mrs. SMITH) in this effort to bring about this much needed legislation dealing with the problems of the textile and the shoe industries.

I am pleased to have an opportunity to express my views about one of the most difficult economic problems this Nation now faces—the problem of imports. Excessive imports have adversely affected many American industries during the past decade, but none so injuriously as our country's shoemakers. Footwear was one of the first sectors of the U.S. economy to feel the pressure of low-wage foreign competition, and one of the first to see this competition for what it was—a serious and long-term threat to the economic health of the industry and the United States. I must also note that the footwear industry has neither suffered silently nor cried "Wolf." Its predictions of ever-increasing imports have consistently been exceeded.

It was over 6 years ago today, that a group of concerned Members of Congress and footwear industry leaders went to the President of the United States to discuss this problem. The statements we made that day could be used this morning—with the statistical data revised upward many times.

In January 1970, 22 million more pairs of leather and vinyl footwear were imported into the United States. This figure represents an increase of more than 37 percent over the average month last year, and 153 percent more than January 1969.

The National Association of Footwear Manufacturers reports that imports will hit approximately 225 million pairs this year, or 28 percent of our U.S. market. Ten years ago it was less than 3.5 percent. Even 5 years ago imports of only 75 million pairs occupied less than 11 percent of our domestic market.

Economists can develop charts and talk about productivity, but the fact is that children at ages of 12 to 14 are putting in 60-hour weeks in footwear plants in Taiwan and Hong Kong, for wages as low as 12 cents per hour.

Our U.S. footwear worker gets an average of $2.74 per hour. He is a more efficient worker than that child in the Far East, but I do not think he is 23 times better. Shoe manufacture is labor intensive. The country with the low labor costs has competitive edge over the country with high labor costs. This problem is that simple.

What is the solution? The first question is not what to do, but whether to do anything. This is a question that deserves our serious consideration. There are many who will argue that the footwear manufacturers and other industries threatened by imports are only experiencing the raw, invigorating, economic forces of the marketplace. This is how it is in the real world, they say. Stop complaining and start competing. They argue that expanded world trade helps everyone; therefore, whatever inhibits world trade hurts everyone.

There is a serious flaw in this argument. The fact is that there is nothing raw about the economic factors of the world market. Regulation and restrictions are one of the principal features of international trade in the 20th century. Nothing as complex and as important as international trade can expect to be free of controls and contrivances designed by each nation to advance its interests. Every nation uses trade to advance its interests, some more subtly and skillfully than others. It is reasonable to ask: How has the United States used trade as an instrument of national policy, and how successful has it been?

At the end of World War II most of the trading nations of the world were in desperate need of help. The United States helped to rebuild these foreign economies to restore our own overseas markets. As a part of this effort we did everything possible to encourage world trade: we threw open our markets, we reduced tariffs, we gave every assistance to our trading partners. This policy proved successful. Japan and the countries of Western Europe, aided in no small part by the United States, staged an incredible economic recovery which has been of great benefit to us.

But somewhere along the line the economic ends and means became confused. Expanded world trade became, somehow, a national objective in itself. Having helped to restore our overseas markets, we have kept right on doing the things that restored them. Now Japan and Western Europe are economic powers. They are demonstrably able to compete with the United States on any terms in any marketplace. I think it is time that we learn that the United States can no more be the world's consumer than it can be the world's policeman.

At the point where further so-called expansion of world trade disrupts markets in the United States, displaces American workmen from their jobs, and closes American factories, and when this expansion is principally benefiting well-developed economies like Japan and Italy, it is time to act. I hope the President will act on the petitions for voluntary limitations on imports of leather and vinyl footwear. If he does not, I think orderly marketing legislation is imperative.

I believe each trade problem has to be examined on its own facts. No overall policy can compass the interests of all proprietors, all labor, all management, all consumers. In general, the United States is moving toward fewer trade restrictions, and I think that generally this is desirable. But where open markets attract low-wage imports that devastate a segment of our economy, the alternatives are worth considering.

An industry, so threatened, can do as the economists urge—it can cut costs and become competitive all at once. The American coal industry is a case in point. Twenty years ago the coal industry could not compete with imports, could not get relief from the Government, so it responded by cutting costs and automating production. Today, what is left of the industry is healthy. We now export about 10 percent of our coal production. But in the years 1950 to 1965, 340,000 coal miners—2 out of 3—lost their jobs. Appalachia is the result. That is a high price to pay for efficiency.

The alternative is to control imports so that the beneficial effects of competition are maintained without disruption of markets or employment. This is what now must be done, let us keep our footwear industry alive while it continues to work toward greater value, better design, lower costs, wider markets, more efficiency. Let us keep the displacement of workers, if such there must be, to a manageable level.

It was to this end that I introduced the orderly marketing act of 1969. This bill, if enacted, will provide for:

The orderly marketing of articles imported into the United States; the establishment of a flexible basis for the adjustment by the United States to expand trade; and afford foreign supplying nations a fair share in the growth and change in the U.S. market.

Briefly, the bill would require, under

certain conditions, the Secretary of Commerce to determine whether the increased quantities of imports are a factor contributing to a condition of economic impairment of a domestic industry. If such an impairment does exist, then the President would be able to impose import limitations geared to total sales in the domestic market, subject to review after 3 years.

This is not a rigid protectionist concept, nor would it impose an inflexible quota system. Instead, it is designed to give those American industries which have been hard hit by a massive flood of low-cost foreign imports time to readjust to changing conditions of world trade.

Mr. President, I compliment the distinguished Senator from New Hampshire (Mr. McINTYRE) once more for his efforts this morning.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Maine (Mr. MUSKIE) and the distinguished Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of this bill.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I thank my good friend from Maine for his support and the able presentation he has just made.

Now, Mr. President, I yield 1 minute to the distinguished Senator from South Carolina (Mr. HOLLINGS).

Mr. HOLLINGS. Mr. President, I want to commend the distinguished Senator from New Hampshire (Mr. McINTYRE) on the leadership he has given, not only here this morning, but particularly in the hearings before the Committee on Banking and Currency with the shoe manufacturers which brought to light the actual facts of the dilemma we face.

Since my time is limited, I address my comments only to the fact that last year we introduced S. 2085 concerning shoes and textiles.

On September 10, that bill was brought up as an amendment to the tax reform bill of 1969 and by an overwhelming vote, received the approval of the Senate last December. It was then killed in the House of Representatives.

This provision now appears as the Mills bill at a time when we berate the breakdown of negotiations between the Japanese and American negotiators on yesterday.

Mr. President, the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), made an excellent statement yesterday on the existing authority the Executive now possesses concerning credit controls, inflation, and so forth. In that vein, let me say that on April 8, 1970, I sent out a newsletter under the heading "Textile Jobs—What Can Be Done."

This is what I said:

In 1965, a Japanese-United States conference on textiles broke into disarray with a statement by Kyutaro Izaki: "We are not North Vietnam. We hope you will make a distinction between your friends and enemies." This arrogance was only repeated in a lesser way by the Japanese communique of March 9 in which, for all intents and purposes, the Japanese terminated textile talks with the United States.

It is interesting to note that at times the Japanese do agree. An item in this morning's news points out that Japan has just agreed to cut the quota on crabs for the Russians. Why is it that Russians can secure agreement from the Japanese and the United States cannot? It's all wrapped up in St. Paul's letter to the Corinthians: "If the sound of the trumpet be uncertain, then who shall prepare for the battle." Since John Kennedy, the Japanese have never prepared to agree on textiles. President Johnson reneged on his promise. He failed to act under the law, and, accordingly, the Japanese saw no reason to negotiate. Business is business. If there's no pressure, why give up a good thing? In the past fifteen months, the Japanese have watched closely President Nixon's intent. They noticed the President appoint Carl Gilbert, the enemy of the textile industry, as Trade Negotiator. When we asked the President to avail himself of the present law, he refused. We waited until November when Prime Minister Sato was to visit and were led to believe that the President personally would bring about an agreement with Sato in the conference on Okinawa. This failed and so Senator Cotton and I called up a textile quota amendment to be attached to the tax reform bill. Immediately the Department of Commerce and White House went into high gear opposing this measure. Over this opposition we passed the textile quota amendment in the Senate by a vote of 65 to 30 and sent it to the House. *But the House killed it.* This was the second time in three years. In 1968, the Hollings textile quota amendment passed the Senate but *was killed in the House*, and the President openly continues to oppose textile quota legislation. On February 6, 1969, in a statement opposing import quotas on textiles, the President said: "The interests of the United States and the world are served best by moving toward freer trade, not protectionism." If the President is going to continue to oppose import quota legislation, if the House is going to continue to kill such legislation, then what can de do? Do exactly as President Eisenhower and President Kennedy did under the present law. President Nixon can:

(1) Direct his Office of Emergency Planning, after a prompt hearing, to finalize the hearings we initiated years ago finding that the flood of textile imports is injurious to the national security. This is the approach used by President Kennedy which forced the Japanese to agreement on cotton textiles back in 1961. The President can easily do this on woolens and man-made fibers.

(2) Under Section 204 of the Agricultural Act, the President could enter into agreement with a friendly country such as Taiwan limiting natural fibers and any blends and then impose quotas consistent with this agreement.

(3) Under Article XXVIII of GATT (General Agreement on Tariffs and Trade), the President can withdraw tariff concessions restoring the duties on textile articles to the 1930 level. This would force the parties to the table and to consequent agreement.

(4) Under Article XII of GATT, the President could impose quotas due to the deficit in balance of payments which, regarding textile articles, presently is running at the rate of *$1 billion.*

When President Eisenhower threatened under these laws, the Japanese in 1956 imposed voluntary quotas. When President Kennedy threatened in 1961, the Japanese voluntarily agreed on cotton quotas. But, as the Japanese told me in Tokyo, they believe that President Nixon's commitment was a political plank—something to run on to obtain office, but not to stand on once in office.

Mr. McINTYRE. I thank my good friend from South Carolina for his comments.

Now, Mr. President, I yield 1 minute to the distinguished Senator from Alabama (Mr. SPARKMAN), chairman of the Committee on Banking and Currency.

Mr. SPARKMAN. Mr. President, I commend the Senator from New Hampshire for this legislation. I am happy to join him in sponsoring it.

As I have stated, I wish very much that we could set up quotas by agreement as a result of negotiations. We have tried hard to do that. They have failed. Thus, I think this is the only method we have in the fields of textiles and shoes to bring that about.

We have shoe factories in my State. There is a very large one in my hometown, so that I know something about the situation which is confronting both these industries.

I am very happy to join the Senator from New Hampshire and other Senators in promoting this legislation.

Mr. McINTYRE. Mr. President, I thank the distinguished chairman of the Committee on Banking and Currency for being here and lending his influence and weight to this discourse.

Now, Mr. President, I should like to ask unanimous consent for an additional 3 minutes, so that I may yield 5 minutes to the distinguished Senator from South Carolina (Mr. THURMOND).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, during the 16 years since I came to the Senate, a number of us have worked diligently to take steps to try to stop the excessive imports of textiles coming into this country.

This is a vital matter in my State because 75 percent of its industrial wages and 70 percent of industrial employment comes from textiles. It is not only vital to my State, but it is also vital to the entire Nation.

One out of every nine manufacturing jobs in the United States is in the textile or apparel industry. The industry employs 2.5 million employees. Three million others are employed in support activities.

This matter affects every State in the Nation. Every State has some textile or apparel manufacturing.

Nineteen States grow cotton. Almost every State produces wool.

In 1958, when we conducted the textile hearings, I was a member of the Textile Subcommittee of the Commerce Committee of the Senate at the time. These hearings were conducted in both the North and the South.

The Defense Department testified that textiles rank second to steel in the matter of national defense. So it is vital to our country that our textile mills be retained and not forced to go out of business.

This industry has an annual payroll of $10 billion. Its purchases amount to billions of dollars a year worth of fibers, wool, cotton, chemicals, dyestuffs, power,

and fuel, packaging products, and trucking services.

One out of four jobs in Appalachia is in textiles, apparel, or footwear.

Forty-five percent of the textile labor force is composed of women. This industry is the largest employer of women in the United States.

Since 1960, the employment of American Negroes in textiles has advanced four times faster than the national average. The current level of employment in this industry is 12 percent. The national average of employment of Negroes is 10 percent.

So we can see that this industry does not just affect the South or any one State. It affects every State in the Nation. And what happens to this industry will affect the economic situation and employment throughout the entire United States.

I have been to the White House during the Eisenhower administration, the Kennedy administration, the Johnson administration, and the Nixon administration. And we have pleaded and urged that action be taken. No action of consequence has been taken down through the years.

A number of us have introduced legislation to try to get relief. But this legislation, it seems, has not had the backing of a single President in the 16 years since I have been a Senator. Therefore, it has not been passed.

On March 20 of this year, the senior Senator from New Hampshire (Mr. COTTON), the senior Senator from Nebraska (Mr. HRUSKA), the senior Senator from Pennsylvania (Mr. SCOTT), and I introduced a bill to limit the excessive imports of textiles.

I was pleased to join with the distinguished Senator from New Hampshire on April 16 of this year to try to bring about action that would give relief to this important industry. I commend him for his leadership.

Mr. President, it is vital that action be taken. And I am pleased that action is finally going to be taken.

Mr. President, I supported the Mills bill in the House. I went over there and testified on behalf of it. I am a cosponsor of this bill with the distinguished Senator from New Hampshire. And I am glad to cosponsor it.

Only yesterday, the President of the United States asked the Tariff Commission to investigate the need of the shoe industry for relief from the imports of shoes. He asked whether an escape clause was needed.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. McINTYRE. Mr. President, I yield an additional 2 minutes to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for an additional 2 minutes.

Mr. THURMOND. This is the first time, I repeat, the first time that any President has requested an escape-clause investigation since 1934 when the trade agreements program was initiated.

I am glad that President Nixon has taken this step. I hope that it will be a step that will give relief to the shoe industry which needs it so badly.

I am also glad to announce at this time to the Senate that the administration is going to back the Mills bill to limit excessive imports. Secretary Stans is testifying at this moment before the Ways and Means Committee of the House.

In his testimony he states:

> It is our reluctant judgment that the only means presently available for solving this problem is the textile legislation now before this committee.

The legislation he refers to, of course, is the Mills bill. And in this statement he also states:

> We do support the enactment of the textile provisions in the bill . . .

Mr. President, I want to say that this is the first time since I have been in the Senate that any President has recommended and supported this legislation. I am proud that President Nixon has done this.

Mr. President, I ask unanimous consent that Secretary Stans' statement before the Ways and Means Committee today, June 25, be printed in the RECORD.

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

STATEMENT OF MAURICE H. STANS, SECRETARY OF COMMERCE, BEFORE THE HOUSE WAYS AND MEANS COMMITTEE ON H.R. 16920, JUNE 25, 1970

TEXTILES

Mr. Chairman, on May 12 I testified before this Committee on the Administration's legislative proposals on trade and on the textile import problem and H.R. 16920. At that time, I sketched out for the Committee the situation in the textile and apparel industry that led the Administration to make a major effort to negotiate international agreements through which U.S. textile and apparel imports could be limited in a reasonable and orderly way.

I also outlined for the Committee the extent of our negotiations, noting the effort we have made to reach agreement with the principal textile exporting countries. On the basis of recent actions, we believed at that time that agreements might still be negotiated successfully and requested the Committee to allow me to return and report to it before the close of the hearings. I appreciate this opportunity.

Since my appearance before the Committee on May 12 I had intensive discussions with the Japanese Minister of International Trade and Industry in Washington last week with the view to working out an effective voluntary agreement on textiles between the two governments. Regrettably, after full exploration of the matter, the Minister and I concluded that it is not possible to negotiate such an agreement at this time. My hope that such an agreement could be negotiated has not been borne out.

The need for a solution to the textile import problem is clearly apparent. In the absence of agreements with Japan and with other key exporting countries, it is our reluctant judgment that the only means presently available for solving this problem is the textile legislation now before this Committee.

The Administration in principle is not in favor of quota legislation. However, in view of the fact that H.R. 16920 allows negotiated agreements to supersede the quotas, we do support the enactment of the textile provisions in the bill, with the two amendments I outlined in my testimony of May 12.

In essence it is our view that this legislation which authorizes a continuing negotiating effort and which, if amended as we proposed, would provide ample flexibility to avoid controls where controls are not required, is the appropriate course of action at this time. It would be our intention never to cease in our efforts to negotiate fair agreements even after the passage of this legislation.

Mr. McINTYRE. Mr. President, I thank the distinguished Senator from South Carolina for his great support. I would say that after all these years of waiting, hopefully, perhaps the time has come for action in this field, although I have not had a chance to read Secretary Stans' statement which my colleague has just mentioned.

Mr. BYRD of West Virginia. Mr. President, would the Senator yield?

Mr. McINTYRE. I yield.

Mr. BYRD of West Virginia. Mr. President, I would feel grateful if the Senator would allow me to cosponsor the bill. I wonder if he would be willing to make that request.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. BYRD) be listed as a cosponsor of the legislation.

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

Mr. McINTYRE. Mr. President, I ask unanimous consent that the Senator from Alabama (Mr. ALLEN) be listed as a cosponsor of the bill.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Mississippi is recognized.

Mr. BYRD of West Virginia. Mr. President, notwithstanding the previous order, I ask unanimous consent that there be a brief quorum call, without jeopardizing the rights of the Senator from Mississippi.

Mr. SCOTT. Mr. President, would the Senator withhold that request?

Mr. BYRD of West Virginia. Mr. President, I withhold my suggestion, and I ask unanimous consent that the able Senator from Pennsylvania be recognized for not to exceed 2 minutes, without jeopardizing the rights of the Senator from Mississippi.

Mr. McINTYRE. Mr. President, I am happy to yield 2 minutes to the distinguished minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I thank both the Senator from West Virginia and the Senator from New Hampshire.

I discussed the subject of the speech of the Senator from New Hampshire with him yesterday. I am in full accord with his concern and the concern of so many of us over the very difficult and even perilous situation of the shoe industry.

As the Senator knows, we are also concerned about other imports—textiles, steel, ceramics, and glass. And while we want trade with all nations of the world, we do not want it at the expense of our own employment, our own jobs, our own industries.

I would hope that the Department of Commerce and certain other agencies of the Federal Government would pay very close heed to what has been said on the Senate floor this morning. It is most desirable, indeed, that we respond to the concern of these industries. The contraction in the shoe industry alone has been very marked over recent years.

Something urgently needs to be done about it.

I again commend the distinguished Senator from New Hampshire on what he has done in calling our attention to this serious matter.

Mr. McINTYRE. Mr. President, I thank my good friend the Senator from Pennsylvania for his early cosponsorship of this bill and for his presence today and his support and his very fine statement this morning.

Many fine statements have been made by many Senators this morning. I know the early cosponsorship of the Senator from Pennsylvania has added materially to the support of this measure.

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me before he yields the floor?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized for 2 minutes.

Mr. BYRD of Virginia. Mr. President, I would like to say in connection with the textile matter that I am one of many Senators who, through the years, have consistently favored reasonable tariffs and reciprocal trade agreements.

My deep concern now, however, is for the jobs of the working men and women of our Nation. It is vitally important that those jobs be protected.

I think what we need to realize is that the jobs are being jeopardized by imports from nations with very low wage rates, very low wage scales.

We have a high standard of living in the United States. We want to retain our high standard of living for the working people of our Nation.

That being the case, we have to be realistic. We have to try to handle the tariff matters in a way that will not jeopardize world trade, but will at the same time protect the jobs of the American workingman and the American workingwoman.

Mr. McINTYRE. Mr. President, I thank the senior Senator from Virginia for his remarks in support of this legislation.

Mr. RIBICOFF. Mr. President, I was deeply disturbed to learn yesterday that the Japanese trade representatives had broken off negotiations with this country on the subject of voluntary trade agreements.

The increasing rate of imports has affected a great number of vital American industries. As the growth of our own economy has slackened, the effects of growing imports has reduced job opportunities, forced some smaller concerns out of business, and brought hardship to entire communities.

Secretary of Labor Shultz has indicated that imports have directly affected at least 2.5 million potential jobs in the American economy.

In light of this and the failure of other nations to work with the United States in developing reciprocal agreements toward a truly free international economy, Congress has the duty to reexamine carefully our present policies.

Next week the House Committee on Ways and Means will hear from Secretary of Commerce Stans. I commend the House for beginning serious consideration of this subject. I also commend the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Rhode Island (Mr. PASTORE) for beginning this important debate in the Senate.

It is my hope that this congressional consideration will lead to measures which will protect the best interests of American industry, labor, and the consumer.

Last year I introduced a bill, S. 1636, which would amend the Trade Expansion Act of 1962 to provide greater assistance to Americans affected by the growth of imports.

The present escape clause legislation and adjustment assistance provisions are unworkable. In practice, the relief authorized by this law is completely unavailable.

I urge that the proposals contained in S. 1636 be carefully considered in the upcoming congressional examination of our trade policies.

Mr. COTTON. Mr. President, Secretary of Commerce Stans has just announced that all negotiations with Japan for any kind of a voluntary agreement controlling the increase of textile imports into this country have broken down completely.

That means that the only hope of saving even the remnants of the textile industry and textile jobs in the United States is for Congress to impose reasonable limits by legislation. The immediate showdown will be on the Mills bill in the House of Representatives covering textiles and shoes. The 253 Representatives have joined in endorsing this measure. The same bill is being pushed in the Senate by a large group of Senators, includnig Senator McINTYRE and myself.

The Senator from South Carolina (Mr. THURMOND) and I, accompanied by five Members of the House and industry representatives, conferred with the President the week before last. Of course, we are not at liberty to quote him. However, it is my belief that upon the failure of this last attempt to negotiate, we can hope that the White House will view the bill with favor.

Repeatedly, the administration, including the Commerce Department, has indicated that opposition to congressional action would be withdrawn after one more attempt at negotiations. Thus far, it has been like the man who intends to diet after one more square meal.

The time has come for Congress to act with or without administration approval if we are to save not only textiles and shoes but electrical components. The number of Representatives committed to the Mills bill and the fact that my own amendment to the recent tax bill limiting imports from countries that restrict our exports to them was adopted by a better than 2-to-1 vote in the Senate indicates we have the votes.

We should use them.

THE NEED TO LIMIT SHOE AND TEXTILE IMPORTS

Mr. BROOKE. Mr. President, I was deeply distressed to learn yesterday of the breakdown in negotiations between the United States and Japan on the question of a textile trade agreement.

For many years, the quantity of inexpensive shoe and textile imports from Japan, Italy, Spain, and many other nations, has been threatening the livelihood of American workers and the health of American industry.

Footwear and textile manufacturers employ 13 percent of the total U.S. manufacturing work force. In some States, however, the figure is as high as 57 percent of the work force; in Massachusetts, it is 17 percent. Yet in Massachusetts alone, over 50 textile plants employing 500 or more workers have closed in the last 20 years. Twenty-seven of 221 footwear manufacturing firms in New England closed in just the last year. So rapid has been the folding of manufacturing firms that an accurate estimate cannot be obtained of the number of workers who have lost their jobs. It is known, however, that 2.4 million workers are feeling the threat as profits decline in industries across the country, and more and more firms are forced to close their doors.

There is, of course, no way to separate the direct influence of foreign imports from what might be called the natural attrition of older or less efficient concerns. But the fact that shoe imports now account for more than 25 percent of the total U.S. market, and that wool textile imports, for example, are up to 26 percent of our market, has a direct bearing on the health of our domestic industries.

I have always been, by nature, a "free trader." I believe that the company or the nation which can produce quality goods at a reasonable price deserves the just rewards of its endeavors. But in this instance, my philosophical preference is balanced against a deep concern for the welfare of American citizens.

Some of the higher price of American goods is certainly attributable to inefficient and outmoded production techniques, and this problem should be corrected by the industries concerned. But a large share of the high cost of American products is also the result of higher wages, better working conditions, and an overall higher standard of living. Our workers, and our manufacturers, should not be penalized for their achievements by being forced to compete unaided against low-priced foreign goods made by low-paid workers.

Particularly at a time when our economy is facing an unemployment rate as high as 5 percent or more, I believe that interim, emergency efforts must be made to keep our workers on the job. The Orderly Trade Act, S. 3723, introduced by my colleague from New Hampshire (Mr. McINTYRE), is such an emergency measure. This bill provides that imports of shoe and textile goods from any coun-

try in calendar year 1970 shall not exceed the average amount sold in this country during the 2 calendar years 1967 and 1968.

At the same time, the legislation authorizes the President to engage in the negotiation of voluntary agreements with our trading partners in the hopes of reaching more satisfactory and equitable arrangements on an individual basis.

Mr. President, I realize that this administration is deeply concerned with the import problem, as today's welcome announcement of a program of assistance to the nonrubber bootwear industry makes clear. Our Government has done all in its power to reach voluntary agreements with Japan and our other trading partners. I regret the Japanese Government felt compelled to reject our proposal at this time. And I am hopeful that a satisfactory arrangement may yet be reached. For the time being, however, I believe our first responsibility is to our own workers and the health of our economy. For that reason, I ask unanimous consent that my name be added as cosponsor of S. 3723.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Montana without losing my right to the floor.

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

The Senator from Montana is recognized.

DEATH OF FORMER REPRESENTATIVE CLIFFORD DAVIS

Mr. STENNIS. Mr. President, I rise at this time to make remarks concerning the late Clifford Davis, who recently passed away in the city of Washington. His passing occurred some 10 days ago when I was out of the city and I have not had an opportunity to make these remarks earlier.

Mr. President, the late Representative Clifford Davis represented the Congressional District in Tennessee which includes the City of Memphis, from 1940 to 1964.

I knew him personally, as well as many other Members of the other body. He was an unusually capable man who had a good mind, tireless energy, and who brought application and dilligence to his work. He was a natural legislator in that he had an understanding of human nature and a thorough knowledge of the problems of the various sections of the country. He was unfailingly considerate of his colleagues. He was very popular with them and he had a great influence with them.

Representative Davis early became chairman of a highly important subcommittee in the House of Representatives, the Subcommittee on Flood Control, which is a part of the Public Works Committee in that body. In that capacity he gained a fine knowledge as to the national needs of navigation, flood control, rivers and harbors, and related matters. He became a highly knowledgeable legislator and a master of the problems and needs not only of the Lower Mississippi Valley where he lived and worked, but also throughout the Nation. He was always willing to help work out problems, and he took justifiable pride in his ability to do so. He rendered what I consider outstanding service.

It is well to reflect on those 24 years and how constructive they were in the Nation's history, particularly in the field of water resources activity. We recognize that the work he did was a lasting monument to him and his colleagues who worked with him. It was certainly a treat for me to be on conference committees with him and to have the opportunity to work together on problems affecting our area of the Nation.

I want to refer also to the very fine personal qualities of Mrs. Davis. It was a great fortune to him that he wooed, won, and married the former Miss Carolyn Leigh of Memphis, Tenn.

Mrs. Stennis and I remember the warm welcome we received in 1947 when we came to Washington for the first time after I was elected to Congress. Mrs. Davis not only had a warm and genial disposition but also she was a great worker. She was a natural legislator, too, and she worked in the Congressional Club and for the party to which she and her husband belonged. She was active in civic affairs of all kinds and never tired when it came to performing some good work in the public welfare, the public interest, and with respect to the problems of her husband and other Members of Congress.

Representative Davis is also survived by a son, Clifford, Jr.; by a daughter, Barbara Lee; and by a son, Rayford.

Mrs. Stennis and I extend to Mrs. Davis and these three fine children our heartfelt sympathy in their earthly loss. Mrs. Stennis joins me in expressing the greatest appreciation to them on a personal basis, as well, for the many outstanding kindnesses and the outstanding contributions the late Representative Davis and Mrs. Davis made on behalf of their friends and colleagues in the Congress. May peace rest with his soul.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia is recognized for 20 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BYRD of Virginia. I yield.

Mr. BYRD of West Virginia. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon completion of the remarks of the able Senator from Virginia, there be a brief period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

AMENDMENT OF THE DEFENSE PRODUCTION ACT

AMENDMENT NO. 738

Mr. BYRD of Virginia. Mr. President, several weeks ago it became known that the Penn Central Railroad was in financial difficulties. It sought to borrow $200 million at an interest rate of 10.5 percent. The railroad was not able to obtain such a loan even at that high rate of interest.

So a meeting was arranged in Washington, and the Government agreed to guarantee the loan from the participating banks, which banks were to receive an interest rate of from 8 percent to 8¼ percent. This action was to have been taken under the Defense Production Act of 1950.

The Department of Defense agreed to guarantee the $200 million loan to the Penn Central Railroad. It made this agreement under the Defense Production Act of 1950.

Subsequent to that date, Mr. President, the Department of Defense decided not to go through with the guarantee of the $200 million loan to the Penn Central.

I regret that the Penn Central is in financial difficulties. But what concerned me as to action of the Department of Defense—or I should say the contemplated action of the Department, because it has since changed its mind—was that, should it be permitted to take such action; namely, a guarantee of a $200 million loan on its own? Should not an authorization first be obtained from the Congress?

In studying the Code and in communicating with officials in the Department of Defense, it would appear that the Department of Defense does have the authority under the United States Code, title 50, sections 2091 and 2092, to guarantee loans. And it would appear that the Department could guarantee loans without limit.

It is also the view of the top officials of the Department of Defense that the Department has the authority to guarantee loans without limit.

Mr. President, it occurs to me that there should be a limitation as to the amount that can be guaranteed by the Department of Defense to any one particular company.

I addressed a communication to the Assistant Secretary of Defense for Installations and Logistics, the Honorable Barry J. Shillito, seeking from him certain information as to what loans had been guaranteed and are now outstanding under the Defense Production Act of 1950, as amended.

I received a letter from Mr. Shillito, dated June 16, 1970. I ask unanimous consent that the letter be inserted in the RECORD at this point, and I likewise ask unanimous consent to have printed

in the RECORD a table which accompanied the letter.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 16, 1970.

HON. HARRY F. BYRD, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: Relative to your recent request for information on guaranteed loans under the Defense Production Act of 1950 as amended, this is to advise that through 31 May 1970 such guarantees amounted to $2,713,482,296 on authorized loans of $3,466,150,444. The number and distribution of these loans by Service as set forth in the attached table, together with those guaranteed loans presently outstanding, plus loans in default.

I trust that this information is responsive to your request.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense (Installations and Logistics).

DEFENSE PRODUCTION GUARANTEED LOANS UNDER DEFENSE PRODUCTION ACT OF 1950 AS AMENDED FROM INCEPTION THROUGH MAY 31, 1970

	Number	Amount	Guarantee
Army	715	$916,130,138.21	$735,013,751.93
Air Force	509	1,568,340,689.04	1,208,557,805.90
Navy	399	981,179,617.00	769,490,739.00
Defense Supply Agency	2	500,000.00	420,000.00
Total	1,625	3,466,150,444.25	2,713,482,296.83

	Credit available	Guarantee
Presently outstanding:		
Army—No active loans outstanding.		
Air Force:		
Astronautics, Inc	$2,800,000.00	$1,960,000.00
Dare, Inc	222,722.13	200,449.92
Navy:		
Applied Devices Corp	3,893,000.00	2,725,100.00
Doane Co	200,000.00	180,000.00
Kaman Aerospace Corp	12,500,000.00	8,750,000.00
Kurz & Root Co	500,000.00	350,000.00
Piqua Engineering Co	200,000.00	140,000.00
Total		14,305,549.92
Loans in default:		
Army:		
Davis Aircraft	224,312.00	213,096.42
New London Instrument	278,831.67	250,948.51
Air Force: Antenna Systems, Inc	993,047.00	496,523.00
Navy:		
Tiletone Co	25,649.00	23,084.00
Kelly Ryan Equipment Co	30,239.29	27,215.00

Mr. BYRD of Virginia. In studying the table, one finds that a total of $14,305,549.92 in guaranteed loans are now outstanding. These loans have been guaranteed by the Department of Defense under the Defense Production Act of 1950. There are seven loans involved, totaling a little over $14 million.

I have no complaint, of course, in regard to any of these loans.

I think it is worth pointing out, however, that the average of those guaranteed loans is $2 million, and the largest is $8 million. Yet, had the Department of Defense not changed its mind, it would have guaranteed a loan to one company, the Penn Central Co., of $200 million.

I feel there should be a limitation in the Defense Production Act as to the amount that can be guaranteed to any one particular company.

On the same day that the Department of Defense agreed to guarantee the $200 million loan to the Penn Central Railroad, the Department came before the Armed Services Committee to seek a $200 million contingency authorization in regard to the Lockheed Aircraft Corp. The Department seeks authorization from the Congress for a contingency appropriation of $200 million over and above the amount the Department of Defense says it owes to Lockheed.

I voted against that additional $200 million, but the Department of Defense took the proper course in coming before the Congress for the additional sum.

I want to emphasize that the Department of Defense is not exercising the authority it has in regard to guaranteeing a loan to the Penn Central; it concluded it would not exercise that authority.

But if it does have the authority to guarantee a $200 million loan to the Penn Central Railroad, then it certainly has the authority to guarantee a $200 million loan to the Lockheed Aircraft Corp.

I do not suggest in any way that there is anything improper in the contemplated course of the Department of Defense in its original plan to guarantee the $200 million loan to the Penn Central Railroad.

But I feel that since the Defense Production Act is open ended, apparently, in regard to loan guarantees, a limitation should be written into the law, and the Department of Defense, in similar cases, should do just what it did with regard to the Lockheed Aircraft Corp., come to the Congress for authority if it finds it desirable and in the national interest to guarantee loans of the magnitude of $200 million.

With that in mind, Mr. President, I shall present an amendment to S. 3302, a bill to amend the Defense Production Act of 1950, which bill is on the Calendar and presumably will be called up at an early date.

I might point out that the Defense Production Act of 1950 will expire on June 30 of this year. S. 3302 will, among other things, renew the act. So the amendment which I am presenting is one which the Senate should look upon favorably—I hope the Senate will—when S. 3302 is called up for action.

The Congress must exercise tighter control over the handling of tax funds—which funds can be obtained only from the pockets of wage earners, the pockets of the taxpayer.

I read into the RECORD now the brief amendment which I propose, captioned "Loan Guarantees":

AMENDMENT No. 738

At the end of the bill insert a new section as follows:

"LOAN GUARANTEES

"SEC. 4. Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended by adding at the end thereof a new subsection as follows:

"'(e) The maximum obligation of any guaranteeing agency to any contractor, subcontractor, or any other recipient under this section for any loan, discount, advance, or commitment in connection therewith, entered into under this section shall not exceed $20 million except with the approval of the Congress.'"

Mr. President, in using $20 million, I must say frankly that it is a figure that I more or less pulled out of the air. I did not know whether to make it $15 million, $25 million, or $10 million. The outstanding loans which have been guaranteed now total $14 million. The largest such loan is $8 million. So it seemed to me that $20 million would be an adequate figure to use.

This does not mean that if the national interest appears to require it, loans cannot be guaranteed above that amount; but it does mean that the Defense Department would have to come to Congress for approval.

It seems to me that it is necessary to put some limitation on the authority in the Defense Department to guarantee loans.

The financial difficulty in which the Penn Central Railroad finds itself was the case which brought to my attention the fact that there is no such limitation at the present time. Other Senators may have been aware of the fact that the Defense Production Act of 20 years ago carries no limitation as to the size of loans that may be guaranteed, but I say frankly I was not aware of the fact that there was no limitation.

Since there is no limitation in the existing law, I think it is desirable that there be a limitation, and my amendment suggests that the limitation be $20 million, unless approval of Congress is sought for an amount above that figure.

I send the amendment to the desk, Mr. President, and ask that it be printed and lie on the table.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table.

THE LEADERSHIP RECORD OF SENATOR MANSFIELD

Mr. BYRD of Virginia. Mr. President, the distinguished and very thoughtful Senator from West Virginia (Mr. BYRD)

inserted in the RECORD on June 23 some information which I found highly interesting in regard to the history of the Senate. The able and thoughtful Senator brought to the attention of the Senate that the present disinguished majority leader, the senior Senator from Montana (Mr. MANSFIELD) has now served longer as majority leader than anyone else in the history of the U.S. Senate.

I share with my distinguished colleague from West Virginia a very high regard for the able leadership of Senator MANSFIELD. As a Senator, as an individual, and as a leader the Senate can and does have great confidence in MIKE MANSFIELD. I have never known anyone to be more fair or more considerate of his colleagues than is the able and distinguished Senator from Montana.

In looking over the list of Democratic majority leaders which the Senator from West Virginia inserted in the RECORD, I note that during the past 60 years there has been a total of nine. One of the nine was a Virginian, Thomas S. Martin.

Senator Martin was elected to the Senate in 1894, and served until his death in 1920. I do not recall the exact years that he served as majority leader, but he did serve in that capacity during World War I, and, as I recall, presented the resolution declaring war on Germany.

Another name in this list that I notice is that of Senator Joseph T. Robinson of Arkansas, who served a good many years as majority leader of the Senate.

My first recollection of Senator Robinson goes back many years. He was a candidate for Vice President on the ticket with Governor Al Smith in 1928.

My immediate predecessor in this office was elected to the Senate in 1933. Senator Robinson was then majority leader of the Senate. Several years later—right in the midst of the depression—it happened that one of the most popular programs of the time was the Reconstruction Finance Corporation.

My immediate predecessor had some concern about that program and took issue with certain aspects of it, although he did not intend to oppose the entire program. However, Senator Robinson thought that he would teach my predecessor a lesson. So, instead of taking the normal course on a proposal of that type to which there was no opposition, he demanded a rollcall.

My predecessor felt that this put him in a very awkward position. He did not wish to be recorded at that particular time against the entire legislation, but in the context of the debate he did not wish to vote for it without revision. So he cast the lone vote in the Senate against it.

As the years went by, my predecessor became convinced that that one act of his casting that lone vote against that popular bill had a keen effect on his entire political career. He was very proud of having cast that lone vote against a bill that was highly popular at that particular time. He had a high regard, I might say, for the ability of Senator Robinson, but he reacted adversely to the type of leadership the Arkansas Senator exercised.

The ACTING PRESIDENT pro tempore. The time of the Senator from Virginia has expired.

Mr. BYRD of Virginia. I ask for 3 additional minutes, Mr. President.

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

Mr. BYRD of Virginia. He had a very high regard for the ability of Senator Robinson, and, while they were not in thorough agreement, my predecessor did feel that the majority leader on that occasion had rendered him a service, although he had not thought so at the time, in forcing a vote on that particular issue. Senator Robinson died in the summer of 1937, as I recall.

That is just an aside, Mr. President.

What I really wanted to do today was to join with my splendid colleague, the Senator from West Virginia, in saluting the able Senator from Montana (Mr. MANSFIELD) on having served as majority leader longer than any other individual in the history of the Senate.

Mr. MANSFIELD. Mr. President, I wish to say thank you to the distinguished Senator from Virginia (Mr. BYRD), the distinguished Senator from West Virginia (Mr. BYRD), the distinguished Senator from Alabama (Mr. ALLEN), and the Presiding Officer of this body, my close friend and distinguished colleague, the Senator from Montana (Mr. METCALF).

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 941, 942, 944, and 945.

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

ELIZABETH B. BORGNINO

The bill (H.R. 3908) for the relief of Elizabeth B. Borgnino 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. 91-958), explaining the purposes of the measure.

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

PURPOSE OF BILL

H.R. 3908 directs the Secretary of the Interior to convey to the surface owner by quitclaim deed, for fair market value and payment of the costs of conveyance, the mineral interests reserved by the United States in tracts of land totaling 120 acres in Southern California.

The surface owner is Mrs. Elizabeth B. Borgnino, of Berkeley, Calif. The Federal reservation of the minerals is a cloud on title and is preventing the obtaining of financing for development for residential purposes, its highest and best use.

BACKGROUND OF PROPOSED LEGISLATION

The lands involved in H.R. 3908 were patented under the Stockraising Homestead Act of December 29, 1916. Section 9 of that act requires a reservation to the United States of coal and other minerals in land so patented. These lands were patented on September 8, 1930, and contained the required reservation.

The lands consist of two adjacent but not adjoining tracts, one of 115 and the other of 5 acres. They are located about 44 miles from downtown Los Angeles, and 20 to 25 miles from a new development just outside of Palmdale known as Los Angeles Lake. A large, elaborate, and highly developed subdivision is located in section 7 of the same township as the subject tracts. There is a neighborhood of ex-urban estates in part of section 4, the same section in which these tracts are located. That area is not accessible from the subject lands, however, because of steep cliffs. The only access to the lands covered by H.R. 3908 is by way of a narrow gravel road. The subject lands are vacant and unimproved.

Although residential development is approximately 2½ miles distant at this time, it is rapidly moving toward these two tracts. Several parcels in the immediate vicinity have subdivisions in the planning or construction stage at this time. This development has resulted in substantial increases in property values. The taxes on both tracts were increased more than 500 percent in 1966.

The 115-acre tract presently is in escrow to be sold for subdivision purposes but the sale cannot be consummated because of the outstanding mineral reservation. H.R. 3908 would remove that reservation and permit the lands to be devoted to their highest and best use; that is, subdivision development. The prospective purchasers own an adjoining parcel of 451 acres, and they proposed to develop the entire acreage as a unit.

The Geological Survey has made a detailed study of the mineral potential of these two tracts and has reported that the prospects for obtaining oil and gas production are not favorable. The Survey has also reported that the land is not valuable for other minerals.

There are four outstanding oil and gas leases on these lands. Conveyance of the reserved minerals, as directed by H.R. 3908, will be subject to outstanding leases and the rights of the present lessees will not be diminished. One of the developers is a lease owner. The committee was assured no attempt at any mineral development is contemplated, but that such development could be carried on without disturbing the surface through directional drilling.

Although the lands do not appear to be valuable for oil and gas or for other minerals, no conveyance will be made until the mineral values have been appraised and payment therefore made at fair market value. The grantee, Mrs. Borgnino, will also bear any administrative expenses, including appraisal, filing, and recording fees.

Although no minimum payment is provided for in H.R. 3908, the committee feels in view of past practices and recommendations in similar legislation, a minimum payment of at least $200 is just and proper. There is no limitation on the maximum payment as this will be based upon the appraised value of the minerals and the administrative costs to the Government.

EXTENSION OF REPORTING DATE OF THE NATIONAL COMMISSION ON CONSUMER FINANCE

The joint resolution (S.J. Res. 201) to extend the reporting date of the National Commission on Consumer Finance was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 201

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(b) of the Consumer Credit Protection Act (82 Stat. 165) is amended by striking out "January 1, 1971" and inserting "July 1, 1972" in lieu thereof.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–939), explaining the purposes of the measure.

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

PURPOSE OF THE RESOLUTION

Senate Joint Resolution 201 would extend for a period of 18 months, from January 1, 1971, to July 1, 1972, the time in which the National Commission on Consumer Finance may make its study and present its report to the Congress and to the executive branch of the Government.

The National Commission on Consumer Finance was established by title IV of the Consumer Credit Protection Act (commonly referred to as the Truth-in-Lending Act, Public Law 90–321). This act was signed into law May 29, 1968. At the time the law was enacted it was anticipated that the Commission would have approximately 2½ years to complete its work.

The law provided that the commission was to consist of nine members—three Members of the House of Representatives to be appointed by the Speaker of the House, three members of the Senate to be appointed by the President of the Senate and three public members to be appointed by the President. The three public members of the Commission, however, were not appointed until November 7, 1969 and the funds for the operation of the Commission were not obtained until December 26, 1969, more than 18 months after the effective date of the legislation. The delay in the appointment of the public members as well as the delay in obtaining the funds for the Commission prohibited the Commission from being timely organized and commencing its work so as to make its study and report to the Congress and the President within the time period provided in the law establishing the Commission.

Accordingly, this resolution would extend the date by which the Commission must file its report by a period 18 months. The Committee believes this extension is necessary due to the lateness of the establishment of the Commission.

The committee recommends favorable action on the resolution by the Senate.

L-DOPA IMPORT DUTY SUSPENSION

The bill (H.R. 8512) to suspend for a temporary period the import duty on L-Dopa 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. 91–940), explaining the purposes of the measure.

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

PURPOSE

H.R. 8512 would amend subpart B of part 1 of the appendix to the Tariff Schedules of the United States by adding a new item 907.45 which would suspend the duty of L-Dopa for a period of 2 years, the period to begin on the day after the bill is enacted.

GENERAL STATEMENT

L-Dopa, generically called dihydroxyphenylalanine, is a new drug used in the treatment of Parkinsonism. It has recently been approved by the Food and Drug Administration (FDA) for general use. The FDA is requiring the continued study and testing of the drug by the firms which manufacture it. To obtain relief, the patient must take the drug in massive doses for the rest of his life. The average maintenance dose is said to be 6 to 8 grams daily.

L-Dopa may be produced synthetically from benzenoid intermediates, it may be produced by extraction from certain species of beans, or it may be produced by chemical modification of tyrosine, a naturally occurring amino acid. It is potentially dutiable under any one of four provisions of the Tariff Schedules. If produced synthetically from benzenoid crudes or intermediates, it would be dutiable at 2.45 cents per pound plus 17-percent ad valorem under TSUS item 407.85 if it is determined by the Bureau of Customs to be a drug, or at 2 cents per pound plus 17.5-percent ad valorem under item 403.60 if it is determined by customs not to be a drug. If produced from naturally occurring plant or animal materials, it would be dutiable at 7-percent ad valorem under item 439.50 if it is determined to be a drug, or at 8.5-percent ad valorem under item 425.04 if it is determined not to be a drug. These rates represent the third-stage reductions negotiated in the Kennedy Round and will remain in effect throughout 1970. The final stages, effective January 1, 1972, will be 1.7 cents per pound plus 12.5-percent ad valorem for items 403.60 and 407.85, 6-percent ad valorem for item 425.04, and 5-percent ad valorem for item 439.50. The ad valorem part of the rates for items 403.60 and 407.85 are subject to valuation on the basis of the American selling price (ASP). During the past several years, imports of L-Dopa are known to have entered under at least three of the four provisions of the TSUS cited above. At the present time, however, it is believed that the bulk of imported L-Dopa is being classified by customs as a drug and is entered under item 407.85 at 2.45 cents per pound plus 17-percent ad valorem.

There are at least two importers of L-Dopa, both of whom sell it in 500-milligram capsules or tablets. The capsules are reportedly sold at wholesale for 20 to 25 cents each, depending on quantity. Most of the imports have originated in Japan, where one producer is reported to make L-Dopa by chemical modification of tyrosine obtained from fish, and another producer makes it synthetically.

Two large pharmaceutical companies, one located in New York and the other in New Jersey, have recently been approved to market the dosage forms of this drug. One of these companies imports the L-Dopa chemical from Japan under TSUS 407.85 but the other is producing it in the United States by a completely synthetic process. In addition, a small chemical company located in New York has started production with a stated capacity of 10 kilograms per day and expects to increase its capacity to 50 kilograms per day. This company has not received an approval from the FDA to market the drug.

No statistics are available on U.S. consumption, production, or imports of L-Dopa. The eventual U.S. consumption may reach 2 million pounds annually, assuming that half of the estimated 1 million U.S. victims of Parkinsonism use the drug at a dosage level of 6 to 8 grams daily.

Your committee is informed that the wholesale price of a 1-month supply of the drug for a patient receiving 6 grams daily would range from $72 to $90—an amount which may be beyond the means of many, if not most, patients.

Several recent experimental reports indicate that it may eventually be possible to reduce the required maintenance dosage of L-Dopa by concomitant use of another drug having a potentiating or synergistic effect.

At present, there is a shortage of L-Dopa in the United States. Neither of the two firms presently authorized by the FDA to market L-Dopa could alone supply the needs of the estimated 1 million U.S. victims of Parkinsonism. The foreign-owned firm which depends on domestic benzenoid intermediates has publicly announced its limited initial marketing will be sufficient to start about 75,000 patients on treatment. Both of the approved firms have been compelled by the early shortages to limit L-Dopa distribution to physicians and hospitals currently treating Parkinson's disease patients. The American market will not be adequately served until all physicians may prescribe for their patients to purchase L-Dopa through the usual pharmaceutical wholesale and retail drugstores, and there is sufficient inventories to replenish this accustomed pipeline. This is not presently the case.

The Americans afflicted with Parkinson's disease require at least both of the presently authorized sources of L-Dopa. If the company which depends on an imported L-Dopa chemical (presently entering at a duty of 2.45 cents per pound plus 17 percent) cannot get the relief of the duty suspension, it may have to market L-Dopa at a price substantially higher than its foreign-owned competitor. This could create a serious cost disadvantage to the American company which might be forced to suspend production of L-Dopa, thus leaving the entire market solely to the foreign-owned company which has been approved by the FDA and which depends on domestic benzenoid production.

The foreign company presently does not have capacity to supply more than enough of the drug to take care of 75,000 patients, or 7.5 percent of the estimated 1 million Americans suffering from Parkinson's disease. Moreover, once authorized by the FDA, a source of supply may not be switched until the biological equivalence of the alternative supply is established. Establishing such biological equivalence is an extensive and expensive procedure for which guidelines have not yet been established for L-Dopa by the FDA. The patients currently being supplied by the American firm importing L-Dopa may be without this drug if that firm is forced to withdraw from the market because of competition from the foreign firm.

In view of these circumstances, your committee is convinced of the need to provide duty-free treatment of L-Dopa for a 2-year period.

Your committee has received favorable reports on H.R. 8512 from the Departments of Treasury, Commerce, Agriculture, State, and the special representative for trade negotiations as well as an informative report from the U.S. Tariff Commission.

Your committee believes that under the circumstances, suspension of the duty for a temporary period could result in a reduction in the cost of L-Dopa to patients.

EXTENSION OF THE CLEAN AIR ACT AND SOLID WASTE DISPOSAL ACT

The bill (S. 4012) to extend the Clean Air Act, as amended, and the Solid Waste Disposal Act, as amended, for a period of 60 days was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pending extensions by Act of Congress of the Clean Air Act and Solid Waste Disposal Act, the authorizations contained in sections 104(c) and 309 of the Clean Air Act, as amended, for the fiscal year ending June 30, 1970, and the authorization contained in section 210 of the Solid Waste

Disposal Act, as amended, for the fiscal year ending June 30, 1970, shall remain available through August 31, 1970, notwithstanding any provisions of those sections.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-941), explaining the purposes of the measure.

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

The purpose of this bill is to provide an extension of the authorization for the solid waste and air pollution programs. This bill will continue those authorizations at their present level through August 31, 1970. It is needed to provide time for careful consideration of pending air quality and solid waste legislation. The authorizations in existing law are greater than the levels of appropriations requested in the President's budget. This extension would allow appropriation for this 2-month period of the unappropriated balance of fiscal year 1970 authorizations. Therefore, the Appropriations Committee can be guided by this resolution. The Senate Committee on Public Works fully anticipates completion of action on both solid waste legislation and air pollution legislation prior to the first of September. The Resource Recovery Act, S. 2005, will be reported for Senate action in the near future. Pending air pollution legislation will be available for Senate floor action by mid-July.

AMENDMENT OF THE RAILROAD RETIREMENT ACT OF 1937

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 964, H.R. 15733.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be stated by title.

The BILL CLERK. A bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with amendments on page 3, line 9, after the word "amended", insert "by striking from subsection (m) the words "other provisions" wherever they appear in such subsection and substituting in lieu thereof in each instance the words "preceding provisions", and "; in line 14, after the word "under", strike out "other" and insert "the preceding"; on page 4, after line 9, strike out:

(b) All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, shall be increased by 15 per centum. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity. All survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 in cases where the employee died before the month following the month in which the increase in annuities provided by section 1 of this Act are effective shall be increased by the same amount they would have been increased by this Act if the employee from whose joint and survivor annuity the survivor annuity is derived had been alive during all of the month in which the increases in annuities provided by section 1 of this Act are effective. All widows' and widowers' insurance annuities which began to accrue before the month following the month in which increases in annuities provided by section 1 of this Act are effective and which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937, are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall be increased by the amount by which the spouse's annuity would have been increased by this Act had the individual from whom the annuity is derived been alive during all of the month in which the increases in annuities provided by section 1 of this Act are effective: *Provided, however,* That in cases where the individual entitled to such a pension or annuity (other than an individual who has made a joint and survivor election) is entitled also to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by the difference between the amount the individual is entitled to in such a benefit and the amount to which such individual would have been entitled had the Social Security Amendments of 1969 not been enacted: *And provided further,* That (i) the offset required by this subsection shall not operate to reduce the increase herein provided in an annuity under the Railroad Retirement Act of 1935 or a pension to an amount less than $10, and (ii) the offset required by this section shall not operate to reduce the increase herein provided in such a survivor annuity derived from a joint and survivor annuity and such a widow's or widower's annuity in an amount formerly received as a spouse's annuity to an amount less than $5.

And, in lieu thereof, insert:

(b)(1) All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935 shall be increased by 15 per centum; all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 and all widows' and widowers' insurance annuities which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937 are payable in the amount of the spouse's annuity to which the widow or widower was entitled shall, in cases where the employee died in or before the month in which the increases in annuity provided in section 1 are effective, be increased by 15 per centum: *Provided, however,* That in cases where the individual entitled to such a pension or annuity is entitled also to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by the difference between the amount the individual is entitled to in such a benefit and the amount to which such individual would have been entitled had the Social Security Amendments of 1969 not been enacted: *And provided further,* That (i) the offset required by this subsection shall not operate to reduce the increase herein provided in an annuity under the Railroad Retirement Act of 1935 or a pension to an amount less than $10, and (ii) the offset required by this section shall not operate to reduce the increase herein provided in such a survivor annuity derived from a joint and survivor annuity and such a widow's or widower's annuity in an amount formerly received as a spouse's annuity to an amount less than $5. Joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity.

(2) All recertifications by reason of the amendments made by this title shall be made by the Railroad Retirement Board without application therefor.

On page 7, after line 24, strike out:

SEC. 5. The fifth sentence of subsection (c) of section 15 of the Railroad Retirement Act of 1937 is amended by striking out the word "average" and substituting the word "highest" and by striking out the word "all" and substituting the word "any".

SEC. 6. The said subsection (c) is further amended by inserting after the fifth sentence thereof the following: "The Secretary of the Treasury shall not at any time after April 1, 1970, retain as investments for any portion of the accounts any of such special obligations bearing an interest rate less than the then current rate determined in accordance with the fifth sentence of this subsection. The special obligations issued to replace the obligations retired by the application of the preceding sentence shall have maturities fixed at not less than three years from the date of issue of such special obligations."

SEC. 7. The said subsection (c) is further amended by striking out from the present sixth sentence thereof the phrase "preceding sentence" and inserting in lieu thereof "fifth sentence of this subsection", and by changing the word "may" to "shall" the first time it appears in the present seventh sentence of said subsection.

On page 8, at the beginning of line 22, change the section number from "8. (a)" to "5."; in line 24, after the word "of", strike out "June 30, 1972." and insert "December 31, 1971."; in line 25, after the word "after", strike out "June 30, 1972," and insert "December 31, 1971,"; on page 9, line 1, after the word "after", strike out "June 30, 1972," and insert "December 31, 1971,"; after line 4, strike out:

(b) The amendments made by sections 5, 6, and 7 shall cease to apply as of the close of June 30, 1972, and the computation of interest on amounts credited to the Railroad Retirement Accounts invested or reinvested after June 30, 1972, shall be made under section 15(c) of the Railroad Retirement Act as if such amendments had not been enacted.

SEC. 9. The Railroad Retirement Board is authorized and directed to make a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or before July 1, 1971, changes in such system to provide adequate levels of benefits thereunder on an actuarially sound basis. Such study shall take into account (1) the necessity of providing benefit increases in such system commensurate with past and future benefit increases under the Social Security Act, (2) the necessity of revising benefits under that system to meet increases in the cost of living, (3) the question of the adequacy of levels of benefits for the various classes of beneficiaries covered under the system, (4) the possibility of restructuring benefits under that Act to transfer coverage of various classes of beneficiaries to the social security system, (5) the necessary changes to provide for a continuation of the increased level of benefits provided under the amendments made by the first four sections of this Act, and (6) such other matters relating to the railroad retirement system as the Board considers necessary. For purposes of such study, the Board is authorized to appoint and fix the compensation of such experts and consultants as the Board deems necessary, but not to exceed $100 per day, and essential expenses.

On page 10, after line 8, insert a new section, as follows:

SEC. 6. (a)(1) There is hereby established a Commission on Railroad Retirement (hereinafter in this section referred to as the "Commission") which shall be composed as follows:

(A) Three members shall be appointed by the President in the same manner as provided by section 10(a) of the Railroad Retirement Act of 1937 for the appointment of members of the Railroad Retirement Board: Provided, however, That such appointments to the Commission shall not be by and with the advice and consent of the Senate;

(B) One public member shall be appointed by the Speaker of the House of Representatives, after consultation with the Committee on Interstate and Foreign Commerce of the House of Representatives;

(C) One public member shall be appointed by the President pro tempore of the Senate, after consultation with the Senate Committee on Labor and Public Welfare.

(2) The President shall designate one member of the Commission to serve as Chairman thereof and one member of the Commission to serve as Vice Chairman thereof.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(b) Members of the Commission shall each receive a per diem rate equivalent to that authorized for GS–18 by section 5332 of title 5, United States Code, for days when engaged in the actual performance of duties vested in the Commission, and shall 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.

(c)(1) The Commission shall conduct a study of the railroad retirement system and its financing for the purpose of recommending to the Congress on or before July 1, 1971, changes in such system to provide adequate levels of benefits thereunder on an actuarially sound basis.

(2) Such study shall take into account—

(A) the necessity of providing benefit increases in such system commensurate with past and future benefit increases under title II of the Social Security Act;

(B) the necessity of revising benefits under the railroad retirement system to meet increases in the cost of living;

(C) the question of the adequacy of levels of benefits for the various classes of beneficiaries covered under such system;

(D) the possibility of restructuring benefits under title II of the Social Security Act and under the railroad retirement system so as to provide coverage under such title of various classes of beneficiaries presently covered under the railroad retirement system.

(E) the necessary changes to provide for a continuation of the increased level of benefits provided under the amendments made by the first four sections of this Act;

(F) the possibility of changes in the financing system used to fund railroad retirement benefits including, without limitation, adjustment of the rate of tax, adjustment of the tax base, the use of general revenue financing, and revision of the investment policy of the railroad retirement fund;

(G) the relationship between social security and railroad retirement in the areas of benefits, tax rates, and tax base including, without limitation, the desirability and feasibility of a merger of the two systems; and

(H) such other matters relating to the railroad retirement system as the Commission considers necessary.

(d)(1) The Commission shall appoint an Executive Director and such other personnel as the Commission deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subtitle II of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(2)(A) The Executive Director, with the approval of the Commission, is authorized to obtain services of experts and consultants on a temporary or intermittent basis in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem equivalent of the rate authorized for GS–18 by section 5332 of such title.

(B) The Commission shall employ the services of an actuarial consultant holding membership in the American Academy of Actuaries and qualified in the evaluation of pension plans. Such consultant may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) The Railroad Retirement Board and any other department, agency, or instrumentality of the Federal Government is authorized to cooperate with and assist the Commission, at its request, in carrying out its duties by furnishing services, information, data, or other material which the Commission feels will be helpful in carrying out its duties.

(f) Funds appropriated to the President shall be available to defray the expenses of the Commission, other than expenses incurred pursuant to subparagraph (e) of this section.

(g) The Commission shall, not later than July 1, 1971, submit to the President and the Congress a full and complete report of the study authorized by this section together with its recommendations for changes in the railroad retirement system designed to provide adequate levels of benefits thereunder on an actuarially sound basis. The Commission shall cease to exist sixty days after the date of the submission of such report.

The amendments were agreed to.

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

The bill was read the third time, and passed.

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

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

The amendments were agreed to.

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

The bill was read the third time, and passed.

Mr. SCOTT. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

(Subsequently, the following proceedings occurred on H.R. 15733.)

Mr. PROUTY. Mr. President, I ask unanimous consent that the Senate reconsider the votes by which H.R. 15733 was read the third time and passed.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Is there objection to the request of the Senator from Vermont?

Mr. ALLEN. Mr. President, reserving the right to object, I should like to inquire of the distinguished Senator from Vermont as to what his purpose is in seeking reconsideration of the vote.

Mr. PROUTY. This relates to the 15-percent increase in railroad retirement so that the added income of veterans will not cause them to lose any of their pension.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Chair hesitates to interrupt the Senator, but the Senate is operating under controlled time. Would the able majority leader ask unanimous consent that the time not be charged?

Mr. MANSFIELD. I make such request.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will state the bill by title.

Mr. ALLEN. Mr. President, reserving the right to object, I do not know whether there is any likelihood that an effort will be made to discuss this bill at length as to its reconsideration, but would it be in order for the junior Senator from Alabama to request unanimous consent that in no event would a vote on the bill after its reconsideration be delayed beyond 1:30 p.m. today?

Mr. MANSFIELD. Mr. President, I would be forced to object to reconsideration, unless we can dispose of this matter as expeditiously as possible, even though I think I would be in favor of what the distinguished Senator wants done, and in view of the fact that this legislation has been passed and the motion to reconsider has been tabled.

Mr. PROUTY. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PROUTY. I can assure the Senator that it will only take 1 or 2 minutes.

Mr. MANSFIELD. That is not what the Senator from Alabama had in mind.

Mr. ALLEN. Mr. President, it is exactly what I had in mind. I want to be assured that debate would not extend beyond 1:30 p.m.

Mr. MANSFIELD. Oh, no. We can do it in 5 minutes. I have no objection.

Mr. ALLEN. Mr. President, I ask unanimous consent that in no event will the debate on the consideration of this bill extend beyond 1:30 p.m. and that by that time, or prior thereto, a final vote will be had on the bill.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Before putting the question, the Chair would ask the clerk to state the bill by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15733, an act to amend the Railroad Retirement Act of 1937.

Mr. PROUTY. Mr. President, I call up my amendment No. 734 and ask that it be stated.

The PRESIDING OFFICER. The Senator will suspend. Is there objection to the request of the Senator from Alabama that debate not extend beyond the hour of——

Mr. ALLEN. 1:30 p.m.

Mr. MANSFIELD. For debate and disposal.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Is there objection to the request that the votes by which the bill was read the third time and passed now be reconsidered? The Chair hears none, and it is so ordered.

The Senator may proceed.

AMENDMENT NO. 734

Mr. PROUTY. Mr. President, I call up my amendment No. 734 and ask that it be stated.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

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

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

The amendment, ordered to be printed in the RECORD, reads as follows:

At the end of the bill add a new section as follows:

"SEC. . Notwithstanding any other provision of law, in determining the annual income of any person for any year for the purpose of determining eligibility for or the amount of dependency and indemnity compensation under section 415 of title 38, United States Code, or eligibility for or the amount of pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959, there shall not be included in such income the amount of any increase in the annuity or pension payable to such person under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935 resulting from the enactment of this Act if, for the month (or any portion thereof) in which this Act was enacted, or for any month (or any portion of any month) after December 31, 1969, and prior to the month following the month in which this Act is enacted such person is entitled to (1) an annuity or pension under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, and (2) dependency and indemnity compensation under section 415 of title 38, United States Code, or pension under chapter 15 of title 38, United States Code, or the first sentence of section 9(b) of the Veterans' Pension Act of 1959."

Mr. PROUTY. Mr. President, before discussing my amendment, I wish to take this opportunity to commend the distinguished junior Senator from Missouri (Mr. EAGLETON) for the excellent job our Subcommittee on Railroad Retirement did in taking this proposed legislation and revising it in a realistic and workable manner. As chairman of this subcommittee, he took the lead and the responsibility in making necessary changes, and then guided this bill through our full committee keeping it intact in concepts and principles.

There are today numerous items of unfinished business facing the Senate. Much of this "unfinished business" will require careful scrutiny to determine whether, or in what form, it should be enacted to best serve the national interest. However, Mr. President, a bill such as the one before the Senate today should be passed immediately because its merit is without question.

This bill provides beneficiaries of the railroad retirement fund with a 15-percent increase in benefits, retroactive to January 1 of this year. This increase is comparable to that recently provided for social security beneficiaries.

I deeply regret, Mr. President, that this bill has taken so long to get before the Senate. This is the fault of no individual, but rather stems from the fact that our Committee on Labor and Public Welfare and its numerous subcommittees handle such a large amount of the legislation which is vital to the health, education, and welfare of all our citizens. The fact remains, however, that the comparable social security increase of 15 percent, also retroactive to January 1, has been received by beneficiaries since April, while it is doubtful if any payments under this proposed legislation can actually be made before fall.

Because the social security system is such a comprehensive and widespread social insurance system, Mr. President, there is a tendency to overlook the railroad retirement system which is smaller and affects only retired railroad workers and their families. However, the railroad retirement system is today providing benefits to around 980,000 annuitants, dependents and survivors. In other words, nearly a million Americans are currently dependent on the fixed incomes provided under the Railroad Retirement Act.

Mr. President, everyone in this chamber is aware of the difficulty encountered by all older Americans who are trying to live on a fixed income during these times of inflation. Since 1965, we have watched the consumer price index leap from 109.9 to 117.1 in 1967 to a present high of 134.6. If we as a nation insist on taxation through inflation, it is incumbent upon us to provide necessary benefits to our senior citizens attempting to live on fixed incomes.

This brings me, Mr. President, to my pending amendment, which is really quite simple.

Many beneficiaries under the Railroad Retirement Act, as well as under social security, also received monthly payments under laws administered by the Veterans' Administration. However, the laws dealing with benefits for veterans, their dependents and their survivors peg benefits to an income test and, in determining annual income for this purpose, social security and railroad retirement benefits are defined as constituting income.

The result that flows from this situation is that, absent an amendment such as I have offered, the Veterans' Administration will decrease the amount of its monthly pensions as a result of the 15-percent increase in railroad retirement annuities in the not uncommon situation where an individual qualifies and is eligible for both benefits.

This, Mr. President, is an exercise in circular government that is self-defeating. As we raise benefits under railroad retirement for our elderly because of inflation and the ever-increasing cost of living with one hand, we are refusing to increase their buying power because with our other hand we are reducing the pensions paid to those who also qualify for veterans' benefits. The result leaves the individual little better or no better off than he was before, and is highly inequitable.

In summary, Mr. President, my amendment merely provides that the 15-percent increase in railroad retirement annuities provided in the pending bill will be disregarded in determining the annual income of any person for the purpose of determining eligibility for a pension or for dependency or indemnity compensation under Federal laws providing these benefits for veterans and their families.

It is my hope that the chairman of our Railroad Retirement Subcommittee will accept this amendment.

Mr. President, this amendment is fully approved by the committee and as far as I know by everyone concerned.

Mr. BYRD of West Virginia. Mr. President, I want to state for the RECORD that I support the amendment, and I want the RECORD to so show.

Mr. ALLEN. Mr. President, I also support the amendment. My only reason for insisting that a time be set for the final disposition of the bill was to prevent the bill from being taken as a vehicle for an extended discussion.

Mr. MANSFIELD. Mr. President, I want the Record to show that I, too, support the amendment.

The PRESIDING OFFICER (Mr. HUGHES). The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. BYRD of West Virginia. Mr. President, before the bill is passed, I want the RECORD to show that I support the bill.

The PRESIDING OFFICER (Mr. HUGHES). The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15733) was read the third time and passed.

Mr. ALLEN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT UNTIL 9 A.M., FRIDAY, JUNE 26, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 o'clock tomorrow morning.

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

Mr. MANSFIELD. Mr. President, it is the intention of the leadership at that time—and this meets with the concurrence of the distinguished Senator from Delaware (Mr. WILLIAMS) and the distinguished Senator from Nevada (Mr. CANNON)—to call up the stockpile bills.

There will very likely be a rollcall vote. Without question, there will be one, and very likely there will be others, so the Senate should be on notice.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposal of the stockpile bills on tomorrow, on the basis of the conference reports to be presented, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 2 minutes.

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I think I should say, for the information of the Senate, that the possibilities are very strong that there will be a Saturday session. It would be the hope of the joint leadership that as much of the Calendar as possible could be cleared before we adjourn for the Independence Day beginning at the conclusion of business Thursday next.

For the information of the Senate, it is the intention of the joint leadership, with the disposal of the education appropriation bill—hopefully, this evening—to turn to the consideration of Calendar No. 913, S. 3842, a bill to improve and modernize the postal service and to establish the U.S. Postal Service. This is a very important bill. The Senate should be on notice. Hopefully, we might be able to dispose of it well in advance of the recess and, consider as well the District of Columbia appropriations measure and other matters which have been backed up on the Calendar pending the disposition of the pending measure.

Mr. BYRD of West Virginia. Mr. President, will the able majority leader yield for a question?

Mr. MANSFIELD. I yield.

Mr. BYRD of West Virginia. Anent the possibility of a Saturday session, is it the majority leader's feeling that if we do have a Saturday session, there will be every likelihood of rollcall votes and that, therefore, Senators should be thus put on notice?

Mr. MANSFIELD. Yes, indeed. In sum, that is my anticipation.

I am not happy about having Saturday sessions, especially in view of the long hours which the Senate will have undergone this week; but I am pleased with the cooperation of Senators on both sides of the aisle in trying to expedite proposed legislation and to push the President's programs through as expeditiously as possible.

EXECUTIVE SESSION

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

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

The ACTING PRESIDENT pro tempore. The nomination will be stated.

INTERNATIONAL ATOMIC ENERGY AGENCY

The bill clerk read the nomination of T. Keith Glennan, of Virginia, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

The ACTING 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 this nomination.

The ACTING 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.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

FINANCIAL HOLDINGS OF SENATOR PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, and 1969, I submitted for the RECORD the history of my financial holdings from the time I was first elected to the Senate in August of 1957 until January of 1969.

In order to bring the full record up to date, I submit herewith the history of my financial holdings since January of 1969.

There has been no substantial change in the general makeup of my assets. The bulk of my assets are still in U.S. Treasury bonds and notes, as they have been since late 1963. The value of these holdings is about $110,000. In addition, I now have $5,000 in municipal bonds.

My other assets include ownership of my home and furnishings in Washington, on which I owe a substantial mortgage to the Perpetual Building Association of Washington, D.C.; ownership of my home and furnishings in Madison, Wis., on which I owe a mortgage to the Credit Union National Association in Madison, Wis., and from which home I have received no income this past year; ownership of one 1967 automobile; ownership of checking accounts in two Washington banks and one Madison bank with balances of about $3,000.

I have trust custody of a small savings account of my daughter, Elsie, and trust custody over 10 shares of stock in the Milwaukee—now Atlanta—Braves, 10 shares in American Motors, and four shares in Allis-Chalmers, all for my son, Ted; and four shares of stock in Associated Dry Goods for my daughter, Elsie.

The value of my holdings has diminished since my last report 1 year ago by about $15,000. I estimate my net worth to be about $160,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the expiration of the morning hour within 2 minutes, morning business may continue for a brief period, upon the completion of which the unfinished business will then be laid before the Senate.

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

ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR

Mr. BYRD of West Virginia. Mr. President, the able junior Senator from New Hampshire has introduced S. 3723, a bill to provide for the orderly trade and the importation of textile articles and articles of leather footwear. He made a very fine explanation of the contents of the bill earlier, and he very graciously allowed the junior Senator from West Virginia, the senior Senator from West Virginia, and other Senators to become cosponsors of that bill.

As the able Senator from New Hampshire stated, the bill would limit 1970 imports of textile articles and leather footwear to the average quantity which entered the United States annually in the years 1967 and 1968, and after 1970 there would be an adjustment upward or downward annually of the permissible imports in proportion to the increases or decreases in domestic consumption.

The able Senator also pointed out that the bill would provide that a domestic industry would be eligible for escape clause or other adjustment assistance where imports are found to be a substantial cause of serious injury or the threat thereof.

Mr. President, I believe that the time has come for Congress to take action in this field.

We are our brother's keeper. But, this is not a one-way street. Our brother must not have it all his way. He must recognize that we have our own problems, too. We have our balance of payments deficit. We have our unemployment problems. And we have our suffering industries. Our balance-of-payments deficit is increased as long as we continue to allow other countries to usurp our own markets and restrict us from theirs. At the same time, our unemployment will continue to increase and our factories will close down.

Thus, we must understand that we are in a trade war and that we have been in a trade war for quite some time. That trade war has now intensified, with the results—as I have already indicated—of a growing deficit in our balance of payments, the shutting down of our factories, and thousands of our people being thrown out of work.

Charity begins at home, Mr. President, and Congress must act now to regulate the inflow of shoes, textiles, and so forth, in order to stop the outflow of American jobs.

Mr. President, no longer can we tolerate a unilateral trade policy that works against our own industries and the workers in those industries, while at the same time working to the benefit of other countries which resort to clever and innovative trade restrictions to keep our goods out of their markets.

We must stop giving our country away. That is precisely what we have been doing. We have been giving our country away.

The time has come for us to think first of our own industries and our own workers.

Other countries have been having their way too long and restricting us from their markets while at the same time attempting to usurp ours. They have been doing a very effective job of it, as the unemployment statistics now show.

Congress must take action because the people of America cry out for our help. We must respond to our own people, because only in that way can we continue to have thriving industries, a thriving economy, a strong America, with Americans at work—who, by the way, pay taxes and thus help to bear the burdens not only of our own domestic needs but also of the needs of other countries in many, many ways, the Mill-McIntyre bill should be enacted promptly.

Mr. President, I yield the floor.

Mr. BYRD of Virginia. Mr. President, I associate myself with the able remarks just made by the distinguished Senator from West Virginia. He has put this matter in clear perspective and I concur in the views he has just expressed.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Virginia for his kind comments.

FORMER SECRETARY OF STATE DEAN RUSK

Mr. BYRD of Virginia. Mr. President, former Secretary of State Dean Rusk, presided at a forum on "Law and the Cambodian Incursion" sponsored by the American Society of International Law.

This question was put to Mr. Rusk: What did he think of the United States presence in Cambodia?

Dean Rusk replied:

It is unseemly for me to be a grandstand quarterback or to throw brickbats because the new President could not find answers to that which eluded us.

We tried to win peace in Vietnam. We failed to do so and this was our greatest disappointment. We are all in the same canoe in turbulent waters.

Mr. President, this statement by Dean Rusk is typical of the individual. He fought very hard while he was Secretary of State to bring peace to Vietnam. He and his associates failed, as he pointed out at this symposium.

But, Dean Rusk, unlike some of his colleagues, does not now make speeches throughout the Nation condemning the new President for not being able to do what the previous President tried to do and could not do.

While Mr. Rusk was Secretary of State, I, as a U.S. Senator from Virginia, found myself in disagreement with him on some occasions. I was not in agreement with much of his philosophy as to how the war should be conducted, nor did I agree with him that we should be in a ground war in Asia, but I always held Dean Rusk in the highest esteem. Always was he forthright and honorable.

I feel that he is an outstanding American. He has rendered our Government splendid service over a long period of time. One reason he has been able unselfishly to render such valuable service is dramatized by the statement he made before this forum on law and the Cambodian incursion, when he said, "It is unseemly for me to be a grandstand quarterback or to throw brickbats because the new President could not find answers to that which eluded us"—meaning the administration which he served.

Mr. President, I believe that other members of the previous administration would be wise to follow the course being pursued by former Secretary of State Rusk. That is, to withhold their condemnation of President Nixon because President Nixon has not been able, up to this point, to accomplish what the Johnson administration was unable to accomplish during its tenure.

This whole matter of Southeast Asia, particularly American involvement in Vietnam, is a very difficult one. Dean Rusk as Secretary of State did all that he could to try to bring a solution. He failed.

I feel that President Nixon is doing all that he can to try to bring a solution. He is certainly going in the right direction. He has brought back 115,000 American troops already since he has been in office. He has committed himself to bringing back 50,000 more by October and an additional 100,000 between October and next spring.

Thus, President Nixon has reversed the trend of sending men to Vietnam and is beginning their withdrawal from Vietnam.

I therefore feel that the President deserves consideration and sympathetic understanding of the problem which faces him.

Dean Rusk as perhaps the foremost representative of the previous administration, being Secretary of State, recognizes that fact. And he refuses to be a Monday morning quarterback and condemn the new President for being unable to do what the previous President sought to do but was unable to accomplish.

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 bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; and

H.J. Res. 1259. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970.

HOUSE BILL REFERRED

The following bill was read twice by its title and referred, as indicated:

H.R. 18127. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. HOLLINGS):

H.R. 17138. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes; and

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following letters, which were referred as indicated:

SALES OF FIRM ELECTRIC POWER FOR RESALE, 1965–1968

A letter from the Acting Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the publication "Sales of Firm Electric Power for Resale, 1965–68" (with an accompanying publication); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the weak enforcement of Federal sanitation standards at meat plants by the Consumer and Marketing Service, Department of Agriculture, dated June 24, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON URBAN TRAFFIC OPERATIONS IMPROVEMENTS PROGRAMS

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on urban area traffic operations

improvement programs (TOPICS), dated December 1969 (with an accompanying report); to the Committee on Public Works.

REPORT ON FRINGE PARKING FACILITIES

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on fringe parking facilities, dated December 1969 (with an accompanying report); to the Committee on Public Works.

REPORT ON HIGHWAY RELOCATION ASSISTANCE

A letter from the Secretary, Department of Transportation, transmitting, pursuant to law, a report on highway relocation assistance, dated January 15, 1970 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HOLLINGS):

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 4

(By Mr. A. D. Brown)

"A concurrent resolution memorializing the Congress of the United States with respect to the calling of a convention for the purpose of proposing an amendment to the Constitution of the United States relative to the power of Congress and the states to enact laws to prohibit sedition and criminal anarchy

"Whereas, subversive elements present a clear and present danger to the government of the United States, the state of Louisiana and other states; and

"Whereas, cognizant of this clear and present danger, most states, including the state of Louisiana, and the Congress of the United States have enacted criminal anarchy statutes, sedition statutes and subversive activity control statutes; and

"Whereas, the decision of the United States Supreme Court in the case of *Commonwealth of Pennsylvania* v. *Steve Nelson* (350 U.S. 497) rendered state sedition and criminal anarchy laws virtually inoperable on the grounds that Congress has occupied this field of legislation to the exclusion of parallel state legislation and that the dominant interest of the federal government precludes state intervention in cases of sedition against the United States; and

"Whereas, the federal legislation in this field, namely the Subversive Activities Control Act, was considered by the United States Supreme Court in the 1967 case of *United States* v. *Eugene Frank Robel* (389 U.S. 258) and was held to be unconstitutional insofar as this Act was used to prohibit the employment in a defense facility of active members of Communist action organizations who have the specific intent of furthering the unlawful goals of such organizations; and

"Whereas, the aforementioned decisions of the United States Supreme Court and other decisions of this Court in the field of control of subversive activities have for all practical purposes prohibited Congress and the various state legislatures from enacting laws prohibiting these criminal and seditious activities; and

"Whereas, it is urgent and essential and to the best interest of the citizens of this and all other states that subversive activity be prohibited:

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate concurring herein, that, in conformity with Article V of the Constitution of the United States, application is hereby made by the Legislature of Louisiana to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States which shall read substantially as follows:

"'Amendment ———

"'The Congress may by law prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States by violence or other means. The Congress may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of the United States by violence or other means.

"'Each state may by law prohibit the advocating or teaching, in any manner, in public or private, of the subversion or destruction of the government of the United States or of such state by violence or other means. Each State may by law prohibit the organizing or becoming a member of any organization or society which is known to the offender to advocate, teach or practice the subversion or destruction of the government of the United States or of such state by violence or other means.'

"Be it further resolved that duly attested copies of this Concurrent Resolution shall be transmitted imediately by the Secretary of State of Louisiana to the President and Secretary of the Senate of the Congress of the United States, to the Speaker and Clerk of the House of Repersentatives of the Congress of the United States and to each member of the Congress from the State of Louisiana.

"JOHN S. GARRET,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate."

A resolution adopted by the Municipal Assembly, Okinawa, Ryukyu Islands, demanding total and immediate removal of poison-gas weapons from the Ryukyu Islands; to the Committee on Armed Services.

A resolution adopted by the Municipal Assembly, Okinawa, Ryukyu Islands, protesting against injury to a student of Machara Senior High School, Okinawa, by a U.S. Armed Forces member; to the Committee on Armed Forces.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1187. A bill for the relief of Marcos Rojos Rodriguez (Rept. No. 91–965);

S. 1628. A bill granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes (Rept. No. 91–966);

S. 3122. A bill to provide for holding terms of the U.S. District Court for the Southern Division of the Southern District of Mississippi at Gulport, Miss. (Rept. No. 91–967);

H.R. 1698. An act for the relief of Joeck Kuncek (Rept. No. 91–968);

H.R. 2275. An act for the relief of John Thomas Cosby, Jr. (Rept. No. 91–969);

H.R. 3348. An act for the relief of the estate of Pierre Samuel du Pont Darden (Rept. No. 91–970);

H.R. 4246. An act to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees (Rept. No. 91–971);

H.R. 4247. An act to amend section 2743 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code (Rept. No. 91–972); and

H.R. 13407. An act to consent to the amendment of the Public Marine Fisheries Compact (Rept. No. 91–973).

By Mr. KENNEDY, from the Committee on the Judiciary, without amendment:

S. 2916. A bill to establish the Plymouth-Provincetown Celebration Commission (Rept. No. 91–961).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes (Rept. No. 91–962);

H. Con. Res. 573. Concurrent resolution commemorating the 100th anniversary of the Ohio State University (Rept. No. 91–963); and

H. Con. Res. 575. Concurrent resolution that the Congress sends congratulations and greetings to Ohio Northern University on the occasion of the 100th anniversary of its founding and extends the hope of the people of the United States that Ohio Northern University will continue to grow and prosper in centuries yet to come (Rept. No. 91–964).

By Mr. SCOTT, from the Committee on the Judiciary, without amendment:

S. Res. 193. Resolution to refer the bill (S. 1418) entitled "A bill for the relief of Carleton R. McQuown" to the Chief Commissioner of the Court of Claims for a report thereon (Rept. No. 91–974).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 3630. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission (Rept. No. 91–976).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S.J. Res. 53. Joint resolution to consent to and enter into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency (Rept. No. 91–975).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert McClintock, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Venezuela;

Roswell D. McClellan, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Niger; and

Maurice J. Williams, of West Virginia, to be Deputy Administrator, Agency for International Development.

BILLS INTRODUCED

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

By Mr. GORE:

S. 4025. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Finance.

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

By Mr. HARTKE (for himself, Mr. HART, Mr. SCOTT, and Mr. SCHWEIKER):

S. 4026. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. TYDINGS:

S. 4027. A bill for the relief of Dominic Colamonaco; to the Committee on the Judiciary.

S. 4025—INTRODUCTION OF A BILL TO PROVIDE FOR ORDERLY TRADE IN TEXTILE ARTICLES AND ARTICLES OF LEATHER FOOTWEAR

Mr. GORE. Mr. President, the breakdown in negotiation between the United States and Japan on voluntary import quotas creates a grave problem in international trade. In these negotiations, I have firmly supported the Nixon administration. This is not to say that I have agreed with administration action in all respects. It is to say that I have approved and supported administration efforts to achieve a voluntary agreement on import quotas. Moreover, Mr. President, I commend the administration for its refusal to accept the stubborn and arbitrary position of the Japanese.

Perhaps the Japanese will yet reconsider and alter their position. Unless they do so, the Congress, as I and several others have frequently forewarned, will proceed to give necessary and justifiable consideration to American interests.

In the early 1960's this country was selling abroad, on an annual average, between $5 and $6 billion more in products than we were importing. In 1968, that differential fell to less than $1 billion. At a superficial glance this would seem to be a potentially catastrophic situation and the protectionists—true to their nature—would like to capitalize on it. But in fact this does not mean that we have lowered our export rate, which continues to increase by 8 to 10 percent a year; rather it is that exports are not increasing as rapidly as imports which last year went up 24 percent. There is nothing irremediable about such a rise: it merely indicates that other nations are following our own lead in expanding their foreign trade. Unfortunately some American industries—agriculture, textiles, the manufacture of bicycles and shoes, for instance—have suffered serious setbacks as a result of this competition from abroad. This must be solved—as I am convinced it can be—without excessively restrictive import prohibitions, and with regulations controlling the outflow of American capital and with voluntary bilateral agreements. Without this, import restrictions are necessary.

Most bills introduced in Congress as a remedy would set up a system of quotas for imports. But such a solution to the dilemma will have an even more adverse effect on the national economy than did the old-fashioned high tariff system. If we cut imports, we will immediately be placed on a retaliatory seesaw with other countries which, in turn, will stop exports. We must bear in mind that the U.S. world export trade is still nearly 20 percent of the whole—and this means many more thousands of jobs for Americans than could ever be salvaged by adopting a series of ad hoc quota systems which would have to undergo constant and endless revision to keep them in line with the fluctuations of the market. The regulation of such a system would prove almost impossible. The bipartisan Randall Commission which studied our trade policies and wrote an exhaustive report on them noted that 4 million American jobs are directly involved in the manufacture and production of our exports, and—more significantly—the Commission pointed out that this number could be increased only if we avoid excessively restrictive practices.

I recall when Premier Khrushchev bragged that "We will bury you"—and then explained that he really meant he would defeat us in the "peaceful war of trade." Americans may not have taken that boast seriously, but the Russians have become a major trading nation, and, of course, since their government controls production and pricing, they can frequently offer more favorable terms than their competitors. We cannot evade the harsh economic reality that we must both increase our exports and arrive at agreements with countries which are now introducing too many goods into our domestic market. As an example, I would point to the voluntary agreement, which I was instrumental in negotiating, whereby Japan limited her cotton textile exports to the United States, extension of which she now resists.

In order that Japan may know that the stanchest advocates of international trade in the Senate, as well as in the House of Representatives, will not countenance the stubborn intransigence of her negotiators, I now send to the desk for introduction a duplicate, with the exception of the effective date, of the bill introduced in the House of Representatives on April 13, 1970, by Congressman WILBUR MILLS of Arkansas, the distinguished chairman of the House Ways and Means Committee, himself long a champion of the Cordell Hull reciprocal trade agreement program.

The United States simply cannot remain open at all of her economic pores, particularly if her greatest trading partners stubbornly resist cooperation for our mutual benefit. As I have said on many previous occasions, the lack of regulation on outflow of capital has led to an invasion of the American capital market for massive expansion of vigorous foreign competition with our very own capital resources. Moreover, the preferential tax treatment of profits and income earned abroad by our own businessmen and corporations operates as a subsidy for the export of our own productivity—capital, plant, and jobs—to the detriment of our balance of payments and to increase import competition by use of our own money and know-how. On a later day I shall have more to say about these matters.

In closing, Mr. President, I wish once again to commend the administration for a diligent effort to negotiate a voluntary import agreement with Japan. Failure makes action by Congress necessary. This is the reason I have made this speech and the reason I now introduce this bill.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred.

The bill (S. 4025) to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes, introduced by Mr. GORE, was received, read twice by its title and referred to the Committee on Finance.

S. 4026—INTRODUCTION OF A BILL TO ESTABLISH A MEMORIAL TO THADDEUS KOSCIUSZKO

Mr. HARTKE. Mr. President, I introduce today a bill to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and am pleased to be joined in sponsoring it by the Senator from Michigan (Mr. HART) and both Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER).

Mr. President, it is always gratifying to honor those individuals who have committed themselves to the preservation of freedom and independence in America. The legislation which we are proposing today to establish the Thaddeus Kosciuszko Home National Historic Site in Pennsylvania would properly distinguish such a man.

Thaddeus Kosciuszko, a Polish American who fought in the American Revolution, made substantial contributions to the success of the American struggle for independence. His expertise in constructing fortifications at West Point and Yorktown, and his knowledge of military strategy, resulted in the historic victory at Yorktown. In addition to his heroic efforts there, Kosciuszko was instrumental in securing similar freedoms for his own people in Poland and worked as a diplomatic emissary to France to insure harmony between two young nations.

A true American patriot, Thaddeus Kosciuszko exhibited those fine qualities of unselfish dedication to a cause and persevering courage which have remained as the foundation of human freedom.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred.

The bill (S. 4026) to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes, introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. SCHWEIKER. Mr. President, I would like to take this opportunity to commend my colleague, the distinguished Senator from Indiana (Mr. HARTKE) for his efforts in introducing a bill authoriz-

ing the Department of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site at 301 Pine Street, Philadelphia, Pa.

It is an honor for me to cosponsor this legislation because I feel that all Americans owe honor to the memory of the man whose life was dedicated, with unselfishness and courage, to the cause of freedom for all men.

Mr. Kosciuszko fought in the American Revolution and immediately following George Washington's victory at Yorktown, returned to his native Poland to lead a revolution to secure the freedom of his own people. Later, after returning again to the United States he gave the moneys granted him by the Congress to the cause of freeing the slaves.

Thaddeus Kosciuszko's contributions to the concept of liberty for all men cannot go unnoticed and I feel that it is a fitting monument for his home in Philadelphia to be made a national memorial in order to exemplify the deeds and works of this great Polish-American patriot and I am happy to join efforts to bring this about.

ADDITIONAL COSPONSORS OF BILLS

S. 3723

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Wyoming (Mr. McGEE) be added as a cosponsor of S. 3723, to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maine (Mr. MUSKIE), and the name of the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Alabama (Mr. ALLEN), and the Senator from West Virginia (Mr. BYRD) be added as cosponsors of Senate bill 3723, supra.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

S. 3835

Mr. HUGHES. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. McGOVERN) be added as a cosponsor of S. 3835, to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 72—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT CONGRESSIONAL COMMITTEE TO CARRY OUT A STUDY AND INVESTIGATION RELATING TO A SOLUTION OF THE PROBLEMS OF THE NATION'S RAILROADS

Mr. JAVITS (for himself and Mr. GOODELL) submitted the following concurrent resolution (S. Con. Res. 72); which was referred to the Committee on Commerce:

Concurrent resolution to establish a joint congressional committee to carry out a study and investigation for the purpose of making recommendations for the solution of the problems of the Nation's railroads

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint congressional committee to be known as the Joint Committee on Railroads (referred to hereinafter as the "joint committee").

(b) The joint committee shall be composed of seven Members of the Senate appointed by the President of the Senate, four from the majority party and three from the minority party, and seven Members of the House of Representatives appointed by the Speaker of the House of Representatives, four from the majority party and three from the minority party.

(c) The joint committee shall select a Chairman and Vice Chairman from among its members. Eight members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner in which original appointments were made.

FUNCTIONS OF THE JOINT COMMITTEE

SEC. 2. (a) The joint committee shall conduct a comprehensive study and investigation of the financial and other problems of the Nation's common carriers by railroad for the purpose of making recommendations for the solution of such problems.

(b) On or before September 30, 1970, the joint committee shall transmit to each House of the Congress a report which shall contain its findings and recommendations, including recommendations for such legislation as the joint committee shall deem appropriate. Upon the transmittal of such report, the joint committee shall cease to exist.

HEARINGS

SEC. 3. (a) In carrying out its duties under this concurrent resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

(b) The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

STAFF AND ASSISTANCE

SEC. 4. (a) The joint committee shall have power to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) With the consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, and may employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

(c) With the consent of the chairman of any committee of either House of Congress, or any subcommittee thereof, from which members of the joint committee have been appointed the joint committee may utilize the information and facilities, and the services of members of the staff, of such committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

EXPENSES

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

SENATE CONCURRENT RESOLUTION 73—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT CONGRESSIONAL COMMITTEE TO CARRY OUT A STUDY AND INVESTIGATION OF THE FEDERAL MEAT INSPECTION ACT

Mr. BELLMON. Mr. President, the health and safety of American consumers is a matter of great concern to all of us. Therefore, it is always disturbing to learn of conditions such as those re-

cently reported by the General Accounting Office regarding federally inspected meat packing plants.

It is appalling to all citizens to think that the meat they buy at the grocery counter might contain filth or foreign matter. Members of the Congress feel a special sense of responsibility for the citizens of this country, who are entitled to protection under the law.

As a farmer, and one who is experienced in the production of foodstuffs of various kinds, I place a high value on the need for measures to insure purity and wholesomeness in all of the food products that Americans are privileged to enjoy through the bounties of our agricultural economy. It has been my experience that those engaged in food production, both growers and processors, generally have this same attitude and work diligently and conscientiously to guard against any conditions that might in any way be harmful to the eventual consumer.

So while there is every reason to be legitimately concerned about the recent GAO findings, it would also be grossly unfair to denounce our domestic meat industry without full consideration of all the facts concerned.

In order to provide a broader perspective for making judgments in this matter, I would like to call the attention of my fellow Members to some of the conditions which have been brought out recently concerning meat which is imported from other countries. These imported meat products, incidentally, may be found on the meat counter right along with American meat products, and the consumer seldom knows the difference.

Under the standards followed by the United States Department of Agriculture, imported meat may be declared acceptable even though it contains one minor defect in every 30 pounds, one major defect in 400 pounds, or one critical defect to each 3,000 pounds. These defects may range from harmless extraneous matter to such things as blood clots, cysts, insects, ingesta or stomach contents, fecal matter, or manure.

Each year, around 1,600,000,000 pounds of meat are shipped into the United States. Less than 1 percent of this imported meat is actually examined by a U.S. Government meat inspector.

According to the report of the Secretary of Agriculture for the calendar year 1968, there are 40 countries that are permitted to ship meat to the United States. To carry out the inspection of this meat, there are only 15 veterinarians abroad and they have the job of checking 1,143 plants. These 15 so-called foreign review officers are backstopped by the equivalent of 75 U.S. inspectors who have the responsibility for determining whether this meat is sanitary and wholesome.

This method of checking on imported meat contrasts sharply with the inspection practices followed with respect to meat processed in our own plants here in the United States.

In this country, we have 7,050 inspectors on the Federal payroll who keep a close watch on 1,062 plants which slaughter and/or process either meat animals or poultry. Instead of a random sampling procedure which the overseas inspectors are forced to follow, the domestic meat inspectors examine every animal for health before slaughter and every carcass after slaughter which goes through a federally inspected packing plant. This meat must meet certain high standards, which are designed to assure consumers of the best in quality and wholesomeness.

Within each State, slaughterhouses and packing plants are required to meet the same high standards of cleanliness, under the provisions of the Wholesome Meat Act of 1967. Staffs of State inspectors are maintained for this purpose.

Mr. President, these marked differences in inspection procedures are quite significant, considering the fact that over a billion and a half pounds of meat comes into this country every year and winds up on the tables of American families in the form of hamburger, bologna, weiners, or cold cuts.

In view of these differences, and especially considering the relatively small number of Federal inspectors available to oversee the processing of meat imported from other countries, it seems both proper and necessary that the Congress take an interest in and active role in the quality of the meat inspection service.

In order to accomplish this objective, I am today submitting a concurrent resolution to establish a joint congressional committee to carry out a study and investigation of the Federal Meat Inspection Act.

The purpose of this legislation is to provide an opportunity for a committee of the Congress to make a firsthand evaluation of the plants in which meat destined for consumption in this country is processed and the level of inspection provided. Based upon this evaluation, it will be possible to develop any additional legislation that may be needed, or to provide a higher level of funding for inspection, if this is indicated.

Also this legislation will make it possible for Members of Congress to evaluate the level of supervision of the processing done at State-inspected plants and to determine if this meat is of sufficient quality and wholesomeness to be marketed in interstate commerce.

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

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 73) was referred to the Committee on Agriculture and Forestry, as follows:

S. CON. RES. 73

Concurrent resolution to establish a joint congressional committee to carry out a study and investigation of the Federal Meat Inspection Act

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint congressional committee to be known as the Joint Committee on the Administration of the Federal Meat Inspection Act (referred to hereinafter as the "joint committee").

(b) The joint committee shall be composed of three Members of the Senate appointed by the President of the Senate and three Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) The joint committee shall select a chairman and vice chairman from among its members. Four members of the joint committee shall constitute a quorum. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner in which original appointments thereto were made.

FUNCTION OF THE JOINT COMMITTEE

SEC. 2. (a) It shall be the function of the joint committee to conduct a comprehensive study and investigation of the administration of the Federal Meat Inspection Act in countries that export meat to the United States with the view to determining whether meat inspection is being effectively and uniformly administered, whether the provisions of such Act applicable to wholly intrastate operations are practicable, are fair, and whether the provisions of such Act relating to imported meat are being effectively enforced.

(b) On or before June 30, 1971, the joint committee shall transmit to the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House a report which shall contain its findings and conclusions and such recommendations for additional legislation as the joint committee shall deem appropriate. Upon the transmittal of such report, the joint committee shall cease to exist.

STAFF AND ASSISTANCE

SEC. 3. (a) The joint committee shall have power to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) With the consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, and may employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

(c) With the consent of the chairman of any committee of either House of Congress, or any subcommittee have been appointed the joint committee may utilize the information and facilities, and the services of the staff, of such committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

EXPENSES

SEC. 4. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

SENATE RESOLUTION 422—SUBMISSION OF A RESOLUTION RELATING TO SENATE DEFENSE OF CONSTITUTIONALITY OF VOTING AGE STATUTE

Mr. KENNEDY. Mr. President, I submit for appropriate reference a Senate resolution authorizing the Committee on the Judiciary of the U.S. Senate to appoint counsel to represent the United States in any legal proceedings with respect to the constitutionality of the statute lowering the voting age to 18.

As Members of the Senate are aware,

the President signed the Voting Rights Act Amendments of 1970 into law last Monday, June 22. At several places in the brief statement he released at the time he signed the bill the President specifically reiterated his belief that the voting age provision was unconstitutional.

We in the Senate who support the statutory approach to lowering the voting age heard extensive debate last February and March on the constitutional issue. Two subcommittees of the Senate held hearings on the issue, and the question was vigorously debated on the Senate floor. The constitutionality of the statute was strongly supported by eminent constitutional scholars in all parts of the Nation, including both Professor Paul Freund and Professor Archibald Cox. At the conclusion of the floor debate, we in the Senate voted overwhelmingly—64 to 17—to support the statute.

In light of the exhaustive consideration of the constitutional issue in the Senate, I believe that the Senate is entitled to an energetic defense of the constitutionality of the statute. The purpose of the resolution I am offering today is to enable the Senate to obtain the defense we deserve.

The proposed Senate resolution is amply supported by past precedent. In a number of Supreme Court cases in recent years, Congress has been represented by its own counsel in circumstances where the views of Congress and the administration diverged.

One of the most obvious precedents is the famous "bill of attainder" case, *United States* v. *Lovett*, 238 U.S. 303 (1945). In that case, the Supreme Court held that an act of Congress prohibiting certain named individuals from working for the Federal Government was unconstitutional because it was a bill of attainder. When the case first arose, the Attorney General informed Congress that it was "impossible to advocate the views of Congress with conviction." Shortly thereafter, Congress passed House Resolution 386, authorizing a subcommitee of the House Committee on Appropriations to appoint counsel to represent the views of Congress in the case. Subsequently, a private attorney, Mr. John C. Gall was appointed to represent Congress, and he argued the case for Congress in the Supreme Court.

In *Myers* v. *United States*, 272 U.S. 52 (1926), the Supreme Court upheld President Wilson's power to remove an Oregon postmaster, in spite of an act of Congress specifying that postmasters could be removed only with the advice and consent of the Senate. Since the interests of the President and Congress obviously diverged, the Court invited Senator George Wharton Pepper to argue the position of Congress as amicus curiae.

In the *Pocket Veto Case*, 279 U.S. 655 (1929), the Supreme Court upheld the validity of a "pocket veto," in which the President fails to sign a bill before Congress adjourns. Congressman Hatton Sumners, chairman of the House Judiciary Committee, argued the case as amicus curiae in behalf of the committee, pursuant to a resolution adopted by the commitee.

In *Jurney* v. *MacCracken*, 294 U.S. 125 (1935), the issue involved a habeas corpus action against Chesley W. Jurney, the Sergeant at Arms of the Senate, who had arrested MacCracken pursuant to a contempt citation issued by a special Senate investigating committee. The U.S. attorney for the District of Columbia represented Jurney, and Hatton Sumners argued the case as amicus curiae on behalf of the House of Representatives. There is no formal House resolution authorizing Sumner's appearance, but in a letter to the Court requesting him to appear, Mr. Sumners indicated that the Speaker had authorized him to make the request to appear.

In closing, let me say that I hope that all Members of the Senate will support the resolution I am offering, whatever their views on the merits of the constitutional issue. We can all agree on the need for a thorough exploration of the issue, and I believe that the voice of the Senate should be heard.

In addition, I am hopeful that the Supreme Court will see fit to expedite its consideration of this case. As I indicated in a letter to the Attorney General earlier this week, it is especially important to seek a prompt judicial test of the act, because one of its provisions—the provision imposing a nationwide ban on State literacy tests for voting—is effective immediately. The validity of the ban on literacy tests rests on much the same constitutional support as the the provision lowering the voting age. Obviously, the validity of this provision should be resolved at the earliest opportunity, before the issue clouds the impending primary and general elections this fall.

Although a lower court case challenging the validity of the act was filed this week in the District of Columbia, I believe that the issue can be most quickly and effectively resolved if a State files an original action directly in the Supreme Court. This was the pattern followed in *South Carolina* v. *Katzenbach* 383 U.S. 301 (1966), in which the Court upheld the constitutionality of the Voting Rights Act of 1965.

In many respects, it might be appropriate for a State like Oregon to file a test case in the Supreme Court. In a sense, it could be said that Oregon has a mandate to challenge the act, because only last month, a proposal to lower the voting age in the State was defeated in a popular referendum. Since Oregon also has a literacy test that would be affected by the recent legislation, a case brought by that State could challenge both the voting age and the literacy provisions of the statute.

Because of the need for a prompt judicial determination of the literacy provision, it may prove desirable for the Supreme Court to schedule a special summer session to resolve the issue. Although the Court is reluctant to hold such sessions during its summer recess except in the most unusual circumstances, it is my understanding that the Court is now already considering such a special session to resolve the Charlotte school desegregation case. If a special session is held, it is my hope that the Court would see fit to consider the Voting Rights Act provisions as well.

In any event, by whatever means the voting age issue is raised in the Supreme Court, it is my strong belief that the Senate, as the architect of the statute, should have the opportunity to be represented.

The PRESIDING OFFICER (Mr. BELLMON). The resolution will be received and appropriately referred.

The resolution (S. Res. 422), which reads as follows, was referred to the Committee on the Judiciary:

S. RES. 422

Resolution to authorize representation of United States Senate by counsel in judicial proceedings concerning the Constitutional validity of the Voting Rights Act amendments of 1970

Whereas section 302 of the Voting Rights Act Amendments of 1970 (Public Law 91–285) provides that "Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older"; and

Whereas the President of the United States, in approving Public Law 91–285, stated that he believed section 302 to be unconstitutional; and

Whereas representatives of the Department of Justice, in testimony before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary of the United States Senate have stated their belief that section 302 is unconstitutional; and

Whereas the Senate by the vote of 64–17 approved section 302 as an amendment to the Voting Rights Amendments of 1970; and

Whereas it is a matter of urgency to secure an early and comprehensive consideration of the Constitutional question by the Supreme Court of the United States, in order to eliminate uncertainty over the constitutionality of section 302: Therefore be it

Resolved, that the Committee on the Judiciary of the United States Senate is hereby authorized to appoint counsel to represent the United States Senate in any judicial proceedings concerning the constitutional validity of section 302 or other provisions of Public Law 91–285.

SENATE RESOLUTION 423—SUBMISSION OF A RESOLUTION RECOGNIZING THE OUTSTANDING SERVICE OF SENATOR MIKE MANSFIELD AS MAJORITY LEADER OF THE SENATE

Mr. SCOTT (for himself, Mr. KENNEDY, Mr. GRIFFIN, and Mr. BYRD of West Virginia) submitted a resolution (S. Res. 423) recognizing the outstanding service of Senator MIKE MANSFIELD as majority leader of the Senate, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 25, 1970, he presented to the President of the United States the following enrolled bills:

S. 743. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes;

S. 2062. An act to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes; and

S. 2315. An act to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes.

AMENDMENT OF THE DEFENSE PRODUCTION ACT OF 1950—AMENDMENT

AMENDMENT NO. 738

Mr. BYRD of Virginia submitted an amendment, intended to be proposed by him, to the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BYRD of Virginia when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

IMPROVEMENT AND MODERNIZATION OF THE POSTAL SERVICE AND ESTABLISHMENT OF THE U.S. POSTAL SERVICE—AMENDMENTS

AMENDMENT NO. 739

AMENDMENT TO CONTINUE EDUCATIONAL MATERIAL AND LIBRARY RATES ON A UNIFORM NATIONAL BASIS

Mr. MANSFIELD. Mr. President, the bill (S. 3842) would provide for the transfer of postal ratemaking to the Commission in the U.S. Postal Service except for certain classes of free and reduced mail, such as free mail for the blind, which are continued by law. On behalf of the distinguished minority leader the senior Senator from Pennsylvania (Mr. SCOTT), my colleague from Montana (Mr. METCALF), and the distinguished Senator from California (Mr. CRANSTON), I submit an amendment continuing the longstanding congressional policy that rates on books, educational and library materials be on a uniform national basis rather than zoned by distance. The amendment preserves to the Commission the function of setting the level of these rates.

The two categories involved are both in section 4554 of the present law. One is the special fourth-class rate first established in 1938 for books, music, educational films and tests, recordings and other educational materials now set at 12 cents for the first pound and 6 cents for each succeeding pound. The second is the library rate for library materials sent between libraries and between libraries and their patrons; and certain educational materials sent to libraries and schools, first established in the 1920's. This rate permits efficient national, regional and State systems of interlibrary loan of specialized material between libraries and the serving of citizens in sparsely settled areas by mail loans.

Both of these uniform rates serve important educational and cultural purposes, insuring that all citizens, libraries and educational institutions have the same access to these materials no matter where they may be located. By contrast, a system of rates zoned by distance—such as the present parcel post schedule—would severely penalize areas remote from publishing and library centers.

Speaking as a Senator from Montana, I am especially concerned about provisions contained in S. 3842 as it applies to library book rates. In Montana, if the special rates are removed, it will approximate an additional $130,000 for postage and circulation of library materials in the State. This would mean a reduction in services throughout the State because at the present time Montana is finding it very difficult to meet its other financial obligations. The increased rates, if allowed, would reduce the services to the people of my State. I think we are fully justified in asking for an exception in this case.

The committee report testifies to the value of these rates but does not require the Postal Rate Commission to continue them on a uniform national basis. It sets up a procedure under which they can be phased out over a 5- to 10-year period.

The bill which has passed the House, H.R. 17070, and which was proposed by the administration, goes much further than this amendment. The House bill retains in the hands of the Congress any changes in the level of these rates as well as preserving their uniform national basis; and authorizes annual appropriations for any subsidies which may be involved.

I intend to press this amendment vigorously when the bill is before the Senate.

Mr. President, I send the amendment to the desk and ask that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. PEARSON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 739) is as follows:

On page 228, between lines 2 and 3, strike out item 3709 and insert in lieu thereof the following items:

"3709. Uniform rates for books, films, and other materials.

"3710. Limitations."

On page 244, between lines 2 and 3, insert the following new section:

"§ 3709. Uniform rates for books, films, and other materials

"Notwithstanding any other provision of this title, the rates of postage on those items enumerated in former section 4554 of this title shall be uniform for parcels of the same weight, and shall not be based on zones or otherwise vary with the destination of the parcel."

On page 244, line 3, strike out "3709" and insert in lieu thereof "3710".

On page 244, line 6, after "3707" insert "or 3709".

AUTHORIZATION OF A FAMILY ASSISTANCE PLAN—AMENDMENT

AMENDMENT NO. 740

FULL EMPLOYMENT ACT

Mr. HARTKE. Mr. President, today I am submitting an amendment entitled the "Full Employment Act." Its purpose is to provide a job for every man and a man for every job. Whatever his color, whatever his education, every man has an identical need and desire for a job. A man's desire for work transcends mere monetary concern and constitutes his basic desire to contribute to his society.

I offer my bill as an amendment to the Family Assistance Act. This bill has been greatly improved by recent revisions, but there remains a basic inconsistency not only in the bill but in President Nixon's economic policies.

It is contradictory to talk about increasing job training while pursuing a policy that reduces jobs. It is absurd to talk about taking people off welfare and putting them to work, at the same time you are taking many more people from work and putting them on some form of welfare.

The latest Bureau of Labor figures show that in just over a year the ranks of the unemployed have swelled by 1.3 million workers. Since President Nixon took office the unemployment rate has risen from 3.3 percent to 5 percent. Unemployment hits my State as hard as if not harder than the rest of the country. Over 101,900 Hoosiers are now unable to find work. Although the administration predicted that unemployment would rise by 4.3 percent, a conservative estimate would be 5.5 percent. Many reputable and respected economists predict an unemployment rate as high as 7 percent.

More frightening than these grim statistics is the fact that President Nixon's economic plans are creating unemployment for those who never had to worry about finding a job before. As the Department of Labor reports, the largest increase in unemployment is among "white, adult, full-time workers . . .". Even workers not laid off from work are suffering loss of income because of the cutback in overtime work. In addition to the rise in unemployment for blue collar workers, substantial numbers of women have been withdrawing from the labor force.

It is clear that this Nation's families are paying a heavy price for the present administration's flawed and failing economic policy. It has caused unemployment that is creating long lines for unemployment compensation. It has robbed the entire Ntaion of the contributions these skilled workers could make to America. I believe these men should be given jobs which they want. I believe that these men could provide basic public services which are urgently needed. In this way we will achieve an economic saving because we will be reducing the cost of unemployment compensation and the cost of public services. The legislation I propose today would employ thousands of the jobless in public service. They would have meaningful productive work in basic community services such as public transportation, education, public health, environmental and pollution control, and recreation.

A tour of any of the Nation's metropolitan areas reveals an urgent backlog of such public jobs. The program that I propose is entirely feasible. Studies conducted for OEO and the Commission on Technology, Automation, and Economic Progress in 1966 estimated that from 4.3

to 5.3 million jobs could be created in public service. Between 370,000 and 570,000 could probably be provided in the very first year.

Public opinion polls consistently reveal popular support for the idea of full employment. The concept of public service employment has received the endorsement of many groups such as the Urban Coalition and the AFL–CIO.

I believe my proposal is superior to others that have been proposed for creating jobs. Whatever their successes during times of prosperity and economic expansion, programs to create jobs in private industry cannot work during an economic decline. Also public service employment is superior to proposals for public works projects as we have had in the past because public service programs could be implemented quickly and most of the money spent goes directly to the worker. This adds needed purchasing power to our sluggish economy.

Creating employment in public service should not be viewed just as a temporary measure to meet the present unemployment emergency. As the President's Commission on Technology and the American Economy stated:

> Constant displacement is the price of our dynamic economy.

My bill would smooth out some of the inevitable bumps of our economy. It also can be very helpful in any conversion from a war to a peacetime economy.

A public service employment act would help provide employment among the poor. One out of five slum residents not in the labor force gives inability to find some way to care for their children as the main reason they were not looking for work. A 1967 report by Greenleigh Associates for the OEO found that 14,000 potential jobs existed with day care facilities. Similarly, increased staffing of public health facilities could remove barriers to meaningful work for some of the 10 to 20 percent of the poor whose inability to find employment is traceable to chronic health problems.

Can we afford this program? I do not think we can afford the present high economic cost of the existing unemployment policies. I do not think we can afford the cost of the present inadequate public services. I do not think we can afford the cost of our growing crime problem. I do not think we can afford the cost of pollution. And in all these areas, jobs can be created to attack the problems. America cannot afford not to create full employment.

The PRESIDING OFFICER (Mr. BELLMON). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 740) was referred to the Committee on Finance.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 741

Mr. ALLOTT proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

(The remarks of Mr. ALLOTT when he proposed the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

CAPE HENLOPEN SAND DUNES

Mr. BOGGS. Mr. President, on June 4 the senior Senator from Delaware (Mr. WILLIAMS) and I introduced S. 3922, a bill to convey certain military lands at Cape Henlopen, Del., to the State of Delaware for recreational uses.

The bill has been referred to the Committee on Armed Services, where it is waiting comment from the Department of Defense.

This military land is surrounded by a State park which draws 2 million visitors a year. The land—both military and civilian—has a beautiful, unsullied Atlantic beach and sand dunes that have been of great interest to naturalists and conservationists.

The U.S. Army showed its respect for the biggest sand dune at Cape Henlopen by knocking it down and installing five house trailers where it once rose 70 feet into the air. This dune had been the subject of scholarly articles in both the Scientific American and the National Geographic.

We are hopeful that the Committee on Armed Services will react favorably to our proposal. For its background, and that of other distinguished Senators, I ask unanimous consent that a recent newspaper article about the dunes be printed in the RECORD. The article was written by Mr. James Moore and was published in the Wilmington Evening Journal on May 25.

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

STORIED DUNE'S FUTURE HAZY

(By James Moore)

CAPE HENLOPEN.—The Big Dune is a pile of sand on Cape Henlopen with a wild and exciting past, but actions of the U.S. Army have clouded hopes for a bright, state-planned future.

The dune has only its past to revel in because Army bulldozers have pushed down much of the sand and covered it with topsoil. Local and state officials have protested because they were not consulted about the action.

The conflict came to a climax the morning of April 24 when a group of Cape Henlopen High School students confronted the unit leveling the dune for use as a trailer park.

No blows were struck, but the reverberations of the clash were heard all the way to the Senate floor in Washington. The fight is not over.

Strange confrontations and events are nothing new to this small spit of land east of Lewes and the strangeness is compounded by the fact that the land itself keeps changing and moving around.

Professor John C. Kraft of the University of Delaware's geology department has been studying the cape and the land south of it for several years. His findings show that the Cape may soon stretch all the way to the breakwater, which is now 300 yards west of the tip, within five years.

If this happens, according to Kraft, the present Lewes Beach will become a large marsh, complete with tall marsh grass.

Two natural occurrences working together have caused the movement.

First, instead of waves hitting the beach perpendicularly, they roll in from the southeast, which means they push the sand along the beach instead of washing over it.

At the same time, the currents of the Delaware Bay, after leaving the bay mouth, circle around toward the beach and flow north again, assisting the wave motion.

By using evidence obtained by drilling deep holes into the sand, Kraft and his workers have been able to determine how the cape has grown while the coastline has receded. Kraft estimates the coastline moves in at a rate of 12 feet a year.

The modern history of the cape began in 1620, when Captain Cornelius Mey of the Dutch West India Company sailed into the bay and gave his name to the north shore and the name of a friend, Thymen Jacobson Hinlopen to the south shore. Hence, Cape May, N.J. and Cape Henlopen, Del.

In the latter part of that century, piracy thrived off the Delaware coast, and the residents of the town of Lewes found it great sport to hike out to the 70-foot-high Big Dune and watch the pirates prey on ships flying the Spanish and French flags.

It was rumored, but never proven, that Captain William Kidd came ashore after one of his pirate raids and buried a portion of his treasure in the dunes of the cape. Nothing ever has been found.

The first Cape Henlopen lighthouse was constructed in 1725 but was destroyed and then rebuilt in 1764. At the beginning of the American Revolution, patriots extinguished the light so British ships could not come as close to the coast as they might like.

The British burned the wooden interior of the light in the last part of the war, but it was replaced in 1784.

In the War of 1812, the light was burned again and the local residents feared the British would mount a land attack against their little hamlet. Being unarmed and unable to withstand a land invasion, the resourceful farmers devised a plan to convince the British that they would be foolish to go ashore.

The men went into their fields and pulled up corn stalks, which they charred. They then went to the top of the big dune, formed small squads and walked with the charred stalks on their shoulder as if they were training.

The British Fleet, the story goes, saw the "heavily armed" men and turned around and sailed away.

In 1825, another beacon was installed on the cape and it was able to project a light out to sea 40 miles. Money to build the light was raised by lottery.

At the same time it was decided to improve the harbor by building a breakwater, and although the decision proved advantageous to shipping, it later came back to haunt the people.

To build the barrier, trees were cut from the forests atop the dunes, removing the cover which kept them in place. The sand started to shift at a furious pace and began to cover the lightkeepers house.

At times it was possible to crawl out of the second floor window of the house right onto the dune.

Relief came in a strange manner. In February 1883, the barkentine Minnie Hunter hit Hen and Chicken Shoal, which lies just under the water off the end of the cape, and went aground. The wreck became a jetty and slowed the erosion process temporarily.

Meanwhile more decisions were made which later would be regretted. The military decided the Navy needed facilities on the

cape and began to ask for the land. Most of it was held in trust by local officials by virtue of a grant from William Penn. The military siege had begun.

The Lewes Naval Base became the home port for boats patrolling the mouth of the Delaware Bay and was housed in a building located where the present Army pier hits land. A small radio station also was built on the ocean side of the cape next to the waterline.

In 1918, a young third-class electrician and radioman, Charles S. Horn, came to the base; 52 years later he would come back to the base as a civilian, not a friend of the military.

Last week, seated in his spacious Rehoboth Beach home, Horn reminisced about his early years.

"My parents moved to Rehoboth in 1900 and I went into the Navy to get away from this place," Horn said. "But the Navy thought they were doing me a big favor and sent me back to Lewes."

"It was a terrible place to be because the mosquitos would get you in the summer and in the winter there was so much ice on the dunes you couldn't climb them."

About 30 men took care of the base and had very little to do with the war other than tending American mines and running communications operations.

Horn left the Lewes area after the war but the military was still there and in control of about 500 acres of land, a tract which was disappearing rapidly into the sea.

By 1924, the lighthouse, which had gained the nickname of "Old Man of the Sea," had to be abandoned and replaced by a temporary tower 110 yards inland.

A severe storm on Jan. 26, 1926, ate away the sand around the light enough to tilt it over 18 degrees. That April it fell into the sea. Pieces of the building were brought out of the surf and now adorn many mantels in the area.

The rumblings of another war in Europe brought a flourish of activity. The area was designated as a prime spot for major battlements, and the military began working to acquire the necessary land.

Army engineers surveyed the dunes but told no one what was going on at the base, which was closed in completely. At the same time, court proceedings were under way to get clear title for the land for the federal government. In 1941 the federal government agreed to pay Lewes, Sussex County, and several private owners $97,669.50 for 1,010 acres of land. The military siege was complete.

Nearly $22 million was spent for the work at the "Masked Fortress," so called because most of the equipment was underground. The most important element of the fort was the array of 16-inch guns, with barrels 55 feet long, buried inside the concrete bunkers.

The government named the installation Fort Nelson Appleton Miles, in honor of a lieutenant general who won the Congressional Medal of Honor at the Battle of Chancellorsville in the Civil War. He was born in Massachusetts, and no one could prove that he ever put a foot on Delaware soil. The local residents were not pleased.

The guns of the fort were used to protect convoys which formed off the Delaware coast, but only test shots were ever fired.

Men stationed at the fort had time to help Sussex farmers pick string beans in 1942.

The fort's biggest military moment came after Germany surrendered. The first enemy submersible to surrender to the U.S. navy, U-858, was towed into Lewes for a careful examination before being taken to Philadelphia.

The big guns of the fort were removed in 1949 and cut up to be sold as scrap. The many buildings which had been used as barracks and messhalls during the war were either torn down or given to the town of Lewes or its school board.

In 1964, Delaware's congressional delegation asked that the land be returned to the state because it was not being used for defense purposes, a phrase oft-repeated in the last month.

Sen. John J. Williams, R-Del., introduced legislation to have the surplus land revert, and by the end of the year, 550 acres on the tip of the cape became Cape Henlopen State Park.

The town of Lewes had control of 155 acres on the tip. That also was given to the state because local officials felt they could not improve the land or stop it from moving. This gave the state a 705-acre park and 943 acres in the Gordon Park area, which had not fallen under military control. That area is below Fort Miles.

However, between those two large sections are 804 acres still in the hands of the Army and Navy, and that's what the battle of the Big Dune is about.

640 acres of that total are within the confines of "Naval Facility, Fort Miles," a fenced-in section containing some of the most important dune land. Military authorities, under pressure once again from Williams, have agreed that much of this land is surplus and may be returned to the state.

But the Big Dune is located on a 164-acre tract held by the Army for recreational purposes. Five weeks ago the bulldozers began working on the Big Dune, and Horn saw it and didn't like what was there. His phone calls to members of the community started the public uproar.

The confrontations, talks, and more phone calls have followed, but Pentagon officials do not want to relinquish their title to the land. So the military siege, although reduced, goes on.

The future of the Army's recreational facility is bright, but for other visitors to Cape Henlopen State Park, things look gloomy.

PATTONSBURG, MO.: NEW TOWNS FOR THE FUTURE

Mr. SYMINGTON. Mr. President, when Andrew Johnson, seventh President of the United States, was inaugurated, only 1 billion people were living on this planet—and fewer than 13 million within the borders of this country. A full century passed before there were 2 billion people on the earth. In the last 40 years, however, the population of the world has swelled to 3½ billion people.

Mankind is locked in an awesome race with the crib as a result of what has been called the medical revolution: increased longevity and declining mortality rates due to better nutrition, better hygiene, the development of miracle drugs, and the control of killer diseases.

Today in the United States there are more than 200 million people. In the next three decades it is projected that we will add another 100 million.

The challenge of today is how to make America livable in the tomorrow when we have an additional 100 million. Where will they live? How will we provide opportunities for a meaningful existence?

Unless we act now, present trends indicate that by the year 2000, 77 percent of all Americans will live on 11 percent of the land in the continental United States. For urban Americans this will mean longer lines, more crowded public transit, choked roads and arteries, worsening slums and ghettos, the increase of crime and pollution, and rising mental illness.

Overcrowding is not healthy, as a recent study by Indiana University well demonstrated. This study found that 82 percent of Manhattan's population have displayed various degrees of mental illness because of living conditions in that city.

Cities in general, as beneficial modes of human settlement, are in decline. As the President said in his state of the Union address:

> The violent and decayed central cities of our great metropolitan complexes are the most conspicuous areas of failure of American life.

Today it is all too evident that, even though we call them cities, we have actually built urban deserts.

In addition to being overgrown, many of our modern cities are largely centerless, bankrupt, and monumentally ugly. The city, which the great urbanologist, Lewis Mumford, tells us was once a place of fellowship and protection, can hardly be considered so today; in fact in contemporary life, the city is all too often a place where crime and social unrest stalk the streets, where inhabitants work and reside behind locked and bolted doors. It is a place of evil-smelling fumes, dark canyons of murky air, congestion, stress, and the constant din of unregulated noise.

And for too many Americans, especially black Americans, the city is a vast drab concrete establishment in many ways comparable to a prison, with too few job opportunities, too few recreation facilities, too little open space, inadequate housing, and inferior schools.

As our central cities continue to deteriorate, the exodus to the suburbs goes on. Most new growth in our large metropolitan areas is taking the form of urban sprawl—what one commentator has called the "slurbs." This development, which has consumed open land with a voracious appetite, has not provided a solution to our urban ills, but has only intensified them.

I realize that I have painted a bleak picture of the contemporary city, but I certainly do not advocate abandoning them; in fact, there are a number of reasons for preserving and enhancing the city form.

Only in the city do we have what might be termed the "great stages" of human existence. For as the city is the birthplace for over 70 percent of all Americans, it is likewise the place of death for those same Americans; and in the interim, the backdrop for their lives. Because it draws together so many diverse people and elements, it can offer more potential to its inhabitants in the form of cultural, social, educational, and economic advantages.

As our cities grow larger and larger, however, and their problems become more and more unmanageable, the size, and complexity of these urban problems will always outdistance available resources; and our hope in meeting the challenges affecting our great metropolises, is to channel urban growth into units of more manageable and more attractive proportions.

Moreover, if within the next 30 years, the Nation is to take care of the estimated population growth, it will have to double the physical plant of all of its cities. That means building twice as

many schools, churches, roads, houses, airports, dumps, and parking lots as are in existence today. As one commentator has observed:

> This will entail the building of a Second America. What our forefathers did in three hundred years, we have to do in thirty.

It is obvious that our cities cannot absorb this projected growth; however, our rural areas do not presently provide any viable alternative, because in most nonurban regions there is also a lack of opportunity and a lack of jobs, which in turn stimulates migration to the already overcrowded cities.

Under these circumstances I believe we should formulate a comprehensive urban growth policy, one that will recognize the organization and nature of dispersion of our population, present, and future, over the entire United States. There should be a halt to the further concentration of our people in the cities; and I support legislation to establish a national land use policy as but one step toward this goal.

Perhaps the most important aspects of such a national policy would be an expanded new towns program.

The concept of building new towns is not new. New towns have presented a solution to man's urban ills for centuries. Sweden has had a new communities policy ever since the 1940's and Great Britain in turn has had a highly successful program since the end of the Second World War. New communities in Brazil and Venezuela such as Brasilia are well known; and a large majority of the Nation's urban experts favor a new towns program as desirable and important to the future.

The creation of new towns could provide an alternative to the present policy of relatively haphazard national growth, would furnish places to locate the tens of millions of new Americans expected in the coming decades, could rescue the cities from many of their worsening problems, and at the same time act as a stimulus for needed rural development. In addition, new towns would provide a more pleasant and healthful environment than do most of our cities today.

If cities of the future are not to be replicas of past failures, they must be planned new communities.

One prominent urban authority recently said that "We must build a new town the size of Tulsa every month for the next 30 years just to accommodate our population growth."

Admittedly this is an ambitious proposal and it will be expensive, but continued inaction in face of the awesome urban and population problems of this Nation will be even costlier.

But just what is a "new town."

There are four major types of new towns. The first type—de novo new towns—are totally new communities, built from the ground up, and completely self-sustaining.

Satellite new towns, by comparison, are appendages of another city, more often than not bedroom communities linked by an economic umbilical cord to a larger city.

The third type of new town—the new-town-in-town—is constructed on vacant land within an existing city.

Finally, there is the renovated new town, or "new towns from small towns." This kind of new town is built on the base of an existing small town.

In this regard, a small community in northwest Missouri offers a unique opportunity for development as a new town. Pattonsburg, Mo., could serve as a national pilot project for turning a small town into a new town.

In 1928, the Corps of Engineers first proposed a plan for a flood control reservoir which would inundate Pattonsburg, and since that time this small Missouri community has lived under a cloud of uncertainty.

Congress gave final approval to the entire reservoir system proposed for the Grand River Basin, of which Pattonsburg Reservoir is the largest impoundment, in 1965; and for the past 5 years the town of Pattonsburg has waited for the Government to acquire its property and for relocation on higher ground. Because the town has no future in its present location, no one is willing to make needed repairs and new investment has virtually dried up.

Mayor Lloyd Pettit of Pattonsburg described the situation well in 1969:

> The value of our homes have fallen, our businesses have begun to shut down and move away. No longer is capital from without invested in new industries or new businesses. Every day more and more of our people begin to move away. Uncertainty and doubt hang over our heads. Our people are demoralized and afraid. We do not want to watch our towns die; we do not wish to abandon it. We would like another chance to relocate in another place. We can only do this if we receive help from our government.

Under the leadership of Mayor Pettit, courageous Pattonsburg residents decided to organize and fight for their community's survival.

First, the citizens of Pattonsburg established a nonprofit development organization to serve as the coordinating agency for the planning, relocation, and development of a new town.

Then, in 1969, aided by a grant from the Department of Housing and Urban Development, and in cooperation with the Missouri Department of Community Affairs, sites were explored on which to build a new town and a preliminary plan was formulated.

Shortly thereafter, the 75th General Assembly of the Missouri State Legislature authorized such a town to annex a nonadjacent new townsite not more than 10 miles distant.

During the past month, a proposal has been submitted to the Department of Housing and Urban Development requesting funds to plan the new town of Pattonsburg. This proposal emphasizes the fact that Pattonsburg draws together many ideal elements of new town construction: transportation, industry, recreation, and proximity to a major urban area.

The town of Pattonsburg lies 65 miles north of Kansas City and 125 miles south of Des Moines, and will be linked to these two metropolises by Interstate 35. It is also served by the Norfolk & Western Railway.

Pioneer Cap Factory, which is the principal employer for the city and surrounding area, is in urgent need of a new facility, and would provide the nucleus for an industrial park development designed to give the new town a diversified economic base.

Perhaps the most unique aspect of the Pattonsburg proposal is the combination of a new town with a Federal reservoir. Pattonsburg Reservoir is designed to provide flood control, recreation, hydroelectric power, and water supply to the area; and if Pattonsburg follows the pattern of other reservoir developments in Missouri, we can expect tremendous economic and recreational development to follow the closing of the flood gates of the dam.

If the Pattonsburg proposal is accepted, it could add a whole new dimension to water resource development in the United States.

It is also evident that the new towns concept offers great latitude in dealing with the problems of rural America. Pattonsburg is located in Daviess County, a county characterized by the same discouraging pattern of outmigration and declining economy that afflicts hundreds of other rural counties in this country. Thus, it would make an ideal location for the creation of a new growth center to spur rural development in the surrounding region. At the same time, it is hoped that this kind of development would help to stem, and in time, reverse the tide of rural-urban migration which is intensifying the problems of our cities.

Because the development of new towns holds great promise for rural America, a proposal similar to that submitted to HUD has been sent to the Office of Rural Development and Conservation, Department of Agriculture.

Thus, I urge that all consideration be given to the Pattonsburg proposals and that funds be made available to make the new town of Pattonsburg a reality.

Moreover, if we are truly serious about improving the environment and the quality of life in this country and restoring an urban-rural balance, then we should consider the importance of undertaking a massive "new towns" program in the years ahead.

Unfortunately, it was recently announced that the administration has postponed—at least for a year—sending to Congress a program for a national growth policy, which would have called for an expansion of the new communities program. The potential effects of an expensive new program on the country's inflation problems was cited as the reason for this action.

I regret that the new towns program is another victim of inflation—a part of the growing list of domestic programs shoved aside so that we can continue to finance our national adventures abroad.

This Nation launched the decade of the sixties with a commitment which seemed far-fetched at the time—to put a man on the moon by the end of the

decade. That goal, as we all know, has been achieved.

With similar commitment and creativity, should we not now direct our efforts to the solution of the problems of space here on earth? We should launch the decade of the seventies with a commitment to build 300 new towns of 300,000 people each by the end of the century. This also could be a cooperative effort involving private groups and individuals, industry, and government—State, local, and Federal.

The choice is ours. We can sit idly by and watch our urban and social conditions go from bad to worse, we can watch crime rates soar, and we can be spectators to the decline of rural America and the collapse of our economy. Or, if we act now—and the creation of a national urban growth policy putting large emphasis on a massive new communities program would be a step in the right direction—we could help to rescue our dying cities from the fate that is surely theirs and instill new hope in our countryside, and in doing so, make this a better and richer land.

NO DIVISION IN SENATE REGARDING POW'S

Mr. GRIFFIN. Mr. President, there may be a considerable division of opinion in the Chamber over the conduct of the war in Vietnam and, indeed, over our Asian policy. However, it is safe to say that this body stands completely united on one issue involved in this conflict, and that is the demand for decent, humane treatment of prisoners of war. Every Senator agrees that we as a Nation must do all possible to reinstate dignity in the treatment of the 1,400 or so Americans being held by the North Vietnamese. The fate of these men and their suffering families is completely outside the area of partisan or ideological division in this body.

SENATOR HARTKE COMMENDS THE NATIONAL COMMISSION ON PRODUCT SAFETY

Mr. HARTKE. Mr. President, I congratulate the National Commission on Product Safety for its very fine final report which was delivered on June 23, to the President and Congress. The report, which I hope all Senators will read, details the great gap in our knowledge as to the safety of products in everyday use in every home in America. The Commission's 2-year study has revealed that many home products are indeed hazardous and that the Government, the manufacturer, and the home consumer are mainly unaware of what those hazards are. The report shows beyond any doubt the need for a separate Federal agency to safeguard consumers from undue risk from hazardous products and to set guidelines whereby manufacturers will be encouraged to produce safe as well as attractive products.

The report points out the shocking fact that there are virtually no standards for hundreds of products in daily use. And it recommends that standard-setting authority be vested in a permanent agency. I commend the Commission for not giving way to sensationalism. The facts are reported coolly without undue editorial comment. The recommendations speak for themselves. They are:

Creating an independent Consumer Product Safety Commission as a Federal agency concerned exclusively with the safety of consumer products;

Empowering that new agency to develop and set mandatory consumer product safety standards when necessary;

Empowering the Commission to enforce compliance with Federal safety standards through a broad range of civil and criminal sanctions;

Authorizing the agency to seek an injunction of the sale of consumer products which present unreasonable hazards or which violate Federal safety standards;

Recall authority for those products which violate Federal standards or which are unreasonably dangerous;

Establishment of an Injury Information Clearinghouse to collect and analyze data on injuries or deaths associated with products;

Creation of a Consumer Safety Advocate to the Commission, appointed by the President, with responsibility to represent only consumers in proceedings before the agency;

That in cooperation with the Secretary of Commerce, the Consumer Product Safety Commission be authorized to accredit private testing laboratories and that the Commission be empowered to require independent testing of products which present an unreasonable risk;

That existing Small Business Administration programs be expanded to authorize low interest loans to assist small businesses in meeting product safety requirements.

Permitting consumers to file individual or class actions for treble damages in U.S. District Courts against manufacturers who intentionally violate Federal standards.

In my opinion, Chairman Arnold B. Elkind, along with Commissioners Emory J. Crofoot, Henry A. Hill, Sidney Margolius, Michael Pertschuk, Hugh L. Ray, and Dana Young should be proud of a job well done.

I urge each Member of Congress to deliberate upon the report of the Commission and work toward implementing a national program to ensure the health and safety of all Americans.

POLITICAL ACTION AT COLLEGES AND UNIVERSITIES

Mr. YOUNG of North Dakota. Mr. President, the proposal to close our colleges and universities for a 2-week period just previous to the general elections this fall so students and faculty could participate has met with mixed reaction.

Mr. President, I think it is commendable that students and professors and, in fact, everyone connected with these institutions are interested in politics and want to take part, but I question whether institutions should be closed for 2 weeks previous to the election, the school term would have to be extended for 2 weeks next summer. I am sure that, for the most part, this would create a real problem.

Mr. President, on June 21, 1970, the Grand Forks Herald of Grand Forks, N. Dak., published an excellent editorial on this subject entitled "Popular Policy." It gives the views of both the University of North Dakota and the editor, and I am sure it would be of great interest to the readers of the CONGRESSIONAL RECORD. I ask unanimous consent that it be printed in the RECORD.

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

POPULAR POLICY

Most North Dakotans will applaud a policy statement submitted by the University of North Dakota this week to the State Board of Higher Education.

The statement, which was worked out with the Deans' Council, faculty members and students, deals with the controversial subject of student-faculty political participation, particularly as it might affect the rights of other students to the normal academic processes. It is at strong variance with the actions of many colleges and universities which either cancelled classes or reconstituted them in the aftermath of the Cambodia action and the deaths at Kent State University this spring.

"The University of North Dakota recognizes the importance of, and encourages, participation by individuals in the political, social, and economic affairs of the community, state and nation," the policy statement says. "While we respect the deep concern of individual faculty members and students about events and issues which have brought increasing turmoil to our nation and the concomitant desire to participate actively in the fall elections, we must emphasize the distinction between involvement of an individual and involvement of the University as an institution. The University affirms its traditional concern for the well-being of the society; at the same time it must remain outside the political arena. Adjustment of the academic calendar in order to free students, faculty, or other employees to engage in political activity is not consistent with the foregoing affirmation."

In explanation, the statement says, in part:

"In the first place when a student enrolls in the University and pays his tuition and fees, the University is legally committed to a published calendar, with provision for certain kinds of exceptions; there is the implied commitment by the University to deliver certain educational experiences. The calendar does not disallow politically-related programs, e.g., a seminar at Bismarck during the legislative session taught on a non-partisan basis. Other kinds of regular and announced scheduled class and field work programs may be arranged."

"The fundamental issue is the corporate involvement of the University and any actions that might involve institutional political commitments. Such actions might create a picture of institutional political unanimity which would not represent the views of all members of the University community.

"There is the danger that the University could evolve toward a kind of political orthodoxy, which in certain circumstances might even inhibit and discourage the expression of other opinions.

"Any disruption of the normal processes of education at the University endangers the very heart of our institution, namely, freedom of inquiry, freedom of thought, and

freedom of expression. Every effort must be made to make it easy to present opposing viewpoints as it is for someone to express his views initially. The University is not a place where anyone expressing a point of view, however much he is in the minority, can be either silenced or threatened with language or physical actions. The common standards of courtesy that should characterize the academic community must be respected."

It is hard to disagree with anything that is said in the statement, although we have seen in recent years the unwillingness of some North Dakotans to allow controversial speakers on the campus. Some of those who most vigorously would agree with the policy to prohibit disruption of the calendar would like to have only their own point of view made accessible to the students.

LONG ISLAND SOUND

Mr. RIBICOFF. Mr. President, on July 7 the Subcommittee on Executive Reorganization will begin hearings on the subject of the future of Long Island Sound.

I bring these hearings to the attention of the Senate because the problems to be faced in these hearings, and their eventual solution, may foreshadow the success or failure of our national effort to preserve and enhance the environment.

Long Island Sound is an arm of the sea extending 100 miles west and southwest from Plum Island to New York City. Its 1,300 square miles are bounded on the north by New England and on the south by Long Island proper.

The sound is one of the Nation's largest expanses of protected salt water. Formed thousands of years ago by glaciers, it was explored in 1614 by Adrian Block who gave his name to the great island which guards the sound's easternmost entrance.

Today, Long Island Sound lies next to civilization's most populous metropolitan area. Eleven million people live within 15 miles of its shore, and at least a quarter of all Americans reside within a day's automobile drive from the sound.

The salt water and shoreline of the sound make it one of nature's great natural resources. It has been a source of recreation and respite from the strains of a metropolitan society. Its very proximity to the Atlantic coast urban complex makes it an invaluable national asset.

In addition, the sound is among America's great estuarine areas. Its marshes, coves, and inlets are an integral part of the life cycle of most of our aquatic and marine wildlife.

But, Long Island Sound has become far more than a large natural body of water. Vast commercial shipping operations ply its waters. The shoreline has become the site of great cities and deep water harbors. The sound and adjacent coast are prime targets for intensive commercial, industrial, and residential development. It is neighbor to, and part of, the greatest transportation nexus in the world.

The location of the sound has magnified the demands of civilization on its finite resources. Many of these demands have come into conflict with previous uses. Others are threatening to change the very nature of the sound itself.

For years we in the Northeast have watched and accepted these developments without regard to their future course. We have been complaisant in our belief that the Sound was all things to all people. Its wide variety of resources and its capacity to accept new demands reassured us that it would continue to remain a source of pleasure and inspiration as well as profit.

But, what has been development now threatens to become exploitation; and what was progress may well be destruction.

The margin for future error on Long Island Sound has become exceedingly thin.

Long Island Sound has become a body of water—surrounded by people. The fortuitous circumstances which made this natural asset available to our population will become, without prudent foresight, the engine of its demise.

One year ago, I said on the floor of the Senate that Long Island Sound could become either a "pleasant, scenic oasis or a dark and stagnant cesspool."

The passage of time has reinforced that assessment.

Already the signs of deterioration are present. The character of the sound is changing ever more rapidly.

Pollution has degraded the quality of water throughout the sound. Beaches have been closed on both shorelines. On others, piles of garbage line the shore after a storm.

Twenty areas are now closed to shell fishing in order to protect the public against the sale of a poisoned product.

At New London, Conn., the scallop beds of the Thames River have disappeared. Elsewhere, it is becoming increasingly evident that the waters of the sound are less able than ever before to absorb the wastes of our rivers and cities.

Without proper protection many of the beaches are being lost to erosion.

In the past 18 months, several large, and countless small, oil spills have stained the shoreline.

Since 1900, Connecticut has lost almost two-thirds of its valuable tidal marshes. In 15 years, Nassau and Suffolk Counties have lost a quarter of their marshlands. Filling operations for harbor and docking facilities, highway construction, residential development and the like have been the major causes of this loss.

Several of our most scenic and tranquil offshore islands have been threatened by sale to commercial or industrial uses.

Less than 2 percent of the Connecticut shoreline is now suitable and available for public recreational purposes.

The magnificent osprey or "sea eagle" is disappearing from the shore and islands of the sound and taking with it a precious part of our natural heritage.

Long Island Sound is no longer simply the serene expanse which may have greeted Adrian Block. It has become a part of, and subject to, the dynamic life cycle of the Northeast.

In describing the sound, some persons have likened it to a neighborhood. And, like a neighborhood, it is many things to many people.

For the outdoorsman, it remains a source of fish and game. For the commercial fisherman, it is his livelihood.

Its waters may cool the recreational swimmer. The same waters are used to cool mammoth thermonuclear electric powerplants.

The protected nature of the sound provides a haven for thousands of pleasure boats. More than 40 million tons of commercial shipping use the sound every year.

The same scenic area of the shoreline may be as desirable for camping and picnicking as it is for construction of an appartment or office building.

In addition, 17 Federal agencies have operations directly affecting Long Island Sound. Many of these are working at cross purposes. While one agency seeks to preserve a certain species of wildlife, another provides funding for a project which will destroy that species' natural habitat.

On the local level, one town's beaches are polluted by another 's industry.

Regrettably, the decisions governing the use of Long Island Sound are too often made on the basis of criteria unrelated to the public benefit.

It is our great good fortune to have this vast natural resource at our doorstep.

It would be a tragic misuse of this fortune to destroy its greater benefit for short-term profit.

There are no villains on Long Island Sound, but shortsightedness and neglect.

These hearings are not designed to condemn. They are designed to point us into the future.

I do not believe that the aspirations and life cycle of 30 million Americans are incompatible with the future existence of the sound.

But I do believe that unless we take steps to begin proper and perceptive planning, this future existence will be severely threatened.

We must learn what Long Island Sound is—and is not; what it can do and what it cannot do.

We know, for instance, that in many places it cannot be returned to its original pristine state.

But we must know also that we cannot continue to destroy it for profit.

We must develop a new philosophy toward the sound—a philosophy that recognizes that technological advances are not progress until they are harnessed for the public benefit.

In essence, I believe we should treat the sound as a living national ecological laboratory.

Long Island Sound, with its myriad of potential uses and benefits, is an area where relationships among men and between man and the environment are likely to conflict.

Let us hope that we can use ecology—the science that studies these relationships—to help us to save the sound.

EDUCATION—THE FUNDAMENTAL PURPOSE OF NATION'S COLLEGES AND UNIVERSITIES

Mr. TOWER. Mr. President, recently one of my constituents called attention to an editorial in the Baytown Sun which

I ask unanimous consent to have included in the RECORD. It is important that we remember the fundamental purpose of our Nation's colleges and universities—education. The future of our Nation rests to a large extent on the fulfillment of this function.

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

MANY YOUNG PEOPLE NEED TO FACE LIFE'S REALITIES

Every schoolboy knows—or used to know—the story of how the Greek mathematician Archimedes calmly continued drawing figures in the sand even as Roman troops broke into the city of Syracuse, Sicily, in 212 B.C.

In a somewhat more modern setting, a scene from a work of fiction but nevertheless true to life, the beloved Mr. Chips continued instructing a class of boys in Latin even as German bombs exploded outside.

Such Archimedean or Chipsian detachment and inner calm and determination to let nothing interfere with the really important things used to be considered admirable.

Today, Mr. Chips' Latin class would hoot the old dodderer out of the room with choice Anglo-Saxon expletives.

This spring a writer railed in the Daily Californian, the student newspaper at the University of California in Berkeley, about those professors:

"Who refuse to be flexible, who refuse to allow their students to reconstitute (that is, take over) their classes, who in the face of napalm and National Guard killings in Kent and Augusta, Ga., have the irresponsible self-righteousness to demand that they be allowed to continue to teach Shakespeare and calculus."

Undoubtedly, this student, assuming he has ever heard of Archimedes or Mr. Chips, would point out that that the first was run through by a Roman sword and that the second deserved to be for teaching a subject even less "relevant" than Shakespeare.

Yet what time hasn't been a time of crisis, and when hasn't it been "irresponsible self-righteousness" to demand that learning go on as usual? No matter how much upheaval there is outside the ivory tower, someone has to mind the store of mankind's accumulated knowledge.

From another campus, however, the word seems to be that it is a waste of time.

In an article in the New York Times magazine on the 1970 graduating class at Harvard, several students suggest that they already know all there is to know, that there is nothing more to strive for, that society's problems are insurmountable and that there is no alternative but to await the end, which is coming not with a bang but a whimper.

"I mean," says one, "there's this feeling that it's all over. I don't mean in the sense of an apocalypse or a revolution. But really everything is just groaning to halt. The environment's going up in smoke. We can't deal with 200 million people. How can we deal with 300 million?"

"In the four years that we've been here," says another, "every major rule has been removed. Nobody believes in work, nobody does final drafts of papers . . . Everybody's bored. A professor can't keep people interested for 60 minutes if he does a song and dance act."

This year's Harvard graduating class, to hear them tell it, has been everywhere and done everything. Four of them have had books published, all dealing, of course, with various aspects of the campus revolt. They have not only slept with girls, but have lived with them. They are both too soon smart and too soon old. In place of guts, they are filled with self-pity.

It was Voltaire, when asked what he would do if he knew he were going to die that afternoon, who replied that he would simply finish hoeing his garden.

A dismaying number of young people today have no gardens to hoe. Their souls are deserts.

SENATOR RANDOLPH OFFERS ENCOURAGEMENT TO WEST VIRGINIA SENIOR CITIZENS

Mr. WILLIAMS of New Jersey. Mr. President, in May 1970, more than 500 elderly citizens of West Virginia gathered at historic Jackson's Mill for a 3-day preliminary meeting for discussions in preparation for the White House Conference on Aging in 1971.

On May 20, they came together to hear Senator JENNINGS RANDOLPH speak in very direct terms about the problems they live with every day—inadequate income, consumer difficulties, housing problems, and rising health costs.

Senator RANDOLPH is well equipped to speak knowledgeably of the problems facing older Americans. As a member of the U.S. Senate Special Committee on Aging and chairman of the Subcommittee on Employment and Retirement Incomes, he has been a tireless worker on behalf of older Americans.

The Senator provided the West Virginia senior citizens with valuable ammunition—facts and figures—to be used for their contribution to the White House Conference on Aging as well as much-needed encouragement to take the opportunity of the forthcoming White House Conference and use it to make the myth of the golden retirement years a reality for West Virginia and for the Nation.

Older Americans need this kind of encouragement. They need to know that their leaders are genuinely concerned and will work with them to make the White House Conference on Aging truly meaningful.

I ask unanimous consent that Senator RANDOLPH's remarks be printed in the RECORD.

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

SPEECH OF SENATOR RANDOLPH, STATE AGING CONFERENCE, MAY 20, 1970

I have two reasons to say thank you this evening. First, for bringing me home to West Virginia; and second, for giving me this opportunity to talk to you about older Americans—today's 20 million elderly—and those who will become old in the future.

It is especially important that we get together now and decide for ourselves whether we are really clear in our thinking about what we want for older people in our society, because that question is going to be put to the Nation very directly in November 1971 at the White House Conference on Aging.

Thousands of people—the "experts" and the elderly themselves—will come to Washington, for this Conference. They will sit down together and talk about the needs and problems of the elderly and will then issue technical papers and recommendations to the President.

But even before the actual White House Conference, much preliminary activity will take place where I believe it will do the most good—in every State in the Nation.

In September 1970, the elderly themselves will have the opportunity to speak out at Older American White House Forums throughout the country. Then, in early 1971 there will be Community White House Conferences throughout the States, followed up by formal State White House Conferences. At that time the States will make their own recommendations to be presented and discussed at the White House Conference in November 1971.

We are not going to come together at these preliminary forums and conferences to hear ourselves talk. We are going to take advantage of this vital opportunity to make our needs in West Virginia known to the Nation.

Because we have this opportunity, I feel it is necessary to talk over with you what the Senate Committee on Aging has found to be a major issue which—until resolved—will stand in the way of everything else we want to do. That of course, is inadequate retirement income.

Even with the enactment of the 15-percent across-the-board increase in Social Security payments, a far-reaching and deepening income crisis remains as the major problem facing today's elderly and—unless major policy changes are made—the elderly of the future.

The extent and nature of that crisis came under intensive scrutiny during 1969 in a Senate Committee on Aging investigation.

A knowledgeable and concerned Task Force opened the committee deliberations last March by issuing a working paper which began with a deliberation that there is a rising gap between retirement income and income during the work years. To document its conclusion that the barebones income of older Americans is likely to become even more inadequate unless bolstered by significant national action, the task force offered these arguments:

The "gap" is widening: Median income of families with an aged head was 51 percent of that for younger families in 1961, but only 46 percent in 1967.

Three out of 10 people 65 and older—in contrast to one in nine younger people—were living in poverty in 1966, yet many of these aged people did not become poor until they became old.

An additional one-tenth of our aged population was on the poverty borderline.

About five in 10 families with an aged head had less than $4,000 income in 1967: about one in five was below $2,000.

Of older people living alone or with nonrelatives in 1967, half had incomes below $1,480, and one-fourth had $1,000 or less.

Even the level of living set by the Bureau of Labor Statistics in its Retired Couple's Budget is well beyond the means of most older people, especially for those who retired years ago. Imagine that.

The average social security benefit of a couple retiring in 1950 met half the BLS budget cost then, but today it meets less than one-third.

Half of all people now 65 and over are about 73 or older. In the years ahead, the increase will be particularly great at the oldest ages. With the population 65 and older projected to rise 50 percent between 1960 and 1985, the population 85 and older may double.

Increasingly the rising population of widows is attempting to live independently, even if independence is purchased at the price of poverty.

Our "retirement revolution" reflects two trends: at one end an increase in the number of very old aged; at the other, earlier departure from the labor force.

The margin for saving—the excess of income over consumption expenditures—has been small for most families during most years of worklife, especially for workers in the less skilled occupations.

In addition, with an outlook for sustained economic growth, how realistic is it to expect today's workers voluntarily to forego

consumption in order to save for the years ahead when this requires that they significantly reduce their present standard of living to provide adequately for an uncertain and "distant" old age?

The overwhelming proportion of people retiring today receive total pension income—from both public and private pensions—which is only 20 to 40 percent of their average earnings in the years prior to retirement.

Of families retiring in the next decade and a half, it has been projected that almost 60 percent of those with preretirement earnings between $4,000 to $8,000 will receive pension income of less than half these earnings.

Projections to 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with respect to increases in private and public benefit levels.

The same projection found that more than two-thirds of retired couples could be expected to receive less than $3,000 in social security benefits in 1980.

Even under earlier projections, now known to be too optimistic, only a third to two-fifth of all aged persons in 1980 were expected to have income from private group pensions.

In addition, private pensions cover less than half the work force and this coverage is concentrated among higher paid workers; those in the greatest need in old age will be least likely to receive these pensions.

Early retirement is a developing trend that could seriousy impede attempts to improve the income position of future aged populations. (In recent years, more than half of the men retiring have done so before age 65.)

Inadequate as the income base for most older Americans may be, it is subject to unique erosive forces. The major drains on retirement income are:

National economic growth, while putting added dollars into pockets of workers, increases pressures on the retiree. A rise in earnings of 4 percent annually—a not unrealistic assumption in view of recent performance—means consumption levels would approximately double in two decades, placing those on fixed income at a serious disadvantage in the market place.

Earnings drop as advanced age further curtails already limited earnings opportunities. (In comparison to the age group 65–72, only half as many men 73 and over and a third as many women worked in 1962, and the earnings of the oldest workers were significantly lower.)

Assets are reduced—in some cases, exhausted. Homeownership—the most important asset of the elderly—becomes especially difficult to maintain with advanced age, mounting taxes and other rising costs.

Medical needs and the costs of meeting these needs rise with declining health. The rise in these costs is only partly met by Medicare, which covered 35 percent of health costs of the aged in 1967.

Much of the testimony during the past year has necessarily dealt with improvements to the Social Security system, with proposals to broaden the effectiveness of private pensions, and with other recommendations for increasing income for retirees—men and women who have left the labor force.

But—in the very first "Working Paper" issued more than a year ago—a distinguished Task Force directed the attention of this Committee to the importance of employment as an element in the economic security of older Americans.

That first Working Paper, in particular, pointed to a national trend toward earlier and earlier retirement. I hope that early retirement will be a blessing. But, in fact, information leads to the conclusion that men and women decide to take reduced Social Security benefits at age 62, not because they have planned to do so, but because they have no other choice. Their limited earnings make even a reduced benefit attractive.

Within recent years, more than half of the men retiring did so before age 65.

And by doing so, they significantly reduced the amount of monthly benefits they would receive in later years from Social Security.

The Task Force did a service by discussing this and other issues related to employment of older workers. So strong was their recommendation for a more searching look at such issues, that our able Chairman, Senator Williams, and I agreed that a hearing should be conducted on "Employment Aspects of the Economics of Aging."

And again, a "working paper" was prepared before the hearing, by the National Institute of Industrial Gerontology. That Working Paper last December is a contribution to our overall study, for the following reasons:

Its authors forcefully made the point that the United States does not yet have a clear-cut, effective policy for maximum utilization of Americans now regarded as "older workers."

On the contrary, both government and private industry seem instead to regard earlier and earlier retirement—in some cases, it is actually enforced unemployment—as inevitable and perhaps desirable.

Such attitudes and practices are contributing to the economic insecurity of workers who are approaching retirement, leaving many of them with no alternative but early retirement and seriously inadequate income.

Another major theme is that much talent and experience is wasted when jobs are scrapped as the needs of industry or commerce change. Forced to find new employment after his fortieth birthday, many a worker or executive has found himself on the road to permanently reduced income and—consequently—precarious retirement security.

Despite the fact that four out of every five persons over 65 are not in the labor force and that the other one in five tends to concentrate in part-time and low-paid jobs, employment is still a major source of income for the aged group. Appropriate actions to increase employment opportunities for older Americans could therefore contribute substantially to the economic security of those who are able and wish to engage in gainful work.

As Chairman of the Subcommittee on Employment and Retirement Incomes of this Committee, I conducted hearings on December 18 and 19 of last year to hear testimony on major points of the working paper. I make the following observations:

1. The Working Paper, and the witnesses at the hearing emphasized that there is an unfavorable "dependency ratio" in the labor force today. Younger workers are entering the work force later in life than they once did. Older workers are leaving earlier. One result is that those in the middle—the men and women in the labor force—must contribute more for the support of those who are not in the working force.

This is an important phenomenon. We don't yet understand its full meaning. But we should, and soon.

2. Employment can contribute to a sense of well-being and it can even be a factor in health maintenance. That is not to say that—once in a job—a man should remain there throughout his work lifetime. We need more flexibility in employment patterns. Workers should be able to "make a switch" when it is sensible for them to do so.

3. Even though the Congress passed on Age Discrimination in the Employment Act more than 2 years ago, the Subcommittee has considerable evidence that employment opportunities of older workers are often damaged by negative attitudes and outright discrimination. We have much to do in implementing the Age Discrimination Act, and we must get on with it.

4. Women's retirement income is less than a man's retirement income because their work income was less. I am gratified, Mr. Chairman, that the Women's Bureau of the Department of Labor will be represented at this hearing. Its Director, Mrs. Elizabeth Koontz, will undoubtedly provide us with important information on special economic problems of older women.

I will say again what was said in the foreword to the "Employment Aspects Working Paper," and this is:

"The people and the Nation suffer because we have failed to promulgate policies—a national commitment—to assure lifetime *usefulness* of all those who wish to avoid retirement patterns that are increasingly accepted as 'normal'."

We should act in the months to come and in deliberations to follow, to end this deficiency. It is a negative force, not only upon the economics of aging, but upon the lives and hopes of millions of older Americans. As the numbers grow, the need for action becomes more pressing and more visible.

I have provided you with some facts and figures to carry with you when you prepare for West Virginia's contribution to the White House Conference on Aging. I know you will use them well. But let us not forget that behind every statistic is a human being who has helped create this Nation of abundance. He has worked hard for his family and his country, and he has saved for his so-called "golden years." And now he often finds the years not "golden" at all; but grey years of loneliness, despair and deprivation.

You have the opportunity—through the White House Conference on Aging—and through the activities leading up to that Conference—to help make good the promise of the "golden years."

I am deeply concerned that if we fail to take full advantage of this opportunity, we will have failed today's elderly and the generations to follow. I know that you are here this evening because you care and I know that you will use every resource at your command to work for a decent life for every older American—and adequate income, a comfortable home, health care, and proper nutrition.

Because we care in West Virginia, we will not fail our elderly—or the Nation.

TELEVISION AND RADIO FAIRNESS DOCTRINE

Mr. MUSKIE. Mr. President, on Monday, June 22, the Democratic National Committee filed with the Federal Communications Commission its comments on a proposed rule that would expand and make more precise the obligations of television and radio licensees under the fairness doctrine.

The national committee argues that virtually every time the President addresses the Nation or appears at a press conference he expresses his self-interested viewpoint on controversial issues of current public interest. Therefore, the broadcaster has an affirmative obligation—so the DNC argues—to secure responsible spokesmen with contrasting positions and to give them reasonable opportunities to inform the American people whenever they air a Presidential presentation.

We clearly are at a time of considerable reevaluation of the basic ground-

rules governing political broadcasting by the television industry, the FCC, Congress, and other interested persons. This reevaluation is long overdue. As chairman of a committee of the Democratic Policy Committee concerned with this question, I have been meeting with my Democratic colleagues in the Senate and with Chairman Lawrence O'Brien of the Democratic National Committee, to examine this issue from the viewpoint of the loyal opposition to the President.

The comments of the Democratic National Committee in this brief are a most useful contribution to this reevaluation. I urge all Senators of both parties to consider these arguments, not so much from a partisan position but from one of concern for improving political broadcasting as a tool in maintaining and strengthening our democratic system.

I ask unanimous consent that the national committee's brief be printed in the RECORD.

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

COMMENTS BY THE DEMOCRATIC NATIONAL COMMITTEE BEFORE THE FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C.

In the Matter of Obligations of Broadcast Licensees under the Fairness Doctrine, Docket No. 18859.

The Democratic National Committee (DNC), by its counsel, pursuant to the Commission's invitation in its "Notice of Inquiry and Notice of Proposed Rule Making" (Notice), in the above-referenced Docket number, dated May 18, 1970, hereby submits its comments on the proposed rules.

I. SUMMARY OF POSITION

The DNC endorses the Commission's efforts to expand and bolster the fairness doctrine and to promote and enhance the "First Amendment goal of providing an informed electorate capable of conducting its own affairs" in keeping with the letter and spirit of the Supreme Court's recent landmark constitutional decision, *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367, 392 (1969).

In particular, the DNC supports the Commission's proposed rules which provide that a licensee must take *affirmative* action to solicit appropriate spokesmen to present contrasting viewpoints when a licensee (1) presents or permits to be presented only one side of a controversial issue on a matter of public importance in a series of brodcasts within a relatively short period of time or (2) presents an editorial expressing the licensee's viewpoints on a given issue. In its notice, the Commission states that its "proposal is a modest further step in promoting access to the broadcast media" and invites "interested persons . . . to make other suggestions on this general subject issue." Notice, pp. 6, 8.

We concur in the judgment that in most cases a licensee must be afforded latitude and flexibility in fulfilling its affirmative obligations. However, we believe there is at least one situation of such overriding national concern that the Commission should adopt a uniform, national policy clearly expressed and vigorously enforced by the Commission.

We refer to a broadcaster's obligation after it has aired a presentation (or a series of presentations) by the President of the United States of his viewpoint on controversial issues of public importance. We submit that virtually every time the President addresses the nation or appears at a press conference—whether speaking as Chief Executive on legitimate or economic matters, Commander-in-Chief on military operations or new weapons system or the head of his party on issues or candidates in a forthcoming election—he expresses his self-interested viewpoint on controversial issues of current public interest.[1] Therefore, the principles underlying the Commission's proposed rules place upon a broadcaster an affirmative obligation to secure responsible spokesmen with contrasting positions and to accord them reasonable opportunities, comparable in duration and scheduling, to inform the American electorate whenever they air a Presidential presentation.

Accordingly, the DNC proposes that in additon to the rules contained in its Notice, the Commission adopt the following rule:

(a) When a network or licensee broadcasts a presentation by the President of the United States of a viewpoint on a controversial issue of public importance, that network or licensee has an affirmative obligation to seek out responsible persons or entities with significant contrasting viewpoints on the controversial issue and afford them equal opportunities to present their views.

(b) In the case of any broadcast of a Presidential address or press conference, it shall be presumed that the President has presented a viewpoint on a controversial issue of public importance; and in the event of any complaint of non-compliance filed with the Commission, the burden shall be upon the network or licensee to establish compliance with this rule.

(c) Each network and licensee shall be required for a period of not less than three years to maintain a complete tape and transcript of every presentation by the President which it broadcasts and to maintain records detailing all actions taken by it to fulfill its affirmative obligations under this rule. Such records shall be available for inspection and copying at any reasonable time upon the request of any person.

(NOTE.—The term "equal opportunities", as used in paragraph (a) hereof, shall have the same meaning and effect that it has under Section 315(a) of the Communications Act of 1934, 47 U.S.C. § 315(a) (1964)).

II. THE DNC HAS A VITAL INTEREST IN OBTAINING FAIR MEDIA TREATMENT

The DNC is an agency of the Democratic National Party, established at each national convention, which has the obligation and authority to promote the principles and programs of the Democratic Party. As the representative of one of the two major political parties, the DNC is vitally interested in the preservation and strengthening of the nation's political processes. An informed and educated electorate is essential to the proper functioning of our democratic form of government. Thus, we are gravely concerned about what we perceive as a developing imbalance in access to the communications media with the resulting inability of the American people to hear and consider more than one point of view.

The DNC has no desire to limit the President's ability to communicate with, and thereby to lead and govern, the nation. We do not propose any restriction on the President's right to be accorded the broadcast time which he believes essential to the implementation of his programs and policies. In a nation of 200 million people scattered beyond a continent, communication through broadcast media is a critical tool of government. At the same time, communication of opposing points of view is essential to the healthy development of a society and our democratic form of government.

It is becoming increasingly difficult for the fair and effective presentation of opposing points of view. For example, as fully set forth in its Request for Declaratory Ruling Concerning Access to Time on Broadcast Stations, now pending before the Commission, the DNC has recently been the victim of artificial and arbitrary barriers to access to television facilities. The CBS television network flatly rejected a request by the DNC to purchase one half-hour of prime time for a program presenting viable alternatives to the policies of the incumbent Administration. Other networks and stations have raised similar obstacles, impairing the ability of the DNC to present its views. To perform its functions adequately—to inform a diverse national audience of the aspirations and recommendations of the Democratic Party—the DNC must have an opportunity to be heard.

The general rule which the DNC herein proposes would affect a variety of responsible persons and entities which hold and desire to communicate views which contrast with the President's on controversial issues of public importance.

III. THE ENORMOUS IMPACT OF A TELEVISED PRESIDENTIAL PRESENTATION PLACES SPECIAL OBLIGATION ON THE BROADCASTER

The combination of the President of the United States—the most powerful individual in the free world—and television—undoubtedly the most effective communications medium ever devised by man—has an impact on public opinion that is difficult to exaggerate.

The Presidency, as Theodore Roosevelt observed, is indeed a "bully pulpit." The offce is shrouded in majestic dignity. A statement by the President of the United States, simply by the force of his office, commands instant attention, respect and belief. As Woodrow Wilson noted about the President's force and impact as a national spokesman:

"His is the only national voice in affairs. . . . No other single force can withstand him, no combination of forces will easily overpower him. His position takes the imagination of the country. . . . If he rightly interprets the national thought and boldly insists upon it, he is irresistible; and the country never feels the zest for action so much as when its President is of such insight and calibre." Quoted in C. Rossiter, *The American Presidency*, p. 21 (1965).

The accuracy of this observation is even more compelling in this present age of television than it was in Wilson's pre-radio era. As one distinguished commentator has written:

"Television has put the President himself in control of what image he will project to the country and enabled him to project it farther and more favorably than was ever possible before, with less competition from Capitol Hill and less interference from the press." R. MacNeil, *The People Machine: The Influence of Television on American Politics*, p. 292 (1968).

A. Television-age Presidents are increasingly exploiting the medium

After the hesitant start in the Truman-Eisenhower era, the White House has moved more and more boldly to exploit the use of television so that the medium is now an integral part of the Chief Executive's power. The White House has come to realize that "In a highly communicative world, access to communications broadcast resource is partially equivalent to political power." Baran, *The New Communications and Social Values*, 34 Law and Contemp. Probs., 244, 249 (1969).

Although refusing to permit live broadcasts of his press conferences, President Eisenhower made 49 live television appearances during his tenure in the White House. His appearances came at crucial junctures for his Administration: the veto of the Farm Bill in 1956, the decision to send troops to Little Rock in 1957, the passage of the Labor Reform (Landrum-Griffith) Bill in 1959, as well as foreign policy positions with respect

[1] As students of the Presidency have noted, the President wears many hats and acts in many capacities. See C. Rossiter, *The American Presidency*, 2–33 (1956).

to the Middle East, Latin America, NATO and the United States.

President Kennedy used television even more imaginatively and effectively. Six days after his inauguration, he held the first press conference to be broadcast live. The conference was held in the evening to attract a large national audience [2] and, indeed, it captured 33.8% of the eligible television audience. On March 23, 1961, President Kennedy graphically demonstrated his views of the nation's vital interest in Laos, illustrating his points by frequent references to three maps of Southeast Asia. Continuing his innovative use of television, President Kennedy undertook to evaluate, explain and define his Administration's policies in 1962 when he appeared in a broadcast from his study with one representative from each of the major networks.

President Johnson continued the expansion of the President's use of television. In his tenure of five years and two months in office, President Johnson made nearly 100 live television appearances; he averaged more than one appearance for each month in office. President Johnson delivered State of the Union messages to Congress in the evening to attract the largest possible audience. His televised reports to the nation covered such controversial topics as civil rights and tax legislation as well as the nation's foreign involvement in the Dominican Republic and Southeast Asia.

President Nixon has extended the Presidential use of television to seek support from the American public for his position on many controversial matters of public importance. In his 17 months in office, President Nixon has addressed the nation over network television 12 times and in addition has held 10 televised press conferences, for a total of 22 nationwide presentations. He has requested and received prime time from all the networks to advocate at any length he desired his viewpoint on such controversial public issues as (1) his veto of the $20 billion appropriations bill for the Departments of Labor and Health, Education and Welfare, (2) his proposed changes in the nation's welfare legislation, (3) his decision to send in the National Guard to replace striking Post Office workers, (4) his views on the economy, and (5) his position on our involvement in Southeast Asia.

At his ten televised conferences (five of them during the evening hours), the President has responded to 215 questions, and virtually every one of the responses contained a statement on a controversial issue of public importance. For example, the subjects included his views on the invasion of Cambodia, the antiballistics missile system, the economy, crime, education, desegregation, and pollution.

In its proposed rules, the Commission suggests that where there is a series of broadcasts within a period of six to nine months presenting only one viewpoint on a controversial issue, a licensee has special affirmative obligations.[3] In the last eight months, President Nixon has appeared on television during prime hours no less than six times to advance his position on America's role in the war in Southeast Asia. Indeed, the President has made special television presentations five times in the last eight weeks and has promised another in the next two or three weeks. Three of these five presentations were devoted exclusively to Vietnam and Cambodia; one—a prime-time press conference—dealt almost entirely with the war in Southeast Asia and its domestic implication; and the fifth, while essentially an economic message, included several references to the war in Southeast Asia and dealt extensively with the relationship of that war to our nation's current economic situation.

These were the President's television appearances in the last eight months:

On November 3, 1969, on the eve of an election day in many parts of the country and twelve days before a scheduled mass protest on Vietnam, the President appeared on prime-time television to delineate in detail his plan on "Vietnamization."

On December 15, 1969, the President presented a prime-time "progress report," indicating that his plan was proceeding on schedule.

On April 20, 1970, the President delivered another televised "progress report," expressing approval of the operation of his "Vietnamization" plan and announcing his six-month plan for troop withdrawals.

On April 30, 1970, the President announced the invasion of Cambodia which he deemed necessary to the success of his "Vietnamization" program.

On May 8, 1970, a hastily arranged Presidential press conference was televised during prime evening hours, concentrating almost entirely on the Cambodian invasion and its domestic implications.

On June 3, 1970, the President again went on television to proclaim the Cambodian invasion "the most successful operation of the war," dramatizing his views with film clips of captured food, arms and equipment.

On June 17, 1970, the President presented his televised analysis of the nation's present economic state and his prescription for curing its economic problems.

B. The President has absolute control over the timing, format and content of his television presentation

In each presentation of his views on controverial issues of public importance, the President has had instant access to tens of millions of Americans. On each occasion, the three major commercial networks have agreed to provide to the President his choice of time, sometimes on very short notice. Indeed, the networks have rarely, if ever, refused a specific request for television time to the President. See, R. MacNeil, *op. cit.*, pp. 301–07. As the Chairman of the Senate Foreign Relations Committee recently observed:

"The President can *command* a national television audience to hear his views on controversial matters at prime time, on short notice, at whatever length he chooses, and at no expense to the Federal Government or his party." [4]

Invariably, the President's speeches, if he so requests, are broadcast live simultaneously over the three major commercial networks. Thus, virtually everyone watching television at that time has little choice but to watch the President. Non-affiliated stations often repeat in its entirety a Presidential speech at other hours of the day. For example, after President Nixon's June 17, 1970, speech on the economy was broadcast at noon on all three networks, two local stations in New York rebroadcast the speech in its entirety later in the day, once at 4:00 p.m. and once at 11:00 p.m. See Television Listings, *New York Times,* June 17, 1970, at p. 95, Col. 5. While a President's speech is being telecast live on all three networks, it is also simultaneously being broadcast on several radio networks, reaching untold additional millions of Americans. And, whatever the President has said is the subject of wide news coverage including extensive use of film clips of the appearance.

As a result, the President is able to augment the prestige of his office and the effectiveness of a television presentation with a guaranteed national audience of great magnitude. For example, President Nixon's well-publicized press conference on May 8, 1970, received a rating of 48.5%, which indicates that approximately 49,600,000 Americans listened and watched the President respond to questions about his views on such controversial issues as the war in Southeast Asia, student unrest on campus, the conduct of the police and National Guard, the sale of jets to Israel and unemployment.

Moreover, the President is able to choose what he deems to be propitious times and occasions for his addresses to the nation, thereby adding immediate political impact to his words. For example, the President chose to deliver his speech on the economy at noon, when the stock market was still open; his May 8 prime-time press conference was held on the eve of a scheduled mass protest against his policies near the White House.

The President is also entirely free to choose his format and and devices he desires to accentuate the effectiveness of his speech. In addition to using maps, President Nixon was the first President to include film clips in his live presentation to support visually his assertions.

C. The networks have failed to accord fair treatment to the President's opponents

Against this powerful array of forces, the networks have not sought out, much less permitted, any effective rebuttal. The networks have not faced squarely the three basic questions which arise in considering the appropriate response to a Presidential presentation:

(1) Who are the appropriate spokesmen to respond?

(2) When should the response be broadcast?

(3) What should the format of the response be?

The networks rarely secure or permit persons who hold opposing views to respond to or analyze the President's statement. Generally, the networks have their own correspondents "comment" briefly on the President's speech immediately after his address. This commentary, of course, does not purport to be and does not often have the effect of a presentation of a point of view on the subject which contrasts with the President's. Such sessions are directed primarily to summarizing, paraphrasing and in some cases noting the significance of the President's remarks. As Commissioner Cox recently stated concerning the network commentators' treatment of one of President Nixon's speeches on Cambodia: "All they did was reiterate what the President said:" *The Evening Star,* June 19, 1970, at p. A4, Col. 4. Moreover, the commentary is invariably brief. As former television correspondent Robert MacNeil points out:

"Resumption of the full commercial schedule has a higher priority than analytic comments by reporters after the President has finished speaking. The usual network practice is to 'fill' until the normal time slot is

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[2] The White House, of course, appreciates the facts that (1) approximately 95% of American households or 59 million households possess at least one television set and (2) the number of viewers increases throughout the day so that during prime time as many as 70% of the television sets will be turned on. Thus, at the same time in a single evening, there could be 120 million persons viewing.

[3] The network's affirmative obligation to seek opposition spokesmen if they present a one-sided series on controversial issues may stem from the likely impact of such a series. Multiple presentations make it possible to reach a larger number of persons. The reiteration of ideas in successive presentations also makes it more probable that they will be accepted by the public. We submit that a single Presidential presentation is likely to reach a larger audience and have a greater impact on public opinion than a series of broadcasts by a licensee.

[4] J. W. Fulbright, Speech to Senate, Cong. Rec., p. 17837, June 2, 1970. See also E. S. Muskie, Speech to Senate, Cong. Rec., p. 17837, June 2, 1970.

expired. . . . Knowing this, an astute President will time his appearance so as to fill all or virtually all the time allotted to him." R. MacNeil, *supra*, at pp. 304–05.

Frequently, a network will carry on the next day's news program a very brief quote from a Senator or Congressman. Whatever the effectiveness such comments—which generally do not exceed one or two sentences—might otherwise have is diluted because they are frequently juxtaposed with another Congressman's statements in support of the President's presentation or a film clip of the presentation itself. Moreover, the difference in advance publicity, viewing time and format between the President's speech and any such opposition statement eliminates the latter's effectiveness.

A third approach—which also fails to give a full and balanced response to the President's statements—has recently been given sporadic application by the National networks. For example, after President Nixon's latest address on the Cambodian situation, NBC presented a special Thursday night edition of "Meet the Press" which had representatives who supported the President's views as well as those who opposed them. The next night CBS presented an hour-long "debate" between the supporters of Mr. Nixon's policies and the opponents of those policies. In both, the effectiveness of the opposition was substantially diluted by the difference in format between the "debate-type" program and the President's wholly self-controlled presentation.

To equate a President's unfettered presentation during prime time to a brief off-the-cuff reply carried during a newscast or a tightly controlled debate is like equating Neil Armstrong's first moonstep from the Apollo XI spaceship to a Shirley Temple two-step on the Good Ship Lollipop.

In each of his televised addresses, President Nixon, like his predecessors, has been permitted to take all the time he wanted, to use any device (including, for example, maps and films) and to proceed uninterrupted in his presentation. Even at a Presidential news conference, a reporter is not permitted to ask follow-up questions. In marked contrast, the speakers in opposition to the President's presentation have their format and time dictated by the networks. Most importantly, under the present approach, opposition speakers are severely circumscribed in the presentation by questions and comments from reporters and opposing speakers who agree with the President's position.

As expert observers recognize, the manner of presentation often determines the effect and impact of a televised message. See generally M. McLuhan, *Understanding Media* 268–94 (1964). To make a point with maximum effectiveness, a President, a producer of documentaries, or even a commercial advertiser must have freedom within confined time limits to package and project his message. As Professor Miller points out in his book, *The Process of Persuasion*, we are all "creatures of conditioned reflex," and—

"[T]he crux of all persuasion jobs, whether selling soft drinks or political philosophy, is to develop these conditioned reflexes by flashing on trigger words, symbols or acts." V. Packard, *The Hidden Persuaders* 18 (1957). See also H. Burtt, *Psychology of Advertising* (1938).

During the 1968 Presidential campaign, Ray Price, an advisor to Mr. Nixon, wrote:

"We have to be very clear on this point: that the response is to the image, not to the man. . . . It's not what's *there* that counts, it's what's projected—and carrying it one step further, it's not what *he* projects *but rather what the voter receives."* [5]

[5] J. McGinnis, *The Selling of the President*, p. 37. As Alexander and Myers wrote in "A Financial Landslide for GOP," *Fortune*, March, 1970:

"From early 1967 until just before the election, Richard Nixon turned down all invitations to be interviewed on "free" programs like *Meet the Press* and *Face the Nation*. He preferred to pay for his time so that he could control content and format in his television appearances."

To counter the tremendous impact of a President's unfettered televised presentations, those who hold differing views on controversial issues of public importance must be free to project a coherent and complete response, which will at least begin to approximate in the minds of the viewers the impact of the President's position.

The Commission has already recognized that political spokesmen should have substantial freedom in choosing the manner and format for presenting their views to the public. *King Broadcasting Co.*, 15 F.C.C. 2d 829 (1967). To afford the American electorate a balanced presentation of views on controversial issues, the networks must permit those who hold opposing views from the President's reasonable opportunities comparable in duration, scheduling and freedom of format, to present their views.

IV. THE FAIRNESS DOCTRINE REQUIRES THE RULE WHICH THE DNC PROPOSES

The Rule we propose promotes the Commission's well-established and judicially endorsed fairness doctrine, which requires broadcasters to act fairly in permitting a reasonable opportunity for reply in specific circumstances affecting the public interest. As codified by statute, 47 U.S.C. § 315(a) (1964) the fairness doctrine requires a broadcast licensee to afford "reasonable opportunity for the discussion of conflicting views on issues of public importance." As interpreted by the Supreme Court, this statute imposes an obligation on the broadcasters, "to discuss *both sides* of controversial public issues." *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. at 380 (emphasis supplied). Yet, as we have demonstrated, insofar as Presidential presentations are concerned, the networks have provided no reasonable or fair opportunity for reply.

A. The President's television presentations pose a special problem under the fairness doctrine

Under the fairness doctrine, what is "fair" in any one situation depends upon all of the surrounding circumstances. *See, e.g., King Broadcasting Co.*, 15 F.C.C. 2d 829 (1967). Given the enormous impact of a Presidential television presentation and the President's instant access to tens of millions of Americans, fairness requires at the very least that the President's opponents be given an opportunity which is in every feasible manner equal to the President's.

The networks have been patently unfair to the President's opponents and have thereby violated their public trust for the American people whose interest they are required by law to serve.[6] As the Supreme Court emphasized in *Red Lion*.

"It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount." 395 U.S. at 390.

The networks have failed in their "obligation of presenting important public questions fairly and without bias" [7] and they have failed in their "fiduciary . . . obligations to present those views and voices which are representative of [the] community." *Red Lion Broadcasting Company*, 395 U.S. at 389.

This is particularly unfair and unfortunate because of the enormous impact on public opinion which a Presidential presentation is likely to have.

Obviously, the President addresses on national television only the most critical questions of the day—questions on which there will likely be several contrasting opinions. It is precisely those questions which require the complete and unfettered discussion that our system contemplates to inform our citizens and thus enable them to participate intelligently in the democratic process. *See Red Lion Broadcasting Co.*, at 390. If the President of the United States considers a matter of such importance that he requests national television time and if the network believes the matter is of such importance that it provides such time to the President, then the matter is obviously important enough to impose an affirmative responsibility on the broadcaster to secure and present appropriate spokesmen with contrasting viewpoints.

Presidential pronouncements are, of course, subject to the terms of the fairness doctrine. *See, e.g., Republican National Committee*, 3 R.R.2d 767, 769 (1964); *Sen. Eugene J. McCarthy*, 11 F.C.C. 2d 511 (1968). Indeed, in the 1964 proceeding, initiated by the then Republican National Chairman, Dean Burch, the Commission held that in response to a Presidential speech broadcast simultaneously on the three national networks, the networks were obligated under the fairness doctrine to provide a reasonable opportunity to opposition speakers to insure that their viewpoints were effectively presented to the public.[8]

The DNC believes that this situation requires that the Commission promulgate a rule to delineate the network's obligations. A specific rule, like the one proposed herein, will make crystal clear to the networks their responsibilities in fully presenting contrasting viewpoints on important controversial issues and will permit them to operate confidently under the fairness doctrine in the particular area of Presidential broadcasts. *See, e.g., In the Matter of Amendment of Part 73 of the Rules To Provide Procedures in the Event of a Personal Attack or Where a Station Editorializes as to Political Candidates*, 8 F.C.C. 2d 721, 724 (1967) ("A major purpose of the rules is to clarify and make more precise the procedures which licensees are required to follow. . . .") Moreover, a carefully constructed, specific rule is not only easier for the Commission to administer than a case-by-case approach but a duly promulgated rule will also permit the Commission to use, when necessary, all of the enforcement powers provided it under the Communications Act. *Id.*, at 722–24.

B. The networks have an affirmative Obligation to present contrasting views

Because we are addressing the adequacy of a response to a Presidential presentation broadcast simultaneously over three national networks, the DNC believes that the rule it proposes must be adopted on a uniform, national basis. The obligations therefore must be placed on the network, which originated the Presidential address, as well as any individual licensee.[9]

[6] NBC's reported offer of time to certain Democratic Congressmen to respond to one of President Nixon's speeches on the economy underscores the problem. In the first place, the other two major networks have failed to make similar offers. Secondly, NBC does not offer this time pursuant to a general policy but only in response to one isolated presentation. This does not satisfy the fairness doctrine.

[7] S. Rept. No. 562, 86th Cong., 1st Sess., 8–9 (1959).

[8] In *Republican National Committee*, the Commission approved the conduct of ABC when in response to a half-hour address by President Johnson, it provided Senator Goldwater with 25 minutes of reply time as well as carrying numerous newscasts in which his views were broadcast. Similarly, NBC's conduct was approved because it offered 15 minutes of reply time as well as presenting numerous newscasts and news type programs. In contrast, the Commission questioned CBS' conduct which consisted solely of newscasts.

[9] There can be no doubt that the Commission's authority extends to promulgating rules which operate directly upon television

The DNC's proposed rule places an affirmative obligation on the networks and licensees to solicit and present viewpoints which contrast with the President's. It has long been the policy of the Commission to enforce the "affirmative duty [of the licensee] to encourage and implement the broadcast of controversial public issues." In the Matter of Editorializing by Broadcast Licensees, 13 F.C.C. 1246 (1949). Given the impact of a Presidential speech, an obligation on the licensee to provide comparable time to opposing viewpoints will best provide a way for the broadcaster to satisfy its obligation to help produce an informed populace.[10]

The rule would also recognize that, as we have demonstrated, virtually every Presidential broadcast presentation contains his viewpoint on controversial issues of the day. That presumption would be written into the rule in order to insure timely responses to the Presidential point of view and to eliminate the need which might otherwise exist for this agency to become enmeshed in disputes between the broadcasters and responsible spokesmen eager to respond. Nevertheless, there will inevitably be disputes in this area, perhaps regarding whether a controversial view was espoused and surely whether a broadcaster has met his affirmative obligation to seek out responsible spokesmen. In order to facilitate the resolution of such dispute, the DNC proposes that broadcasters be required to maintain records—open for public inspection and copying—detailing their efforts in this area.

The affirmative obligations the DNC proposes here follow logically from the rules which the Commission now proposes. The Commission's proposed rules place an affirmative obligation on a broadcaster to seek out a proponent of a contrasting viewpoint after a television editorial or a series of broadcasts on a controversial issue. The rationale for the Commission's proposed rule is to afford prompt and full discussion of a controversial issue by the advocates of a variety of contrasting opinions. We support this concept.

The Commission has recognized that where a licensee editorializes or broadcasts a series of programs, presenting only one side of an issue, he cannot passively rely on general over-the-air invitations to present the other side. The Commission states that if "the licensee has adjudged the subject matter of such importance to his community as to warrant an editorial," he must "make every reasonable effort to encourage presentation of views in opposition to his editorial." Notice, p. 6. Even though the licensee has presumably weighed all of the aspects of an issue and presents in an editorial a reasoned, unbiased conclusion, he must still select suitable persons with contrasting views, notify them of the issue and assist them in all appropriate ways to present their views.

If there is an obligation to find responsible opposition spokesmen where a presumably objective broadcaster editorializes on a given issue, how much greater should his obligation be when a President of the United States, the leader of a political party and a partisan of particular policies, presents his views on controversial matters of public importance? Moreover, when one compares the probable impact of a Presidential statement with that of a broadcaster's editorial, it becomes all the more important that the broadcaster assume an affirmative role in presenting views which contrast with the President's.

C. The networks and licensees must solicit appropriate opposing spokesmen

Under the DNC's proposed rule, the affirmative obligation by the networks and licensees would be to notify and secure appropriate, responsible spokesmen who hold opposing views from those which the President has expressed on a controversial issue of public importance, and who are prepared to state them in prompt rebuttal to the President's presentation.[11] Both the Supreme Court and the Commission have recognized that a contrasting point of view is generally not adequately presented when provided by the licensee himself in an attempt to balance the record. In proposing the rules under advisement, the Commission noted that "requiring the *licensee* to present the contrasting viewpoint might inhibit the robust debate sought." Notice, p. 7, n.8. (Emphasis added.) *See also Radio Albany, Inc.*, 4 R.R. 2d 277 (1965). The Commission has recognized that a presentation by a licensee will not have the same impact as a presentation by an interested party. "'[I]ntonation, speech pattern and inflection are incomparably related to verbal expressions of opinion.'" *Id.* at 278. As the Supreme Court recently observed, quoting John Stuart Mill:

"'[It is not] enough that [one] should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them.' J.S. Mill, *On Liberty, 32* (R. McCallum ed. 1947)." *Red Lion, supra*, at p. 392, n.18.

In direct contrast to this policy, Richard W. Jencks, President of the CBS Broadcast Group, recently stated that the CBS "news organization can give a fairer presentation" of controversial issues than truly partisan spokesmen. *N.Y. Times*, March 22, 1970, p. 39, col. 1. Opposition spokesmen should not have to contend with positions such as this when seeking to make a reasoned response under the fairness doctrine.

Under the rule that DNC proposes, a television network may have to present more than one opposition viewpoint. On some issues, there may be several significantly different opinions. The DNC's rule would require that each significant responsible view be given an equal opportunity to be heard. The Commission has clearly stated that "to accord one organization or group favored treatment, beyond that accorded to other responsible organizations," would be to violate the fairness doctrine. *Lloyd C. Sigmon*, 8 F.C.C.2d 987 (1967). Of course, the broadcaster is under no obligation to present highly extreme or irresponsible positions. *See Tri-State Broadcast*, 3 R.R.2d 175 (1962). However, it is the obligation of the networks to present fully all responsible opinions. To do less is to defeat the interest of the public in receiving "suitable access to social, political, esthetic, moral, and other ideas and experiences." *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. at 390. In the final analysis, of course, as the Commission notes in its proposed rules, the broadcaster would still have discretion to choose in good faith the appropriate spokesman who would be notified and given a full opportunity to respond.

D. The opposing spokesmen must be given equal opportunity to respond

To begin to counterbalance the enormous impact of a Presidential presentation, the DNC's rule incorporates the "equal opportunities" standard of § 315(a) of the Communications Act. We submit that nothing less than a truly equal opportunity for opposing spokesmen to articulate and rally support for their opposition will begin to allow for a fair presentation of contrasting viewpoints. If the public is not to adopt uncritically all Presidential suggestions without hearing contrasting viewpoints, substantial and effective offsetting measures are required. Only an appearance by an opposition spokesman comparable in duration, scheduling and freedom of format can hope to provide the necessary balance to a Presidential presentation.[12]

In delineating the obligations of the equal opportunities doctrine the Commission has noted that while "perfect equality is not practicable . . . a licensee must see to it that the time segments offered . . . are substantially equal in duration, quality and desirability of hours." *Station KTTV*, 14 R.R. 1227 (1957).

We submit that the spokesmen opposing the President's views must not be restricted in presenting their viewpoints by inappropriate program formats or inadequate scheduling offers. *See King Broadcasting Co.*, 15 F.C.C. 2d 829 (1967). In a fairness doctrine context, the Commission has recognized that a comparable opportunity for presentation by opposing spokesmen is necessary to the effective presentation of their viewpoint. In adopting the personal attack and political editorializing rules, the Commission said:

"The phrase 'reasonable opportunity' to respond is used here and in the personal attack subsection because such opportunity may vary with the circumstances. In many instances a *comparable opportunity in time and scheduling will be clearly appropriate;* in others such as when the endorsement of a candidate is one of many and involves more than a few seconds, a 'reasonable opportunity' may require more than a few seconds if there is to be a meaningful reply." 8 F.C.C. 2d at 727. [Emphasis added.]

Moreover, as the Commission, as well as psychologists, political scientists and advertising executives, among others, has recognized, control over the format of the presentation is essential to success in affecting public opinion. In the case of personal attacks, the Commission has noted that the victim "might conclude that a panel or round-table discussion does not afford a comparable opportunity to reply", when the offending remarks were made on a program of a different nature. *John Birch Society*, 11 F.C.C. 2d 790, 791 (1968). An uninterrupted Presidential appearance requires a similarly unfettered opposition presentation, if contrasting viewpoints are to be forcefully put forth.

To permit less of an opportunity for a contrasting presentation is to defeat the "paramount . . . right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences." *Red Lion Broadcasting Co.* v. *F.C.C.*, 395 U.S. at 390.

The DNC's proposed rule will serve to in-

networks. *See* In the Matter of Amendment of Part 73 of the Commission's Rules and Regulations with Respect to Competition and Responsibility in Network Television Broadcasts, May 4, 1970.

[10] As the Commission has noted, the purpose of the fairness doctrine is "the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day." 13 F.C.V. 1249.

[11] The Commission has often noted, in other contexts, that "time is of the essence" if a reply is to be meaningful. In the Matter of Amendment of Part 73 of the Rules To Provide Procedures in the Event of a Personal Attack or Where a Station Editorializes as to Political Candidates, 8 F.C.C.2d 721, 727 (1967). For example, when the broadcaster had broadcast an editorial the day before an election, a five hour delay before a response could be aired was found a violation of the fairness doctrine. Capitol Broadcasting Co., 3 F.C.C. 2d 975 (1967).

[12] It is arguable that a televised Presidential presentation is so prodigious in its impact that any effective rebuttal would require more time at a preferable hour than that afforded the President's speeches.

sure that the American public is exposed to contrasting sides of a controversial issue of public importance. To countenance less than a full presentation by a network or licensee is to favor one idea over another. Such a result is the antithesis of free discussion. It maximizes the power of the President and the networks over public opinion and makes less likely the ability of new or contrastnig ideas to gain currency. As the Supreme Court said in *Red Lion*, "There is no sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all." 395 U.S. at 392.

CONCLUSION

For the foregoing reasons, the Commission is hereby respectfully urged to promulgate a rule providing that:

(a) When a network or licensee broadcasts a presentation by the President of the United States of a viewpoint on a controversial issue of public importance, that network or licensee has an affirmative obligation to seek out responsible persons or entities with significant contrasting viewpoints on the controversial issue and afford them equal opportunities to present their views.

(b) In the case of any broadcast of a Presidential address or press conference, it shall be presumed that the President has presented a viewpoint on a controversial issue of public importance; and in the event of any complaint of non-compliance filed with the Commission, the burden shall be upon the network or licensee to establish compliance with this rule.

(c) Each network and licensee shall be required for a period of not less than three years to maintain a complete tape and transcript of every presentation by the President which it broadcasts and to maintain records detailing all actions taken by it to fulfill its affirmative obligations under this rule. Such records shall be available for inspection and copying at any reasonable time upon the request of any person.

(NOTE.—The term "equal opportunities", as used in paragraph (a) hereof, shall have the same meaning and effect that it has under Section 315(a) of the Communications Act of 1934, 47 U.S.C. § 315 (a) (1964).)

Respectfully submitted,

DEMOCRATIC NATIONAL COMMITTEE,
JOSEPH A. CALIFANO, JR.,
General Counsel.

CANCELLATION OF OIL LEASES IN SANTA BARBARA CHANNEL

Mr. NELSON. Mr. President, on February 28, 1969, one month after the tragic oil blow-out beneath Union's platform A in the Santa Barbara Channel, the distinguished junior Senator from California (Mr. CRANSTON) introduced S. 1219, to terminate all further drilling in the Santa Barbara Channel. I was pleased to join as a cosponsor and strong supporter of Senator CRANSTON'S bill.

Recently, the President requested legislation at the suggestion of Secretary of the Interior Walter Hickel to cancel 20 leases in the channel and create a marine sanctuary there. Appropriately, the New York Times in an editorial published last Monday commended this action. But, as the editorial pointed out, under this proposal some 51 other leases in the channel would remain.

Thus, the editorial concluded with a strong endorsement of Senator CRANSTON'S bill, which would go further to cancel all but the three leases currently producing oil there.

Mr. President, I ask unanimous consent that this well-reasoned editorial be printed in the RECORD.

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

SMALL STEP ON OIL SPILLS

President Nixon's request for legislation to cancel oil drilling leases off Santa Barbara and create a marine sanctuary there should help redeem the Interior Department, the proposal's originator, for having allowed the worst off-shore oil spill in the country's history. And it may serve as a precedent elsewhere.

It is no dispargement of a commendable act, however, to suggest that, if allowed to stand alone, the proposal will be little more than an isolated gesture in the struggle to save an unusually beautiful coastline. While 20 leases were canceled, 51 other leases in the channel would remain. Forty-eight of these are not yet in production and could therefore be canceled without operational risk. Senator Cranston of California would cancel these leases, too, leaving only those three that are presently producing oil.

His reasoning seems unassailable. If any of these potential wells are a hazard to beaches and marine life, they are all a hazard. After what has already happened no one can doubt the danger or minimize it. Scores of earthquakes originate in the channel each year, and there is a remarkably shallow capping layer over the oil formation. These are other factors make the Santa Barbara Channel area especially vulnerable to the grossest damage from off-shore drilling.

Accordingly we prefer the Cranston bill to the President's proposal, laudable as it is. And we would prefer to either a comprehensive plan to restrict if not prohibit offshore drilling near any shoreline in America found to be rich in those qualities that please the eye and relax the spirit of man.

PROBLEMS RELATED TO U.S. OIL AND GAS PRODUCTION

Mr. STEVENS. Mr. President, recently, I heard an outstanding address by Michel T. Halbouty. Mr. Halbouty is recognized in the oil industry as one of the outstanding geologists and petroleum engineers in the United States, and is internationally known for his scientific ability in petroleum exploration. He is considered an outstanding authority on the geological and engineering problems of the Gulf Coastal Province of North America, and is rated as one of the top experts on the geology of Gulf Coast Salt Domes. He is also most active as an operator and producer—producing and operating in many oil and gas fields in the United States and Alaska.

He is a graduate of Texas A. & M. University, having received his bachelor of science degree in 1930 and his master of science degree from that institution in 1931 in geology and petroleum engineering. In May 1956, he received the professional degree in geological engineering from Texas A. & M. University (the first to be conferred by the university). In June 1966, the degree of doctor of engineer, Honoris Causa, was conferred upon him by the Montana College of Mineral Science and Technology.

In October 1965, Halbouty received the Texas Mid-Continent Oil and Gas Association's Distinguished Service Award for 1965, presented to an independent for outstanding services and contributions to his industry and profession. In February 1968, he was named engineer of the year by the Texas Society of Professional Engineers and the Engineer's Council of Houston. He was also awarded the Texas A. & M. University's Distinguished Alumni Award in May 1968.

Halbouty is a member of many worldwide scientific and engineering societies, and has contributed over 150 papers and several books to the literature of geology and petroleum engineering. His latest book, "Salt Domes, Gulf Region, United States and Mexico," is the only such single volume on this subject in the world's scientific literature. He served as president of the world's largest organization of earth scientists, the American Association of Petroleum Geologists, for the 1966–67 term.

This is one of the clearest statements by an industry leader, to members of the industry, of some of the problems related to U.S. oil and gas production. While I do not, necessarily, agree with all my good friend Mike Halbouty said, his message is one that ought to be heard by all concerned. I ask unanimous consent that it be printed in the RECORD.

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

MR. SCRIPPS SAID IT

I always enjoy meeting with landmen. This is my second appearance before your national meeting and I am honored to have been asked to appear before you today. You are not only the most direct contact our industry has with the public, and one of the most enlightened professional groups on that subject, but you have been and are doing something to pass your knowledge on to the public at the grass roots where it is most important. I am most proud of the accomplishments and achievements AAPL has contributed to the welfare of the industry as a whole. Keep up the good work.

As a prologue to my presentation, I would like to relate a story or so about the late E. W. Scripps, founder of one of the most aggressive and journalistic chains of newspapers this country has ever known. I hope Mr. Hearst and Mr. Chandler will pardon my saying that, but I happen to believe it, and I dare say, that off the record, they might also agree.

Mr. Scripps was an unusual man. They tell me he drank a gallon of Irish whisky every day. Even if that is only half right, it is a good story.

He was a man who believed in total objectivity, a subject in which he knew no master and countenanced no interference, when it came to reporting the news. Once to prove his point, it is said that he went out on the town, drank his fill, mixed things up with some shady characters, and was hauled in for being drunk and disorderly. When he sobered up enough in his Cleveland jail cell, he asked for a telephone, called his office, and ordered a reporter and a photographer. When they arrived he had his picture taken in his unshaven, distraught, and disreputable condition, and gave the reporter full details of his night of carrousel, and ordered the story written and printed in detail with appropriate illustrations. Then he ordered the reporter to tell the editor to remember that if he could do this to E. W. Scripps there wasn't a living soul in the whole of Ohio who couldn't be treated the same way if the subject was important enough to warrant the space.

That's objectivity.

But the thing that Mr. Scripps said that lives in the minds of newspapermen wherever his lusty legend is told, and was adopted as a slogan of his newspapers, was "Give the people light and they will find their own way."

He didn't believe anyone had the privilege to tell people right from wrong, or how to vote, or where to spend their money, or whom he should associate with, or even what he should drink. He simply believed that if the press gave the people the facts without fear or favor that they were capable of finding their own way to whatever conclusion these facts dictated.

I use this example today because I think we have reached the point in this nation and in our industry where we must give the people light so they can find their own way.

For too long politicians and businessmen, and even educators and professional men in all disciplines, have been too coy with the people. They have been less than frank, and in some cases, less than honest.

This could be one reason this country is in crisis today. It is even said that parents haven't been frank with their children or with each other. If you need any evidence of the deceit that has been practiced on the American people, tune in on TV commercials or read newspaper advertisements. In too many instances you will find misrepresentations or outright lies. In addition the public is mollified—or should I say mesmerized—by tongue-in-cheek promises by politicians, slanted news, or the one-sided press releases from most sources. But these are only a few of the cases that prove the point.

In our own industry we have for years been attempting to communicate to the people through a controlled system of what we call public relations or public affairs. We have answered questions that haven't been raised, but we have not always subjected ourselves to the questions the public might want to ask. We have used competition as an excuse for covering up in far too many cases.

For as long as I can recall we have been mouthing a set of cliches. Some of them have been set to different music, but the words have been the same. They have been about high risks, high csots, low average profits, excessive imports, depletion, and price controls.

Of course, all of these things are true. But the point is that they are *our* problems. The public has its own problems, and isn't listening to us—our cries, laments, and pleadings go unheard—because they have been made and are still being made by industry trade organizations or by industry leaders—all considered by the public to be self-serving. We have wasted millions of dollars in attempts to inform the public and, in turn, the people have laughed at our antics and referred to the lot of us as a bunch of selfish, rich, arrogant bastards.

To make matters even more ridiculous, the great majority—if not all—of the messages are delivered at oil and gas meetings, and the press releases have all been in the oil country press, completely out of the general public's earshot. Then there has been the monotony of the monologue which is boring. None of it seems very interesting or educational, and even to those who do listen, it isn't very informative.

There are many facts the public has not heard about our industry. They have to do with problems which confront not only the industry but the people at the grass roots.

They have to do with threats to our national safety, important international matters, jobs for people, profits for investors, improved products for customers, effective controls over pollution, relations with Canada, the threat of a Soviet control of or influence over world oil reserves and what this ominous fact means to the future of world freedom. These are only a few of the facts, which we could easily shed light on from our store of expertise—and more important we should present these facts properly to the people.

Frankly, I am guilty of my own criticism. This speech should be delivered to people outside of the petroleum industry and in turn you should be listening to someone from outside of the petroleum industry so that both groups of audiences would learn something outside of their sphere of knowledge. However, since I am here—I will present to you a few facts the people of this nation should know.

I am not particularly concerned over the Soviet Union ever directly threatening our country through control of world petroleum outside of the North American continent. In my opinion there is sufficient energy on this continent to supply its needs for as long as necessary. We have found less than half of the oil and gas in the lower 48 states, and Canada and Alaska hold the potential of reserves to approximate the Middle East.

There is a treasure of kerogen in the shale of the Rockies and untold reserves of potential fuel in the tar sands of Canada, and we are only the wink of an eye on the time table from commercial development of both gas and gasoline from coal, to mention the most important sources.

But what about our allies in the free world? What about western Europe and other areas of the world which depend on petroleum from the Persian Gulf, Africa, and South America?

Here is a danger the public should consider. If the Soviets are able to put our Allies under economic pressure, that is, make their economies dependent on oil that the Soviets control, into what kind of a position does this place every American citizen? I think the answer is that we will eventually find all of the world communized except those of us who inhabit a part of this continent, and then the question is, how long can we remain free?

These are matters worthy of consideration, yet I doubt that a mere fraction of the population of North America has ever given them very serious thought.

Let's take a look at the energy facts as they are shaping up in the world today. Without a doubt the greatest source of oil reserves on earth at this time is the Middle East and Africa. Today most of the countries of the Middle East are either hostile to the United States and friendly to Russia or they are under overwhelming pressure from the Kremlin and their own leftist neighbors.

In Africa within the past year one regime after another in the important oil countries . . . regimes once friendly to the free world . . . have been replaced by those favorable to the Russians.

In the last year, in Libya, one of the most prolific oil areas of the world, a government friendly to the United States has been overthrown and replaced by a puppet of the Soviets and I would imagine that our time there is relatively short.

In Nigeria, which is rapidly becoming the location of tremendous offshore oil reserves, the existing present government owes much of its existence to the Soviet Union. We backed the losers!

In Indonesia, where a considerable potential for tremendous new oil reserves is being found, only the action in Vietnam has so far prevented Communist control.

Communist influence is spreading in South America. Castro's agents are a threat to Venezuela and its great oil reserves. In fact, it is obvious that this is communism's prime objective in this hemisphere.

In Bolivia, a friendly government has been thrown out by allies of the communists, and already Gulf Oil Corporation's significant holdings have been expropriated and the Bolivians are discussing deals with the Russians.

The only place on earth outside the United States where the energy supply potential is high, and where there is no present serious threat from the communists, is Canada.

In this regard, it is an enigma to me that the U.S. and Canada have not, long ago, entered into a firm petroleum international policy. In fact, I strongly advocate a free trade policy of oil and gas between our two countries, however, to have such a policy it will probably be necessary to reach a common understanding on the national security aspects, particularly, since Canada is a net importer of crude now. From the national security standpoint, which is the basis for the import program, there is a strong tie between our two countries.

The demand for Canadian oil is growing rapidly in the U.S. and the government action in officially limiting Canadian imports has caused some misunderstanding. Lower Canadian crude prices of 35 to 60¢ a bbl. were inducement to the U.S. buyers to raise their import figures until the levels exceeded the original voluntary agreement between the two governments. So a cut-back was ordered and this has caused cries of economic discomfort from U.S. oil buyers and Canadian producers, but more important it appears to have caused a temporary misunderstanding between these two friendly powers. However, I don't believe this will prove to be anything but a short term deterrent in arriving at a common energy policy.

The U.S. will gradually need to import more and more Canadian crude in the future. This is most obvious to all who have become aware of our dwindling reserves and increased requirements. I'll put it another way—we will have to either (1) find quickly our own substantial amount of new reserves, or (2) depend on Middle East, African or South American crude, or (3) supplement our needs as much as possible from a nation friendly to us, close to us, and one we can depend on, namely Canada!

We should encourage the best of relationships and free trade on important items needed by both countries, especially on petroleum, and under a common policy I feel that incentives to find additional crude for U.S. and Canadian security would be forthcoming.

It would be most difficult to overemphasize the serious implications of the international petroleum situation in respect to the welfare of the Americans and even the Canadians.

Since I have talked so much about geopolitics, I might as well go one step further. There is a movement by some in this country to convince our government that we should renounce this country's heritage and legal rights to all resources beyond water depths of 200 meters. As you are probably aware, President Nixon issued a statement on May 23 stating "Therefore, I am today proposing that all nations adopt as soon as possible a treaty under which they would renounce all national claims over the natural resources of the seabed beyond the point where the high seas reached a depth of 200 meters (218.8 yards) and would agree to regard these resources as the common heritage of mankind."

The proposal means U.S. ownership would extend only to 200 meters, or 3 miles, whichever is greater. If adopted, this proposal would affect leases already issued in the offshore, such as in the Santa Barbara Channel, and more particularly, those leases now held by a company which just announced a major discovery in this Channel. In my opinion the leases which would be affected in all of the Santa Barbara Channel waters alone have oil reserves in the billions of barrels.

While not readily apparent, this problem revolves around the extent that this nation

and other nations will claim jurisdiction in the territorial sea and the submerged portions adjacent to the continents. In the last few years, the limit of the territorial sea claimed by coastal nations has tended to expand outward from the historic three mile limit. While the United States and 32 other nations still adhere to this limit, 79 countries now claim in excess of this mileage with several claiming 200 miles.

The value of our resources affected by the President's suggestion is not theoretical. It is very real. There are approximately 27 natural resources involved including, but certainly not limited to, all the petroleum deposits in Federal lands off Santa Barbara, lobsters off New England, King Crabs off Alaska, and Phosphate and other minerals off all of our shores.

Estimates of the U.S. Geological Survey indicate that the total potential petroleum in place resource of the U.S. Continental Slope—an area of more than 500,000 square miles immediately beyond the Continental Shelf underlying water depths of 200 to 2,500 meters—may range between 640 and 800 billion barrels of oil and from 1,590 to 2,230 trillion cubic feet of natural gas. This potential resource in place is nearly equal to that estimated for the U.S. Continental Shelf itself.

If only 10 percent of this could be recovered, that is, 60 to 80 billion barrels of oil plus 160 to 225 trillion cubic feet of gas, you can see how great the value of the giveaway is.

In my opinion, the Geneva Convention gave America the right to all resources on the seafloor and subsoil of the submerged portions of the continent or those resources adjacent to it. Whether this means to 2500 meters, 4000 meters, 100 miles, 200 miles, the end of the continental rise, the foot of the slope or what—I don't know. I'm a geologist and engineer, not an attorney, but surely the terminology of the Convention means more than 200 meters deep or three miles out.

In pronouncements of this import, it is customary for a Government to do a tremendous amount of "homework." They must consult with those concerned and study all of the implications and ramifications of the move. The question can be asked "Was this procedure employed in this instance?" If it is not too late, if the horse hasn't already left the barn, I'd suggest that the people of this country express their opinions to President Nixon and Congress.

Another problem which we face is that of nationalization. Most Americans have no idea how close we are to nationalization, or even what nationalization means. First, nationalization means the taking over of private property, industrial organizations, or the control of any class of labor, among other things.

The question might be asked, "Is this what the people of the Republic want?" A synonym for nationalism is collectivism. Others are bolshevism, anarchism, socialism, and communism. They are all the same with slightly different shadings. You could add nazism and fascism. By any name I want no part of any of them, and I dare say no other real American feels any differently.

Yet a member of the board of directors of an organization in this state which calls itself GOO for Get Oil Out, an outgrowth of the hysteria over the Santa Barbara Channel incident, was quoted in the Oil Daily and other newspapers recently as calling for the nationalization of the petroleum industry in an address before the student bodies of Occidental and California Lutheran Colleges as they participated in an environmental teach-in.

Today, the nationalization of the oil industry: tomorrow, the other business and industrial and professional complexes, including labor. That's what this man is saying. That's what our children are being inspired to believe is right and to advocate.

That is the goal of the agitators and militants who are prodding young people in this country. Do the average citizens of this country realize this fact? Do they want to change our government? Do they want free enterprise, capitalism, and individual freedom swallowed up by nationalism, or socialism, or communism?

I can answer that, and so can you. They do not.

Yet if our industry and other industries and businesses and professions and organizations in this country, such as labor, do not begin to speak up, educate, inform, and create a dialogue with the people of this country; if we don't end our monologue with ourselves, and our talking to instead of with the people; if we don't listen, if we don't entertain an outside viewpoint; if we don't answer some simple questions, and give some straight answers, nationalization is what we are going to get. We are being attacked today from without and from within. The insidious forces within are by far the more dangerous. This is what Khrushchev meant when he said "We will bury you"—He did not mean by armed forces—but by forces within.

In recent weeks we have been directly threatened by a spokesman for Syria who warned that we could be cut off from Middle East oil unless we accommodated certain positions of the Arabs regarding the Israeli war.

This should be enough to point up the vulnerability of dependence on outside sources for oil. Of course, we get very little oil, probably three per cent of our imports, from the Middle East, but if Venezuela made such a threat it could cause immediate concern, and Venezuela is a member of the Organization of Petroleum Exporting Countries. Another consideration which might escape us is that the Middle East is now providing 67 per cent of our oil requirements for the war in Vietnam. If the Arabs carried their threat far enough, which they might well do in their desperation in the Middle East war, they could cut off oil supplies to our allies and friends. I believe 66 per cent of western Europe's oil is supplied by the Middle East and about 90 per cent of Japan's oil comes from there.

When someone attempts to convince you that oil is not today's most important international commodity in either war or peace, either hot war or cold, that individual is unaware of the situation. My point here is that the American people do not have this necessary information to provide light by which they might find their own way.

Under present conditions, there is no way this country could provide its allies and friends with oil over an extended time. In the years since the last Suez crisis, when we supplied our friends in the free world with oil when it was denied them by the Arab countries, our own surplus producing capacity has been reduced by something like a million barrels a day, and is down 30 per cent from last year, the first decline since statistics were first compiled on surplus in 1954.

I often wonder if it is possible that the public in this country is aware of the fact that more than 75 per cent of the known proven free world reserves of oil are located in the Middle East and Africa in countries either hostile to us or under unrelenting communist pressure.

Do the Americans who depend on petroleum to fuel their economy far more than any people in any other part of the world realize that we have only 10 years supply of crude reserves? And if they know this, do they realize the full implication of the fact? I doubt it seriously.

But it is time for the American public to realize facts such as these. For too long, spokesmen for our industry have attempted to tell Americans that *unless* certain things were done, *the oil industry and the oilmen would suffer.*

That's not the story Americans are interested in. They are interested, however, in their own personal and individual survival as well as that of the Republic and the survival of freedom as we know it today.

It is up to us to furnish that information and to provide whatever education is needed in this area where we are the experts. We cannot assume that because these facts are so clear to us, if indeed they are, that they are clear to the public. The simple fact is that the American people knew as close to nothing about the oil industry as possible. This is not an idle statement. This is a well-documented and established fact.

America is ignorant of even the fact that it depends entirely on energy for economic and social sustenance, and that 75 per cent of that energy comes from the petroleum industry in the form of oil and natural gas, and that demand for energy, here and in all of the free world, is expanding at an alarming rate.

If any congressman or university professor or economist or anyone else assumes that the American people understand their reliance on the energy industry, then he must assume that they are mentally incompetent, which they are not. In fact, even the congressman, university professor or the economist who makes such an assumption does not understand our reliance on energy for our economic life blood.

The light that we must give the people today is that Russia hopes to dominate the world through petroleum. Their interest in Vietnam is the oil in Indonesia—not in helping the North Vietnamese.

Their interest in the Arab-Israeli conflict is their plan eventually to control Middle East and African oil—not in their love for Arabs or Africans.

The people of this country might not fully realize this threat to freedom and capitalism as well as they should.

The six-day war in mid-1967 offered an unusual opportunity for the Russians to explore their sphere of influence in the Arab world and there is no question that they've taken full advantage of it.

This gave the Russians opportunities which the czars never dreamed of. Through dramatic moves, almost unnoticed by American citizens, the Russians have established economic beachheads in parts of the world they have never penetrated before.

For example, they have only recently established diplomatic relations with Singapore and Malaysia in their thrust toward Indonesia to be prepared to remain in that area, if the Vietnam war fails for them. In one way or another they have penetrated almost every single important nation in Europe with unexpected ease. Through their maneuverings in gas, they now threaten the success of the North Sea exploration. To dispel talk of their oil shortage, which encouraged us for a while, they recently announced a 14.6 billion barrels field discovery at Samotlor in western Siberia. They are involved in oil programs in more than 20 important nations around the world at this moment and moving into others rapidly.

The Russians are using every device necessary to get a foothold for their coming petroleum domination. They are boosting their foreign aid, both military and economic, and they are sending advisors and technicians into every country that will take them. Their petroleum marketing arrangements have reached almost every capital of Europe. Their basic plan is, as most people can see once it is shown them, to make all oil consuming nations, including us, dependent on petroleum they control in any part of the world. With that goal accomplished, the cold war will end, the communists will be the win-

ners. The only battle left then will be the Armageddon between the Russians and the Chinese to decide what type of communism will rule the world.

That isn't a bright prospect, and its success is far from a foregone conclusion. But that is the obvious Russian plan for conquering the world. Their threats of military action have a hollow ring. It is for fright purposes for the weak-hearted and the intellectually incompetent. It is designed to give hope and strength to the radicals, the anarchists, the local communists, socialists, left wingers, and liberal extremists in all countries.

World War III is on now! It has been since the day World War II ended. It is a war by the Russians to control the world through control of energy sources. They are making progress, but they have not yet conquered.

There is still time and there is still hope that they will fail. Many of our friends in the Middle East, such as Iran, Kuwait, Saudi Arabia, and others, are resisting as long as they find it possible against their have-not brothers in Egypt, Jordan, and Syria where the United Arab Republic is in direct conflict in the Israeli war.

The hope that the world conquest by communism through energy control of the western world can be defeated lies in this country. It lies in the knowledge and education the American people have on the subject.

By understanding the situation and adopting a resolute attitude the American people can thwart the communist design for world domination. The oil industry can't do this. But the oil industry can do its part by giving the American people light on the importance of petroleum to their lives, to this nation and to the entire world.

Then the people, through their leaders in government, can get the job done. The Russians are still struggling to attain their goal. They are patient, but they are relentless.

It is our job to get the story to the public objectively and factually as soon as possible through every possible means of communication before it is too late.

We have concentrated so much valuable time and talent on telling the American people about the risks we take, the need for tax advantages, the virtues of conservation, the pros and cons of import controls (depending on who was telling the story and when), and other problems and controversies that we have neglected to tell the story of the industry. Therefore, the public is uninformed and unconcerned about it.

We have been concentrating on propaganda and promotion when we should have been concentrating on facts and the industry story, while keeping an ear to the ground for reasonable viewpoints, attitudes, and questions from the public.

I believe that our so-called attempt to give people light about the industry in this country has been arrogant and incompetent and that it has actually done more harm than any occasional good that might have been fished out of the debris of its ineffectiveness.

We have ourselves to blame for this. We have been preoccupied with our own well-being and the welfare of our industry instead of being involved and concerned about the country as a whole at the same time.

When we talk about giving the people light so they might find their own way, we might also start directing some of that light toward our own pathways.

We have permitted a generation to grow up without taking time to hear its cries of anguish. We have not only neglected to see whether or not the cries were justified, we have been too preoccupied to even ask what was causing them.

We have been so deep in our own troubles, that we have ignored what was happening in our universities and schools. We have permitted a breed of spineless educators and administrators to come into being without even realizing they were there and without the courage now to do something about them after we have found them out.

We have permitted a strong movement toward nationalization and socialism to grow up right in our own states, cities, offices, our industry, and even our homes, in our blind march toward the goal of protecting depletion or controlling imports of oil.

We have ignored our civic and political obligations to the point where our state houses and national capital are becoming infested with ignorant, selfish, ambitious, and irresponsible men who don't care whether or not we continue as a free people so long as they can remain on the public payroll under any form of government.

It is ironic and yet tragic that we have failed because we have an industry so useful and a story so honest and inspirational to tell that we should need no special lobbies to gain us friendship and advantage if we were merely to tell it and, at the same time, listen to what the people, our customers, the voters, and tax payers at the grass roots, including our children, are saying to us.

In closing, permit me to say that I hope we accept the challenge to follow the slogan Mr. Scripps gave to his newspapers and emblazoned across the American horizon. Let us do our part to give the people light about their greatest and most essential industry so they might find their own way.

And let us pray that while we are giving the people light about our industry, the people will in turn shed a little of it in our direction so that we might overcome the darkness that has blocked the way to understanding of things that we should know.

THE WASHINGTON METRO AREA JAYCEE CAMPAIGN ON BEHALF OF U.S. PRISONERS OF WAR AND THEIR FAMILIES

Mr. TYDINGS. Mr. President, I commend to the attention of Senators a highly important and praiseworthy project currently being developed by the Washington metropolitan area Jaycee chapters. This project, the "1 million signature campaign," is a much needed effort scheduled from June 28 to July 5 to inform Washington area residents of the terrible plight of American prisoners of war being held in North Vietnam.

The petitions containing 1 million signatures of Washington area residents will be forwarded by the Jaycees to the governments of nations throughout the world requesting their support in obtaining an agreement from North Vietnam to abide by the terms of the Geneva Convention. In short, the Washington area Jaycees are launching a highly imaginative campaign to convert the concern of Washington area residents into international pressure to move Hanoi to abide by the accepted rules governing the treatment of prisoners of war.

I have formally endorsed this important campaign, and I hope other Members will do likewise. It is crucial that Hanoi, the families of American prisoners of war, and the citizens of this country recognize that Congress stands 100 percent behind all efforts to force North Vietnam to adhere to the Geneva Convention.

At present, there are more than 1,500 servicemen who have been captured by the enemy in Southeast Asia. Of these, roughly 450 are believed to be prisoners, and about 980 are listed as missing in action. However, there is no way of knowing for sure who is dead, captured, or wounded.

As a result of Hanoi's cruel indifference, 1,500 American families are denied even a definite word whether a loved one thought to be captured is dead or alive; 1,500 American families are forced to suffer this terrible uncertainty daily.

The Jaycees are seeking to eliminate this uncertainty by requesting the Government of North Vietnam to simply comply with the terms of Geneva Convention. They are asking Hanoi to: Publish the names of all prisoners of war; insure that all prisoners receive proper medical care and adequate food; permit regular impartial inspection of prisoner of war facilities; and allow the free flow of mail between prisoners and their families.

These are noble objectives which should be supported by men and women of conscience throughout the world. We owe a vote of appreciation and gratitude to the Washington metro area Jaycee chapters for initiating this invaluable campaign.

THE NINTH ANNUAL CONVENTION OF THE NATIONAL COUNCIL OF SENIOR CITIZENS

Mr. WILLIAMS of New Jersey. Mr. President, the National Council of Senior Citizens met in Washington, D.C., on June 11 through 13 for the largest convention in the history of that organization. The attendance was more than 1,600, representing the 2,500 clubs and 2.5 million members of the council.

One of the most important functions of the participants was the far-ranging discussion which led to adoption of resolutions dealing with major issues facing not only the elderly, but all Americans. From my own personal experience at the convention, I know that such discussion often led to debate and honest soul-searching. As a result, the national council has approved 31 resolutions dealing with everything from social security cash benefits to the Middle East crisis. I might add, too, that the council gave due consideration to the question of whether the right to vote should be extended to age 18. They were heartily in favor of that extension, saying:

> A nation which allows its young people to bear the brunt of death in war should allow its young people to participate in the political processes which influence American foreign and military policy.

The national council, speaking as it does for many older Americans of this Nation, also concerns itself with other matters related to social justice and the well-being of all citizens of this land. Its convention members and the council president, Nelson Cruikshank, are to be congratulated for their concern and their vigor in expressing that concern.

Mr. President, thanks to the executive director of the council—Mr. William Hutton—I have received many of the resolutions adopted, in almost all cases, unanimously. I ask unanimous consent that they be printed in the RECORD.

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

RESOLUTION 1—SOCIAL SECURITY CASH BENEFITS

Whereas, since the Eighth Convention of the National Council of Senior Citizens, Social Security benefits have been increased 15%, with a proposal that has passed the House to provide another 5% by January 1, 1971 and

Whereas, the House has increased benefits to widows to 100% and liberalized the earnings test to $2,000 annual earnings before reductions would be introduced, with $1 in benefits withheld for each $2 of earnings in the range of $2,000 up to $3,200,

Whereas, despite this progress, an estimated 5–7 million Social Security recipients still remain impoverished, a situation with its proposals for substantially raising minimum benefits and an across-the-board increase of another 35% in Social Security benefits, phasing in of an increase in the wage base up to $15,000, and a contribution from the general revenues that would eventually provide for one-third of the cost of the benefits,

Whereas, the National Council of Senior Citizens deplores the delay in enactment of a 15 per cent increase in retirement benefits for railroad employees to match the 15 per cent Social Security increase voted by Congress last year,

Now therefore, be it resolved that this Ninth Convention of the National Council of Senior Citizens Hereby expresses its appreciation to the Members of Congress for the actions taken in this 91st Congress with respect to increased benefits and other improvements in Social Security,

Be it resolved, this Convention considers the 15% increase of January, 1970 and proposed increases as a down payment on those benefits proposed in the Gilbert-Williams bill and reaffirms its support for the Gilbert-Williams bill which provides for a further 35% increase in benefits by 1972 for present and future retirees, and utilization of general revenue funds to finance a portion of the cost, thus avoiding undue burden on workers with low incomes.

This Convention supports the inclusion of an automatic cost of living adjustment as a principle so long as it is recognized as a matter of public policy that there shall also be adjustments in future benefits to recognize rising productivity and standards of living.

Be it resolved, that the National Council's 2,500,000 membership urges Congress to speed action on the pending 15 per cent railroad pension increase and requests early action to assure parity for railroad employees as and when the Senate acts on the House approved bill to grant an additional 5 per cent increase in Social Security benefits,

Be it further resolved, that those working under the Railroad Retirement Act, those receiving veterans' pensions, and recipients of Public Assistance shall not be subjected to a reduction in such benefits as the result of the increase in Social Security benefits.

RESOLUTION 2—MEDICAID

Whereas, Medicaid was designed to serve the millions of Americans, particularly those under 65 whose income was so low they could not afford the costs of medical care,

Whereas, the original legislation obligated all States to develop a program of comprehensive services by 1975—later extended to 1977, and now completely abolished in the pending Social Security bill, H.R. 17550, on the argument that costs were skyrocketing and the program was being exploited by practitioners—a product in part of inadequate medical surveillance.

Whereas, various restrictions are being placed on Medicaid, including granting the States the right to impose deductibles, thus still further cutting back on the intent of the original legislation,

Now therefore, be it resolved, that this Convention reaffirm its support of Medicaid as an essential program to meet the costs of health care of persons with low income, and urge that the provision requiring States to develop a comprehensive program not be stricken,

Be it further resolved, that until a program of National health insurance is established and adequately financed, the Medicaid program is essential to the well-being of millions of Americans living on the borderline of income adequacy.

Be it further resolved that the Federal Government establish firmer controls over medical charges and utilization to stop exploitation of the program.

RESOLUTION 4—MEDICARE

Whereas, the National Council of Senior Citizens views with pride and satisfaction the significant role it played in the enactment of medicare,

Whereas, a series of financial barriers, coinsurance, deductibles, premium payments for Medicare Part B (Doctor insurance—scheduled on July 1st to go from $4.00 a month to $5.30), and noncoverage of out-of-hospital drugs, continue to limit and deny adequate health protection to the elderly,

Whereas, escalating costs and evidence of overcharging and abuses of the program call for effective cost controls and penalties that do not, however, limit the services or penalize the patient,

Whereas, the option provided under the House passed Social Security bill, H.R. 17550, would enable Medicare recipients to participate in pre-payment health plans which provide both preventive as well as maintenance health care services at lower cost than the present disorganized health system,

Now therefore, be it resolved, that this Convention holds that the co-insurance and deductible features of Medicare and the monthly payment for Part B must be eliminated, and that the added cost be met by contributions from general revenues, *and further, this Convention supports the elimination of the three year enrollment period for Part B of Medicare and Congressional action to limit physicians' charges to a reasonable amount,*

Be it further resolved, that the cost of prescription drugs, eye care, eyeglasses, dental care, dentures, hearing aids, and routine foot care, be included in Medicare, and that hospital coverage be extended to 365 days,

Be it further resolved, that the National Council support and promote the enrollment of seniors in pre-payment health care plans and the further and substantial development of such plans,

Be it further resolved, that all persons receiving Social Security benefits be included under the Medicare program.

RESOLUTION 6—HEALTH CARE FOR ALL AMERICANS

Whereas, Medicare with its deductibles and co-insurance and other features pays less than half (46%) of all the health care costs of the elderly,

Whereas, Medicare makes no provision for out-of-hospital prescription drugs, eye care, hearing aids, and medically necessary prosthetic appliances, and places sharp limits on hospitalization and nursing home care,

Whereas, health services in the United States, when measured by health indices such as infant mortality, maternal mortality and life expectancy rates are surpassed in at least 15 other countries.

Whereas, in the most advanced industrial country in the world, with a scientific capacity to land a man on the moon, the present fragmented, costly, inefficient and inadequate health care arrangements, can only be characterized as antiquated.

Whereas, many of the chronic ailments and crippling conditions of later life are the result in part of the lack of comprehensive and adequate health services in earlier years,

Now therefore, be it resolved, that this chaotic and expensive state of affairs in health care be replaced by a Federally sponsored, comprehensive national program of health care for all Americans, as represented in H.R. 15779, introduced by Congresswoman Martha Griffiths of Michigan, and as represented by the efforts of the Committee for National Health Insurance under the leadership of the late United Automobile Workers President Walter P. Reuther,

Be it further resolved, that H.R. 15779, which will absorb Medicare into the National Health program, eliminates deductibles and co-insurance, the monthly premium for Medicare Part B (doctor's insurance), provides out-of-hospital prescription drugs, eye care and hearing aids, and removes limits on hospitalization and nursing home care, be hereby endorsed and supported by this Ninth Convention of the National Council of Senior Citizens,

Be it further resolved, that this Convention register its support for the financing of this health care program through the Social Security system, supplemented by general revenues.

RESOLUTION 11—REDUCED BUS, PLANE, AND TRAIN FARES FOR SENIORS

Whereas, our senior citizens should have the fullest opportunities at modest cost to see America, and more immediately to visit their children and families, often widely scattered over the continental U.S.A.,

Whereas, for reasons of health and comfort, senior citizens may be widely separated from their families and children, and

Whereas, a substantial reduction in bus, train, and domestic plane fares would enable the senior citizens to enjoy their leisure years through travel, and to maintain closer ties with their families,

Now therefore, be it resolved, that the National Council of Senior Citizens petition the Interstate Commerce Commission and the Civil Aeronautics Board for the development of a plan that would provide for substantial reductions in bus, train, and plane fares for senior citizens and other citizens receiving disability benefits under Social Security, in the pattern followed in many European countries where 50% reductions in fares are provided, and call on its friends in Congress to initiate such legislation.

Be it further resolved, that the appropriate committees of Congress be informed of such actions that may be taken with respect to the Interstate Commerce Commission and the Civil Aeronautics Board.

RESOLUTION 12—AIR CHARTER FLIGHTS

Whereas, the concept of charter air travel was put into law by the United States Congress in 1962 and, since then, has afforded thousands of senior citizens the opportunity to visit the land of their origins and their relatives, and to enjoy educational and recreational advantages, and safe, fast, and efficient group travel at fares that average as much as 50 per cent less than those afforded by scheduled airlines; and

Whereas, the supplemental airlines, which are subject to the same safety regulations as the scheduled lines and offer charter travel, have earned an indispensable place in the national air transportation system through their significant contributions to the movement of travellers and cargo; and

Whereas, the concept of air charter has been severely handicapped by archaic "affinity" regulations which control who can and

cannot charter an airplane, regulations which adversely affect millions of Americans in low and middle-income groups; and

Whereas, the scheduled airlines, through their monopolistic, ratesetting cartel known as IATA (International Air Transport Association), seek to drive competitive air charter transportation out of the marketplace through a complex series of rate manipulations and fare structures which are designed to mislead the consumer; and

Whereas, each supplemental air carrier must negotiate separate landing and uplift rights with a foreign government for each planned foreign flight, although such individual negotiations and monopolistic restrictions do not exist anywhere else in the air transport industry;

Now therefore, be it resolved, that the National Council of Senior Citizens calls upon the departments and regulatory agencies of the Federal Government involved to provide the supplemental airlines the same support in foreign affairs that are provided on a favored basis to scheduled airlines; and be it further resolved that the present restrictive and discriminatory regulations governing charters be updated to benefit millions of senior citizens, working men and women, their families, and students, living on limited incomes; and be it further resolved that it be the policy of the United States Government in matters of air transportation, domestic and international, to assure competition in fares, to guarantee a balanced system of air transport for passengers and cargo, and to favor no foreign government-owned airlines to the detriment of American, private carriers serving the broad spectrum of the American traveling public.

RESOLUTION 13—ASSURING AUTO INSURANCE FOR SENIORS

Whereas, senior citizens are widely and cruelly discriminated against in the obtaining of automobile insurance, with age alone frequently constituting a basis for cancellation of insurance and imposition of excessive increases in rates,

Whereas, many elderly citizens are so intimidated by their insurance companies, by fear of cancellations, non-renewals, and increased premiums that they frequently provide out of their own pockets what they have paid the companies to furnish.

Whereas, the insurance business seems to be increasingly moving toward a maximizing of funds for investment by minimizing their claims and thereby denying an essential service to the elderly automobile owners, or offering it at prohibitive costs. Private transportation is essential to the elderly for economic, social and health reasons, almost as essential as food, shelter and clothing in an America on wheels,

Now therefore, be it resolved, that this Convention finds that State regulatory agencies have in too many instances become the captives of the casualty insurance industry, and find further that the time has come for the institution of Federal regulation of the auto insurance industry,

Be it further resolved, that the automobile has become such an accepted absolute necessity to the average American that no private corporation should be permitted to deny an individual the right to own and drive a vehicle without due process of law; a driver who is safe enough to be licensed ought to be eligible for insurance; further, that Federal leadership is required for development and initiation of a program of "no fault insurance," which in a manner similar to workman's compensation, would provide a system of automatic payments to the injured party, no matter who is at fault in an accident, so as to reduce the cost of expensive legal contests, and assure the payment of essential medical care for the injured party.

Be it further resolved, that *all states be urged to set up a state insurance fund to provide low cost insurance on demand of any citizen.*

RESOLUTION 17—ACCESS TO PARKS AND CAMPGROUNDS FOR SENIORS

Whereas: Man needs time to return to nature. It is a body and spiritual need of the highest order;

Whereas: All Americans have the right to recreate in their natural heritage. They have worked hard, supported their government and parks through taxes;

Whereas: Many of our elderly people have turned to camping as a way of life. Many on small pensions and fixed incomes are already feeling the pinch of high inflation;

Whereas: For decades the principle of government was access to public lands be free;

Whereas: The passage of the Land and Water Conservation Fund Act of 1964 established fees for use of facilities which meant further limitaiton of the principle that access to public lands be free;

Therefore be it resolved: The National Council of Senior Citizens claims as a right that all recreation areas and camp grounds within our national and state parks administered by any branch of the federal or state governments, should be considered as part of the visitor service and shall be free; and

Be it further resolved: Since these areas are tax-supported, money should be appropriated for their administration as governments appropriate funds for other programs, and

Be it finally resolved: That all elderly people on pensions and social security should not be denied the right to spend their last years in parks and camp grounds they have paid for. Entrance and users fees should be eliminated and all admissions be free to retired workers.

RESOLUTION 19—SENIOR EMPLOYMENT OPPORTUNITIES

Whereas, the Senior AIDES program of the National Council of Senior Citizens has provided socially useful employment to 1200 seniors with incomes at or below the poverty level,

Whereas, this program has graphically demonstrated in the twenty communities in which it is operating that the employment opportunities offered have not only been highly beneficial to these communities, but highly rewarding to the individuals involved,

Whereas, the enthusiastic acceptance of these programs by the communities—with demand for additional projects far exceeding resources and the 7–10 applicants for each position—testifies to the need for a very substantial extension of employment opportunities for seniors,

Now therefore, be it resolved that this Convention endorse enthusiastically S. 3604, the Older Americans Community Services Act, introduced by Senator Kennedy of Massachusetts, and which authorizes $35 million for the fiscal year ending June 30, 1971, and $60 million for the fiscal year ending June 30, 1972,

Be it further resolved, that this Convention go on record as urging that a third year authorization at the level of $100 million be included in this legislation.

RESOLUTION 20—INCOME CRITERIA FOR SENIOR AIDES

It has been apparent since the inception of the Senior AIDES program, and has been proven by experience, that the economic guidelines applying to this project are not only unjust but they have tended to polarize any effort on the part of the sponsors to hire people who have the caliber and affinity needed to cope with the problems of their fellow elderly.

The present Manpower guidelines are geared to the young people who come from a low income family and covers the income of the total family as a basis for working on Youth Corps and summer jobs.

Federal programs for the elderly are not written for Youth Corps or summer jobs but for "year 'round" participation on a part-time basis.

It is to be hoped that the Administration and Congress will see fit to continue this and the many more programs such as the Foster Grandparents program, FIND, Green Thumb, etc., which are in effect in various parts of the country.

Therefore, in anticipation of this and in full cognizance of the injurious effect upon those who are not eligible to work under the present, impractical economic guidelines;

Therefore be it resolved that the National Council of Senior Citizens, Washington, D.C., be hereby memorialized to contact the Labor Department Secretary and the Director of O.E.O. and convince them of the importance that they:

1. Start working on drawing up new economic guidelines for the Senior Aides program and any other present or future projects for the elderly which will be more compatible with the circumstances prevalent among applicants for jobs on these projects by:

First: Amending the income criteria to a more realistic level, recognizing the cost of living variances throughout the United States, requiring all those at the poverty level be hired first;

Second: By considering the actual total income of only the applicant, not the entire household, when one is living in a relative's home,

Third: If a child continues to live with the parent and pays board and room, only this amount should be considered as income from this person.

This action, we feel, would be a quantum jump toward a more positive approach to solving the crucial needs of the economically disadvantaged elderly (under $3,000).

2. The Executive Committee should follow up on this periodically and thereby put pressure on said Labor Department and O.E.O. to act on this resolution promptly, thereby averting the continuing despair inflicted upon those who are turned away under the present restrictions.

RESOLUTION 21—REFUNDING LEGAL RESEARCH AND SERVICES FOR THE ELDERLY AND EXTENDING CONCERN FOR ELDERLY TO ALL OEO LEGAL SERVICE PROJECTS

The National Council of Senior Citizens' OEO-funded Legal Research and Services for the Elderly Project has had eleven projects in nine cities throughout the country. Ten of the projects have conducted research and provided services in specific problem areas. One project has provided research and technical assistance.

LRSE projects have been active in the areas of health care, housing, advocacy training, probate reform, protective services, economic development and federal benefit programs, e.g., old age assistance and social security.

LRSE has been involved in test cases challenging:

Whether social security benefits can be terminated without a prior hearing;

Whether due process rights are afforded by various state legislative schemes that permit the financial affairs of committed persons to be administered by public officials;

Whether workmen's compensation benefits can be deducted from disability payments.

Some of the accomplishments of LRSE projects are:

Helping a non-profit corporation obtain seed money for construction of a low-cost housing project—Santa Monica, California.

Drafting and fighting for passage of rent control—Miami Beach, Florida.

Preparing a state legislative package for

the elderly and working for its enactment—Boston, Massachusetts.

Organizing a chain of co-op grocery stores in public housing projects for seniors—Atlanta, Georgia.

Establishing an employment service for seniors—Albuquerque, New Mexico.

Developing a special advocacy training program for seniors—San Francisco, California.

OEO is now reviewing the refunding of LRSE. Taking into consideration both LRSE's excellent work and the vastness of the elderly's legal needs, if is imperative that OEO refund LRSE.

Be it resolved that the more than 250 regular Legal Service Projects operating in the country be expanded to include all the elderly.

Be it further resolved that NCSC reaffirms its endorsement of LRSE and that it recommend to the Director of OEO, the Director of the Legal Services, and the Director of the Special Programs that LRSE be refunded.

RESOLUTION 23—DEDICATION OF OUR OIL SHALE RESOURCES TO NATIONAL PURPOSES

Whereas, it has been established that there are approximately 10,000,000 acres of land in the United States which contain what is commonly referred to as "Oil Shale," a rock formation impregnated with organic matter from which can be produced many forms of oil and oil products and

Whereas, some 380,000 acres of this land are privately owned and to a great degree controlled by the major oil corporations who are presently engaged in promoting the development of such land and at the same time are exerting maximum efforts on the legislative and political front to acquire control of federally-owned shale land as means of protection against competition in developing these oil reserves with an esitmated worth of $2.5 trillions as exemplified by the bill introduced by Senator Allott in the 80th Congress which would have authorized the patenting oil shale claims by the private oil interests for $2.50 per acre and

Whereas, the Department of Interior did on December 20, 1968, open bids for the leasing of government lands containing perhaps $1 billion worth of oil shale and

Whereas, the economic and social needs of many millions of Americans and the reduction of our national debt should in the interest of social justice, and sound and progressive economy be given priority over the selfish profit-motivated interests of an industry which under prevailing federal income tax statutes enjoys a most favored position which deprives the federal government of approximately $1 billion yearly in taxes. Therefore, be it resolved that

(a) the federal government retain control of all federally owned Shale lands and cease and desist from opening more lands for bids until public debate has produced viable and equitable policy for the disposition of these lands; and

(b) that all income from such properties whether by sale, lease, rental, bonuses or royalties be in a special treasury account for the specific purpose of enhancing the social and economic interest of our populace by eliminating the cause of poverty, air and water pollution, substandard educational facilities and programs, inadequate public health facilities, substandard housing and social injustices; and

(c) reducing the public debt to a level commensurate with maintaining a vigorous and stable economy and a sound monetary system; and

(d) that a public agency, perhaps at cabinet level, be created to watch over the interests of the public in the care and maintenance of their common heritage which includes clean air, clean water, wilderness areas and such public resources as the oil shale; and

(e) be it further resolved that the Secretary of the Interior initiate appropriate legislation toward attaining these objectives.

RESOLUTION 25—STAND UP FOR SENIORS

Whereas, we are witnessing today an ignoring and downgrading of programs for the elderly by the Administration,

Whereas, the Secretary of HEW, who is responsible for the Administration on Aging, has publicly stated that for persons over 60 years of age "we are doing enough,"

Whereas, the Administration on the Aging continues to be a sub-unit in a sub-unit of the Department of Health, Education, and Welfare, and

Whereas, the appointment as a Special Assistant to the President of the Commissioner of this sub-unit is further confirmation of the low status and priority concerns for the elderly in the Executive branch of the Government,

Whereas, Congress, in its 1969 amendments to the Older Americans act, authorized for the fiscal year beginning July 1971 $85 million, but the Administration requested only $31 million—not quite 37% of the authorization, and

Whereas, Congress authorized $105 million for the program for the aging in fiscal year beginning July 1, 1972 with the expectation based on past performance that the appropriation request may well be about one-third of the monies authorized, and

Whereas, no provision is made in the budget for the 1971 White House Conference on the Aging, scheduled to begin on November 29th and end December 2, 1971 for the defraying of expenses of delegates to attend this conference, thus shutting off the participation of many elderly citizens who cannot afford out of their own resources to attend the conference.

Now therefore be it resolved, That the Council of Senior Citizens' Ninth Annual Convention reaffirms its position that the Administration on the Aging be removed from the Department of Health, Education, and Welfare, and be given special prominence and responsibility as an agency in the Executive office of the President,

Be it further resolved, That the monies authorized in the Older Americans act for grants to the States, for research and training, and for the National Older Americans' Volunteer Program, including the Retired Senior Volunteer Program, for which no funds have been requested, be fully funded up to the level of $82 million for the fiscal year 1971 and $105 million for the year 1972,

Be it further resolved, That we as seniors stand up for the enhancing of the status of programs for seniors, with each club of the National Council of Senior Citizens considering and adopting a resolution for support for the upgrading of these programs and transmitting this resolution to the President, their Congressmen and Senators.

RESOLUTION 29—HOUSING AND URBAN AFFAIRS

Whereas, the housing situation for senior citizens continues to be bleak and for the low income elderly grim, because of rising property taxes and the low levels of funding for multiple housing.

Whereas, in 1968, Housing & Urban Development Act held forth the promise that the time was approaching when a decent home for every American including the elderly would become a reality, rapidly rising property taxes and the fantastic increases in interest rates on mortgages, and the replacement in HUD of a program of direct loans at low interest to non-profit sponsors of housing for the elderly with an approach requiring sponsors to shop for financing in competition with other borrowers have destroyed this promise,

Now therefore, be it resolved, that the Administration and the Congress be called upon to fulfill the promise of the 1968 Housing & Urban Development Act with respect to the elderly by first, establishing a Presidential Commission on Housing for the Elderly, charged with coordinating and reviewing housing programs for the senior citizens, and examining and recommending upon the special problems of home ownership; second, that there be appointed for the Department of Housing and Urban Development an Assistant Secretary for Housing of the Elderly.

2. In support of the above and in carrying out our program for senior citizens' housing we strongly urge:

a. all existing programs be adequately funded to provide the 26,000,000 units over a ten year period (2,600,000 in the current year) with special attention to the needs of housing and facilities for elderly persons;

b. that rental subsidies or maintenance charges (in the case of cooperatives) be lowered so that rentals or charges above 20% of personal income be subsidized by government funds;

c. that no more than 1% interest be charged on housing provided to elderly persons with incomes under $5,200;

d. that Section 202, the direct loan program for older persons, be reinstated to the fullest and adequately funded to provide much needed rental housing;

e. that an appropriate authority be authorized to co-ordinate the various federal aid programs to provide one-stop, umbrella-type mortgages to cover all needed facilities for elderly housing including congregate living, nursing home and intermediate care, social service, health and recreational facilities; and that such facilities, when expanded to include neighborhood services, be financed in whole or part by grant or included in the mortgage without interest or amortization, and payable at the end of the mortgage term;

f. that programs for supportive services be developed for those persons living independently who require to maintain their independent existence, such as home aides, visiting nurses, etc.

RESOLUTION 30—AN ADEQUATE PUBLIC ASSISTANCE PROGRAM

Whereas, ten million persons are dependent upon the inadequate and demeaning public assistance system,

Whereas, the Family Assistance Act of 1970—H.R. 16311, passed by the House and now pending before the Senate is the Nixon Administration's answer to the problem of poverty,

Whereas, this Family Assistance Act sets an income floor or $1600 for a family of four with no employable member—less than half of the poverty level of $3,720 and sets a floor of $1320 for an elderly individual—70% of the poverty floor of $1,860.

Whereas, this legislation requires that mothers with responsibility for small children must accept training and work regardless of the effect on the children, and further this legislation fails to provide wage and hour protection and so would subsidize employers of low paid labor,

Whereas, the Family Assistance Act permits 50% of earnings to be retained and would make the so-called working poor—families where the earner is employed at low wages—to be eligible for assistance in all states—the legislation would cut for any family of four where income was above $3,920 and leave optional with the states an earnings incentive for the elderly,

Whereas, this legislation permits the states to retain lien and recovery laws, a hitherto powerful deterrent to old people applying for assistance even though their only resource may be the home in which they live,

Whereas, the National Welfare Rights Organization—an organization of welfare recipients—holds that the minimum floor for a family of four should be $5,500 and the Bureau of Labor Statistics finds that a minimum adequate standard for a family of four is $7,200,

Now therefore, be it resolved, that this Convention condemns any legislation which fails as a minimum to bring all families and elderly individuals up to at least the poverty floor of $3,720 for a family of four and $1,860 for an elderly person,

Be it further resolved, that the right of an elderly person to retain part of their earnings be made mandatory on the states, and further that the imposition of lien and recovery be forbidden,

Be it further resolved, that all mothers be exempt from work or training programs and the decision left with the mother as to whether she chooses to accept employment,

And the final resolve, is that the time has come for the federal government to assume full responsibility for the administration of assistance for it is only through federal administration and financing that the person in need can be treated equitably throughout the United States, and provision made for a decent and adequate level of payments.

RESOLUTION 26—THE PROTECTION OF THE RIGHT TO VOTE AND EXTENDING THAT RIGHT TO AGE 18

Whereas: The House of Representatives and the Senate have passed H.R. 4249 which extends the Voting Right Act of 1965—an Act that has been dramatically effective in extending the franchise to our fellow Black Americans in the south.

Whereas: This Voting Right Bill—HR 4249—was amended by the Senate to reduce the voting age to 18 and is currently waiting concurrence by the House in the Senate's action.

Whereas: The current generation of young Americans is the best educated group of 18- to 21-year-olds in the nation's history. Over 78 percent are high school graduates and more than 47 percent are enrolled in colleges and universities.

Whereas: The participation of young people in recent political campaign speaks for their concern about political issues. Lowering the voting age would make their concerns more meaningful to politicians.

Whereas: Nearly one-half of American fatalities in Vietnam since 1961 have been young men between the ages of 18 and 21. A nation which allows its young people to bear the brunt of death in war should allow its young people to participate in the political processes which influence American foreign and military policy.

Whereas: The injustice of "taxation without representation" applies to the 20th century as it did to the 18th. Young adults between the ages of 18 and 21 pay heavily in income and property taxes but have no representation in the halls of government.

Whereas: The 10 million young Americans between the ages of 18 and 21 have been unfairly judged by the actions of a rebellious few. Stereotyping young Americans is as unjust as stereotyping minority groups.

Now therefore be it resolved, That this convention endorse extension of the 1965 Voting Rights Act as embodied in HR 4249.

Be it further resolved, That this convention endorse the granting of the right to vote to citizens at age 18 and urge that the House of Representatives concur in HR 4249 and the Senate amendment that allows all 18 year olds to vote in all elections beginning in 1971.

CBW III—SUBCOMMITTEE URGES RATIFICATION OF THE GENEVA PROTOCOL

Mr. PROXMIRE. Mr. President, a recent U.N. report on CBW concluded in part that—

The development of a chemical or bacteriological armoury, and a defense, implies an economic burden without necessarily imparting any proportionate compensatory advantage to security. And at the same time it imposes a new and continuing threat to future international security.

I think most of us would be hard pressed to make any rational argument for a U.S. CBW force. In line with the conclusion of the U.N. report there would seem to be nothing to gain and much to lose by the maintenance of any such force. That is why, Mr. President, I have in recent days been urging the President to resubmit the Geneva protocol to the Senate. If he did so I am confident the Senate would ratify it promptly.

Many persons, Mr. President, hold to the illusion that there is no reason for the United States to ratify a treaty that is so old and, therefore, must be obsolete. Others say that since we have already renounced the use of biological warfare and the first use of chemicals why should we bother to ratify something we already stand for?

A recent report of the Subcommittee on National Security Policy and Scientific Developments of the House Foreign Relations Committee tackles these and many other of the questions raised in connection with the Geneva protocol. Because I feel this report to be a substantial contribution to current discussions on CBW and the protocol, I ask unanimous consent that it be printed in the RECORD.

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

CHEMICAL-BIOLOGICAL WARFARE: U.S. POLICIES AND INTERNATIONAL EFFECTS

Among all forms of warfare, none stands more condemned before the bar of mankind than the use of chemicals and biological agents. From ancient times employment of poisons has been considered a violation of the rules of war. Today, chemical-biological weapons are looked on by the public with a horror and disgust which is not felt for other, potentially more destructive arms. The reaction has been traced to historical experiences, such as the gas attacks of World War I, and even to deep-seated psychological fears. Whatever its origin, this revulsion has expressed itself in continuing international attempts to outlaw chemical-biological warfare (CBW).

Among those attempts the most noteworthy, and perhaps the most effective, was the Geneva Protocol of 1925. Nations which adhere to it, as some 84 have, pledge not to use against other parties to the protocol "asphyxiating, poisonous or other gases," or "all analogous liquids, materials or devices" or "bacteriological methods of warfare." As a result of reservations to the protocol filed by many countries, only the first use chemical and biological weapons is prohibited for those countries. Parties who have made such reservations are free to use CB weapons in retaliation if attacked with them. Moreover, the protocol does not affect the right of any party to develop, manufacture, and stockpile chemical and biological weapons.

Although the United States was instrumental in drafting the protocol of 1925 and American representatives signed it, the Senate subsequently failed to ratify the agreement. Reasons for this failure are rooted in historical circumstances and the personalities of political leaders who have long since passed from the scene. Despite the lack of any formal adherence to the protocol, a succession of American Presidents has unilaterally pledged support for the principles and objectives it expresses. The United States used no gas of any kind in combat during World War II and the Korean conflict.

Through the years, however, the pledge has been seen by some Americans as an unsatisfactory substitute for actual ratification. These feelings have intensified as scientific and technological advances applicable to CBW have increased the potential danger to mankind. Developments in the biological sciences particularly have raised fears of uncontrolled global epidemics resulting from laboratory-created microbes, against which there may be no natural immunity. Moreover, the clear possibility that knowledge about CBW will spread soon to most of the world's nations has engendered considerable interest in the control of such weapons.

ACTION IN THE CONGRESS AND THE EXECUTIVE BRANCH

The degree of concern in the House of Representatives was demonstrated by the resolutions on CBW which were sponsored or cosponsored in 1969 by some 108 Member of Congress. Originally drafted by Representative Richard D. McCarthy, of New York, the resolutions called for: (1) the President to resubmit the Geneva Protocol to the Senate for its advice and consent to ratification; (2) a comprehensive review of U.S. CBW polices; and (3) a clear reaffirmation of U.S. policy on no first use of gas and biological warfare. Sent to the House Foreign Affairs Committee, the resolutions subsequently were referred to the Subcommittee on National Security Policy and Scientific Developments.

The subcommittee opened hearings on the resolutions on November 18 by taking testimony from concerned Members of Congress, and 2 days later held a second hearing with private expert witnesses. Before other scheduled sessions could be held, however, the President on November 25 announced his intention to resubmit the protocol to the Senate for ratification. He also affirmed a "no first use" policy for lethal and "incapacitating" chemical weapons, and unilaterally renounced for the United States any use of biological weapons, lethal or nonlethal, even in retaliation.

This historic announcement had the effect of rendering moot the resolutions before the subcommittee. After some consideration, it was decided to pursue the inquiry into international aspects of chemical and biological warfare, but on a somewhat broader scale than before. Rather than tailor its hearings to specific proposals, the subcommittee would try to achieve several objectives: (1) to explore the meaning and ramifications of the President's announcement; (2) to deepen congressional and public understanding of considerations involved in Senate ratification the Geneva Protocol; (3) to shed additional light on other issues raised domestically and internationally on America's CBW policies, particularly the use of chemical agents in Vietnam; and (4) to look beyond the protocol ratification to requirements for new international agreements to control the proliferation and use of chemical and, most particularly, biological weapons.

In its efforts the subcommittee was fortunate to have the cooperation of a distinguished group of witnesses, including Members of Congress, nongovernmental experts, representatives of interested organizations, and spokesmen for the Departments of State and Defense, and the Arms Control and Disarmament Agency. Their testimony provided a significant body of information and expert opinion on chemical and biological warfare. The hearings, together with an index and an appendix of significant documents on CBW, was issued in January 1970, under the title, "Chemical-Biological Warfare: U.S. Policies and International Effects."[1]

[1] Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives (91st Cong., first sess.).

Based on the information obtained during the hearings, the subcommittee in this report is presenting its analysis, findings, and recommendations on relevant issues of chemical and biological warfare.

THE PRESIDENT'S CBW ANNOUNCEMENT AND THE SUBCOMMITTEE INQUIRY

The President's announcement of November 25 must be accounted one of the most significant official U.S. statements ever made on chemical and biological warfare. Not only did it give renewed definition and direction to U.S. policies on CBW, it also marked an important step in the global effort to control those much-feared weapons. The brevity of the statement, however, left some questions about the U.S. position unanswered. During its hearings, the subcommittee sought to obtain clarification of certain points, specifically the classification of the gas DM (Adamsite), the status of toxins, and the future use which might be made of facilities like Pine Bluff Arsenal and Fort Detrick, Md., once they had lost much or all of their BW mission.

Developed during World War I, DM is a gas which has almost no odor, and causes headache, coughing, sneezing, chest pains, nausea, and vomiting. Used for a short time by South Vietnamese troops according to testimony given to the subcommittee, DM is considered by some to be a "riot control agent" and by others to be an "incapacitant" since it can induce systemic symptoms which can last up to 4 hours. Its status under the President's directive was unclear. As a result of the subcommittee's inquiry, it was established that, regardless of classification, the United States no longer intends to "use, acquire, or export" DM.

An even more important issue with the status of toxins, poisonous chemical substances which are produced by living organisms such as bacteria. Although toxins are not contagious, they can cause severe illness and even death if ingested or inhaled. Among them are botulinum which produces the generally fatal disease, botulism, and staphylococcus enterotoxin, which causes common food poisoning. Because the President's message made no reference to toxins, their status became a matter of controversy. Those who supported a toxin ban pointed out that the toxins would require biological means of production, thus reducing the credibility and impact of the President's gesture. Those who favored retaining toxins suggested that the United States should not specifically bar their future use and thereby lock itself in a position which would prevent toxin development by synthetic chemical processes. Both positions were aired extensively in the subcommittee hearings.

The controversy was resolved on February 14 when the White House announced that the President's biological warfare ban had been extended to toxins as "another step, which we are willing to take unilaterally, to bring about arms control and to increase the prospects of peace."

A third area of debate which resulted from the President's CBW statement concerned the future use of Government facilities which have been engaged in biological warfare missions. Principally affected are Pine Bluff (Ark.) Arsenal, where biological agents have been produced and stored, and Fort Detrick, Md., the center of germ war research. Aware of the valuable resources which the personnel and laboratories of former BW centers represent, the subcommittee sought suggestions from witnesses on civilian missions to which they might be devoted. Among proposals received were that BW facilities be transformed into (1) a national center for testing the possible toxicity of all chemicals used in foods or in other major ways in the environment; (2) an agency of the Department of Health, Education, and Welfare or the National Institutes of Health devoted to the study of bacteria-caused diseases; and (3) a central international laboratory dedicated to defense measures against threatening organisms, either natural or instigated by man.

From a Department of Defense witness, the subcommittee learned that alternative civilian uses for the Pine Bluff and Fort Detrick facilities are being actively explored. Although no final decision yet has been made within the Government, a strong concensus apparently has emerged that, to the extent possible, BW facilities should be turned to peaceful, civilian uses, rather than be shut down.

THE USE OF CHEMICAL AGENTS IN VIETNAM

The most controversial issue to emerge from our consideration of America's chemical-biological warfare policies and their international effects concerns the use of chemical agents by the United States and its allies in the Vietnam conflict. More specifically, those agents are tear gases such as the widely used CS[2] which causes tears, coughing, and burning and stinging of the skin, and herbicides which are used to defoliate the jungle and destroy food sources of the enemy. Since each of these classes of chemical agents presents its own particular problems, separate consideration generally is accorded them.

Tear gases.—The Department of Defense obtained Presidential approval in November 1965 for use of tear gases in Vietnam. The authority to use those agents in military operations subsequently was delegated to subordinate commanders. While this action was taken with the concurrence of the Department of State, a statement by Secretary Rusk at the time envisioned limited use of those nonlethal gases:

"We do not expect that gas will be used in ordinary military operations. Police-type weapons were used in riot control in South Vietnam—as in many other countries over the past 20 years—and in situations analogous to riot control, where the Vietcong, for example, were using civilians as screens of their own operations."

In actual practice, however, the application of so-called riot control agents has been much wider. They have been used not only to save lives of noncombatants but also to avoid casualties among U.S. and allied forces. For example, CS has been used to clear tunnel complexes of Vietcong soldiers allowing their killing or capture with considerably less loss of life to our troops than might otherwise be necessary. It also is used in attacks on occupied enemy positions. In effect, tear gases have been treated as normal components of combat power. As a result, some 13.7 million pounds of CS have been used in Vietnam.

The situation clearly is one in which practice has determined policy. Despite the explanation originally given by the Secretary of State and other official spokesmen regarding the manner in which these agents were expected to be employed, the primary criterion of their use in combat has been their military effectiveness. If in any way they can assist a commander in carrying out his mission, they are used.

Herbicides.—The principal objective of herbicide use in Vietnam has been to produce a significant improvement in vertical and horizontal visibility in jungle areas. Areas defoliated have included our own base perimeters; roads, trails, and waterways; infiltration routes; and enemy base camps. A secondary use of herbicides is to destroy crops in order to deny food supplies to Vietcong forces. According to the Department of Defense, herbicide operations have been helpful in protecting American soldiers and have contributed to successful accomplishment of ground combat missions.

Questions have been raised both internationally and domestically about the widespread use of herbicides because of fears about their effects on Vietnam's natural setting and on its people. No country has ever been subjected to such intensive use of herbicides as has South Vietnam since 1962. According to Department of Defense figures, as of the end of July, 1969, the United States has sprayed with herbicides 5,070,800 acres, a figure equivalent to more than 10 percent of the total land area of South Vietnam.

When defoliating operations were begun, herbicidal chemicals were not believed to be permanently damaging to plants or toxic to human beings. With the passage of time, however, evidence has grown that concentrated applications may have drastic effects on the environment and on people intensively exposed. Laboratory tests have indicated, for example, that one frequently used herbicide, 2,4,5–T, causes birth malformations in mice and rats. As a result its use in Vietnam recently was halted, at least temporarily. Other chemicals still commonly used in Vietnam also have been questioned by members of the scientific community for their environmental effects and safety for human beings. Among those herbicidal agents are 2,4,D, picloram, and cacodylic acid.

Collateral issues related to the use of herbicides concern the possibility of U.S. liability for expensive damage claims in the future, and the belief of some observers that the destruction of food supplies primarily hurts women, children, and noncombatants rather than hostile forces.

Internationally, the use of nonlethal gases and herbicides in Vietnam has resulted in considerable criticism of the United States. Our Nation has been charged with violating international law including the Geneva Protocol, and with breaking down the barriers to chemical and biological warfare which have existed since World War I. In December 1969, the United Nations General Assembly approved a resolution, by 80 votes to 3, with 36 abstentions, declaring that the Geneva Protocol prohibits all chemical agents which have direct toxic effect on men, animals, plants. The resolution was aimed primarily at U.S. practice in Vietnam.

One of the three nations which voted against the resolution was the United States. Its position has been that neither careful textual analysis, nor the history of negotiations, nor pertinent interpretations of prior treaties reveal a clear intent to include tear gas among the protocol's prohibitions, and that, broadly considered, its provisions do not cover the use of CS in Vietnam. With respect to herbicides, the U.S. position is that neither the language of the protocol nor the negotiating history indicates an intention to cover antivegetation chemical agents. Moreover, the United States, although not a party to the protocol, has rejected the right of the General Assembly to interpret or declare principles of international law embodied in the protocol or other treaties "where the rules are ambiguous and where universal consensus is lacking."

SUBMISSION OF THE PROTOCOL TO THE SENATE

In accordance with the President's November 25 message, the executive branch was reported by administration witnesses during subcommittee hearings last December to be preparing to send the 1925 Geneva Protocol to the Senate for its advice and consent to ratification. Some delay has been experienced, however, and submittal has not yet occurred. When formal papers are at last sent to the Senate, it is expected that they will, according to testimony before the subcommittee, include a reservation on "no first use" limited to chemical weapons. The reservation which the executive branch proposes to make would be more restrictive of

[2] Strictly speaking, CS is not a gas but a solid which is used as a finely divided particulate or dust cloud. The British prefer to call it a smoke but common usage terms CS a gas.

America's freedom of action than the reservations made by many parties to the Geneva protocol. The United States would retain the right to retaliate in kind only with chemical weapons, whereas some states have reserved the right to use both chemical and biological weapons in retaliation. This, of course, would be in accord with the President's November 25 statement. Moreover, in an accompanying message the administration is expected to state its view of the scope of the protocol, including its interpretation that the treaty does not cover the use in war of tear gas or chemical herbicides.

If, as expected, the protocol comes to the Senate in such a form, that body would be faced with several important, interrelated decisions affecting the protocol, the reservation, and the interpretation.

The protocol.—On the issue of ratifying the Geneva Protocol of 1925, three general lines of action are open to the Senate: (1) It can approve ratification of the protocol as requested by the President; (2) it can reject the protocol perhaps, to quote one opponent, as "an example of hypocrisy and cynicism unworthy of ratification by the United States:" (3) it can keep the protocol in committee, as did the Senate of 1926. Some who favor U.S. ratification of the protocol without any special interpretation on tear gas and herbicides have advocated this third way, apparently believing that the United States might be willing to abandon its position on those chemical agents once the Vietnam war was settled and the protocol then could be reviewed and approved without an interpretation.

The reservation.—If the Senate determines to approve the protocol, it could take one of three positions on the proposed reservation: (1) It could approve the reservation as submitted by the President and thus give congressional sanction to the unilateral renunciation of biological warfare by the United States; (2) it could reject the President's proposed reservation and adopt instead the broader "no first use" reservation now held by many protocol signers. That action would conflict with the President's unilateral renunciation of BW and would cloud U.S. policy on the issue; (3) it could reject any reservation at all, which might be construed as a unilateral renunciation of the use of CW as well as BW, even in retaliation.

The interpretation.—Regardless of its action on a reservation, if the Senate approves the protocol, it would be faced with several options regarding the administration's likely interpretation that tear gas and herbicides, as used in Vietnam, are not covered by the treaty. (1) It could explicitly endorse that interpretation, thus consolidating the position of the U.S. Government on the issue. (2) it could say nothing on the subject, thus tacitly accepting the administration's position. (3) it could modify or revise the interpretation, accepting, for example, the administration position on herbicides but rejecting it on tear gas, (4) it could refuse any interpretation, leaving the issue to future negotiations among protocol signatories. (5) it could express its own interpretation that tear gas and herbicides are prohibited by the protocol.

Obviously, some courses of action suggested above are more likely than others. The range of options does, however, point up the complex issues involved in Senate approval of the protocol. The situation suggests that optimism may be unwarranted about the ease with which Senate ratification will be accomplished. Deadly serious issues are involved about which reasonable men may differ.

LOOKING BEYOND THE GENEVA PROTOCOL

Impetus is given to ratification of the Geneva Protocol by the clear prospects of CBW proliferation both among countries obtaining a capability and in the types of CB agents which might be available for use in warfare.

The proliferation of chemical and biological weapons would tend to change the world's balance of power reducing U.S. power. The military advantage which large, rich nations like the United States and the Soviet Union have over small, poor countries in a conventional war is significantly reduced by the economics of chemical weapons. Moreover, a simple biological warfare capability, enough to cover small neighboring countries or several metropolitan areas within the United States, is within the easy reach of most countries. The biological agent can be grown in a public health laboratory and covertly delivered in the normal course of commerce.

Thus, it is argued, the United States and other world powers would lose some of the relative advantage of nuclear and conventional capability which results from their wealth and technology. Strong incentives, therefore, exist to discourage other nations from acquiring chemical and biological capabilities.

Secondly, on the immediate horizon are modern developments in molecular genetics which could result in manmade viruses for which there would be no natural immunities and against which no reasonable defense could be mounted. Because of the dangers to all mankind in the use of such agents, they would hardly be used as a result of any rational military decision, but obviously might abet aggressive insurgence or blackmail. It is not difficult to imagine the consequences if such agents should fall into the hands of a future Hitler.

As the accumulation and development of CB weapons is allowed to proceed unchecked, the world is confronted more with the awesome possibility that they will be used. It is not unreasonable to contend that the effects of these agents in war is completely unpredictable. If they were ever used on a large scale, they could bring about serious and radical changes in our environment and society. The dangers are equally great for the nation reckless enough to initiate an attack, as for the one attacked. Faced with that prospect, the world's nations have recently given considerable attention to the prospects of their control. At the United Nations General Assembly last year CBW was the subject of extensive debate—attracting more attention than any other single disarmament topic. Both in 1969 and 1970, the subject has been a principal agenda item at the Geneva Conference of the Committee on Disarmament (CCD). Because the United States is not a party to the Geneva Protocol, some believe it has been prevented from taking positions of leadership in international forums which are discussing crucial CBW issues.

Already several draft resolutions and conventions for restricting and in some cases, prohibiting the production and any use of chemical and biological weapons, have been introduced at the United Nations and the CCD. The United States has expressed its support for the principles of the British draft convention on the prohibition of biological methods of warfare. An alternative approach has been offered by the Soviet Union in a draft convention which offers prohibitions against developing, producing, or stockpiling of chemical as well as biological warfare agents. Because the Russian proposal poses serious problems for verification of limitations on chemical weapons, the United States has backed the British approach of dealing with this complex arms control problem on a step-by-step basis, taking the most urgent and manageable problems first, that is, those related to biological weapons. Current debate at the Geneva Disarmament Conference has centered on the wisdom of dealing with biological warfare apart from chemical warfare.

While current U.S. efforts are devoted to promoting the principles of the British draft convention, research work is being done by ACDA looking toward the prohibition of chemical weapons as well. An ACDA spokesman pointed out to the subcommittee that the key to control of CW is verification. While policing a CW ban presents difficult technical and political problems, there is some optimism that technical problems involved in verification by direct observation can be resolved, perhaps leading eventually to the complete elimination of chemical agents of war.

FINDINGS AND CONCLUSIONS

After having given careful consideration and review to the information, expert opinions and informed judgments provided to the subcommittee during weeks of hearings on aspects of U.S. chemical-biological warfare policies and their international effects, we have arrived at a number of findings and conclusions.

First, because of the obvious dangers to America's strategic position in the proliferation of biological and chemical weapons, it is in the national interest of the United States to adhere to existing international agreements aimed at CBW control and to seek new multilateral pacts which would ban the development, production and stockpiling of CB agents. Moreover, to the extent that such weapons, particularly those employing biologicals, threaten the existence of human life on earth or raise fears of extinction, our Nation has a duty to mankind to help obtain their effective prohibition.

Second, the President deserves commendation for his leadership in announcing his intention to resubmit the Geneva Protocol to the Senate for its advice and consent to ratification, and for his unilateral renunciation of any future use by the United States of biological weapons, including toxins. It was a historic gesture which reasserted America's dedication to arms control. Praise is also due those in Congress, of both political parties, whose energetic activities helped create the climate for the President's initiative.

Third, the continued, large-scale use of chemical agents in Vietnam by the United States creates troublesome political problems. Those problems are virtually certain to be central to Senate consideration of the protocol, if it is submitted as expected with an interpretation that the treaty's prohibitions do not cover the use in war of tear gas or chemical herbicides. To the extent that approval of such an interpretation would constitute endorsement of current CW activities, it could provoke opposition. Opponents would include (1) those who believe that CS employment in Vietnam goes significantly beyond the restricted usage justified by U.S. officials at the time the decision was made; (2) those who feel that current evidence about the toxicity of some herbicides to man and nature require more thorough investigation; (3) those who believe the Geneva Protocol prohibits the use of tear gas and herbicides in warfare; and (4) those who are sensitive to international concerns that American activities have eroded barriers against CBW erected after World War I. On that last point, it is possible that other signatory nations would not accept the United States as a party to the protocol if they find that the U.S. interpretation strikes into the heart of the treaty and masks what they would consider to be essentially a reservation. This dilemma may seriously complicate Senate consideration of the protocol and is a legitimate cause for concern.

The difficulty might be resolved if the United States were to take a position, or make an interpretation, that the use of tear gas and herbicides in warfare is an open question, given the apparent ambiguity of the protocol on the subject. Our stance could be that the problem of tear gas and herbicides is not a moral issue, but rather an important technical and legal question which relates to the prevention of proliferation and escala-

tion of chemical-biological capabilities. Since the question is an open one, current chemical warfare activities in Vietnam cannot be considered illegitimate or in violation of the protocol. We then could go on to declare our willingness as a nation to abide by whatever uniform and workable rule which we and the other signatories to the protocol eventually could decide upon. Such an approach, it appears, would speed approval of the protocol itself and reduce significantly the possibilities of international repercussions over the U.S. interpretation of the treaty. Moreover, as U.S. combat activities wane in Vietnam, it might be possible to scale down substantially CW operations as testimony to our good faith.

Fourth, the United States should take maximum advantage of its unilateral renunciation of biological weapons to urge other countries to take similar actions and to achieve international agreement on a treaty such as the British draft convention which would effectively outlaw the development, production stockpiling and use of biological agents and toxins for warfare purposes. Further, the Arms Control and Disarmament Agency should continue to emphasize research which may someday make possible a similar ban on chemical weapons.

Fifth, personnel and facilities at Pine Bluff, Ark., and Fort Detrick, Md., constitute valuable resources for our Nation in the stepped-up campaign against environmental pollution, ecological hazards, and dangers to human beings from chemicals and bacteria. Beyond national benefits to be obtained from turning those facilities to peaceful pursuits, our Nation stands to gain worldwide repute by making available internationally the knowledge and techniques developed there.

RECOMMENDATIONS

On the basis of its findings and conclusions, the subcommittee makes these recommendations:

(1) The President, as soon as possible, should fulfill his announced intention by submitting the Geneva Protocol of 1925 to the Senate for its advice and consent to ratification. It has now been 5 months since the President said he would take that action, and if the protocol is to be given adequate consideration during the current Congress, it must be sent up at an early date.

(2) The Senate should speedily approve the protocol and the single reservation proposed by the President, thereby giving congressional endorsement to the unilateral and complete renuniciation of biological warfare by the United States.

(3) The question of the use of tear gas and herbicides in warfare should be left open in any formal or informal interpretation of the protocol made by the executive branch or the Senate, and once the United States becomes a party to the treaty it should seek agreement with the other parties on a uniform interpretation of the scope of the protocol, either through a special international conference among the parties or through established international juridical procedures.

(4) The United States should continue its present policy of supporting arms control efforts which, proceeding on a step-by-step basis, seek a treaty totally banning biological weapons, rather than attempting now to achieve a ban on both biological and chemical weapons in the same agreement.

(5) Every possible effort should be made to retain former BW facilities and personnel, turning them to the solution of environmental problems for the benefit of all Americans and, indeed, all mankind.

SENATOR RANDOLPH ADDRESSES THE SIXTH ANNUAL WEST VIRGINIA SCHOOL OF ALCOHOL AND DRUG ABUSE STUDIES

Mr. HUGHES. Mr. President, last week at West Virginia University, more than 250 persons attended the sixth annual West Virginia School of Alcohol and Drug Abuse Studies. The 5-day program was jointly sponsored by the University and the West Virginia Department of Mental Health.

The distinguished senior Senator from West Virginia (Mr. RANDOLPH) was the keynote speaker at the banquet which concluded the conference.

Senator RANDOLPH is a member of the Special Subcommittee on Alcoholism and Narcotics, of which I am privileged to be chairman, and he has reported to me that the conference program was highly effective and productive—a thorough exploration by both experts and laymen of the most modern practices, enlightened theory, and latest meaningful information on the prevention and treatment of drug and alcohol abuse and the rehabilitation of their victims.

The Senator from West Virginia was especially complimentary of Dr. Mildred Mitchell-Bateman, director of the State Department of Mental Health; Louis S. Southworth, associate supervisor of the department's division of alcoholism; supervisor Raymond E. Washington, and Ralph M. Rogers of the University's department of psychiatry, who served as codirectors for the annual session. These and other dedicated persons worked to make the program an outstanding success.

To the list of praiseworthy contributions that made the program an outstanding success, I would like to add the speech by the distinguished Senator from West Virginia. It was a signal statement of the multitude of problems arising from the alcoholism and drug abuse epidemics in this Nation and of the possible and urgently needed cures.

Mr. President, so that Senators may share Senator RANDOLPH'S thoughts, I ask unanimous consent that his speech be printed in the RECORD.

There being no objection, the address by Senator RANDOLPH was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR JENNINGS RANDOLPH AT WEST VIRGINIA'S SIXTH ANNUAL SCHOOL OF ALCOHOL AND DRUG ABUSE STUDIES, WEST VIRGINIA UNIVERSITY

Four years ago, I delivered the keynote address at the second annual School of Alcohol Studies held at Morris Harvey College.

An excerpt from that speech reads:

"Too much time is required to generate the acute public awareness prerequisite to effectively attacking injustices and social ills in an affluent society.

"This nation witnessed such a situation with regards to civil rights. This also was the case in gathering together the social and economic forces of this country to engender and to administer programs for disadvantaged citizens trapped in the vicious cycle of poverty.

"Regrettably, there is little constructive activity until the public's conscience has been shocked into realization of the effects of a particular problem or a set of problems . . ."

In recent months the public has been shocked into awareness of a particular problem. We've learned that drug abuse is fast emerging as the No. 1 problem in our schools—tied closely with the rising incidence of violence and crime.

We are learning that no child is immune from the threat of drug addiction; that it is rampant in every location, every economic level and every age group. We must include the unborn children of addicts who involuntarily become addicts before they breathe life.

The extent of the youth drug problem is compounded by the lack of treatment facilities, and the ease with which drugs can be obtained. You've had testimony here on the campus from students who say they turn to marijuana because "it's cheaper than alcohol." And, presumably, easier to buy.

Public awareness of a growing drug crisis may fall short of effective action. Who can forget—and what humane person would not be appalled—by the recent testimony of Ralph DeJesus? Ralph is 12 years old, weight 60 pounds and stands four feet high. You'll remember he had to sit on the lap of a counselor to reach the mike and tell members of a New York legislative committee how he became hooked on heroin.

Here is his reason: "I used to see all my friends do it, so I didn't want to be left out."

Chances are that all of you as parents or potential parents will have your children exposed to the temptation of drugs sometime in the future. Whether or not they can resist the "peer pressure" will depend on what we do here today and in the future, both individually and collectively.

The growing awareness of what health authorities now label a "drug epidemic" in America is reflected in the title change of our annual conference. You have included the phase, "drug abuse."

Four years ago, the problem of drug addiction was largely shielded from public awareness. The taking of drugs was considered a "hippie scene," a mind-bending experience in existentialism hidden in the cesspools of our major cities.

Then it caught on with the kids, the so-called nice kids who are becoming bored with life and looking for new kicks. That was the beginning of the shock wave—and it has reverberated from the swankest suburb to the loftiest levels of government. I am inclined to agree, in part, with those who claim that broad public concern over drug abuse didn't surface until it invaded the white communities in the middle-class suburbs.

Drug abuse certainly is not something new—it started before the beginning of what we smugly call civilization. The New Guinea aborigine—who has never been exposed to any of the frustrations and pressures of modern life—has been chewing for centuries the red betel nut for its narcotic effect.

And the Bible carries a number of admonitions about the abuse of alcohol—which is the most abused drug of all. Make no mistake about it, when we talk of drug abuse, we're talking about the whole range of chemical compounds which affect the body's natural function. The all-encompassing scientific word is, I believe, neuro-pschopharmacological.

About three weeks ago Dr. Roger Egeberg, testifying before our Senate Subcommittee on Alcoholism and Narcotics, said:

". . . I am more firmly convinced than ever of the absolute necessity for this nation to address alcoholism for what it is—one of the most prevalent, destructive, costly and tragic forms of illness in the United States."

Dr. Egeberg is, as you know, assistant secretary for health and scientific affairs in the Department of Health, Education and Welfare. He was a witness before the subcom-

mittee chaired by the knowledgeable and dedicated Senator Hughes, which is conducting hearings on S. 3835, of which I am a cosponsor. The purpose of the bill, with which I am sure many of you are familiar, would provide for a comprehensive federal program for the prevention and treatment of alcohol abuse and alcoholism.

One of the concerns expressed to our committee by Dr. Egeberg and others is that all the sudden public clamor over drug abuse might overshadow, or at best dilute, the long-time efforts of you and others like you who have worked so hard in the prevention and treatment of alcoholism. In other words, in terms of public interest in the twin problems of drugs and alcohol, the tail might begin to wag the dog.

Evidence that the public horror of hard drug addiction is supplanting the national thrust to control abuse of alcohol is already manifesting itself. In Maryland last week, officials of the Division of Alcohol Control of the State Department of Health and Mental Hygiene were upset about the nationwide hoopla over drugs and the general apathy toward the problem of alcoholism.

This attitude, if it continues, will translate itself into a legislative weakening of the long battle against alcoholism.

Mention the magic word "drugs," these officials say, and legislators come running to pass new laws, set up new programs, spend more money. Mention the greater epidemic of alcoholism and these same legislators say yes, it would be nice, but the budget is tight and maybe next year.

I submit to you, ladies and gentlemen, that this situation must not be allowed to develop.

Dr. Egeberg placed the problems in perspective, I believe, when he pointed out that there are more than 8 million Americans who are alcoholics or who have serious drinking problems.

In addition to the many personal tragedies caused by alcohol, it continues to be responsible for much of the carnage on our highways. Last year, more than half of the 56,400 highway deaths came in accidents caused by drinking drivers—most of them problem drinkers. And it is saddening to observe that 44 percent of the people killed in crashes caused by drinking drivers were innocent victims.

The heavy involvement of alcohol in highway fatalities should not be surprising when we consider that 75 percent of all drivers drink and approximately 13 percent are classified as heavy drinkers.

Now compare these 8 million persons—who are potential menaces to themselves and others—with the estimated 500,000 hard-core narcotics addicts. Let me add that most of these half-million addicts don't drive cars, don't mingle openly in society and, except for sporadic criminal acts to support their habits, don't venture beyond their tightly confined habitats.

I'm sure you saw the results of a recent survey in the Harlem area, which turned up 18,000 hard drug addicts in a 40-block area. This total included 2,000 children between the ages of 7 and 15, and 90 percent of those children lived by themselves. In the District of Columbia, authorities estimate there are 10,000 narcotic addicts.

I believe that it is this kind of shocking statistic that dramatizes the nation's drug problem and tends to obscure the more serious problem of alcohol abuse.

The occasional dope bust grabs the headline, while the town drunk is routinely thrown into the jail tank every weekend and no one—except possibly members of his family—raises an eyebrow.

This, I believe, is part of the problem you face in developing effective programs for the involved drinker and chronic alcoholic in West Virginia. Except for you and the families affected, few persons appear seriously concerned when old Uncle Willie falls from the wagon.

Belated recognition of alcoholism as an illness will do much to help you in your prevention anl treatment programs. But I'm afraid it will take much the same kind of social shock that the drug epidemic has spawned to arouse public action and cooperation in combating the larger problem of alcoholism.

Just as drug addiction remained hidden in the ghettoes for too many years, so the public has been shielded from the epidemic of alcoholism.

It is almost impossible to talk about a health approach to alcoholism and drug abuse without touching on such other areas as crime and punishment, welfare and the alienation of youth. Most civilized people realize that alcoholics and addicts ARE sick people, and not necessarily criminals. There is, however, no question that many of these alcoholics and addicts resort to criminal acts to support the considerable economic burden of their addiction.

Almost by tradition if not by law, our system calls for punishing sick people and criminals alike. We are willing to spend almost any amount of public money to punish the addict, but no more than a pittance to provide the medical and rehabilitative services he needs to kick the habit.

Now I am not advocating the abolishment of all laws and social controls designed to curb these abuses. But I do say we must move to make the punishment more nearly fit the crime. The fact is that excessively harsh punishment has failed to deter addicts or experimenters. Yet our emphasis, as demonstrated in the Administration's new bill on drug abuse, continues almost exclusively on tough laws and rigid enforcement.

In West Virginia, a young person who is caught with marijuana in his possession is liable for up to five years in prison. In neighboring Virginia, the *minimum* penalty for a kid caught with a marijuana cigarette in his possession is three years. If he is caught giving one to a friend, he can be given a 20 year sentence.

By treating sick people as criminals, by treating those who have broken the law as animals, by concentrating on punishment—public revenge if you will—rather than treatment, rehabilitation and the salvaging of human life, we are defeating our original objectives. The very efforts we take to further law and order serve to proliferate violence, lawlessness and disorder.

The time has come to put as great an effort and investment in curing people and saving lives as we have been putting into apprehending and punishing those caught up in addiction by drugs and alcohol.

It will require a total effort by our whole society—on a dimension few have yet grasped. We must be prepared to invest billions at all levels of our government in contrast to the relative pittance that is being put into existing programs.

We have spent lavishly to put pot-smokers and main-liners behind bars, giving them a tax-aid education in criminality. We need the same effort in education and rehabilitation for the good—as well as the protection—of society.

What is needed is open-mindedness, patience and faith in the indestructibility of the value of a human being. You are the cutting edge of this effort to salvage human lives because you believe they are worth salvaging. I urge you not to lose faith, because help is on the way.

The urgency of fulfillment and the depth of commitment that you exhibit by your presence here can—and must—be conveyed to the general public.

FARM LEGISLATION URGENTLY NEEDED

Mr. HARRIS. Mr. President, the Food and Agriculture Act of 1965, the basic authority for the present farm program, will expire at the end of this crop year. Unless new legislation is enacted, the law will revert to legislation in effect prior to 1965, and it is expected that American farmers would thereby suffer a net loss in annual farm income of $1 billion.

Mr. President, new farm legislation is urgently needed. It is available and ready for enactment in the form of the coalition farm bill now pending in the Senate Agriculture Committee and the House Agriculture Committee.

Recently, I held a 1-day hearing on wheat prices and needed wheat legislation in El Reno, Okla., to bring the Federal Government home to the people and to give wheat farmers, themselves, an opportunity to be heard.

Wheat is the number one agricultural crop in my State, where there are more than 40,000 wheat farmers. Agriculture is basic to the economy of Oklahoma and America—and wheat is fundamental to the overall agricultural economy.

At the hearings in El Reno, I was tremendously impressed by the great feeling of powerlessness which so many wheat farmers and others in our society feel. They are alarmed about the need for immediate action if disastrous impact on farm prices and agriculture generally is not the result. Yet, they feel strongly that few people are listening to them and that their voices are not being heard. That is why I thought it so important to hold this hearing at El Reno, to get their views firsthand and to report them to the Senate, as I now do.

From these hearings, attended by more than 50 wheat farmers and others from the wheat country of western Oklahoma, some very important conclusions once again emerged.

First, it was very eloquently shown that the farmer is caught in a ruinous cost-price squeeze, with the things he has to buy having gone up and up and the things he sells having gone down and down. Ralph Ransom of Enid, for example, pointed out that a wheat combine, which in 1951 was priced at $5,000, today costs $10,000—yet the price of wheat has gone down, not up, since 1951, and continues to be at an intolerably low level today.

Second, it was demonstrated once again, unlike what some consumers may believe, the farmer is not responsible for the increased prices housewives are now paying. The price of what he sells has not increased; it has decreased.

Third, it is essential that the farmers have some kind of permanent program which will allow him to plan ahead. Right now, in Oklahoma, where our wheat harvest is virtually over, farmers are having to plough their wheatland without having any idea what the program for next year will be. Cash-rent farmland is standing idle because the renter does not know what to offer for

the land, since its crop value to him depends to a great extent upon what type of farm legislation Congress is going to approve.

Fourth, it was made abundantly clear that if the present farm program is allowed to expire, without being replaced with something better or at least just as good, wheat farmers face economic disaster—and this will have highly detrimental effect on the general economy of Oklahoma and the Nation.

Fifth, farmers must have a new farm program which increases their income, continues the concept of supply management and is based upon the vital concept of parity. It was made clear at the El Reno hearings that these and other required provisions of a fair and equitable farm program are best embodied in the coalition farm bill now pending in the Congress.

These wheat farmers know what they are talking about. And they are talking about the need to pass, right now, the coalition farm bill. They are some of the finest and most patriotic people in America. They are entitled to be heard. They deserve to be treated fairly.

What they had to say in these hearings was well prepared and sound thinking. I am personally going to deliver their testimony and my conclusions to the chairman of the Senate Committee on Agriculture and Forestry and the chairman of the House Committee on Agriculture, as well as get it to each individual member of those committees. I know that other Senators can also benefit from a consideration of these well expressed views of Oklahoma wheat farmers and others. Therefore, Mr. President, I ask unanimous consent that the statements made at the El Reno hearings, which I held on Saturday, June 20, 1970, be printed in the RECORD at the conclusion of my remarks.

Mr. President, we must not let present farm legislation expire. For years farmers have been told that Congress will act if farmers will only get together and agree on a common program. Now, 32 farm organizations of America have agreed on the coalition farm bill. Farmers have done what we asked them to do. It is now time for us to do what we told them we would do. I hope the coalition farm bill will be reported by the committees and enacted by Congress immediately.

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

MR. FRED R. MERRIFIELD (EXECUTIVE SECRETARY, OKLAHOMA WHEAT GROWERS ASSOCIATION)

Time is getting short for the passage of farm legislation following the present farm program, which ends with 1970. We understand that the Department of Agriculture is already prepared to call a Quota Election in August as required by the 1958 law. We understand that consideration of farm legislation has been halted in the House of Representatives due to differences of opinion among the House of Representatives Agriculture Committee Members as to the details of such legislation and that the Senate Agriculture Committee is awaiting action by the House.

We as members of the Oklahoma Wheat Growers Association agree with the farm program as recommended by the Coalition of Farm Organizations. We especially recommend the following as provisions of a permanent farm program with the present law repealed.

1. That Domestic Certificates be retained, the face value to be the difference between the government wheat loan and the parity price.

2. That the government loan be retained at the present average of $1.25 per bushel or that there be a blend guarantee of the average rate of return sufficient to place a floor under the market price.

3. That in the case of wheat or feed grain allotments that the substitution provision be retained or that a joint base be established.

4. That the processors portion of the domestic certificates be 75¢ per bushel.

5. That a strategic reserve be built up.

Contrasted to this the Department of Agriculture has recommended that the domestic certificates be set at the difference between average market price for 5 months and parity price, and does not approve a guarantee on average return per bushel on wheat produced.

The Oklahoma Wheat Growers Association membership definitely desire a permanent program with Domestic Certificates set at the difference between loan and parity price and a blend guarantee as outlined above.

We believe that it is very urgent that both the House and Senate Agriculture Committee take action immediately in accordance with the above recommendations and that in the meantime, a resolution should be passed in both houses of Congress extending the deadline for calling the referendum as required under the 1958 law.

LETTER FROM SENATOR AL TERRILL, LAWTON, MAJORITY FLOOR LEADER, OKLAHOMA STATE SENATE

SENATOR HARRIS: It has come to my attention that you are holding special hearings concerning the dire situation of our Oklahoma Wheat Growers. In my opinion this situation has come about by the failure of either the House or Senate Agriculture Committees to report out a Bill encompassing next year's farm program.

In representing southwestern Oklahoma, a large wheat producing area, the concern of farmers in my area has been very vocal. I would urge you to use all influence within your power to encourage the reporting of a Bill immediately.

We are 90% complete on our wheat harvest and being ahead of other states, our wheat people have not yet been advised of next year's program. This, naturally, puts them in a bind concerning the planning of their crops and in making financial preparation.

I would appreciate it if you will make the text of this letter a part of the permanent record of your Hearings and forward adequate copies to the respective Chairmen of the Agricultural Committees of the House and Senate.

I, along with all others in my area, who are dependent upon the wheat industry, appreciate your prompt and sincere efforts in this matter.

MR. HERSCHEL CROW (OKLAHOMA STATE SENATOR FROM ALTUS)

I live at Altus. I represent three of the large wheat producing counties; Jackson, Tillman, and Cotton County in southwestern Oklahoma. Not only do I represent wheat farmers in a state capacity, but also am actively engaged in the growth of wheat in that part of the country. I feel that I have a certain capacity to speak from personal experience along the problems that we in the wheat country are facing.

I'd like to begin by saying that I personally convey my thanks and appreciation, and I think those from the people in my area, to you for showing your definite interest in this by showing yourself as a co-author of the Coalition Farm Bill. I, as a Legislator, know exactly what this does mean. This means that this pledges you to an effort toward finding the answers to our problems, and promulgating legislation that will tend to alleviate these problems.

You spoke a while ago about the cost-price squeeze, for the wheat farmer and generally farmers all over Oklahoma are, in some capacity or another, wheat farmers. I think that this can be more dramatically shown by considering many of the economic ramifications of problems that face the farmer these days.

The farmers of Oklahoma for the last 8 or 10 years have been riding the crest of an economic boom which has been largely brought about by increased values placed on their farm land.

This has been a part of the general economy of the state and of the United States. I think an appreciable part of that crest has come from the fact that we have had national legislation which has given the farmers something that they could actually get their teeth into.

Being a farm boy from Cotton County, as I know you are, I know that you have personal recollections of the days that you had to wait until next year to spend this year's crop money because you had no idea what tomorrow would bring. The last few years have given farmers from the wheat country something that has been virtually unprecedented in other years and other times in our agricultural economy. It has given us something that we could at least plan toward next year with. It was not something that you could contemplate riches with but he at least figured that he could be here next year, and put in a crop next year.

With the loss of the legislation at the Federal level, these provisions will be lost, and we will be back again to the old 6 of one or ½ dozen of the other of seeing what our commodity was going to be worth or holding that money for another year while we attacked the man at the bank for more loans. So the urgency is of a great nature, and I know that you understand and I want you and your colleagues to understand that the people of the wheat country understand where we are at this time. They are faced not only with a lack of knowledge of what will be the law, but with a dire need to know how to plan. Because they need to know what kind of seed to have.

I was interested to see in a circulation that came out of Washington the other day, that if a person chose to substitute barley for wheat under the provisions of one of the acts that was being speculated, that he could well lose barley base. People in my position have for several years substituted and grown all wheat although about half of my base is for barley. I cannot permanently endure a situation which will force me to give up a part of my planting right, in order that I might be able to substitute.

So we need permanent legislation and we need something as soon as possible. I know the legislative problems involved in getting something through the House Committee and through the Senate Committee and do agree with you that legislatively it would seem expedient to pass some type bill that could be sent to a Joint Conference Committee, because in all probability it will have to go back through either house no matter what the course.

I personally feel and think that I speak for the people from my part of the state when I say that I believe that they feel that the Coalition Bill and the things that are a part of the Coalition Bill are by far the best provisions for legislation that can come out of the Federal Congress. I would say that we very definitely need an export certificate, and I know that the Coalition Bill does not necessarily involve an export cer-

tificate, but it gives the right or alternative to the Secretary of Agriculture.

I think that farm people realize that many of the things that are traded internationally are built, financed, and paid for by the United States Government and are done at a parity type level. They feel that our commodity is grown by farmers and is used in international trade, but is not traded at a parity level. It is, so to speak, subsidized by the American farmer.

So we all realize the problems with the gold standard and the balance of trade. We realize our own problems. We realize that 8½% interest eats away and erodes away everything that we all have looked forward to. We also realize that if prices go so low and taxes become so high that we can no longer have a profitable organization on our farms, then the price of our land will erode and we will no longer have buying power.

These are all of the problems that are part of our overall situation. Again I say thank you for being available today and thank you for hearing me.

MR. DAVID FOSTER (KINGFISHER WHEAT FARMER)

I am honored to be here and am glad that you could be here to give us a chance to express ourselves Senator. I don't want to repeat what Mr. Merrifield and Mr. Crow have said because I agree with them completely.

I am known up in Kingfisher as the travelling farmer and I didn't travel with money that I'd made from wheat. I was just lucky enough to have an oil well or two. I'm past 70 years old and I know I can't travel too much, but when you go into these foreign countries you can see the differences.

I just came back from Denmark about 3 weeks ago, and I found out that the farmers over there get between 3 and 4 dollars a bushel. The reason I can't say exactly how much it is, is because they have a different type of money, and one person would tell me one thing and another one would tell me something else. Consequently, they're getting more for their wheat in Denmark than we are, and their economy is not nearly as good as our economy.

In travelling in these different countries that I have, we find out that the farmers who price the wheat in foreign countries, the majority of them are better than we have in America. We feel that American farmers should be treated at least as well as some of these countries that we consider as underprivileged.

So, if you can co-author and get this Coalition Farm Bill by I think we've worked hard and everyone will be in good shape except this one farm organization, and I don't understand it, and I can see no reason why the American farmer be penalized without having a good fight for his farm.

MR. EARL ABERNATHY (ALTUS WHEAT FARMER)

I appreciate all that you are doing for the wheat farmers of Oklahoma today, as well as when we were trying to get the Commission established. I know you have the farmer's interest at heart and we appreciate it an awful lot.

I appreciate very much the opportunity to present this testimony on the urgency of obtaining a Farm Program.

Our oxen has fallen into the ditch, it is late Sunday and we seek assistance in the name of more than 40,000 wheat farmers in Oklahoma.

With wheat holding the position as the No. 1 farm crop in Oklahoma and putting into motion more than a quarter of a billion new dollars for the economy of this Sooner State each year, we are prepared to present our case to you.

I am in support of the Coalition Farm Bill and would like to see this legislation passed immediately. The wheat farmers of Oklahoma are preparing the land for next year's crop without the knowledge of what type farm bill we will have.

This information is virtually important to planning farm operations, particularly since renting of land normally changes hands at harvest time. A lot of this land is cash rented in advance, so the amount of rent paid would be greatly affected on the type of farm program and even by a limitation of payment. I am personally opposed to limitation of payments, but should they have to be imposed to make legislation possible, they should be high enough to not affect the family farm.

I would like to stress again the urgency of a farm program.

Wheat farmers will soon be fertilizing. It will virtually be impossible to plan a fertilization program without the knowledge of a farm program.

I am in favor of the substitution clause. Should this not be included this would greatly affect many farming operations.

In making credit arrangements, it is very important to know the type of farm program we will have.

Without some type of farm program immediately the family farm will perish. This, I do not think is in the best interest of the United States. And for this reason I would ask that there be a one year extension of the present program until a permanent program can be passed.

MR. RALPH RANSOM (ENID WHEAT FARMER)

In 1951 I bought a combine for just slightly over $5,000 while today they're over $10,000. In the same year I bought a farm in Woodward County, and the taxes were $228 whereas this year they were $648 on the same piece of land with the buildings torn off and the fences coming down.

So we are really in a bind because of the cost-price squeeze. Last year I put a new clutch in my combine. In May, I inquired into the cost of this clutch and it was $37. I didn't get it put in until after July 1 and the price went up to $44, that's a 20% increase, on that one item of repair.

I was in St. Louis right after this Coalition Farm Bill was introduced, and I'm in full favor of it.

MR. MARION RUTZLAFF (FAIRVIEW WHEAT FARMER)

The farmers are in a desperate situation. I'm not a large farmer, I have about a $400,000 investment, and I don't believe that I'm going to gross 10% this year. And profit from that gross will be nil. We are just fighting for survival.

I'm in favor of the Coalition Bill, and we need something that we can act on immediately. I'd like to go into my fertilizing almost immediately, but I have to wait. I want to say again that we appreciate your being here.

MR. EDWIN OSMUS (OKEENE WHEAT FARMER)

I am in favor of the Coalition Bill. Because we have a situation where we've got to get something done. I think we need to get things going. Something to where we can have some goal. The farmers are in desperate need of this legislation.

MR. RICHARD E. ROMANG (OKLAHOMA STATE SENATOR FROM ENID)

Senator, it's a pleasure to be here. I hadn't planned to make any statement. It's nice to be here with my colleague Senator Crow who is very knowledgeable on this subject. I might add that Garfield County is considered the No. 1 wheat county of the state. Senator Crow may dispute that, but we consider it to be No. 1.

The welfare of our county depends on the prosperity of the wheat farmer. If they have a good crop, the merchants in town do well, and if they don't, business is down. I noticed a tabulation recently on the prices of wheat over the years, as long as they've kept the history of the price of wheat, and except for the depression years the last few years the price of wheat has been about the lowest in the history of the wheat market during this century.

One of the things that is hard for me to understand is why everything else goes up while the price of wheat is about ½ of what it was 20 years ago. I appreciate what Congress is doing and I appreciate what you're doing, Senator, but I believe that something must be done in the near future.

If our agricultural economy goes down the rest of the nation is going to be directly affected. Thank you very much for this opportunity.

MRS. ANNA BELLE WIEDEMANN (OKLAHOMA STATE REPRESENTATIVE FROM PIEDMONT)

There is a new farm program upon which a serious decision must be made in the very near future. I have visited with almost every elevator operator and several hundred farmers throughout Canadian County, and I have asked them what type of farm program they need. They said that the certificate system may not be the best, but until a better program can be worked out, that it was the only way the farmer could stay in business. During a poor yield year, as many had this year, the certificates are absolutely necessary due to the low price of wheat and the severe cut on allotments.

A local banker visited with me this week on this problem, and gave me the figures of actual profit that came off of a quarter section of land. The profit was a little over $6 an acre on tillable soil. On an average farm this would equal a profit of $600 without the certificate on the tillable soil. It is impossible for a farmer to survive without a subsidy unless the price of grain increases and stays there.

Under the agriculture program many people do not realize that we subsidize the School Lunch Program, and many other projects which do not relate to the agricultural field. Therefore, the farmer receives only a small portion of the allocated budget.

MR. DONALD COFFIN (OKLAHOMA STATE REPRESENTATIVE FROM NOBLE)

The following suggestions are the recommendations of the farmers of District 31, Logan and Noble Counties, for the farm program with particular reference to the wheat program.

1. Approve a farm program at least a year in advance so the farmers can plan their operations.

2. Do away with the program of allowing substitutions of fed grains for wheat or other crops.

3. Do away with the requirement for soil conserving acres.

4. Raise the loan rate on wheat to $1.50 and leave the certificates the way they are.

5. We believe there should be a ceiling on ASC payments to a family, corporation, or individual and suggest this ceiling be around $40,000.

MR. LLOYD (MANAGER OF THE FEDERAL LAND BANK ASSOCIATION AT FREDERICK AND ALTUS, OKLAHOMA)

I don't want to be accused of being an expert, I'm further away from home than some of you are. When you get away from home any fool can be an expert. In reality, I'm just an ordinary farmer from southwest Oklahoma, and all I do is work for the Land Bank in order to enjoy the luxury of farming. You farmers know what I'm talking about because this is actually true. The more I farm the harder I have to work for the Land Bank.

Somebody indicated a while ago that he couldn't understand why I was farming. I

said that I liked it. He said that he supposed that I'd keep farming if I inherited a million dollars, and I said that I'd just keep the farm until it was all gone. This is literally true. I know what I'm talking about.

I farm quite a little wheat and try to raise cattle in order to be able to farm wheat. I also raise a little cotton, which you're probably not involved with, but I also represent the Land Bank in my area, and I make loans to farmers. In my area, southwest Oklahoma, Cotton, Tillman, Kiowa, and Greer Counties, and in my capacity as a Land Bank manager I talk to and service about 1500 long term loans, and small farm loans.

Whenever you talk about farmers being in a cost-price squeeze you ought to sit where I do. I want to talk about these people. This is what our President recently called the Silent Majority. This is the group I want to talk about, the Silent Majority.

I was born and raised on a farm as most of you were. All we were taught was that we were just a bunch of dumb, ignorant farmers. All we were taught was to try to make an honest living, get up before daybreak, and work until after dark, and try to make an honest living. Then go home at night, and if we hadn't done everything we were supposed to do we were reprimanded for not doing it. Of course this is all out of style now, nobody wants to work now and nobody is ever reprimanded.

The Silent Majority that I want to talk about is the farmers, who just don't ever say anything, Senator Harris. The only people they talk to is me and the banker. They're in bad shape, and they're not all little ones, Senator Harris. Some people buck against the establishment, have long hair, and have done a lot of weird things. Some people, even in Congress, I regret to say, believe there's no place for the little farmer in our agricultural economy. Well, there may not be, but if we don't have a farm program there's not going to be any place for the big farmers.

I haven't foreclosed on a loan yet, but I'm awfully close right now. I've requested and forced the sale of property to keep from foreclosing, and I hope to goodness that I never have to foreclose on any loan.

But did you know that one of those near foreclosures, was the largest loan that I have on the books, for $13,000? So don't kid yourself when you think that the little farmer is the only one that is in trouble. When you don't make any money, the more you borrow the worse off you are. It's just that simple.

What I want to point out to Congress—this kind of irks me, Senator Harris—because I don't want to criticize anyone unless they need it, but Congress sits up there and listens to everybody in this whole country, and the louder you holler and the more dirt you kick up and the more property you destroy, the better ear you have to Congress.

I don't have anything against Postal Workers or pay increases for them, but the Postal Workers strike against the government, and, in fact, they almost intimidate the government, but Senator Harris, Congress turns over backwards to listen to them and give them what they ask for or some portion of it. Now they tell me that they're going to strike again unless the Senate gives them the salary increase, and I imagine that the Senate will probably give it to them. That's all right, I hope you do because they need it. I'm 100% for them.

Why doesn't somebody in the world listen to the Silent Majority of farmers who are the basic economy of the whole nation? The whole nation is dependent on the farmers, and nobody listens to us; everybody ridicules us, and nobody comes to the rescue of agriculture which is the basic economy upon which this whole nation is built.

You find Congressmen who say, "To heck with the farmers; I don't have anything to do with it; I don't have any agricultural constituents in my whole district," but that's not so. There's not a Congressman or a Senator or President or anybody else that isn't totally and wholly dependent on agriculture. They've got to eat, and if they don't watch out they're going to wake up one of these days, and I think it's a lot later than you think.

I wish people could sit where I sit and see what I see. I know how close people are operating to the belt right now. They're just absolutely, barely existing. I wish you had some way of knowing just how much an hour a farmer is actually making, take-home pay that he can put in his pocket and count up at the end of the year when he starts to figure his income tax. If they can't borrow it from me to pay their income tax, which a lot of times they can't, they have to go to the bank or somewhere else.

Mr. Crow, you're behind on what money costs now. 9% is what I charge them on a long term loan, and the bank charges 10%. Senator Harris, do you know what the net income on a farm is now? If he can make 4%, he's lucky. He's a real prudent manager if he can make 4%. You add that up and see where he's going. I'm talking about with the present farm program. That's how important a farm program is. We've got to have it now, not later. We've got to have it now. We'd better not fall back on 1963.

That's how important I think it is. That's why I drove all the way up here to say these things. Bob Poage is a good friend of mine. I want Bob to hear what I've got to say on this. I've had Mr. Poage at a national meeting of the Federal Land Bank Association, that I had the priviledge of representing as the head of it for a number of years. I had him on my program. He has done an awful lot for agriculture. He's a champion for agriculture, and whether he can do it or not I don't know. This will be one of the most important things he's ever done for agriculture when and if he can get this bill out of the Committee and before the House and get it passed.

I say to you, Senator Harris, that we've had a lot of other emergencies. I don't think that the emergency of the Cambodian invasion needs any more public attention than this matter right now. This is a lot more basic to the existence of our country and dependent on the growth of this nation.

We've got to have these farmers. We might not like the looks of them, we're not very pretty, but we've got to have them, Senator Harris. If you don't think you have to have them, just let them go by the wayside and see what happens. Those people will be leaving the farms in droves, and I've never seen a farmer yet who left by choice. They always quit because they have to, and this is pathetic.

It's pathetic that Congress would sit on its hind end and not act on this program that's so needed, and nobody knows what they're going to do. Yesterday, I was driving through southwest Cotton County and Stevens County, and I saw farm after farm that hadn't even been plowed yet. Do you know why it hadn't been plowed? It was because of the cash-rent propositions. They don't know what they're going to do next year, so how can they know how much they're going to pay in cash-rent. The renter has a fee set, and they don't know if they are going to be able to pay it or not, so they don't know what their income is going to be.

Did you know that farm subsidies have become a part of everything that the farmer does? Every dollar that he borrows from the Land Bank, every dollar that he borrows from the bank, and every part of his business, he figures a part of his income from that subsidy payment. As an example, when we look at a farm to loan money on, we figure all of the subsidy income on their farm in order to appraise it for borrowing money on. This is how important it is. We've got to have it. We couldn't loan money because we couldn't figure any way in the world for a man to make his payments if we did not include that whenever we appraise a farm to make a loan. Every other person who makes loans does the same thing. It's a part of the economy. They're totally dependent on it.

Somebody said that they'd figured it up this year that all the money they'd made on wheat was used to pay his fertilizer bill, to pay for his combining, and to pay for his fuel bill, and that's all he had left. Where is payment to me going to come from? Where are his taxes going to come from? It's got to come out of that subsidy. Thank you, and I'm sorry that I took so long.

MR. E. W. CLEVELAND, ALTUS, OKLAHOMA

I'd like to bring out one new point that hasn't been mentioned this morning. We have before us now a very clear, hard picture in Canada as to what can happen to a group of wheat farmers in a wheat economy that operates without a farm program. I understand that this year the Canadian government is asking wheat farmers in Canada to plant 10% of their tillable ground in wheat. This is a really austere program. If they stay to this program, it will cost the Canadian government a lot of money because they're going to have to pay a small subsidy for their land, depending on what they do with it, from $8 to $12 an acre.

They're proposing out of this proposition of 10% of their tillable ground of wheat, that to continue this until they can get a supply and demand in line. Now as you know they have been our roughest competition in wheat. They've really raised some of the best wheat in the world. On exports in years past, they have given us fits particularly with their Nanitoba No. 1 wheat. But they have continued to operate with no restrictions and I'm sure a lot of you feel as I do that I've been left holding the bag so to speak with farming wheat year after year after year, to try to hold our production in line. My neighbor to the north is going unrestricted, but it has caught up with him.

I think that Bob Kerr and the men from the southwestern part of the state would agree that I have never seen the like of Canadian combines in our country as I saw this year. Those people are hungry. I've been through the two main wheat provinces of Canada by automobile, and wheat is stacked, stored, and piled everywhere, much of it rotting and ruining. There have been articles in national magazines that I'm sure you read, where a man traded 6,000 bushels of wheat for a new Dodge pick-up. We're headed straight for that kind of situation without a farm program, without supply and management. We've got to operate under some semblance of a program.

This is not only one section of the wheat country. Without a wheat program in a short time we would have economic chaos. It affects the big cities. The Food Stamp Program has been mentioned, the School Lunch Program has been mentioned, and I'm sure that we have friends in the big cities, that is Congressional friends. I think that a lot of them see this situation, and I'm sorry to say they see this situation better than our Senators and Representatives in Agricultural communities. It seems to me that taking the overall picture of it, that it is absolutely necessary to have some kind of a farm program, similar to what we have now. Agriculture is so basic, and there are so many parts of our economy that are directly dependent on it, those that aren't are indirectly dependent on it. I just think that it would be disastrous for the entire economy to throw this thing completely out the window. Farmers can operate insolvent for a while, but not this length of time.

I think as Mr. Patton said, that a lot of us don't realize how close the margin is now between profit and loss. As has been pointed out, our net worth has come about by ap-

preciation of capital assets and replacements. The cost of them are increasing immensely. When one large farm tractor equals the cost of two Cadillac automobiles, it makes it a very rough situation for the average size wheat farmer to just continue to operate.

I think that Congress will take a good hard look at this and have the good sense to pass a farm program for us. I don't see how they can do any less.

MR. EMIL KASTL (SECRETARY OF THE OKLAHOMA FARMER'S UNION)

I appreciate the opportunity of being here and appreciate your taking the time from your busy schedule to participate. So, what I will say will be very little, but I do want to call on some of our membership. As you know, of course, our National Farmers Union want to remain leaders in this Farm Coalition Bill.

Through the years I have heard it said that farmers can't get together. So, I always understood or thought there never has been a coalition of this type, but I learned later that about 1920 there was a coalition of farmers trying to get some things done. Well, whether it was true or not I don't know, but I've heard that said.

So, here we are some 32 leading farm groups in the United States trying to get something done on farm legislation. Actually getting together is what Congress has been asking us to do. So we are, as members of the Farmer's Union, working hard toward getting a bill passed.

I, too, as did many other fellows here, attended the meeting at St. Louis on the Coalition Bill, and I thought it was a real fine one. Some 500 people attended and really tried to work hard toward agreeing on some farm legislation. Now I think, too, that we should have an export certificate on wheat, because if we are going to mass produce so many acres we should have a price support also.

Parity, of course; we should certainly have parity of income. Now the gentlemen talked about wheat farmers from Canada and what they are doing up there. We were on a tour of Canada last year with our Farmer's union membership, and we happened to stop in one town as we were wheeling along, and we got to talking to some of the wheat farmers up there, and, boy, what a plight they're in.

They said, "We're going to have to do something like the United States is doing or we're going to be in serious trouble," and they are already, of course. So, I'd like to call on P. R. Landers if I may, and would like to call on Louis Williams, he's our manager of the Federal Land Bank at Stillwater, and also a farmer too—Mr. Louis Williams.

MR. LOUIS WILLIAMS (MANAGER OF THE FEDERAL LAND BANK, STILLWATER)

Thank you Senator Harris. This is the first time I've had an opportunity to speak before a Senator since Senator Ellender was up at Stillwater, and that's been many years ago. We also had a fellow with the Secretary of Agriculture whose name was Ezra, but I forgot his last name. He was a real unpopular guy with me, although we have had a lot of other unpopular Secretaries of Agriculture since then, I guess—I hear rumors and I do hear this, Senator, rumors are that some people are not exactly satisfied with Fred Harris.

I think that that is one of the things we have plenty of in the United States and that is the right to disagree on what someone else is talking about, but I want to say this: I feel that you're doing a fine job. I appreciate your coming out here and talking with us farmers out here who are interested in the welfare of the citizens and the United States. We don't want to tear it down—we want to build it up. We've got to have a fair shake in the economy.

Now back in 1937, wheat went way up like you've never seen. Mike, you remember it probably got to $1.17 a bushel. At that time we were paying 50¢ a day for labor. Today we pay $20 a day for labor. Well, anyhow, we didn't have a farm program as such then, but we were working very well. But I remember this, that $1.17 wheat price was while we were threshing our wheat, and, while we were waiting to get it threshed, wheat went down to 93¢ a bushel because we had to wait for the thresher. So we said, let's sell half of it and keep half of it. So we sold half of it at 93¢ a bushel. Do you know what it sold at next spring? For just before threshing time—60¢ a bushel.

How can anyone operate on those kind of terms? I don't know of anyone nor where they are—any kind of a businessman where his price fluctuates a hundred percent. They can't do it and neither can the farmers. They cannot do it.

We must have some kind of a farm program so we can get a fair shake with the national economy.

Lloyd, you were speaking about the farmer's plight, and I can agree with you because we have a very good relationship with a lot of people in our area and we know that the prices they're getting and the things they are paying for are gradually getting closer together to where they are going to cross some of these days, and we haven't seen anything yet. When that happens, and it may be just around the corner if we don't get a good farm program, and, as Lloyd says, we've just got to have a good farm program. It's just like the fellow that was walking around and he said, "What would you do if you were out on the plains and a bear got after you?" He said, "I'd climb a tree." "Well," he said, "there are no trees on the plains." He said, "I'd still find a tree; somewhere out on the plains there's got to be a tree." So we've got to have a farm program. Thank you a lot.

MR. M. A. SCHILTZ (PONCA CITY WHEAT FARMER)

We farmers are concerned by the lack of a farm program for next year. Already most ground is plowed or disced for another crop. Mr. Banker takes everything in consideration in making loans for seed, fertilizer, and general crop expenses.

So much is said about farmers' rising income; this is negated by increased cost of money, labor, but, most of all, machinery and repairs.

I've served on a co-op board for many years, and we find the farmers paying their crop expenses with the certificate payment.

Most people I represent would like to keep the present program since we are used to it.

MR. K. L. WEATHERS (HYDRO WHEAT FARMER)

Since everything that we have in the United States comes from the land, the one that farms the land should be protected through price supports, allotted acres, and parity price equal to other businesses. We need to raise the income of the grower.

I favor the Coalition Farm Bill and believe it will help the farmer. In unity there is strength.

Lower the interest rates from 8½% to 6%, and make loans available to farmers.

MR. DELVIN JECK (KINGFISHER WHEAT FARMER)

This is the first time I've ever spoken where a Senator could hear me, and I've said a lot of things. I sometimes hope they didn't hear me. I think that we're in a real bad situation. I'm from Kingfisher and can't speak for the county, but I will say in my area I feel that I am in a desert part of the nation right now. We are dry right in my area now.

But on the farm program, I think that it is probably more critical than what we realize, and I think we're going to have to decide what our goals are and what we want. Now, the Farm Bureau, as you know, is fighting it. I think that if this is what you want I think you ought to do it. But I think people ought to wake up if they are farmers, and fight for what they believe in. I mean, if they think that they need a farm program, get it.

If I was a Senator and there was somebody here talking to me, I could see your problem. But I think that somehow we have got to have somebody to support this, and I think it is so critical now that you can see people who are wondering if they can afford to carry a job with big enough pay to keep up farming.

You look at crop farming. Farmers are unique due to the fact that no two farmers are alike. I don't care where they are. Every farmer has his problems. If you work for a factory you have basically one job—you go to work at a certain time, etc. However, where you are doing something for one farmer you may be hurting another or vice versa. I may invest in some oil income which will make it look like I'm making some money, but still you're not making money off the production of agriculture.

So you do have a real problem, Senator. I sympathize with you and I feel like that somehow you guys are going to have to say we need something and we're going to have to do it. You will. You're real concerned about moving people back out to the country. Congress will spend millions and billions on defense, which maybe we need or maybe we don't, but I'd like to see a little bit spent on agriculture to try to keep us where we are. You have nobody more satisfied than people who are their own bosses, really, as long as they can make a living. And I would like to see it kept that way.

Along another line, and this is criticism, and I don't blame them, but, "where the wheel squeaks, this is what gets the grease." And as was said about our Federal employees—well, this is fine but think of us when you do this. . . . When you do this, it makes our employees upset; consequently we have to raise theirs. Where do we get it to help pay them? So everything goes back to us. I can see your problem. I hope there is something done; we've got to have something.

MR. JOHN PALMER (EL RENO WHEAT FARMER)

We go back and think of those things when we started out, when times were different. I think back to 1926; that's when I started out. Well, we had crops in this country. We had no fuss for them. I know of one place up here, where I had a fellow working for me. We went out and bought a field of cotton and purchased it for $20, and the next year the prices were higher. . . . That's what we've had all our lives, and then they talk about doing without a farm program. It can't be done. That's all there is to it. You've got to have one.

Everytime we had a crop we coudn't give it away, and, when we didn't get a crop, we couldn't afford to buy the seeds. That's just exactly the way it was all those years. Now I know what I'm talking about, and I think this program you are sponsoring is good, and you're going to have to go a long way before you can get something better.

MR. JIM SMITH (OKLAHOMA GRAIN AND FEED ASSOCIATION, UNION CITY, OKLAHOMA)

I didn't come prepared to make a statement. If legislation isn't passed, is it correct that we will have to have a referendum by August 1? And the alternative offered would be a program just about like we have now? But if they don't vote on this pretty shortly, it will depreciate 50% in comparison to what it is now. It looks like to me that it will just be suicide for everybody, and our point is that we hate to see the farmer have to go every year and run his business by

guess and have to plant his crop before some government program is offered.

MR. LARRY ROBINSON (STATE DEPARTMENT OF AGRICULTURE, OKLAHOMA CITY, OKLAHOMA)

I'll be brief. All of you know that back in 1950 over in Arkansas they started developing a marvelous broiler business, and I was in a meeting in Stillwater the last few days concerning the use of obtaining cattle and poultry licenses and whatnot. No mention has been made of anything like this at this particular meeting. It might be just a bit out of place to say something about it—but the point is that Arkansas last year consumed a million and a half tons of milo corn to feed all those broilers that they sold all over the country. There was hardly a speck of wheat that got into those broilers, and if the money could be spent here by the United States Department of Agriculture, the state, or somebody else, to find out why wheat cannot be used more extensively in this country instead of trying to find a market across the pond somewhere, I think it would do us some good because we have reached a situation where we have a lot of competition in these foreign markets, and it's not easy to sell it anymore. So, if we can do something on that score, well, I think it would be a wonderful thing.

MR. CZAR LANGSTON (GENERAL MANAGER, OKLAHOMA ASSOCIATION OF ELECTRIC COOPERATIVES, OKLAHOMA CITY, OKLA.)

I'll make just a few brief comments. First, we want to thank you very much for coming and taking the time from an extremely busy schedule, Senator, to be here.

The things that I think have impressed us most at this meeting this morning are: (1) your interest in being here and taking a message back to the Congress; and (2) these people who have taken time from their daily endeavors and some for taking off on Saturday to come in and testify. It is serious. It has been talked here a little bit about what is happening to the price of land. Now, in the past, about the only thing the farmer has received from his labor, time and investment is a depreciation on his equipment and the appreciation of his land. The economists at OSU tell me that within the past few weeks the trend is beginning to develop where the price of land is dropping from 10 to 15 to 20 percent. Now, should this begin, if it's here, there is no other way for the farmer to secure a loan to borrow money to carry on his operation. We see a great deal in the newspapers of various things being attached to the cost of living. When the cost of living goes up so much, everything involved in this—labor, prices, everything—are escalated to take care of it. Maybe this might be an idea that when the cost of living increases to a certain extent, maybe we could see that the price of farm commodities to the farmer increases a certain percent. The present farm program will keep you just fine but for how long. It's merely a stopgap. We find in surveys after surveys of Oklahoma—we just completed one—where absolutely 75 to 80 percent of the households in rural Oklahoma, farmers, between 75 and 80 percent of the farm homes out there, one or more members of the family have to do what Lloyd is doing and what Louis is doing and what many of your families are doing—you have to work off of the farm to make ends meet. And this is just not attractive to the young farmer coming into the market today. It's serious, and I just threw this out, this one thing, and I think one thing, too, that those in politics should remember and that is the things that made the difference in the election a year and a half ago and two years ago this November was the farmer finally speaking up at the ballot box. He said, "I'm dissatisfied with what I'm getting." I was in Washington earlier this week, as you know, for a breakfast with our youngsters and Senator Harris is always there making arrangements for us, taking care of the group while they're there, and I never saw so much frustration on the economic conditions and the chaos that exists in the United States today as in the field of economics. One of these days, if this continues, you are going to find a group of farmers going into Washington on one of those marches. If we go through another depression as we had in 1929, '30, '31, '32, and '33, you won't see it lasting that long. There will be the darndest revolution you ever saw in this country. The younger generation will not tolerate it. And that's where we're headed, and all of your big depressions have originated in the low man and the farm man. Go back and check your economics. And when they're losing money the businessman starts losing money and that goes right on back up to the manufacturer, the buyer, the finance company and everybody else. You'll never find a greater group of law-abiding citizens in this nation than your rural people—your farmers. They're law abiding, and it's hard to get them stirred up. We had a heck of a time in 1961 when we had some legislation up there. "Why should I make my voice heard?" But they finally did. And, Hershel, you know that, Senator Crow, but we need a program now. These people can't wait until August to know what to do . . . and you sure can't plough Oklahoma land when it is dry. They've got good ploughs, but they're not that good. So I would like to conclude by saying thank you very much for taking time from your busy schedule to be here, and we hope you get this message back to Mr. Poage and Mr. Belcher—both of them need it. There has been one thing I've noticed: a number of the members of Congress from farm areas say that the way they get elected by the farmers each time they come up for election is the fact that they always vote against the farm bill that is proposed by Congress. And some of those men sit on the Agriculture Committee and develop the farm bill. You're popular with people who vote against the farm bill the Congress finally approves. So let's come up with one that the farmer approves; then the Congress will vote for its support.

MR. M. E. THOMPSON (BANKER, CALUMET, OKLAHOMA)

Thank you very much. What I want to try to say is what I think I hear the people and the farmers telling me across the desk about the farm program. One of the things I am fairly convinced of, now, is—not all of them agree to it but many of them do—is that they are fairly disgusted with the details of the farm program. It is so detailed, so hard to keep up with, that even people working in the office seem to me have a hard time telling just what it is. Another thing that they are saying is that there should be a limit to the amount that one farmer could receive as a subsidy from the program. And most of them, I believe, are convinced that, just like has already been said here, we have to have a farm program of some kind; we cannot depend on the market. And another thing is that they believe it should be based on a family-size farm that would be favorable to the owner-operator or the tenant-operator. And I am sure that the farm program should come from the farmer—not bankers, businessmen, or insurance people or anybody else, but the farmers themselves. I know that, as far as this program is concerned, the time is short—there isn't much really that can be done. Am I right? This is one of the details we are disgusted with. It's just like what has already been said here—time is running out. I would like to see ten representative, good farmers from wheat counties have two or three meetings, or maybe four, put down what they think should go into a farm bill and do this in every county in the state, present it to the State Board and let them wrestle with it from all the counties and come up with something. It has got to be something down the line because we just can't possibly get that done, but if they would do this in every state in the Union, and it could be done with some organization—it could be done in short time—well, surely we could come up with a farm program that the farmers, like the gentleman said, the farmers would be for. I don't know that I can say anymore than that.

MR. BOB KERR (ALTUS, OKLAHOMA)

I am Bob Kerr, farmer, from Altus, Oklahoma. I raise wheat, feed grains, cotton and cattle, general farming for our area.

I continue to stand *uncompromisingly* in favor of the Coalition Farm Bill. We've been told time and time again for agriculture to stand together. Every farm organization, with one glaring exception, are standing and speaking together; and what are we told to do? Compromise! The American farmer has about compromised himself out of business.

I support the Coalition Bill because of four main points:

1. Possibility of more income—not less.
2. Supply management.
3. Concept of *parity!!!!*
4. Permanent legislation.

Every newscast you hear, and every newspaper you pick up you read about teachers' strikes, steelworkers' strikes, auto workers' strikes, dock workers' strikes, fare rates increases, steel price increases, President's salary doubling, postal pay raises, Congressional pay raises. Do these people want slaves producing their food? Does it take a rioting, looting, burning, shooting, shouting, mob to get attention these days? Is this the only way to be heard?

If the people of these United States want to see a strike cripple the world—let the farmers of *America* quit producing food.

I can't believe these people want to hold the farmer down to a sub-par existence. *Surely we should be* GUARANTEED *the right to* PRODUCE *at a price* that would enable us to share in the prosperity of the United States.

Perhaps net farm income per man or per family has gone up. *But* per farm income by bushel, by bale, or by acre has definitely gone down. When a man's farm net goes up it's because he has swallowed up another of his neighbors. In most cases his debts are higher and his risks are greater. His neck is extended a little more over the chopping block. He's usually closer to the point that *one* crop failure could wipe him out.

We're told we can't ask for too much—that the consumer may revolt. I tell you the consumer is the one who's benefiting from the situation existing in agriculture today.

Mr. Nixon said in his campaign he was going to appoint an agricultural man to be Secretary of Agriculture. Well he appointed a man from an Agriculture college. If Mr. Hardin is working for the farmers' interest—please deliver me from anymore help. I'd like to be the Secretary of Agriculture during the writing of one farm bill. Farmers would *know* they had someone working *for* them. Mr. Hardin may be able to leave the concept of parity out of a new farm bill but I g-u-a-r-a-n-t-e-e he can't make us forget about it, and I promise we will holler parity until justice is done. I suppose a man's suit would weigh 5–8 pounds. It's a shame when a 500 pound bale of cotton won't buy that suit.

Yes, we need a farm program.

Yes, we're at the eleventh hour in that need fastly approaching midnight.

We've already started our next crop year in southwestern Oklahoma with only our hopes and a farmers' eternal optimism.

Senator Harris, I thank you for this opportunity to be heard. We ask you to continue to do all in your power in behalf of a farm program of "equanomics" for the American farmer.

MR. WASH S. HOWARD (ALTUS, OKLAHOMA)

Plans are being made—money is being borrowed—and we do not know what to expect. Let's keep what we can of what we have until we can improve it.

MR. DAVE FOSTER (KINGFISHER, OKLAHOMA)

I also represent the Oklahoma State Grange—I'm the legislative representative, and at our last state meeting we went 100% for the Coalition Farm Bill. There was not one dissenting vote against the Coalition Farm Bill, and if you folks remember, the two party system originated with the Grange way back in the '20's, and it passed the Congress but the President of the United States vetoed it. And this bill we have is, you might say, the Grange Bill in a lot of ways.

MR. LEONARD JENSEN (EL RENO, OKLAHOMA)

I'm just a wheat farmer. I've been told I'm the largest farmer in Canadian County. I outweigh them all. The thing is, with this farm program we never had it so good. We like the program but we can't pull our last five crops out of reseal. What we can't understand is why these people out west don't start using wheat in their feed lot program. This is a practical way to get rid of a lot of this wheat. Feed it up. They tell me that in ten years there is going to be 30 percent more beef than pork. They're not pushing this feeding the wheat hard enough. An old boy can't get it out of the elevator because it's sealed up, not sold. Instead of cutting these allotments let's feed this damn wheat, let's get rid of it. We like to raise it; let's let pasture. We feed a couple of thousand cattle a year and maybe a thousand hogs but we feed up our entire wheat crop and have for the last four out of five crops. But we don't work 90 days a year we work all the year round. We are not criticizing anybody who wants to work 90 days, but I think that with fertilizer and with all this stuff we get nowadays we're going to raise a damn sight more wheat than people are going to eat. I tried to eat surplus and look what happened to me.

FUNDING TITLE VI OF THE HIGHER EDUCATION ACT

Mr. HARTKE. Mr. President, I wish to comment briefly on title VI of the Higher Education Act. Allocations under this title provide instructional material and equipment for institutions of higher education. Although appropriations in the years through fiscal year 1969 were modest—$14.5 million a year—the program has been successful in enabling many schools to replenish and update their supplies of films and other teaching materials and equipment. In fiscal year 1970 the program was eliminated entirely, despite efforts in the Senate to have appropriations continued at previous levels. I am happy to see the funds restored in 1971 appropriations.

While the amounts provided under this title may not appear significant, they have been distributed in such a manner as to provide welcomed assistance for many schools, particularly developing institutions and small community colleges.

Title VI has been extremely effective over the years, and has been capably administered at both State and Federal levels. While the disparity between resources available at high schools and at colleges may not be readily apparent in some of the State universities and heavily endowed private schools, many institutions simply do not have the funds to purchase materials, equip laboratories, or provide teachers with the essential tools they need to keep up with expanded subject matter. It is these institutions—the liberal arts colleges, the teachers' colleges, and the community colleges—that are training over 60 percent of the Nation's beginning teachers. The continued advance in the effectiveness of materials and equipment designed for modern teaching has placed a severe financial strain on small colleges. Many are unable to take advantage of the educational revolution that is being brought about through new techniques for learning, simply because they lack the relatively small amounts of funds needed to buy films and other teaching materials.

In particular, I am pleased to note that the Senate Appropriations Committee is recommending a funding level for this program of $14.5 million. I commend Senators for this action and urge them to hold firm on title VI of the Higher Education Act in conference with the House of Representatives.

INITIATIVE FOR PEACE IN THE MIDDLE EAST

Mr. BELLMON. Mr. President, the announcement by the Secretary of State regarding a new initiative for peace in the Middle East is most encouraging.

I am greatly pleased that our country has chosen to pursue a positive course which hopefully will lead to a negotiated peace rather than to embark prematurely on a course of action which could escalate the hostilities.

While the details are not being made public, Secretary Rogers' statement and his earlier pronouncements convince me that there is a sincere determination on the part of the Nixon Administration to bring about a fair and peaceful settlement of the differences between Israel and the Arab Nations. Experiences there have shown that war has not brought a solution. A genuine peace initiative by all countries concerned holds the only lasting hope for resolution of the differences.

To that end the President and the Secretary of State need and deserve support for their policies.

THE RETIREMENT OF ROBERT C. OWENS

Mr. MONTOYA. Mr. President, Mr. Robert Custer Owens, Deputy Director of Small Business and Economic Utilization Policy, Office of the Assistant Secretary of Defense—Installations and Logistics—will retire June 30, 1970, after 21 years of Federal service.

Mr. Owens, a native of Peru, Ind., entered the Federal service in 1942 as a senior industrial aide, Department of the Army Signal Corps. After World War II he returned to civilian industry for a short period of time and then became a self-employed small businessman. In 1952 he associated himself as a business analyst with the Department of Commerce in the Office of Small Business and was transferred by Executive order to the newly established Small Defense Plants Administration that same year. In 1953, when the Small Business Administration came into existence, Mr. Owens continued with that agency as a contract specialist. In 1957 Mr. Owens assumed the post of SBA's assistant liaison officer to the Department of Defense. In late 1958 he became the small business adviser in the Office of the Deputy Chief of Staff, Materiel, Department of the Air Force, and in 1962 assumed his present position in the Office of the Secretary of Defense.

Since 1962, Mr. Owens has been directly responsible for achieving and implementing an effective small business program for the Department of Defense. The accomplishments that Mr. Owens has made in behalf of the small business program are significant.

He was responsible for developing the certificate of competency procedure, which is a most important aid to small firms in competing for Government contracts.

He devised and implemented the Defense small business subcontract program. Through both the voluntary and the mandatory subcontract program, defense contractors have been encouraged to place with small firms an annual volume of subcontracts averaging $5 billion.

He established a program designed to guide, counsel, and aid small firms interested in competing for Government contracts through a program of seminars, conferences and visits. This program has been a valuable effort in expanding the numbers of small business firms competing for Government contracts.

He designed and established a program for making available at major procurement activities a small business specialist knowledgeable in the procurement process. The program provides a focal point within a procurement activity where small business concerns can present their problems and receive personalized assistance.

It goes without saying that the Defense Department's small business program will suffer the loss of a man whose professional approach, enthusiasm, and outstanding technical knowledge contributed so much to the program. Let us hope that the void created by Bob Owens' retirement will be quickly filled by efforts of the same quality that he gave to the program.

On this occasion of Mr. Owens' retirement from public service, I know my colleagues on the Senate Small Business Committee and in the entire Senate join me in expressing to Mr. Owens our appreciation for the excellent work he has done in behalf of our Government's small business program.

SENATOR BENNETT SUPPORTS MINK INDUSTRY

Mr. BENNETT. Mr. President, as the sponsor of S. 2168, the mink import bill, I wish to speak out in behalf of America's mink ranchers, who desperately need the support of their national leaders in order to save their dying trade from extinction.

Not many years ago the entire market in mink furs was supplied from animals trapped in the wild. The small number of pelts that could be supplied in this manner resulted in a mink industry that was

small and consequently the use of mink furs in America was not very extensive. However, a few industrious Americans, motived by the same ingenuity and creativity that has made this country great, developed a system of mink ranching that began producing superior furs in vastly increased numbers. Using their ingenuity again and solely at their own expense they extended their market in order to sell their increased production. They were also instrumental in opening up the European market for the sale of ranch grown mink. So successful were they that soon mink became known as "the queen of furs," and new ranches began cropping up to meet the increasing demands of American and European buyers.

It was not long, however, before enterprising Europeans began copying American ranching techniques and took advantage of the market developed solely by American ingenuity and finances. Of course with a market already established and production costs far below American standards, the European fur breeders had no trouble selling their pelts and soon cornered upwards of 40 percent of the American market.

There was nothing wrong in this except that they failed to contribute to the maintenance of the market and seemed unconcerned with the welfare of the American mink rancher whose salesmanship and ingenuity they were exploiting without cost to themselves or concern for the future of the market.

Recognizing that continued overloading of the market would bring eventual disaster the National Board of Fur Farm Organizations petitioned the Federal Government in 1958 for action through the Tariff Commission for relief from the duty free importation of foreign furs.

The Tariff Commission ruled that no injury from importation of mink pelts existed and therefore rejected the fur farmers urgent request.

Imports continued to increase and prices naturally declined. In 1960 imports jumped by nearly one-third. That tremendous increase broke the already weak market and prices dropped 24 percent the following year.

Prices that had started the decade in 1960, at approximately $21.50 per pelt, had dropped to about $16 in 1961.

Foreign imports maintained more than half of the market during the middle 1960's. Not content with a majority of the market, foreign producers attempted to increase their exports to the United States in 1966 by better than 16 percent of the 1965 total. The pressure once again became more than the market could bear and it collapsed with prices falling 28 percent from the previous year.

With prices on a critical level, sometimes below the cost of production, more than 1,000 American ranchers went bankrupt or abandoned what they felt was a sinking ship. Some 500 more were forced out of business in the next 2 years bringing to 56 percent the number of ranchers forced out of business since 1962.

The remaining 3,000 or so taxpaying American ranchers, although small in number, deserve some kind of protection from the Congress against the radical market fluctuations and export practices of European producers.

I have sponsored a mink quota bill, S. 2168, which would grant to foreign producers 40 percent of the American market as estimated by the Secretary of Agriculture each calendar year. The 40-percent quota is approximately the level foreign fur traders had maintained before the sharp increase of 1960 which precipitated the original collapse of the market. I feel this 40 percent represents a very fair share of the market particularly since it has been developed almost exclusively by American interests.

The bill is essentially regulatory in nature and is designed to give the beleaguered American fur farmer the privilege of redeveloping his market without the threat of foreign hitch-hiking. It would control the practice of jumping on the bandwagon when the market is high and getting off whenever they wish without paying the penalty for overloading the market.

I should point out that the market is still very weak. Prices which fell from a high of more than $20 per pelt at the beginning of the decade to as low as $13 or $14 in 1967, have managed a weak recovery to about $15 as the decade of fluctuating and critical prices came to a close. American mink men want only a fair shake and to have the opportunity to rebuild their badly damaged market, but they cannot do it in the face of uncontrolled foreign competition.

I do not propose that we slam the door on imports. To share 40 percent of the market is generous, indeed, and on our end it would mean the survival of America's mink ranchers.

The House Ways and Means Committee has already heard testimony this month by the national representatives of the mink industry concerning mink quota bills being sponsored in the House and I commend the committee for holding the hearings.

I urge that the Senate also take action to relieve and save this group of deserving Americans such as cattlemen, sugar, and oil interests have received support from heavy and unequal foreign competition. In this era when we are fighting discrimination against minorities in some segments of our society let us not exclude the mink industry from protection simply because they are not as large and powerful as these other groups.

BALTIC STATES INDEPENDENCE

Mr. HARTKE. Mr. President, this month marks the 30th anniversary of Soviet Russia's occupation of Lithuania, Latvia, and Estonia. These small Baltic republics lost their freedom and independence when the Soviets invaded on June 15, 1940.

The Government of the Soviet Union has embarked on an unconscionable and brutal campaign to change the ethnic character of the populations of these three Baltic States.

This occupation is an awesome example of the violent suppression of human liberty and dignity which must always result from the efforts of any country to exploit and subjugate its neighbors.

Four years ago this body agreed to a concurrent resolution condemning Soviet abuse of these states and supporting the aspirations of the Baltic peoples for self-determination and national independence.

On this anniversary of the Soviet occupation, it is appropriate that we recall the plight of the Baltic peoples in the face of oppression.

I ask unanimous consent that House Concurrent Resolution 416, supporting Baltic independence, be printed in the RECORD.

There being no objection, the concurrent resolution (H. Con. Res. 416) was ordered to be printed in the RECORD, as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people; Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

RETIRED FOLKS HELP OTHERS

Mr. WILLIAMS of New Jersey. Mr. President, in March I cosponsored S. 3604, the Older American Community Service Employment Act, which would provide new opportunities for community service for persons 55 and older.

Last week the Special Subcommittee on Aging of the Committee on Labor and Public Welfare completed 2 days of hearings on the bill.

The response at these hearings was truly heartwarming.

Elderly participants in community service projects from my own State of New Jersey aptly described their deep personal satisfaction and confidence which they gained from such employment.

Other witnesses emphasized the need for expanded community services—in hospitals, schools, antipollution programs, and numerous other areas.

All agreed that a growing need exists for the development of a national service program in which older persons can help themselves by helping others.

And there was unanimous agreement that the Older American Community Service Employment Act should be promptly enacted into law.

Moreover, two experts estimated that approximately 4 or 5 million elderly individuals would welcome the opportunity to perform services in their communities.

Several pilot projects have already amply demonstrated the value of community service programs—for individuals served, for communities attempting to meet the growing service requirements of their citizens, and for the elderly themselves.

A recent article by the distinguished columnist, Ted Schuchat, provides an excellent discussion of these existing programs.

I ask unanimous consent that the article and my opening statement at the hearing on June 16 be printed in the RECORD.

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

RETIREMENT AND YOU—RETIRED FOLKS HELP OTHERS

(By Theodor Schuchat)

A few thousand retirees throughout the country are helping others, having the time of their long lives and earning a little money in scores of community service projects employing only older people.

Hundreds of thousands more would like the same chance to serve others and feel useful and needed again, but they are bucking inertia, tight budgets, and plain prejudice against the elderly.

In 11 communities as varied as the Bronx, N.Y., and Paintsville, Ky., for example, 500 low-income seniors are working part-time for a project paid for by the United States Labor Department and run by the National Council on the Aging.

In Maine, 19 of these active oldsters helped qualify some 36,000 hungry people for surplus food. In Trenton, N.J., four assigned to the local Social Security office dug through the records of 3,000 people and found that as many as 10 per cent were not getting the benefits to which they were entitled.

In San Antonio, Tex., older people counsel young first-offenders at the Juvenile Detention Center. In Hoboken, N.J., eight older people work in the elementary schools, helping kids who don't speak English.

The Labor Department also pays for the Senior AIDES program run by the National Council of Senior Citizens in 21 communities. It employs men and women age 55 or older for 20 hours a week in community service jobs paying an average of $2 per hour.

Nearly half of these people are not yet eligible for Social Security retirement benefits but have been unable to find jobs in the meantime. The others are past 65, the oldest being 82.

There have been seven applicants for each of the 1,150 jobs available in the Senior AIDES program, which suggests there is a real need for something like this project in every community. AIDES, by the way, stands for Alert, Industrious, Dedicated, Energetic Service, which is what these oldsters give.

The supervisor of a Fall River, Mass., hospital told the National Council of Senior Citizens that a 79-year-old AIDE has been a good morale booster. "No one can feel too old when a patient sees her hustling about," she said.

At Dayton, Ohio, a woman Senior AIDE told her supervisor, "At 75, it makes me feel good to know I can still serve humanity. It makes me young again."

The National Farmers Union has hired 3,000 rural older people in its Green Thumb program, which is also financed by the Labor Department. These seniors build picnic shelters, raise and plant trees and bushes along highways, and repair and paint park equipment, among hundreds of useful tasks.

Green Thumb has shown, also, that many jobless older people can be retrained and returned to regular work. In three weeks, the Green Thumb on-the-job training program placed some 175 older workers in new jobs. Their average age is 60.

This project cost taxpayers $325 per trainee, in contrast to similar programs for youth that cost as much as $3,000 per trainee. The more than 500 older people retrained thus far by Green Thumb will earn nearly $2 million, a splendid return on a total investment of $166,000.

Senator Harrison A. Williams Jr., D-N.J., comments: "These pilot projects and others have demonstrated conclusively that there is both a need and a demand for more far-reaching efforts in this area. We don't need any more proof that these programs will work. What we need now is a genuine national program."

As chairman of the Special Committee on Aging of the United States Senate, he is a sponsor of legislation that would provide jobs for low-income people 55 years and older in antipollution programs, health maintenance centers, schools, libraries, and other vital community services.

"Time and time again," Senator Williams explains, "it has been proven that employment and productive activity can be a principal source of good health for many older persons. In addition, a period of growing needs for expanded community services, the experience and skills of older workers can be effectively utilized to meet this demand.

"In economic terms, such employment can help many of these disadvantaged workers and their families to escape from poverty," he continues. "In non-economic terms, there is no way to estimate the value of a job which can replace frustration and despair with hope and opportunity."

OPENING STATEMENT BY HARRISON A. WILLIAMS

This morning the Special Subcommittee on Aging continues its hearings on S. 3604 the Older American Community Service Employment Act.

In his historic message on older persons in 1963, President Kennedy emphasized:

"The heart of our program for the elderly must be opportunity for and actual service to older citizens in their home communities. The loneliness or apathy which exists among many of our aged is heightened by the wall of inertia which often exists between them and their community."

Back in 1963, many skeptical individuals might have said that older persons could not be attracted to service programs. But, we know that these doubters are wrong because we have opened new frontiers for community service for persons 55 and older. And, these programs have been enthusiastically served. Over the long run we have made progress, but much more needs to be done.

A few years ago, I introduced a bill to establish a National Community Senior Service Corps to make greater use of the abilities, enthusiasm and energy of older persons.

In 1967 a hearing conducted by this Subcommittee on that legislation prompted the Secretary of Labor to establish "Senior Aides" programs on a pilot basis. These programs have been highly successful. In fact, the ratio of applicants to Senior Aides positions is running about 7 to 1.

Last year I also introduced the 1969 Amendments to the Older Americans Act, which became law on September 17. One of the major innovations in the new law is the establishment of a Retired Senior Volunteer Program—"RSVP." It would permit persons 60 and over to serve in their communities, and would reimburse them for their out-of-pocket expenses in rendering these needed services.

This was the first part of a two prong approach to meet the elderly's need for greater service opportunities. The second part is the bill we will consider today, the Older American Community Service Employment Act. It also offers new opportunities for community service, but for individuals who must work for wages.

Time and time again we have been told by expert witnesses—such as the renowned heart specialist, Dr. Paul Dudley White—that inactivity is the great enemy for older persons.

In far too many instances, advancing age produces loneliness and frustration, when it could be a time for service or continued self development. Today, too many senior citizens believe that retirement prevents them from true participation in society. This attitude can lead to medical and emotional problems that purposeful activity might have avoided. Yet, this is the second consecutive year in which the Administration has not requested funding for RSVP?

Earlier this morning I appeared before the Senate Appropriations Committee to urge funding for this program and other successful projects under the Older Americans Act. But, our task is still not complete. There are other frontiers that must be opened to the elderly.

What we need now is a program to provide a wider range of alternatives for the employment needs of older persons.

While millions of older persons want to serve their communities with dignity, many are not in a position to work without compensation. For retired persons, an opportunity for paid part-time service in their community can help to supplement retirement income, which oftentimes is grossly inadequate.

For other individuals, such a program could provide temporary employment until full-time work can be obtained. While it has taken us several years to develop community service pilot projects for the elderly, we now have numerous successful prototypes upon which to build a national program.

In my own State of New Jersey, I have personally seen the outstanding contributions of these demonstration projects. For example, the New Jersey countryside is now more beautiful because 142 Green Thumbers have planted more than 100,000 trees and plants last year. They are also restoring the "Church of the Presidents" in Monmouth County, where several Presidents have worshipped.

In Trenton, four aides from the National Council on the Aging's Senior Community Service Project have reviewed vital statistical records of 3,000 people, and found that about 8 percent were entitled to badly needed Social Security benefits they were not receiving.

In Hoboken—a community where approximately 50 percent of the population is foreign born or non-English speaking—older persons have provided valuable services as bilingual aides in elementary schools. As a result, the non-English speaking children have been able to make a better adjustment to their community school, and the English language.

In Newark, the Senior Aides program—under the direction of the National Council of Senior Citizens—employs 60 individuals who serve an estimated 3,000 persons. Among their activities are: hospital aides, assist-

ants in training hardcore unemployed young men, and service to elderly persons to alleviate loneliness and to stimulate renewed interest in community living.

Another outstanding example is the Foster Grandparent Program, which enables more than 250 New Jerseyans to provide supportive services for approximately 1,600 disadvantaged children. At my visit last year to Woodbine, I was most favorably impressed by the natural empathy between the foster grandparents and the children—to the point where many elderly persons provide additional care for the youngsters beyond scheduled working hours.

These pilot projects and others have demonstrated conclusively that there is both a need and a demand to make greater use of the wealth of talent and experience with which older Americans are so richly endowed.

We have heard testimony at the grassroots level from elderly persons about pressures on their limited resources and the benefits to be derived from service in their communities. One New Jersey Green Thumber told us:

"Green Thumb . . . has done a wonderful thing for me; it has put me on my feet. I don't have worries now and I like the work."

An elderly man, who was partially crippled with arthritis, found that his health improved substantially after obtaining employment. He said:

"By getting out there in the open and moving around and working, painting, and repairing park tables and everything that could be expected in a recreation center, it seems as though it just loosened me right up completely and I feel a whole lot better all the way around."

We don't need any more proof that these programs will work. We have already received much compelling testimony from elderly participants, individuals served, and community leaders. What is needed now is a genuine national program responsive to the special needs of older Americans.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of the results of the Cambodian sanctuary operation as of 8 a.m. June 25, 1970.

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

RESULTS OF CAMBODIAN OPERATION, JUNE 25, 1970

	Number	24-hour change
Individual weapons	20,457	+15
Crew-served weapons	2,462	+17
Bunkers/structures destroyed	11,537	+578
Machinegun rounds	4,047,817	(1)
Rifle rounds	9,379,090	+22,150
Total small arms ammunition (machinegun and rifle rounds)	13,426,907	+22,150
Grenades	55,220	+1,046
Mines	5,448	+23
Miscellaneous explosives (pounds) (includes satchel charges)	81,000	(1)
Antiaircraft rounds	184,245	(1)
Mortar rounds	66,283	(1)
Large rocket rounds	2,126	(1)
Smaller rocket rounds	40,342	+4
Recoilless rifle rounds	28,206	+35
Rice (pounds)	13,636,000	+54,000
Man-months	299,992	+1,188
Vehicles	424	+4
Boats	117	(1)
Generators	49	+13
Radios	241	(1)
Medical supplies (pounds)	67,000	+13,000
Enemy KIA	11,158	+17
POW's (includes detainees)	2,299	+48

[1] Unchanged.

Note: Figures do not include 76 tons of assorted ammunition.

LET US GIVE THE ECONOMY A CHANCE

Mr. HARTKE. Mr. President, I and other concerned citizens throughout the Nation are extremely pleased that President Nixon has finally addressed himself to the economic crisis that has plagued this country for many months. His talk probably has helped stem a disastrous stock market decline. The economy is in trouble, but last month's precipitous stock decline reflected a profound mental shock to the Cambodian invasion, and a creeping panic that the economy had been abandoned by the administration. Panic has been avoided, but the economic problems remain unresolved and the market could easily decline again.

As a prescription for economic health, President Nixon's message is curiously unrefreshing. For real problems he offers procedural remedies.

Since President Nixon took office unemployment has increased from 3.3 percent to 5 percent adding more than 1.3 million Americans to the unemployment rolls.

We are now in the first recession since 1960, and instead of a forecasted little or no increase in gross national product, it declined 3 percent—the largest decline since the last quarter of 1960.

We suffer the highest interest rates since the Civil War, with Penn Central, the world's largest private transportation company, being forced into bankruptcy because it was unable to sell its bonds even at 10½ percent interest.

Inflation highballs along unabated at an annual rate of 6 percent, the highest continuous rate in 20 years.

We have suffered the longest and deepest decline in stock market prices since 1929, causing losses of over $250 billion.

Finally, despite a forecasted budget surplus, of $1.3 billion the administration now admits to a $1.3-billion deficit with a $8-billion deficit more plausible.

In response to these grim and gray horses of the Apocalypse, in response to some of the gravest economic problems we have ever faced, President Nixon has boldly created a conference, a board, and yet another procedural apparatus that no one yet has been able to adequately describe. Surely our economic difficulties are grave enough to require not just further conferences and studies but action. These problems will not disappear by building commissions around them.

In his July 17 talk, President Nixon extolled at great length the undeniable achievements of the U.S. economy and the virtues of our free enterprise system. The desirability and basic strength of our free economic system is not now in question. But I and many other concerned Americans question the economic policies that have brought this economy to such a low state.

We need Presidential leadership that appreciates the problems facing every American—the skilled worker suddenly and brutally forced from his job, the housewife paying more but getting less for her groceries. These are the problems the President and his economic policy should face. Our economy is strong, strong enough to survive even the present economic policy; but the strength of our economy does not excuse lack of leadership, and the need to judge programs by performance.

Let us then face the problems of increasing unemployment and inflation. Let us offer solutions that address these problems, not avoid them.

President Nixon's proposed inflation alert system is not a genuine income policy. The battle against inflation has been completely lost. For example, food prices will be even higher in August than they are now. The proposed inflation alert system not only has no teeth but no meaning. If you refuse to single out specific industry price rises as inflationary then no guidelines have been established. Financial commentators cannot decide what the President has done. Imagine the confusion of the business community. The administration must abandon its dogmatic insistence that fiscal and monetary polices alone are sufficient to curb inflation. The inflationary record of the past year belies that assertion.

A good part of the price inflation of the last year must be blamed on President Nixon's public renunciation of price guidelines. Decisionmakers in large, administered-price industries took the President's decision of no public intervention as a signal for open season on price boosting. At a time when all weapons against inflation were needed, the President stubbornly refused to establish guidelines. No one claims that price guidelines are a cure-all for inflation, but they are a modest anti-inflationary tool which has been modestly successful in the past. In 1968, those industries subjected to White House "jawboning" had price rises of only 1 percent, compared with almost 3½ percent elsewhere. But in 1986, without "jawboning" the same group had price rises of 6 percent while others moved up only by 3.5 percent.

Although President Nixon terms wage/price controls a "politically expedient" course, few major political figures have advocated it. In any case, without any self-serving rhetoric, I do not urge wage-price controls because they are not necessary and will not work at this time.

There is however, a need for meaningful wage-price guidelines placing the power, persuasiveness, and prestige of the Presidency behind a genuine income policy. Guidelines have been successful in the past, the President needs to act now.

I agree completely with Mr. Nixon that productivity must be increased to achieve price stability and an increased standard of living. The slowdown in the normal growth of productivity is a major element in increased inflation. President Nixon acknowledges this but last year he proposed and obtained the repeal of the investment tax credit. Before it was repealed, it was one of the few measures enhancing this Nation's productivity—and I was one of the few who spoke for its retention.

The investment tax credit was not perfect and better alternatives could be conceived; but it offered, as I stated on November 21 of last year the—

Hope of breaking the present cost-push inflationary cycle. With no attempt by the Administration to influence prices or wages, the continuing improvement of our industrial capacity by the introduction of cost-cutting productive equipment would seem to be the only factor driving costs and prices down. Are we to stop inflation by increasing unemployment or by increasing productivity?

Little has changed since I made that statement more than 8 months ago except that the President deliberately chose the course of increased unemployment rather than increased productivity. It was shortsighted almost to the point of blindness to repeal the investment tax credit without providing some substitute measure stimulating productivity.

The President's Productivity Conference will be helpful but as Mr. Nixon said, the commission should "give first priority to the problems we face now." Substantial improvement in productivity will not be achieved by a study of the efficient use of paper clips. It is time for the President to undo what he did last year and submit for congressional approval legislation which would stimulate productivity. We must adopt economic policies enhancing productivity allowing use to view the future as an opportunity, not as a problem.

Finally, the President has created a Regulation and Purchasing Review Board to determine what Federal regulations drive up costs, but he refuses to act on the recommendations of a previous Presidential task force that gave him answers to that question. The majority of the Cabinet task force on oil imports found the present oil import system unnecessary and costly to the consumer. The President responded by appointing yet another commission. The board announced by President Nixon on July 17 will have the scarcely welcome opportunity to study this area once again. It is late, but not too late for the President to implement the majority recommendation of the Cabinet task force on oil imports. The President should act now.

President Nixon next discussed an 8 point legislative economic program some of which has already been passed by the Senate. I voted for these measures and will gladly support most of the rest. Even if we enacted these legislative programs—our economic problems will remain. President Nixon's economic program is a hodge-podge of piecemeal, inadequate, and contradictory proposals. There is truly something old, something new, something borrowed, something blue. It is contradictory to talk about increasing job training while pursuing a policy that reduces jobs. It is ironic to talk about providing emergency assistance to railroads and some small businessmen while continuing the tight-money policy which caused their problems in the first place.

The basic purpose of President Nixon's economic program is to escape the consequences of this past economic policy. But rather than reacting on a piecemeal basis to self-made disasters, rather than trying to stem the consequences of one economic "success" after another, he should abandon policies that promise only failure. He should institute economic policies that reestablish economic vitality.

President Nixon stated that—

The Administration by its spending restraint has set the example in this past year.

I wish this was true but the Federal economic house is in a state of disarray. Administration spokesmen finally acknowledged what has been obvious for months that their budget surplus is in fact a deficit. This deficit will add greatly to the already crippled credit markets, and will force more and more small businessmen to ruin. And yet, this deficit was caused by the very factors that the administration has paraded as examples of its success.

Why do we have a deficit? We have a deficit because the administration has so slowed down the economy that Federal revenues have drastically declined. We have this deficit because the administration has so increased unemployment that the Federal Government must pay more than anticipated for unemployment compensation. We have this deficit because the Federal Government is paying more for its debt.

High interest policy is supposed to be good for the Government but a funny thing happened on the way to the bank, when the Government got to the bank to borrow, it had to pay the highest interest rates in 100 years. Finally, the Government like everyone else, is paying more but enjoying it less. The administration policy has now become so successful that it is no longer just crippling the businessman, the worker, the economy, but in fact, the successful operation of Government itself.

Economic health can only be restored when we abandon present economic policies and I, therefore, propose the following eight steps for restorting economic health:

HARTKE'S PLAN FOR ECONOMIC HEALTH

First. A genuine balancing of the Federal budget to reduce the severe strain on credit markets which are crippling the housing industry, the small businessman, and State and local governments. Savings can be achieved in the Federal budget if we have the will. For example, there could be imposition of a $20,000 ceiling on farm surplus payments which would result in a $180 million savings; cancellation of the SST appropriation, a plane for the wealthy only, which would save $289 million; substantial reduction in our military expenditures in Europe; reduction in the Department of Defense 50 percent price differential for overseas procurement to the 6 percent and 12 percent levels used by other agencies and departments which would save $40 million; elimination of the funds for the 40 additional F111's, thus cutting another $350 million out of the fiscal 1971 budget; further reductions in foreign aid; elimination of the appropriations for the ABM and elimination of the $200-million appropriation for the benefit of Lockheed Aircraft Co. for a claim that is neither justified nor owned by the U.S. Government.

These are just some of the ways that a genuine attempt to balance the budget can be made. However, I must confess that if President Nixon insists as he is now doing on slowing down the economy, balancing the budget will be impossible. His policy leads inevitably to higher taxes, as already suggested by Secretary of the Treasury Kennedy before the Senate Finance Committee last week.

Second, we must abandon a high interest policy that has starved the lean and feasts the fat. The failure of this policy is clearly revealed by the refusal of the Federal Government to live by it. For the last 3 months, up to 2 weeks ago, all sources of credit were allowed to grow at the fantastic rate of 9 to 10 percent. The Federal Reserve engaged in a silent massive rescue operation for the Federal Government. As reported by the New York Times:

The Federal Reserve embarked on a substantial campaign to shore up the sagging and long-term bond market.

The present monetary policy might be characterized as credit for the Government, high interest rates for large corporations if they are lucky, and bankruptcy for small businessmen. It is time to abandon monetary policy that even the Government cannot endure. If the Federal Reserve System can bail out the Government, it can lower interest rates for all. Without such a low interest rate policy, we cannot cope with the credit needs of our large corporations, of municipalities and small businessmen.

Third, we should establish a genuine income policy which would promulgate meaningful wage and price guidelines to effect price decisions of those industries only marginally influenced by free market pressures. This is the policy that has been advocated by both Arthur Burns, the new Chairman of the Federal Reserve System, and Pierre Paul Schweitzer, managing director of the International Monetary Fund.

Fourth, we should stop blaming the American worker for the present inflation. More than a million Americans have been forced from work in the last year. When Nixon took office there was 3.3 percent unemployment, now there is 5 percent unemployment. Most of the new unemployed are skilled workers, workers who never before had to worry about a pink slip in the pay envelope. These men did not cause inflation; taking their jobs away will not cure inflation. The administration should have a policy to create jobs, not unemployment. I have introduced a bill providing jobs for every man able to work. This program will also cushion economic dislocation caused by any conversion from a war to a peacetime economy. We need a policy of full employment rather than unemployment.

Fifth, we should provide a 10-percent increase in social security benefits by next year and another 20 percent by 1972. The President admitted last week that the 15-percent increase in social security, which he originally threatened to veto, has kept our economy going. The economy needs another burst of purchasing power. The most important reason for social security increase is to help our senior citizens escape the trap of poverty that all too often accompanies old age. But, an important side benefit of increased social security benefits would

be to stimulate our economy where it is most needed. We can be assured that money paid out in social security benefits will find its way into the economy quickly. Senior citizens, on limited incomes, will put that money to work in our economy right away. The goods they purchase will help keep the economy healthy and stimulate employment.

Sixth, we should abandon the present oil imports quota system, as recommended by the President's own oil imports Cabinet task force. This system adds to the cost of gasoline for every consumer and fuels the fires of inflation.

Seventh, an orderly and systematic withdrawal from Vietnam as proposed by the amendment to end the war is a sound financial proposal. Rather than hiding the cost of the war in Vietnam as is presently done, this proposal enumerates clearly Government costs and provides for clear economic planning. It is becoming increasingly clear that our present inflation started with the escalation in Vietnam. True economic health cannot be restored until we end the war.

Finally, we should undertake measures immediately to increase this country's productivity. One of the most unsettling symptoms affecting our economy is the market falloff in business productivity. Output per man-hours in 1969 rose at less than 1 percent, compared with a 3.3 percent average since 1945. Productivity is a real test of our strength as a nation. We must implement policies that realize that when business is profitable, and workers productive, government prospers.

Now is the time to abandon policies that threaten to destroy us. Now is the time to choose policies that fight inflation, not the economy.

All I am saying is: Let us give the economy a chance.

ENVIRONMENTAL QUALITY: AN ALTERNATIVE TO THE INTERNAL COMBUSTION ENGINE FOR THE URBAN COMMUTER

Mr. TYDINGS. Mr. President, increasing evidence shows that the current urban transportation system based on the internal combustion engine is a grave environmental health hazard. Most urban smog results from the activity of sunlight on the hydrocarbons and nitrogen oxides released from the auto exhaust pipe; carbon monoxide and lead—compounds deadly poisonous to human lungs—are discharged into the air by the explosion of gasoline in an internal combustion engine.

Medical researchers find automobile pollution a growing health menace in every city with a population of 50,000 or more. They are finding that lung cancer, heart ailments, respiratory diseases, and eye infections increase in proportion to the increase in the number of automobiles on the road.

The automobile industry is responding to this environmental health crisis by installing devices to reduce harmful automobile emissions. However, these devices will not significantly reduce the amount of pollutants released into the air, since by 1980 twice as many automobiles will be on the road as in 1970.

Not only do automobiles propelled by the internal combustion engine make huge contributions to air and noise pollution, but also they consume vast amounts of scarce city acreage for parking. Automobile junkyards are decorating our landscape at an alarming rate. The more space-eating highways we build, the more cars fill them up.

I wish to call the attention of my colleagues to a two-wheeled alternative to this urban quagmire—the bicycle.

Bicycles emit no fumes, and they do not pollute. They do not fill roadside junkyards with rusting wreckage. They are fast during rush hours; they even start in cold weather. Since there is no engine, they make no noise. They are easy to park. They are vehicles for personal and societal health and fitness. They are even fun.

More and more people are converting to the two-wheeled alternative. Sixty-four million Americans are riding bikes this year. In 1969, over 40,000 bikes were sold in the Washington area; there are over 1,200 regular commuters; 15,000 miles of bikeways from Maine to California have been completed in the last 3 years. In the District of Columbia, the National Park Service has designated portions of Rock Creek Park closed to automobiles on Sundays to reduce the traffic hazards that constantly discourage cycling. The National Park Service is also to be commended, for they are in the process of constructing a system of bikeways in the District.

In the Washington Post of June 14, staff writer Carl Bernstein, in an article entitled "Commuter Cycling Picks Up Speed," documents the growing interest in this alternative for urban mobility. There is indeed—

> A rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

Rather than regarding bicycles as toys, we should regard them as viable, nonpolluting, inexpensive, and healthy means of urban transportation.

I ask unanimous consent that the article be printed in the RECORD.

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

COMMUTER CYCLING PICKS UP SPEED

(By Carl Bernstein)

When Clay Gubric opened his Towpath Cycle Shop in 1966, he counted three or four bicyclists pedaling home from work on a busy weekday. One day last week, more than 50 commuting cyclists, most of them dressed in business suits or skirts, passed by his shop in Georgetown during the evening rush hour.

They are among a rapidly increasing number of persons who, in cycling to and from work, have discovered a quicker, cheaper, healthier, nonpolluting alternative to packed buses, long lines of creeping automobiles, parking safaris and Washington's rush-hour taxicab shortage.

The bicycle commuters—an estimated 1,200 of them in the Capital area—represent only one phase, however, of a bike-riding boom by adults in Washington and other big cities.

Despite the economic downturn that is hurting other retail businesses, bicycle dealers here and elsewhere report that sales have reached record levels. In 1969, more than 7 million bikes were sold in the United States—twice as many as 10 years earlier.

To accommodate the increasing number of cyclists here (40,000 bikes were sold in the Washington area last year), a two-mile stretch of Beach Drive in Rock Creek Park is closed to automobile traffic every Sunday from 9 a.m. to 6 p.m. and opened to hundreds of bicyclists. A three-mile bike path, one of a dozen such urban trails in the United States developed with federal funds, opened recently in Arlington County and is already often overcrowded with cyclists.

The Smithsonian Institution, the Commerce Department and several other government agencies have installed bike racks for their employees. A marked "bikeway" advises bicyclists of the quickest and safest way to pedal across town from RFK Stadium to the C&O Canal towpath. True Magazine ("For Today's Man") has decided that bicycling is as good a gauge of manhood as, say, horsepower, and features a cover picture and photo-essay this month on "The Growing Bike Craze: Everyone's Rolling Along."

If there is any lingering doubt that a bicycle renaissance has arrived, such notion might be dismissed by the black-and-white signs now being posted by the National Park Service along roadways in Rock Creek Park. "All persons have equal rights when driving cars or riding bikes," the signs proclaim.

Like other bicycle dealers here, Clay Gubric attributes the cycling boom to a change of image in which the bicycle is no longer regarded as a toy, but as a utilitarian machine—the same role it served in the last decade of the 19th century, when the bicycle was the primary means of individual transportation in American cities, except for walking.

Dating to the early 1800s in its crudest form—a hobbyhorse with wheels—the bicycle by 1865 had become known as a velocipede and sported a huge front wheel, above which the rider was perched on an iron seat.

The big front wheel was fine for gaining speed, but the precarious position atop it often resulted in "headers" as the luckless rider lost his balance and was catapulted forward.

It was not until the development of the safety bicycle in 1874 that the prototype of today's machine, with two wheels of equal size driven by a chain running on two sprockets, was marketed.

Since then, the bicycle has been "the simplest and most economical means of personal mechanical transport" known to man, in the words of the Encyclopedia Britannica.

"Everybody seems to be rediscovering the bicycle at once," says Mel Pinto, owner of Sports and Cycles International in Arlington—a shop that, like Gubric's, sells primarily to adults.

"The situation is so hectic now," says Hal Weber, manager of the Chevy Chase Bicycle Service, "that there is a shortage of bicycles throughout the country." The shortage is particularly acute among the sophisticated, 10-speed bikes—many of them foreign made—that are gaining popularity with adults because of their light weight, potential speed and relative pedaling ease.

The 10-speed machines are equipped with a much wider gear ratio than either three-speed or single-speed bikes, thus enabling the rider to maintain a constant pedal speed, regardless of grade changes and wind conditions.

Judging from the people who can be found pedaling two-wheelers through the streets of Washington on almost any day, bicyclists are stock brokers and congressmen, secretaries and lawyers, students and government clerks, librarians and teachers, youngsters and oldsters.

United in their aversion to bad weather, homicidal motorists, bicycle thieves and exhaust pollution (so noxious that daily shampoos are a necessity for most regular riders), they regard such hazards as minor compared to what they consider the advantages of cycling.

FASTER BY BIKE

"It's faster by bike," says Michael Mulroney, a tax attorney who estimates he has covered more than 2,800 miles pedaling eight miles twice a day between his home in Alexandria and office in downtown Washington.

"I can beat the bus by 15 to 20 minutes and can easily equal the driving time by car if there's heavy traffic, no head wind and I'm in shape," he says.

Rep. Bob Eckhardt (D-Tex.), who has ridden his lightweight English bike to Capitol Hill almost every workday since he came to Congress in 1967, finds that "you see things from a bike that you don't notice in a car."

Eckhardt usually makes a leisurely trip from his Georgetown home to the Hill in about 25 minutes, riding alongside the Potomac River to the Lincoln Memorial, then onto the sidewalk next to the Reflecting Pool ("by that beautiful glade of trees"), across the Mall and into the House garage.

"This is a great city for bicycling," said Eckhardt, 56. "The terrain is ideal. But the traffic is terrible," he adds, urging that a bike path be created to link Rock Creek Parkway with the C&O Canal—thus avoiding the Georgetown traffic jams.

Like many cyclists, Harry Bernard, an auditor for the Internal Revenue Service, took up bicycling on the advice of his doctor.

"He told me to try either cycling or jogging," recalls Bernard, 51. "I tried jogging but it got boring, going over the same slow route every day. Jogging might be good for you but you feel like you're going to drop dead any minute.

TOOK SON'S BIKE

"So one day I took my son's bike to work. It was like a revelation. I went through the park and I could smell the trees. I pulled up on the grass to look at the ducks. I'd been cooped up on the car for so long I forgot there was such a thing as honeysuckle."

Since then, Bernard has learned that "on the main streets you can thread your way through the traffic. While everybody's lined up for three blocks, waiting for the light to change, I use the side of the lane and zip right up front," he explains. "When I drove a car to work I would get mad as hell, just sitting there going no place. Especially when it was hot. No more."

For Therese Lepine, a secretary in the office of Sen. George D. Aiken (R-Vt.), heat and rain are—except for traffic—the major obstacles to bicycle commuting.

"The rain you can't do much about," she says. "I keep a change of clothes at the office and wear shorts when I ride on hot days"—a solution used by many bicycle commuters.

Not all serious cyclists are commuters, of course. Many, like John Flynn, 51, prefer long-distance cycle touring or hosteling to pedaling on their home turf.

"There's no better way to see the country than on a bicycle," says Flynn, a desk clerk at the Fairfax Hotel who cycles to New England each summer.

"I don't like to hurry. I usually take about three days to go to my family's home in Rhode Island, then another three or four days to New Hampshire. I've never taken the same route twice. I like to wake up in the morning and say: Well, which way should I go today?"

The bicycle's role as a nonpolluting mode of transport seems to go unnoticed by few riders. Indeed, many cyclists harbor fierce antipathy for what they regard as an automobile culture that is choking the nation with fumes, speed, noise and concrete.

"There are more and more kids my age who are rebelling against cars and buses," maintains Jude Sanches, 21, who commutes by bike from her Arlington home to her job as a sales clerk at Peterson's Warehouse in Georgetown.

"It's like why pollute the air and contribute to building more highways when it's more fun to bike in the first place?" she asks.

Miss Sanches, who says she gladly gave up hitchhiking for bicycling, is among a growing group of cyclists who regard pedaling as an almost political act and inevitably flash the two-fingered peace symbol upon encountering another person on a bike.

While exhilarating, cycling on Metropolitan Washington's streets can also be somewhat terrifying, which is why Miss Sanches rides to work on a path adjacent to some unused railroad tracks in Arlington, instead of on Lee Highway.

"Too many drivers don't believe bicycles have a right on the road," she says, echoing the single complaint most often heard from bicyclists. "They lean out their windows and curse at you, or they honk their horns and proceed to run you off the shoulder of the road."

For just such reasons, Clay Gubric, former City Councilwoman Polly Shackleton and other bicycle advocates have urged that certain streets be designated for bicycling and closed almost permanently to automobile traffic.

Meanwhile, in the absence of such action, some members of the bicycling minority are becoming more militant.

Recently, the driver of a big Buick Riviera, within plain view of one of the park service's antidiscrimination signs, forced a cyclist off the road and, according to the bike rider, drove off laughing.

At a stoplight half a mile ahead, the cyclist caught up with the Riviera. Dismounting from his trusty 10-speed steed, the rider purposefully walked up to the car and proceeded to kick a good-sized dent in the rear fender.

The motorist, caught in traffic on a road too narrow to make a U-turn, watched helplessly as the pedal power advocate remounted his bike, clenched his fist and headed off into the opposite direction with the words "Ride On."

BRIGHAM YOUNG UNIVERSITY TRACK STAR SMASHES WORLD'S HURDLE RECORD

Mr. BENNETT. Mr. President, I wish to acknowledge a great athletic feat performed recently by a fine young man who not only represents his school and State but also is an example of young manhood.

On Saturday, June 20, Ralph Mann of the Brigham Young University track team smashed the Drake University stadium record, the NCAA meet record, the collegiate record, the American record, and the world record when he ran the 440-yard hurdles in 48.8 seconds.

The previous world record in the high hurdles was 49.3 seconds held by Gert Potgieter of South Africa. This record was set in 1960 and was the oldest world record in the track and field record books until Mr. Mann broke it.

This young man, 20 years old, is only in his junior year at BYU. Surprisingly, when he graduated from high school, no university except Brigham Young offered him a chance to participate on their team. Since coming to BYU he tied the American record last year at the NCAA finals and also won the 440-yard hurdles at the AAU track meet in 1969. He has certainly been a pleasant surprise for all concerned.

In high school, Mr. Mann often ran against Wayne Collett, from UCLA, but was never able to beat him. On the day Mr. Mann broke all the records, it was Mr. Collett who challenged him and pushed him on to win.

His BYU coach, Clarence Robison, has said he has never coached an athlete with such dedication to the sport as Mr. Mann has.

I would like to congratulate Ralph Mann on this great accomplishment and wish him continued success in all his endeavors, athletic or otherwise.

I ask unanimous consent that an article on the recordbreaking accomplishment by the distinguished Bill Coltrin of the Salt Lake Tribune be printed in the RECORD.

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

COUGAR ACE SMASHES WORLD HURDLE RECORD—MANN RUNS EVENT IN 48.8 AT NCAA TRACK TOURNEY

(By Bill Coltrin)

DES MOINES, IOWA.—Incredible Ralph Mann of Brigham Young University smashed the Drake University stadium record, the NCAA meet record, the collegiate record, the American record—AND—the world record here Saturday when he ran the 440 yard hurdles in 48.8.

The University of California at Berkeley won its first national championship in 48 years when the Bears used a terrific corps of sprinters to run up 40 points.

Brigham Young University, Kansas and Oregon all scored 35 points and tied for second place. Following them were Washington State with 31, Oregon State 31, Villanova 26, UCLA 24, Texas El Paso 22, and USC 22.

RECEIVES OVATION

Mann, only a junior at BYU, 21 years old and married less than a month ago, received a standing, howling ovation from the 15,000 fans gathered here to watch the finest collegians in the NCAA championships.

These are the records Mann broke—stadium, 49.4 (held previously by Mann); collegiate and NCAA, 49.6 (held previously by Mann and Rex Cawley of USC); American, 49.6 (previously held by Cawley and Mann); world, 49.3 (previously held by Gert Potgieter of South Africa set in 1960).

"I was so shaky I could hardly climb into the blocks," Mann said after his world record race. "I was just afraid I was going to lose. But once I got going, I lost the jitters.

"I got him between the seventh and eighth hurdles," Mann said of his struggle with UCLA's Wayne Collett who finished second.

"That's a fabulous track." Mann smiled as he analyzed Drake University's Tartan oval, "and I don't know what I might have run if it hadn't rained."

Mann, who watched a driving rainstorm drench the runners in the 3,000 meter steeplechase, made a change of equipment before his race. He changed to longer spikes because he felt the footing might be a little tricky on the soggy, artificial track. He obviously didn't slip.

CHANGES ROUTINE

He also decided to cut down one hurdle on his 13-step routine. He only went six of the 10 hurdles with 13 steps in between and then ran the last four with 15 steps. Before the race he had planned to go the first seven hurdles with 13 steps.

Two other hurdlers, Collett of UCLA and West Williams of San Diego State, were fig-

ured to beat Mann by most of the scores of experts around Des Moines.

Williams never was a threat, but Collett, a tremendous quarter-miler, led through six hurdles until the superior hurdling class of Mann paid off.

ALSO TOPS MARK

Collett also bettered the world record as he finished in 49.2. Collett then came back to run a 44.5 lap in leading UCLA to victory in the mile relay.

BYU's Altti Alarotu finished second in the pole vault after five hours of competition. Alarotu cleared 17 feet on his first attempt, injuring his heel in the process. He was awarded second place on the basis of fewer misses. Texas El Paso's Paul Hegler also cleared 17 feet and finished third.

The winner in the event was Jan Johnson of Kansas who said over 17–7, tying the NCAA record. However, Johnson's mark will not be allowed because the runaway from which he jumped ran slightly downhill.

WELLS FINISHES FIFTH

Doug Wells of the University of Utah ran the fastest 1,500 meters by 25 seconds that he has ever run in his life to capture fifth place in the 10-event decathlon.

On Saturday Wells also had the best javelin throw of his life and was a happy, husky, young man after the meet.

He would like to compete in the AAU next week, but, he said, "I am a working man with a family and unless I find some money I won't be going." His Saturday scores went like this: 110 meter high hurdles, 16.5; discus, 147-8½; pole vault, 9-6½; javelin, 191-9; 1,500 meters, 4:53.1.

Another two records went down the drain, one almost literally, as well as figuratively. In a drenching, almost flooding rainstorm Sidney Sink of Bowling Green broke the steeplechase record when he ran 8:40.9. This breaks the NCAA meet record of 8:44.4 set by Jim Barkley of Oregon State in 1969.

HINDLEY TAKES FIFTH

Dave Hindley, who ran the 3,000 meter steeplechase qualifying on Thursday, took second in the six-mile Friday, stayed tough and durable as he took fifth for Brigham Young University.

The other NCAA meet record went to a freshman, Steve Prefontaine of Oregon, who blazed out a 13:22.0 three-mile. The old record was 13:38.8 set by Gery Lindgren of Washington State.

ABM, MIRV, SALT, AND THE NUCLEAR ARMS RACE

Mr. GORE. Mr. President, the Subcommittee on Arms Control, International Law, and Organization, of which I have the honor to be chairman, will hold a further—and perhaps final—hearing in the series on ABM, MIRV, SALT, and the Nuclear Arms Race at 10 a.m. on June 29. The witnesses will be Dr. Sidney D. Drell, deputy director, Stanford Linear Accelerator Center, and Dr. M. L. Goldberger, professor physics, Princeton University. The hearing will be public and will be held in room 4221, New Senate Office Building.

This morning I issued a statement explaining the reasons for this hearing and releasing the texts of letters I have received from Dr. Drell and Dr. Goldberger. I ask unanimous consent that my statement and the letters from Dr. Drell and Dr. Goldberger be printed in the RECORD.

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

STATEMENT BY SENATOR ALBERT GORE

On June 4 Dr. John Foster, Director of Defense Research and Engineering, in testimony before the Subcommittee on Arms Control, International Law and Organization referred to an ad hoc panel of scientists, headed by Dr. Lawrence H. O'Neill of Columbia University, which had reviewed the Administration FY 1971 plans for the Safeguard antiballistic missile system. Dr. Foster told the Subcommittee that the O'Neill panel had reported to Secretary of Defense Laird that the equipment proposed for the Safeguard system would, in Dr. Foster's words, "do the job that the Department of Defense wants to do." The clear implication of Dr. Foster's statement was that the panel supported the Pentagon's arguments justifying the next phase of the Safeguard ABM system.

Following Dr. Foster's testimony two distinguished members of the O'Neill panel challenged Dr. Foster's description of the panel's role and took direct issue with his characterization of the panel's findings. In this connection, I am releasing the text of letters to this effect which I have received from two members of the O'Neill panel, Dr. Sidney D. Drell, Deputy Director, Stanford Linear Accelerator Center, and Dr. M. L. Goldberger, Professor of Physics, Princeton University.

In view of the serious issues raised by these two noted physicists regarding Dr. Foster's testimony and the activities of the O'Neill panel, the Subcommittee has invited Dr. Drell and Dr. Goldberger to testify in public session. Both men have accepted and on June 29 the Subcommittee will hear their comments on Dr. Foster's testimony and their views on Safeguard Phase II. The hearing will begin at 10:00 A.M. and will be held in Room 4221, New Senate Office Building.

PRINCETON UNIVERSITY, DEPARTMENT OF PHYSICS, JOSEPH HENRY LABORATORIES,
Princeton, N.J., June 11, 1970.

Hon ALBERT GORE,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR GORE: I am writing to you in connection with the testimony before your committee presented by Dr. John Foster on 4 June.

Although I have not seen Dr. Foster's testimony, I have been informed that I was named as a member of a panel chaired by Dr. Lawrence O'Neill whose report was described by Dr. Foster as follows: ". . . the report was sent to the Secretary of Defense, and what it said was that this equipment will do the job the Department of Defense wants to do."

I can only presume that the implication here is that our panel supported the arguments presented by Dr. Foster and the Department of Defense in justifying the next phase of Safeguard to your committee.

The report took no such position. We were *not* presented with a definite deployment proposal with stated objectives against which systems performing could be measured. Our guidelines were only the original objectives for the Safeguard deployment made by President Nixon on 14 March 1969, and certain budgetary and schedule limitations. We analyzed certain alternative deployment options designed to maximize, insofar as possible, the effectiveness of defense against various threats. We did not address the question of the wisdom of continuing to obligate funds for ABM nor were we asked to recommend a level of funding for a next phase of deployment.

The extent to which any of the deployment options considered by the Panel meet The President's announced objectives is discussed in detail in the report which is classified Secret. I can therefore not describe them here but would strongly urge you to request a copy of the Panel report submitted to Secretary Laird on 27 January 1970.

I have spoken publicly in opposition to the proposed next phase of Safeguard deployment and would be happy to submit my views to you in writing or in person.

Sincerely yours,

M. L. GOLDBERGER.

SLAC,
Stanford, Calif., June 5, 1970.

Hon. ALBERT GORE,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR GORE: In his testimony of June 4, 1970 before your subcommittee Dr. John Foster, DDRE, introduced my name as a participant in a study* that he initiated for the purpose of advising him on various possible Safeguard ABM programs for fiscal year 1971.

I am writing this letter to make as clear as I can what were the scope and limits of the activity undertaken by this ad hoc panel because it seems to me that Dr. Foster's remarks indicate that we made recommendations which in fact we did not make. Of course these points would be totally clear if the panel report, submitted to Secretary Laird on January 27, 1970 and classified Secret, were made available to you and your subcommittee.

1) The panel was asked for its advice on the basis of scientific, technical, schedule, and budgetary considerations only, and on the assumption that the President and Congress, after review, decided to continue to approve the obligating of additional funds for ballistic missile defense. We were specifically *not* asked to judge the wisdom of such an assumed decision nor were we asked to advise on a sensible or desirable level of the additional funds.

2) Dr. Foster remarks during his testimony that ". . . the report was sent to the Secretary of Defense, and what it said was that this equipment will do the job that the Department of Defense wants to do." *That is an incorrect statement* since the report contains no such far-reaching conclusion. What we did say in our report is classified Secret and therefore I cannot elaborate further here; I do so under separate cover.

3) Dr. Foster remarked that "they had some recommendations and, for example, they would like to add the smaller radars, a decision we had already made or at least they concurred in that decision." Along with most supporters as well as opponents of the Safeguard program we did indeed support the work on further development of the technologies based on smaller radars for an effective hard point defense of Minuteman—but the question of whether these are to be *added* to Safeguard hardware or are to *replace it* entirely for accomplishing this mission was not addressed.

4) On May 6, 1970, I had the privilege of testifying concerning the Administration's proposed expansion of the Safeguard ABM system before the Subcommittee on Defense (Chairman—George Mahon of Texas) of the Committee on Appropriations (Chairman—George Mahon) of the U.S. House of Representatives. This testimony was given in closed session and both the formal testimony and the discussion following it were at the Secret level. By separate mail I am sending you a copy of my full statement. I believe the transcript of this hearing will soon be printed. In the meantime I would like to quote several unclassified paragraphs from this testimony to make my own views clear

*Chaired by Dr. Lawrence H. O'Neill, President, Riverside Research Institute, and Professor of Electrical Engineering, on leave of absence, Columbia University.

in the light of Dr. Foster's testimony (italics added for present emphasis):

"Here I ask only whether Safeguard can accomplish an assigned mission of protecting Minuteman.

"My answer in substance is NO. *There have been extensive studies, and I believe it is fair to say that all now recognize that Safeguard, even working perfectly, and with a full nationwide Phase II deployment costing about $10 billion can be effective in preserving 300 Minuteman missiles, which is deemed adequate as a retaliatory force, against only a very narrow band of models of an assumed Soviet strike.*

"The trouble with Safeguard for *"hard point defense"* of the Minuteman system is that it is built exclusively of radar and missile components that were engineered for a *city defense* in the old Sentinel system."

* * * * *

"Today I am here to oppose strongly the proposed expansion not only because of the known technical inadequacies but because, in fact, we have yet to gain any of the experience motivating the Phase I decision that was promised as part of a phased deployment program. At this time no equipment is in place, no parts of the system are complete, and indeed its operating capability under a major attack is still under study. What then have we learned to support the expanded deployment?

"All analyses of which I am aware make it clear that if defense of Minuteman is the principal or sole mission of Safeguard, its further deployment cannot be justified. As I hope to have convinced you, it simply fails to respond to the Soviet threats postulated by the Pentagon. What I recommend is moving ahead vigorously with the development work on alternative technologies that we know at present can perform the hard point defense more effectively and economically in the mid to late 1970's, if needed."

* * * * *

"The Safeguard technology as we have argued is not well matched to the mission of hard point defense of Minuteman, nor to that of providing a thin area umbrella. What worries me is that the *technology* of Safeguard *is* best suited for providing a *thick* city defense if it is deployed extensively and with the shorter range Sprint interceptors near to the cities in order to back up the long range Spartans. An evolution in this direction, though technologically attractive, would be counter to the President's expressed goals and *must* be resisted in order to avoid escalation of the arms race to higher levels of cost as well as of potential destructiveness.

"In his speech of April 23, Dr. Foster spoke persuasively of our need to take "R&D hedges" in order to combat the great asymmetry between the USA and the Soviet Union as a result of their secrecy versus our openness in government programs. I support such R&D hedges as vital. What I oppose—and this is the thrust of my testimony—is the pressure to turn such R&D hedges into deployment decisions even if the results of the R&D have shown that the system is ineffective and wasteful of resources. I believe my testimony indicates that the Congress should resist that unwise further evolution of Safeguard.

"We must stop this heedless race soon and the best place to start is by stopping systems such as Safeguard that at best, as I have discussed, are wasteful, ineffective, and expensive. At worst they further propel the arms race by the action-reaction phenomenon described above."

I am available and would be happy to discuss in full my views on ABM and the Safeguard program with you and the Committee.

Very truly yours,

SIDNEY D. DRELL,
Professor and Deputy Director.

NIXON—THE NEW ARCHITECT FOR PEACE—ADDRESS BY SENATOR DOMINICK

Mr. JORDAN of Idaho. Mr. President, the junior Senator from Colorado (Mr. DOMINICK) spoke before a Republican audience in Boston, Mass., on Saturday, June 9, 1970. His speech brings into perspective many of the current issues being discussed in governmental circles.

In the daily sway of debate and rebuttal, when emotion as well as reason are atuned to specific legislative proposals, it requires a remarkable understanding of the constant forward movement of American policy at home and abroad to sense the relevancy of each issue as it becomes a part of the American destiny.

It is with this fundamental concept in mind that the junior Senator from Colorado has reviewed the horizon toward which the President of the United States is moving our country. It would be well for the Senate to take the opportunity to read the Senator's timely remarks.

Therefore, I ask unanimous consent that his speech be printed in the RECORD.

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

NIXON—THE NEW ARCHITECT FOR PEACE

Our Nation continues to boil in the discussion and dissent over U.S. foreign policy. Those of us in public life have been analyzed, dissected, and catalogued in ornithological terms by the media and the public over Vietnam. As circumstances and crisis localities change, the doves become hawks and the hawks become doves, further scrambling the picture. "American Isolationism," the conservative trade mark prior to World War II, has become the liberal rallying cry. "Curbing the powers of the President," initiated by Senator Bricker of Ohio in the 1950's and castigated by the then liberal interventionists, has been translated by the new Democratic leadership into a magic password, enunciated with much heat but little light. Senators have become instant generals, news columnists—tacticians, and generals—politicians.

Furthermore, a new element has been added. Large numbers of college students have appeared in Washington, intent on expressing their concerns over world affairs, and events in Southeast Asia in particular. The vast majority of them are sincere, courteous, and well behaved. Their manner of dress and their verbal expressions seem typical of college campuses all across the country. There have been a few exceptions, of course.

I've had quite a few groups of college students—both graduate and undergraduate students, as well as some college professors—who have met with me and my staff. Between my wife, Nancy, and myself, we have had personal communication with groups of these young people—both at my office and at our home—for a dozen hours or more in all. Members of my office staff have spent at least five times that much time with them, and there has been reasonably good communication back and forth, even though we didn't always agree on all points or even on how to reach those points.

However, the broad picture of Nixon as the architect for a new foreign policy has been ignored, overlooked or forgotten by these groups and by many others in our country.

His steps have already had extraordinary significance and when put into perspective should clear the air for many. Let me just mention a few points which seem to be widely overlooked amidst the shouting and sign-waving.

First of all, in the so-called Nixon Doctrine, which he enunciated in his Guam speech, the President called for a lower profile of American participation in the affairs of other countries around the world. This is the first time we've done that in 10 years. During the entire decade of the sixties, we've been injecting ourselves into the affairs of other areas of the world. Now the President has said to the World that America is going to have a lower degree of visibility without totally withdrawing. He assured our allies and our enemies that we would continue to meet our commitments if necessary, but that our method of doing so would rely far more explicitly on their own defense efforts.

The President spelled out this doctrine clearly in his message to Congress on our foreign policy for the 1970's. He said: "We shall furnish military and economic assistance when requested and as appropriate." And he also said: "We shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

The President cautioned that we must be careful to strike a proper balance. If we do too little, other nations may lose the necessary will to conduct their own defense and become disheartened about the prospects for their own economic and political development. But if we do too much, we promote dependence rather than independence.

In line with that doctrine, the President had a re-evaluation made of our defense commitments world-wide, commitments made, I should point out, by civilians, not by the military, and many of them by Senator Fulbright, who is now protesting so vigorously. As soon as Nixon took office in January, 1969, he initiated an in-depth review of our military posture, including a thorough examination of our general purpose forces. This study explored just what our interests are, the potential threats to those interests, the capabilities of our allies both with and without our assistance, and the relationship of various strategies to domestic priorities.

As a result of these studies, we now have adopted a defense strategy which is significantly different from that which characterized the 1960's. Instead of funding a defense capability for handling two and one-half conventional wars simultaneously, the strategy under the Kennedy and Johnson administrations, President Nixon decided that this is no longer a viable course, and that we should reduce our conventional military defense strategy to a one and one-half conventional war capability. This would give us the ability to meet a major Communist conventional attack in either Europe or Asia, and simultaneously contend with a small contingency elsewhere.

This decision involves a substantial reduction of our overall defense forces and a corresponding reduction in our defense expenditures. Defense expenditures in the 18 months of Nixon's administration have been cut 9 billion dollars. In the 1971 budget, for the first time in twelve years this country will be spending more for domestic programs than for defense programs. This is an enormous step forward in re-evaluating our course in order to deal with the priorities we have here at home.

Another major move toward peace can be seen in Nixon's initiatives in the SALT talks. These talks were started in Helsinki and are continuing in Vienna. Whether we can reach agreement and what areas an agreement will reach are still clouded, but the chances of developing some format for arms limitation seem good. Agreements so arrived at will undoubtedly result in further substantial reduction in defense expenditures. As a fallout from these initiatives, we have resumed talks with the Red Chinese in Warsaw. The

Red Chinese, facing imminent danger along their northern border from the U.S.S.R., decided that they could not afford to cut off all communication with the United States while we were meeting with the Soviets. Hence, like Avis, we are now number 2 in the Red Chinese catalogue of enemies, instead of number 1 as we had been for years.

The next, and very important point is that we've reversed the course of our involvement in Vietnam. The President already has withdrawn 115,000 of our troops from there and has continued strengthening the South Vietnamese forces. He has promised to withdraw 150,000 more troops before May, 1971. The Cambodian sorties constituted a military maneuver against enemy bases to reduce the possibilities of attacks on our rear while we are simultaneously disengaging our own forces and building up the capability of the South Vietnamese. It has been highly successful, resulting in the capture of more arms and equipment than were seized during all of last year in all of South Vietnam. As a side effect, it has substantially curtailed the North Vietnamese ability to continue its aggression against other Asian nations. Our ground forces will be withdrawn prior to July 1, as the President has stated. To date, he has met every commitment he has made to the American people concerning what he intends to do with regard to troop levels within Vietnam and Southeast Asia. I'm convinced he will continue to meet or exceed his timetable.

Another important point has been overlooked in much of the public discussion of the situation in Vietnam. The present Administration has explored and is exploring every means of engaging the North Vietnamese and the Viet Cong in serious negotiations—in the public talks in Paris, in private conversations, and through reliable third parties. While doing so, in order to demonstrate our willingness to wind down the war, the President ordered a reduction in the level of our military operations in Vietnam. He continued the bombing halt in the North, and our tactical air B–52 operations have been rereduced by over 25-percent.

These facts seem to have been lost on many of the President's critics. They demand "Peace Now."

Who do you know who is not for peace? I know of no one. But what do these critics mean by peace? A Czechoslovakian kind of peace? A North Korean kind of peace? Cuban kind of peace? A Tibetan kind of peace?

Would an immediate unilateral pull-out in Vietnam bring anyone real peace? History shows that whenever possible, the U.S.S.R. or the Red Chinse probe other territory to enlarge their own domination. At the moment, the most critically explosive area is the Middle East. If the Soviets miscalculate the strength of the mood of American isolationism and dissent over Vietnam and Cambodia, their adventurism in that boiling cauldron will undoubtedly be encouraged rather than discouraged. Such miscalculation could pose an extraordinarily grave threat to world peace despite all the efforts of the President.

Very few of these points were even recognizable as far as the student groups I met with were concerned. They hadn't seen them, they hadn't heard about them, or they hadn't really put them in context. They may have seen them in a headline—they may have seen the President make some announcement about them—but they hadn't put the program together to see what a major impact these steps have had on defense policy, on economics and priorities, and on our relationship with our allies and our visibility around the world.

I believe we are on the right track. We are in an era of negotiation—we're trying to disengage from the Southeast Asian problem—we're going to continue our relationship with our allies—we're going to try to build their ability to defend themselves, as opposed to injecting American forces into hostile situations around the world. We are continuing to cut defense expenditures as rapidly as world conditions permit while retaining our nuclear deterrent against attack or nuclear blackmail.

Coolidge once said when questioned as to why he would not run for another term: "Gentlemen, this country is not in good shape." We are not in good shape at this point with the major divisiveness at home and the threats abroad. But with the new architecture in our foreign policy, and given time to implement it, we can and will get well.

SUPPORT FOR THE BALTIC STATES

Mr. MUSKIE. Mr. President, 4 years ago the Senate agreed to House Concurrent Resolution 416 to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia. The policy of the United States has always been to support those peoples who seek self-determination. This resolution marked our continuing support and concern for the brave people in the Baltic States.

At the request of the Lithuanian American Community of the U.S.A., Inc., I ask unanimous consent that the resolution be printed in the RECORD.

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

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PRISONERS OF WAR—FORGOTTEN AMERICANS

Mr. HRUSKA. Mr. President, when the President announced his decision to send troops to Cambodia, we witnessed the peak of a unique phenomenon of recent years, the demonstration for peace.

Although the so-called peaceful objectives of these demonstrations have too often been disguised by unconscionable violence and senseless destruction of property, we must all concede that the organizers and their followers have exhibited one notable virtue—meritorious resolution and unflagging energy.

We all want peace, Mr. President, so these demonstrators hold no monopoly on their views. Furthermore, I feel safe in predicting that the demonstrations have had little positive effect upon the establishment of governmental policy.

While I would certainly urge as strongly as possible that violence and destruction as a tactic of demonstrations be firmly and finally rejected, I do recommend that these demonstrators continue to seek peaceful and responsible physical outlets for their pent-up emotions.

Mr. President, I recommend that they dedicate their protests to a cause which all Americans can agree upon. That is the abysmal treatment of our prisoners of war in the hands of Southeast Asian Communists and a wholesale national effort to arouse world opinion to the point where Hanoi will feel an element of humane treatment must be accorded to these men.

No matter how Americans differ on the proper tactics to end the war, we certainly can all unite in vocalizing our horror at the deplorable and inhuman treatment of American prisoners and their loved ones.

It is possible for world opinion to pierce the iron curtain of Hanoi's indifference. In Hungary we saw one dramatic instance of how sharply mobilized world opinion did dissuade an aggressor nation from its evident goals.

Upraised and indignant voices in America can perform the same objective.

Most of us sympathize with the plight of the 1,500 American military men who are classified as prisoners or missing in action, and even more so with the terrible, uncertain existence of their loved ones at home. But we lead busy lives and it is too easy to have their torment crowded from our minds by more current and personal problems.

These Americans deserve better than that. We must all find a way to help them.

The citizens of Omaha are doing something about the situation. They have formed the Forgotten Americans Committee, whose purposes are:

First. To aid POW's and MIA's in Southeast Asia.

Second. To provide solace and consolation to the families of POW's and MIA's.

The committee is a tax-exempt, nonprofit corporation authorized to accept tax-deductible donations to help sponsor public displays and demonstrations in support of the 1,500 forgotten Americans and their families.

Organized to support a resolution by the Omaha City Council in February, the committee quickly scheduled a busy agenda in April and May, highlighted by a rally in honor of the forgotten Americans at Omaha's Rosenblatt Stadium.

One of the guest speakers was Comdr.

Lloyd Bucher, captain of the *Pueblo*, our intelligence ship captured by the North Koreans in 1968. Commander Bucher is an Omahan, a graduate of Father Flanagan's Boys Town.

On Flag Day, June 14, the committee further participated in sponsorship of a Flag Day Rally at the Douglas County Courthouse, attended by hundreds of Omahans who took time out on Sunday afternoon to express their reverence for our flag and what it means.

The address was delivered by Jack W. Marer, president of the Omaha Bar Association, and I think a few passages of his excellent remarks bear repeating:

The young people accept the good things that have been invented or started by the older generation. Then they charge us with having gotten the United States into two world wars, Korea and now Vietnam. But we won those two wars and Korea. We stopped tyranny and oppression, and are doing the same thing today in Vietnam.

He supported the right of peaceful dissent, but added:

Universities have the obligation to listen to students. But the students must accept the universities' decisions, or get out.

He said reason must prevail or the Nation "will degenerate to the law of the jungle."

Finally he said:

The rights all Americans enjoy today are here because of the ideals and principles for which our flag stands as a symbol. There is much to do to preserve these rights for future generations.

Meanwhile, the Nebraska State Legislature, at its 81st Extraordinary Session, adopted, on June 10, a resolution introduced by Senator Richard F. Proud, of Omaha, calling for the humane treatment of prisoners.

I ask unanimous consent to have the text of that resolution printed at this point in the RECORD.

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

LEGISLATIVE RESOLUTION 5

Re: Prisoners of War

Whereas, it is international common knowledge that the Government of North Vietnam signed the appropriate documents of the Geneva Conventions in 1957 and, in effect, solemnly promised to adhere to the covenants contained therein. This conforms to the same actions taken by 119 other national governments, all in mutual agreement and good faith; and

Whereas, the Government of North Vietnam has contumaciously ignored the said covenants and particularly disregarded those relating to the humane treatment of prisoners of war.

Under the most transparently false pretext that American captives are not prisoners but "criminals," neutral inspections of its prisoners have not been allowed. Further, it has refused to adhere to the most basic and clearly stipulated terms of the Geneva Conventions relative to:

The identification of the prisoners it holds captive.

The release of those seriously wounded or ill.

The allowance of proper flow of letters, packages and the like.

The protection of prisoners from public abuse.

The use of prisoners for propaganda purposes.

False information about prisoners which has been harmful to their mental health and well being along with that of their families.

Other possibly less serious infractions.

Whereas, citizens of the State of Nebraska have been declared "missing in action" while serving on an active duty in the Southeast Asian conflict, and further, are believed to be prisoners of war held by North Vietnam or the Viet Cong; and

Whereas, the prisoners of war and those missing in action have been virtually abandoned to suffer and die without relief, without hope and without redress in any visible form.

Now, therefore, be it resolved by the members of the Nebraska Legislature in Eighty-First (Extraordinary) Session assembled:

That the will of the people of the United States of America, as expressed by these presents, be made known to appropriate officials, departments and agencies of the Government of the United States of America, the Government of North Vietnam, the governments of other nations, all representatives to the United Nations and more particularly the Secretary General of the United Nations. Further, that this resolve be made known to representatives of news media on both a national and international level.

That intransigence of North Vietnam relative to these matters be overcome and that it be directed by American influence and international influence to correct these grave wrongs and provide redress for those committed.

That more specifically, this direction result in:

1. Inspections of all prisons, prison camps and other places of detention by neutral parties and particularly the International Red Cross.

2. All prisoners held being properly identified immediately.

3. All prisoners seriously ill or wounded being released immediately.

4. A proper and constant flow of letters, packages and the like being allowed.

5. All prisoners being protected from further public abuse.

6. A complete cessation in the use of prisoners for propaganda purposes via demeaning photographs, public parading or any other methods.

7. An immediate stop to the release of false information relative to the prisoners of war, collectively or any individual prisoner.

Be it further resolved that the State of Nebraska encourage and support campaigns including but not limited to special programs and rallies, petition drives, public declarations and other feasible means to pursue both the letter and the spirit of this resolution;

And, that copies of this resolution be made available to all civic groups, fraternal organizations and other like entities at the earliest moment and with the suggestion that adoption and endorsement may be in order with active participation in appropriate petition drives, rallies and other aligned special programs.

Mr. HRUSKA. Mr. President, the Forgotten Americans Committee has not stopped at rallies, however. It has been instrumental in other means of arousing the public's conscience about our prisoners of war.

As a result, my office is being deluged with petitions and letters appealing for help for our imprisoned veterans. I have had hundreds of letters from school children, starting with the students of St. Gerald's School in Ralston, Nebr., whose teacher, Mrs. Bill Inbody, of Omaha, presented them to me at a recent Nebraska breakfast in the Capitol.

Now I am receiving letters from students in Mercy High School and Monroe Junior High School, in Omaha, and I know that many more are coming.

In addition, when I was in Nebraska recently, delegates of the Forgotten Americans Committee presented me with petitions from Omaha citizens calling upon intensified support to insure that Hanoi adheres to the prisoner treatment provisions of the Geneva Convention.

My early estimate is that almost 10,000 signatures are on the group of petitions which I received last week, and I know more are coming.

This is a moving display of sentiment, and I am sure it is duplicated in every State in our Nation. It tells us, Mr. President, that we must redouble our efforts and rededicate our minds to more effective means of pressing the Vietcong for humane treatment of our prisoners.

We have many responsibilities facing us, but there is none more important than keeping faith with our imprisoned fighting men.

I commend the organizers and backers of the Forgotten Americans Committee for their initiative, ingenuity, and perseverance in sponsoring a series of programs to keep this issue before the public. Such actions, I believe, are the best hope we have for marshaling world opinion to the point where Hanoi will shrink from its pressure.

It is to be hoped that other organizations will emulate the Forgotten Americans Committee, so that our voice of distress in this issue will not only be kept alive but will grow in volume and stridency.

I ask unanimous consent that a news story from the Omaha World-Herald describing the May 24 record of the Forgotten Americans Committee be printed in the RECORD.

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

THEY HOPE POW PRAYERS REACH HANOI

(By Joseph Rotolo)

Omaha-area residents went to Rosenblatt Stadium Sunday to make it known that the 1,500 Americans listed as prisoners of war are missing in action in Southeast Asia are not forgotten.

The Forgotten Americans Rally, sponsored by the Forgotten Americans Committee of Omaha, had three former prisoners of war as guest speakers. Cmdr. Lloyd Bucher, captain of the Pueblo, captured by the North Koreans in 1968, was the main speaker.

The other two former prisoners were Air Force Lt. Col. Norris Overly, captured by North Vietnam in 1967 and released in 1968, and Navy Postal Clerk 2.C. Douglas Hegdahl, captured by the North Vietnamese in 1968 and released in 1969.

Each man received a standing ovation at the rally.

Michael LaFrance, chairman of the Forgotten Americans Committee, said the size of the crowd was about 500 below what the committee had hoped for, but that "it was definitely not disappointing."

Attendance was estimated at 1,000 to 1,200 by Frank Mancuso, stadium foreman.

LaFrance said the rally's purpose was to get a movement started in the Midwest to let Congress and the North Vietnamese know that the American people want to secure humane treatment for American prisoners of war.

When in his speech Hegdahl said, "We must let North Vietnam know we are united in

our determination in getting our prisoners back," the audience responded with a standing ovation.

Rep. William Scherle, R-Ia., apologized to the audience for "the members of Congress who are trying to pull the rug from under President Nixon in Southeast Asia. I support the President 100 per cent."

Scherle also said the Senate can pass "all the vicious amendments it wants to, the House ain't gonna touch them." The audience applauded both comments.

Cmdr. Bucher told the rally it was difficult to describe the longing for freedom that is in the minds of all POW's.

"Imagine the most desperate longing you can, and you will have a small idea of how much the POW yearns to be free. Double that feeling, and you will have a small idea of how hard it is on the families of POW's who must wait helplessly for their return," he said.

Mrs. Carolyn Cushman, a member of the Forgotten Americans Committee and wife of Air Force Capt. Clifton E. Cushman who has been listed as missing in action for three years and eight months, asked for the prayers of those attending the rally.

"All the world watched and prayed for the safe return of the Apollo 13 astronauts. Can we do less for those who are prisoners of war or missing in action?" she asked.

Committee members distributed petitions, leaflets with the addresses of where to write to express concern for the treatment of POW's and form letters to be sent to H. Ross Perot, the Texas philanthropist who has been working to free the prisoners.

The Can Do '70 singers and the Strategic Air Command Band provided entertainment before and during the rally.

The rally was paid for by American Legion Post No. 1 and its auxiliary, Fraternal Order of Eagles Post No. 38 and its auxiliary, and the Independent Order of Foresters.

LaFrance said another rally is scheduled for Flag Day, June 14, although no details have been arranged.

MARKING THE 10TH ANNIVERSARY OF THE FOUNDING OF THE EAST-WEST CENTER IN HAWAII

Mr. FONG. Mr. President, the creation of the East-West Center in Hawaii, as encompassed in the act of 1960 and signed by President Eisenhower on May 14, 1960, signaled the beginning of a unique experiment. This year, we celebrate the 10th anniversary of that founding.

The Mutual Security Act of 1960 has described the basic objective of the center as the promotion of better relations and understanding between the United States and the nations of Asia and the Pacific. The grant-in-aid agreement between the Department of State and the regents of the University of Hawaii provides further that the center should be guided by the purposes and applicable provisions to the Mutual Educational and Cultural Exchange Act of 1961. The center, therefore, is a vital part of the educational and cultural exchange effort of the U.S. Government and the Department of State.

As we mark the first decade of its existence, this center of cultural and technical exchange has grown into a viable institution and has truly served to bring the peoples of the Pacific, the United States, and Asia into meaningful interchange and mutual understanding. In its truest sense, the center's goal of promoting mutual understanding and better relations by bringing people together from East and West to seek solutions to vital problems of deep mutual concern, has been accomplished in an outstanding way.

From its inception, the center has underscored the human aspect in international understanding. It has sought, in cooperation with the University of Hawaii, to present opportunities for people with culturally diverse backgrounds, to acquire a skill or profession, to partake in research and writing, to work and socialize together, to cooperate and participate while developing in the process, a basis of trust, friendship, and common interest which will serve to unite them by mutual understanding.

The East-West Center has geared its programs and sought to encourage "cooperative study, training, and research." The building blocks with which the East-West Center has had to work are: advanced scholars, degree students, nondegree students, conferences, the publishing program, the library program, the translation program.

Like other progressive educational institutions, the East-West Center has been dynamic and vibrant in taking the initiative in its programs and priorities rather than merely responding to the needs and requests of others. Together with colleagues from Asia and America substantive and meaningful programs have been built into the center. Relations with institutions in Asia and on the mainland, as well as the University of Hawaii, are being continually developed and greatly strengthened.

There has been a real recognition by the leaders of the center that their goals must necessarily receive constant reexamination and refinement, so that the practical programs on which the center has chosen to base its educational operations will be significant, meaningful, and in keeping with its legislated aim.

After intensive and considerable study and review, eight general goals of the center have been presented:

The first goal is to enhance the quality of life among the peoples of the United States, Asia, and the Pacific. As all nations with the center is involved seek quality of life at home and equality of relations abroad, the enhancement of the quality of life becomes the keystone of all endeavors.

The second goal is to educate men toward multicultural perspectives. A person born and raised in one culture will generally consider the values and ways of doing things of that culture as right and best, with those of other cultures being minimally quaint and maximally wrong. The modern man needs the perspective of different cultures.

The third goal is to provide a setting for interchange among men of different cultures, disciplines, professions and skills. Not only does such interchange enhance the possibility of cross-cultural cooperation resulting in man becoming more sensitive and tolerant of other cultures, but it also enhances cooperation in technical areas as well. Within the fast changing world man can no longer be trained wholly for well-defined jobs, but must learn to cooperate more generally across many boundaries. While it is usually true that education moves from the general to the specific, especially at the graduate level, the East-West Center is designed to move from the specific to the general. Such education provides people the experience and practice of working jointly with others in common intellectual endeavors.

The fourth goal of the problem-oriented programs is to inquire into the relation of theory and practice in human affairs. Theory, if based on fact, gives man the ability to predict the future and to anticipate the consequence or outcome of his actions. We can no longer act with good intentions and then "let the chips fall where they may." Education must teach man to see the consequences of his actions.

The fifth goal is to develop designs for multicultural decisionmaking and the sixth goal is to provide experience in testing and evaluating these decisionmaking designs. Education that does not equip man to make decisions, to know the complexity of decisionmaking, and to accept responsibility for decisions has not equipped him to live in modern society. The modern student, as well as the general public, is woefully ignorant of how decisions are made—the variety of interests that must be consulted, the deliberations engaged in at different levels, the web of checks and balances by which decisionmakers are constrained by their constituencies. Cross-cultural decisionmaking can then become even more difficult.

The seventh goal is to develop the availability and exchange of knowledge among the peoples of Asia, the Pacific and the United States. All programs will collect and disseminate information about the problem at hand.

The eighth and final goal is to foster continuing relations among former center participants. Not only is continuity necessary at the East-West Center itself, but in order to maintain the understanding that has developed, former students must be kept in touch. Understanding needs constant renewal.

In marshaling the educational, research and technological training resources or the East-West Center toward problem-oriented programs, it is the center's overall design to integrate its goals, programs, administrative structure, budget, and activities so that as it begins its second decade of operation it may better accomplish the purposes for which it was established by the U.S. Congress.

The foundations for this overall design and plan are the goals and principles laid down by the enabling legislation, the working relationship with the University of Hawaii as set forth by the contractual agreement between the University and the Department of State, and the successful arrangements and practices of the decade.

Mr. President, I ask unanimous consent to have printed in the RECORD a comprehensive report on the East-West Center by its able chancellor, Dr. Everett Kleinjans, entitled "After 10 Years, New Goals," which appeared in the June 9, 1970, issue of the Honolulu Star-Bulletin.

In closing I would like to salute and to

commend the many who have been so instrumental in the founding, growth, and progress of the East-West Center in the last 10 years. To the center's leaders I extend my heartfelt congratulations for their dedication, initiative, and plain hard work. Theirs will be the reward of a job well done under challenging circumstances. For those of us in the Congress, our satisfaction must be in the pride of having helped create and maintain better mutual understanding between the United States and our Asian and Pacific friends. Surely, we can afford to do no less.

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

AFTER 10 YEARS, NEW GOALS

(By Everett Kleinjans)

This year the East-West Center is celebrating. It is ten years since the U.S. Congress, with the vigorous backing of leaders in the 50th State and its University, voted the legislation that brought this unusual national educational institution into being. At the end of this first decade, friends of the Center can look back with satisfaction and ahead with anticipation.

Statistics cannot tell the whole story of what has been accomplished. Still they are worth noting as indications of the scope of the Center's activities.

More than 6,000 students, senior specialists, and technical training participants have come to the Center from Asia, the islands of the Pacific, and the U.S. Mainland to live, work, study, and conduct research together.

Another 6,000 men and women have been trained in workshops and refresher courses conducted by East-West Center instructional teams in sundry locales in Asia and the Pacific. These field study instructors have been recruited from the University, from federal, state and local agencies, and from private business.

The East-West Center has sponsored international conferences and seminars which have brought to Hawaii some 1,800 experts to share knowledge in fields ranging from weed control in rice crops to electronic microscopy, from Buddhist philosophy to the practical effects of the Pacific ocean currents on commercial fishing.

The formation of East-West Center "alumni" organizations in 10 countries of Asia and the Pacific attests to the enduring quality of the intercultural experience of these thousands of participants in Hawaii. Asian studies programs in U.S. Mainland high schools and colleges are being taught by Americans who worked and learned at the Center.

Space does not permit listing the many participants who are making important contributions to the development of their respective countries. One example is the staff of the Graduate School of Public Administration at Seoul National University in Korea, the only school of public administration in that country. About half of the people on this staff have been on East-West Center grants.

Another good example is Anuwar bin Mahmud, who was on a Center grant from 1961 to 1963 earning his master's degree in animal science from the University of Hawaii. In the years since he left the Center, Anuwar bin Mahmud was promoted to dean of the agricultural college at the University of Malaysia. Last month he was back at the East-West Center as one of the score of Asian agricultural and economic experts called upon to advise on direction for a new food program to be instituted by the Center.

The food program is only one of several new problem-oriented programs to be started in this 10th anniversary year. Four other programs will be initiated with the possibility of others to follow. Each program will be placed in an institute where scholars, students and trainees will cooperate cross culturally in seeking solutions to a few vital problems of mutual concern to East and West.

I like to call these institutes "think-and-do tanks" because here theorists and practitioners, i.e., thinkers and doers, will tackle substantive human problems. This new arrangement will help the Center (1) take initiative in its own development; (2) bring into a more creative relationship its senior specialists, students, and trainees, as well as its conferences, press and library; (3) provide a better basis for cooperation not only with the University of Hawaii but also institutions on the Mainland and in Asia; (4) assist the Center in seeking and (hopefully) engendering other financial support; and (5) provide the Center with a better basis for evaluation.

The broad problem areas to which the East-West Center is devoting its attention in the initial phase of its reorganization are population dynamics, communication across cultural barriers to stimulate development, the management of technology in a period of rapid social and economic change, the broad impact of food problems as the "green revolution" affects various economic and social structures and life styles, and a systematic search for ways in which people can learn other cultures, at least to the extent in which they can minimally co-exist on a basis of mutual respect and understanding and maximally cooperate to tackle problems and create a better world.

In its first 10 years the East-West Center has equipped a key group of men and women to tackle such problems by awarding individual scholarships for advanced degree study, by providing research opportunities for senior scholars, and by providing a wide variety of practical training programs for teachers and trainers of others. These people lived together and were then provided with a broad cross-cultural experience.

Our aim in the second decade is to continue these practices but additionally to build an East-West Center staff with professional excellence in the substance related to problem-oriented programs. In cooperation with Center staff, small teams of senior scholars, students and trainers will work together as teams seeking practical solutions to selected problems—focusing their efforts in areas which will complement what is being studied by other institutions.

For the first time, the East-West Center is conducting its own research projects, as well as research in cooperation with the University of Hawaii and other institutions, particularly in Asia and the Pacific.

For the first time, too, the East-West Center is strengthened by research and instructional staff members who hold joint appointments as faculty members in University of Hawaii departments.

The system of joint appointments is enabling the East-West Center to attract to its permanent staff outstanding professionals who still wish to retain their academic research and teaching links with a university. Such arrangements benefit the East-West Center by giving us competence and the University of Hawaii by attracting distinguished professors to its faculty.

By building up professional staff competence in specific problem areas, the East-West Center will be able to serve as a "clearing house" for knowledge in specialized fields of the Asian Pacific region.

For example, I have no doubt whatsoever that the Center's new East-West Population Institute within a few years will be internationally recognized as the single most important center of knowledge about population dynamics as they affect the countries in the Pacific basin. The Center anticipates the same opportunities to become more widely known as other programs develop.

The reorganization of the East-West Center is taking place in a context of declining national support for exchange programs. It was certainly with this in mind that Gov. John A. Burns, who serves as chairman of the National Review Board which advises the Secretary of State on East-West Center affairs, recently said that the problem-oriented approach was "sound" but warned the reorganization would be difficult. In a speech celebrating the Center's 10th anniversary he added:

"In a sense, you are embarking on building a new Center, a new institution which requires a great deal of imagination, administrative skill, dynamic leadership—and luck and money."

Careful planning for the reorganization of the Center has been underway for three years. I am confident the second decade of the Center, in which we combine idealism with practicality in making a substantial contribution to finding answers to problems which concern us all, will be even more successful than the first decade.

Effective July 1, five new institutes, which link students, senior specialists and trainees together in five different programs, will replace the old administrative units.

The East-West Population Institute has been functioning since last fall, after the appointment as director of Dr. Paul Demeny, former Associate Director of the University of Michigan's Population Studies Center.

Fifteen graduate students from Ceylon, the Republic of China, Indonesia, Japan, Korea, Thailand and the United States are already enrolled in the institute working for advanced University of Hawaii degrees in anthropology, economics, geography or sociology and towards a certificate in population studies. They will be joined by an additional 15 students including some in the School of Public Health, next fall.

By Sept. 1, the East-West Population Institute will have on its staff 11 professors—including several Asians—sharing joint appointments with University departments, as well as four full-time researchers and a medical consultant.

Among the senior specialists who will be at the Institute by fall doing research on Center population projects are Dr. Hi-Sup Chung, former minister of health in South Korea, and Dr. Nathan Keyfitz, president of the Population Association of America and professor of demography at the University of California, Berkeley.

The East-West Technology and Development Institute will be a direct successor to the Institute for Technical Interchange, but the new unit's functions will be broadened to include research by senior specialists and advanced degree study related to planning and managing development at a time of rapid technological change.

The East-West Technology and Development Institute in its study, research and training programs will emphasize the roles of managers and trainers in such fields as health, education, social welfare, and business and government administration. It is thus moving toward more emphasis on intellectual rather than manual technology.

Non-degree training projects, which formerly were administered only by the Institute for Technical Interchange, will be organized and conducted by each of the new institutes in their respective fields. Emphasis will be given to field training projects by all East-West Center programs, with co-sponsoring governments and agencies sharing the costs.

The East-West Communications Institute will place a substantial part of its initial emphasis on non-degree training to improve practical communication programs for social

and economic development in the U.S./Asian/Pacific region. Scholarships also will be awarded for advanced degree study in communications and senior specialists will conduct research and assist in training in the coming year.

Director of the new Institute, effective June 1, is Dr. R. Lyle Webster, who has served for the last six years as a Ford Foundation consultant to the Indian government on establishing agricultural communications system. Before he went to India Dr. Webster served for several years as director of information for the U.S. Department of Agriculture.

The Jefferson Fellowship project, which brings experienced Asian/Pacific journalists to the Center for a semester of study and special seminars, will be conducted by the new institute.

The East-West Cultural Learning Institute brings what we believe is a new approach to devising more effective methods for learning how to adapt to different cultures. The Center itself is a living laboratory for such study because young men and women from some 35 different countries and territories work, study and live together here for as long as two or three years.

The institute can give a new dimension to the conventional Asian/American Studies curricula and a major emphasis will be placed on devising new techniques for language learning.

Planning for the culture learning project has been led in large part by Dr. Agnes Niyekawa-Howard, associate professor of psychology in education at Northeastern University, Boston, while at the Center as a senior specialist and as a visiting professor at the university.

The Fifth New Center unit, for which a director is expected to be named before July 1, is the East-West Food Institute. Three Asians—Dr. Shao-er Ong, regional agricultural officer for the U.N. Food and Agricultural Organization (FAO) based at Bangkok and now associate in the Agricultural Development Council; Dr. Ki Hyuk Pak, dean of the College of Business Administration, Yonsei University, Seoul; and Dr. Y. T. Chang, vice minister of economic affairs, Republic of China, Taipei, formerly provincial commissioner of agriculture and forestry—were brought to the Center for six months last year to begin the planning for this program. Chief consultant to the planning team has been Dr. Y. Baron Goto, retired vice chancellor of the Institute for Technical Interchange. Dr. Goto was also chairman of a planning conference last month in which 30 specialists from Asia, the Pacific area and the U.S. Mainland participated.

The East-West Food Institute will engage in a "systems approach" to the food problem, especially second or later generation problems. This will involve research, study and training on the complex problems arising from the simple fact of providing nutritious food in the right amounts to all people. In addition to the technologies of agricultural production, the Institute will concern itself with the interrelationships of such factors as processing, distribution, nutrition, capital investment, trade policies, and cultural habits affecting diets.

Four project areas recommended by a planning team of Asian experts are: closing the protein gap, development of food industries, promotion of food exports and strengthening of farmers' organizations.

The East-West Food Institute also expects to make joint staff appointments with the University's College of Tropical Agriculture and other departments.

ALBERT H. BLUM

Mr. MATHIAS. Mr. President, Judge Albert H. Blum, of the Baltimore municipal court retired yesterday, ending a distinguished career on the city bench. I am sure all Baltimoreans join me in extending a sincere "well done" to the judge and best wishes for an enjoyable retirement. I ask unanimous consent that David L. Maulsby's excellent report of Judge Blum's last day on the bench, published in this morning's Baltimore Sun, be printed in the RECORD.

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

BLUM HOLDS HIS LAST COURT

(By David L. Maulsby)

Municipal Court Judge Albert H. Blum held his last court session yesterday in his favorite courtroom at 28 East Ostend street in the Southern district. He will be 70 today and retirement is mandatory.

It is here in this courtroom that Judge Blum presides over an august body, unique and partial: the Unofficial Jury of South Baltimore. It is quite august in appearance.

This is so because its members are retired citizens, like Herb V. Helferstay, 72, who proffered his card. Beneath the name is the word "retired." Below and to the left it reads "No Address. No Phone. No Time."

Below the "retired" and to the right it reads: "No Job. No Money. No Worries."

The morning session moved briskly. A man charged with assault by threat to do bodily harm drew a $50 fine "for the privilege of acting in that manner." A drunk drew 30 days. Bail was set for a young man and his girl held on narcotic charges involving heroin.

The judge could not see, but the jury, which always occupies the front row in the courtroom, could observe how tightly the boy held the girl's right hand in his left throughout the hearing.

But the jury could not see and the judge did not notice that when the couple left, escorted by police, there were tears brimming in the eyes of a man in the back of the courtroom and the same in the eyes of a young defendant waiting to be tried next.

Two teen-agers drew 20-day jail terms and another a $75 fine for disturbing the peace around 3 A.M. in the 1900 block Maisel street. Another who happened to be there was fined $25.

Judge Blum determined that three of the youths were school dropouts and had engaged in conversations with juvenile authorities under the auspices of the police.

During the somewhat lengthy hearing testimony disclosed that cherry bombs were thrown and fireworks popped yet some of the witnesses "never heard a thing," and that seemed passing strange.

Next, two young shoplifters were fined. One, a school dropout drew a $100 fine, the other, a City College student and employed, $75. Counsel for the student asked probation without verdict but Judge Blum said: "I do not believe in that."

Two men were fined, each for assaulting the other, and another drunk and another disturber of the peace were fined to end the session. Having started at 9 A.M., it lasted until 11:22 A.M.

Judge Blum then felt that he should address the jury for Vernon Seymour, his clerk, had announced before he mounted the bench, that the session was the last for the middle-aged-looking jurist.

Referring to the time of "constitutional antiquity and statutory senility" he told the group who were nearly alone in the courtroom that "in the springtime of my senility I still manage to run three miles three times a week in the early morning." He thanked the jury for their solicitude (at times he has asked them what they thought of his decisions after the court sessions were over.)

The jury responded by affirming that he had been "the greatest judge of all" and called for an extension of time "so you could teach some of the judges how to help the police" and this suggestion was unanimously approved.

Judge Blum beamed. At the short, 3 P.M. session of court a few of the jurors came for the last farewell. For the record they deplored the one dissenter in their midst who "did not like the way the judge looks over the record before it's over."

A native of Baltimore, Judge Blum attended City College, the Johns Hopkins University (a member of its championship lacrosse team) and studied law at the University of Maryland.

Commissioned a lieutenant by the Navy during World War II he emerged a lieutenant commander after serving on the staff of Adm. Anthony V. Morse, British flag officer for western Italy. He is proud of the fact that he was the first American naval officer to enter Naples after the war.

He has served as an assistant state's attorney and police magistrate. He was appointed to the municipal bench and was elected to a 10-year term. An avid traveler, he often lectured, using pictures he has taken in remote places around the world. He is a trustee of the Maryland Academy of Sciences.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

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

SHOT-FILLED CHASE FOILS STORE HOLDUP

A fourth district police officer responding to a holdup alarm and a would be robber exchanged gunshots Tuesday night following an attempted holdup at a Safeway food store, police said.

The officer was not wounded and was uncertain whether his shots had hit the two armed suspects who escaped on foot, according to police.

A Safeway security guard told police two young men entered the store at 4411 14th St. NW about 8:40 p.m. One of them, brandishing a revolver, said to him, "Call the manager over."

The guard said he summoned the manager, who was forced at gunpoint into the office. One of the gunmen then ordered the manager to give him all the money in the safe, police said, and also took the cash from two registers.

As the pair ran from the store, three fourth district police officers, alerted by an alarm, chased them. In the parking lot one of the robbers dropped the money bag and his gun and fled with his accomplice into the 1300 block of Allison Street N. with the officers in pursuit.

Then the armed man turned and fired one shot at one of the policemen who fired twice in return, police said. The suspect ran south in the 4400 block of 13th Street.

In other serious crimes reported by area police by 6 p.m. yesterday:

ROBBED

Altman's Parking Service, 634 I St. NW., was held up by two young men, one of them brandishing a gun. The pair approached an

employee and said, "This is a holdup. Give me what you have." After forcing him to give them the cash, the men ran east on I Street.

Katherine Dykes Stewart of Washington, was robbed of a large amount of money about 3:30 p.m. Tuesday while she was driving east on Constitution Avenue NE. In the 1000 block, a youth ran up to the driver's side of her car, reached through the open window and grabbed her pocketbook full of cash. The youth then fled west on Constitution Avenue. Miss Stewart later recovered the purse.

Max Carb, of Arlington, was held up about 10:55 a.m. Tuesday by a youth who approached him at 14th Street and Rhode Island Avenue NW. The youth pressed a hard object at Carb's back, took the cash from his pocket and escaped into the 1300 block of Rhode Island Avenue.

Carol Stephenson, of Washington, a hostess for World Buttery, was beaten and robbed about 4:05 p.m. Tuesday by two teen-age girls at 13th Street and Potomac Avenue SE. They grabbed Miss Stephenson's hair and pulled her to the ground, then snatched her pocketbook containing bills and papers and ran east on Pennsylvania Avenue.

Federal Supply Company, 504 10th St. NW., was held up about 5:55 p.m. Tuesday by two youths who browsed through the store and selected a jar of hair tonic which they carried to the counter. One pulled a small revolver and warned the store manager, "Don't close it. Don't close it. Don't touch the burglar alarm. Give us the money and lie down on the floor." The other youth took the money from the cash drawer. When a customer entered the store, the pair ran out the front door.

Michael Roach, of Greenbelt, was robbed shortly after midnight Tuesday by two men at 2d Street and New York Avenue NW. "Don't move. Give me your stuff," the pair demanded and one of them reached into Roach's pocket and took his wallet containing cash, American Express travelers checks and personal papers and his glasses and watch.

Michael Davis, Wesley Green and Ronald Holt, all of Washington, were held up about 3:15 p.m. Tuesday by two young men in the 3500 block of Hayes Street NE. One drew a .22-caliber revolver and told the three men, "I know you got paid today. Give me your money." After Davis, Green and Holt gave them their cash, the pair entered a green car and escaped east on Grant Street NE.

Wilons Purnell, of Washington, was beaten and robbed about 7:35 p.m. Tuesday by three men who attacked him at 11th and O Streets NW. They struck Purnell in the face, forcing him to release his briefcase and groceries and fled on foot into the 1300 block of 11th Street NW.

James Caviness, of Washington, cab driver, was held up about 3:45 a.m. by a man who hailed his taxi at 9th and H Streets NE. After Caviness drove him to 42d and Hayes Streets NE., the passenger pulled out a small pistol and demanded, "Give it all up." Caviness handed the gunman his bills and change and the man got out of the cab and ran towards Deane Avenue.

College Pharmacy Inc., 2815 7th St. NE., was held up about 7:30 p.m. Tuesday by two young men. While one remained near the front of the store, the other walked to the drug counter at the rear and asked to have a prescription filled. He walked away and returned shortly, displaying a revolver. Pointing the gun at the manager, the man ordered, "Give me all the money and I better not hear a burglar alarm." After removing the money from the cash register, the pair ran out the front door, entered a beige car and drove west on Girard Street.

Sylvester Jackson, of Washington, was admitted to Rogers Memorial Hospital after he was beaten and robbed about 7 a.m. Two men attacked him at 9th and M Streets NW., forced him to hand over his cash and ran off.

Kenneth B. Falson, of Washington, was admitted to D.C. General Hospital for head injuries suffered during a robbery shortly after 5 a.m. Three youths approached Falson in the 200 block of 4th Street SE. and one drew a knife and stabbed him. After taking the bills from his pocket, the trio ran south towards Pennsylvania Avenue.

Claude N. Groom, of Clinton, and Diane Granderson, of Washington were beaten and robbed about 12:50 a.m. by two men at 13th and M Streets NW. One struck Groom in the face and body and tore his clothes as he ripped the wallet from his pockets. The other man then began hitting Miss Granderson in the face and pushed her into the bushes. The assailants then fled north in the 1200 block of 13th Street NW.

Bertha E. and Albert Bryant, both of Washington, were robbed of a large amount of money shortly after 11 p.m. Tuesday by five juveniles on the corner of 13th and N Streets NW. One of them forced Mrs. Bryant to surrender her purse containing cash, money orders and a savings bond and escaped with his companions running east on N Street.

Charles L. Pickett, of Washington, a taxi driver was held up about 2:50 a.m. by a youth who hailed his cab at Benning Road and East Capitol Street and asked Pickett to drive him to the 1100 block of 1st Place NW. There the passenger drew a .22-caliber pistol, demanded Pickett's money and, after taking the cash, ran north on 1st Place.

Joseph Mitchell, of Washington, was robbed of a large amount of money about 4:15 p.m. on May 28. Mitchell told police two men approached him at 12th and N Streets NW. When they had gone, Mitchell realized that they had picked his pocket and taken the cash.

Rex E. Hollis, of Silver Spring, was held up about 3:10 a.m. when he stopped his car at the intersection of 10th and N Streets NW. Two youths pulled Hollis from his car, yoked him, and took his wallet. The youths entered Hollis' car and drove east in an alley in the 1300 block of 10th Street.

Frederick Elmer Hitzman, 22, of Arlington, a truck driver for Kennedy Foods of Falls Church, was held up by three young men who pushed him against a building in the 1500 block of R Street NW. "Let's have it or I will cut you," demanded one of the men and took Hitzeman's TWA flight bag containing a pair of slacks, a shirt, a wallet and cash, a cash box, credit cards and a check for $1,200. The trio then ran into the 1600 block of 15th Street NW.

Ali Mohammed, of 3011 Ontario Rd. NW., was robbed by two youths in the hallway of his apartment building. The youths yoked Mohammed and took his watch and wallet containing his cash and personal papers.

Albert Madden, of Washington, an ice cream vendor, was held up about 10:40 p.m. Tuesday at Morris Road and High Street SE. Four men, one armed with a pistol, approached Madden and the gunman entered his truck. The other men climbed into the truck through a window and forced the lock on the safe. After taking the money, the men ordered Madden to drive to the 1800 block of Erie Street SE., where they jumped out of the truck and escaped.

Harold E. Wilson, of Landover, and Stephania Bolden, of Washington, were held up about 12:45 a.m. as they were parking their car in the 4200 block of 7th Street SE., near Miss Bolden's home. Two men approached the couple and demanded, "Give me your money." Wilson handed them a wallet containing a large amount of cash and Miss Bolden gave them her purse. One of the men then pressed a revolver at Wilson's side and said, "I want everything." Wilson turned over his car and apartment keys and Miss Bolden gave them her apartment keys. The pair then ran from the parking lot and drove off in a green car.

STOLEN

Approximately $200 in change and $429 in bills was stolen overnight Monday from the GEM, Inc. book store at 1214 New York Ave. NW. The theft, from a booth at the rear of the store, was discovered when an employee arrived at 9 a.m. Tuesday morning.

A floor-cleaning machine was stolen sometime between 10 p.m. Monday and 1 p.m. Tuesday from a class room at Rudolph Elementary School, 2d and Hamilton Streets NW.

An electric mixer and a steam dry iron were stolen from Draper Elementary School, on Wahler Place between Wheeler Road and 9th Street SE.

ASSAULTED

Frederick Darby, of 810 5th St., NW., was treated at Washington Hospital Center for injuries he suffered when he was struck on the head with a bottle during a fight with a man about 11:15 p.m. Tuesday on the third floor of his apartment building.

Lewis Gladden, of Washington, was treated at Washington Hospital Center for wounds suffered during an attempted robbery about 12:35 a.m. Tuesday. Three youths confronted Gladden in the 700 block of Lamont Street NW., yoked him and knocked him to the ground. Two of them tried unsuccessfully to get his billfold, then fled with their companion.

Deborah Green, of 1815 A St. SE, was admitted to D.C. General Hospital with a gunshot wound in the jaw which she suffered about 10:40 p.m. Tuesday during a fight with a woman who fired at her in front of her apartment building.

PRISONER OF WAR LETTERS

Mr. SCHWEIKER. Mr. President, one of the most distressing parts of the tragic Vietnam War has been the inhumane attitude taken by the North Vietnamese and the National Liberation Front in South Vietnam toward American prisoners of war.

North Vietnam and the Vietcong have repeatedly refused to adhere to the Geneva Convention, and despite entreaties from many sources, both official and unofficial, they have not even taken the basic step of revealing the names of the prisoners they are currently holding.

The tragedy of this secrecy is that thousands of relatives and friends of Americans missing in action must live daily under the torment of not knowing whether their loved ones are alive or not.

State Department inquiries, congressional resolutions which I have supported, and direct appeals by wives in Paris have all been of no avail at this time.

Recently, Robert J. Boyle, editor of the Pottstown Mercury, in my home county, Montgomery County, Pa., developed an interesting idea, to which I invite the attention of Senators.

The entire front page of the Pottstown Mercury of June 18, 1970, contained a plea, in Vietnamese, to Tom Duc Thang, President of the Democratic Republic of Vietnam, to release our prisoners of war. Three additional pages contained 17 additional letters, also in Vietnamese, from individuals and businesses of Pottstown, also pleading for compassion toward our prisoners.

A front page editorial encouraged readers of the Mercury to send these

four pages to Hanoi to bring direct public pressure on that government.

Boyle said:

If thousands of Mercury readers send the first four pages of this edition to the President of North Vietnam, release of the prisoners just might happen. Or perhaps the huge display of determined will for a prisoner release might spark the beginning of meaningful negotiations toward that end. The Mercury feels it's worth a try.

I share Bob Boyle's sentiments that "it's worth a try" and would encourage all newspapers in the country to participate in a similar campaign.

Mr. President, I ask unanimous consent that two articles in explanation of this letter-writing effort and all 17 letters be printed in the RECORD.

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

SEND TO HANOI

This edition of The Mercury is devoted to a plea to Ton Duc Thang, president of the Democratic Republic of Vietnam to release United States Servicemen being held in North Vietnam.

The plea was written in Vietnamese and the translation appears on page 2.

Readers of The Mercury are invited to send the pages of this edition dealing with the plea to Hanoi. Postal rates for newspapers are 60 cents for the first two ounces and 30 cents for each additional two ounces.

Papers should be sent to:

Ton Duc Thang,
President,
Democratic Republic of Vietnam,
Hanoi, North Vietnam.

IT'S WORTH A TRY "OPEN LETTER" MAY SPARK FREEDOM

Officially, the Democratic Republic of Vietnam (North Vietnam) admits holding 450 American servicemen as prisoners of war in diverse detention areas scattered in that country, South Vietnam, Cambodia and who knows where else.

Pentagon sources say the number of men missing in action is 1,140. These same sources believe most of the missing men also are being held prisoner.

Getting them back has proved to be an impossible task thus far.

Each new plea for their release is greeted with the retort that the prisoners are "war criminals" and "murderers" and subsequently must be punished.

OFFICIAL PLEAS

There have been official governmental pleas through diplomatic channels, through the diplomatic intervention of other nations, both friendly and hostile, and at the Paris peace table.

Non-governmental attempts were made by mothers and wives of the prisoners who traveled to Paris to confront the North Vietnamese negotiators.

All the efforts were fruitless.

With news of anti-war riots filling the pages of newspapers every day, it is difficult for leaders of North Vietnam to know the true picture in America.

It is difficult for them to realize the true emotion is one of deep compassion and concern over the plight of Americans in their prison camps—concern and compassion which comes from both hawk and dove, and from those few who have no war feelings at all.

STRONG FEELING

This edition of the Mercury is intended to help the leaders of North Vietnam realize the strong feeling in America for release of the 450 to 1,140 American prisoners of war.

It is intended to bring about this realization in the leaders' own language.

One copy of this edition sent to those leaders will mean little.

It will require thousands of copies of this newspaper "open letter" to make them realize we are united in the resolve that regardless of individual thinking on the war, all Americans want the prisoners freed and home with their families.

FOUR PAGES

If thousands of Mercury readers send the first four pages of this edition to the president of North Vietnam, release of the prisoners just might happen.

Or perhaps the huge display of determined will for a prisoner release might spark the beginning of meaningful negotiations toward that end.

The Mercury feels it's worth a try.

FRONT PAGE OPEN LETTER: TRANSLATION

As a newspaper which is representative of all small town newspapers across the United States and reflects the sentiments of average American citizens we take this means of appealing to you on a situation which is close to the hearts of all Americans.

The issue here is not whether Americans should be in Vietnam or whether we should pull all our troops out immediately.

The issue is not whether you are right and we are wrong or we are right and you are wrong.

True, our country is divided on the issue of Vietnam but our citizens are united in their concern of the prisoners which you hold.

There are 450 American servicemen in your prison camps. Another 1150 are listed as missing and possibly some are your prisoners.

Their situation is our united concern.

Both the "doves and the hawks" of America feel deeply about them and their welfare.

This is the purpose of this edition. We ask you to consider their immediate release. They have no military value to you. They can't hurt or hamper your war effort and no longer would help ours.

These men like your soldiers do not institute policy but merely serve as soldiers have done since time began. Like the men who obey your orders, they obeyed the orders they received.

Like your men they performed their duty and were willing to sacrifice for their country. Like your soldiers, they left their homes and families not because they wanted to but because their country called on them.

Patriotism is not limited to the men of Vietnam, to the men of America but is the privilege of all men. They fight under their flag whether it be red, white and blue or silver and gold.

Pottstown is a small community in the United States. Its people, too, voice different opinions on the war. All want peace but are divided in the way to achieve this peace.

Your supporters in this country could take satisfaction from the release of the prisoners. This, more than anything else, would demonstrate that you, too, do not seek revenge against men who did their duty. This, too, would show the world that compassion not punishment can lead to peace.

The arguments of your critics that human life means nothing to you would be baseless if you allowed American prisoners to be returned to their families.

You have in your power to advance the cause of a just peace by acting quickly on this appeal.

If your heart contains mercy and your soul compassion and if you truly seek to help the cause of peace you have an opportunity to achieve these images in the eyes of the world.

Americans have always understood and respected compassion and mercy and hold life in high dignity.

The feeling here is that you don't care about the individual; that his needs and wants and desires don't matter. That life is not sacred to you.

Your actions can give lie to these beliefs. An act of amnesty toward American prisoners would show the world that you are concerned with life and that all life is sacred.

Family ties in America are strong and all Americans want these men reunited with their families. Some fathers have never seen their children; some are missing the joy of watching them grow.

And the children, they live with a constant dream and hope that they may again be a whole family.

Few men in the history of the world have been given the opportunity that you now have.

History can record you as a man of compassion; a man who respected human life and held it in high value; a man who held that family life is paramount and a man who helped lead nations toward peace by providing a measure of peace to many families.

Return these men to their families and the world would hail you. Retain them and your supporters cant' help you but wonder about your sincerity and motives.

We address you not as one enemy to another but as one human to another.

As simple citizens of the United States we have no power to offer anything but goodwill in exchange for the men you hold. We have no power to make threats if you don't.

We only have hope; hope that you will heed the pleas and restore these men to their families.

THE PRISONERS

It's easy to forget them; these men who are prisoners in North Vietnam.

For most Americans the concern for prisoners is brief; only as long as it takes to read an occasional news story about them or to see their photos flashed on a TV screen.

But then your life goes on and, unless you're a wife, mother, child or relative of a prisoner, the issue doesn't cause your blood to boil.

Buried within you is the knowledge that men do live under terrible conditions in North Vietnamese prison camps. But your daily routine, your own problems cancel out any concern or thought for them.

It's sad but true that few Americans are deeply concerned about their fellow Americans who are held in captivity.

The doves protest against the war but ignore the plight of captive servicemen. The Hawks seek more action but fail to take action which might help U.S. prisoners.

Senators speak out pro and con about the war but few embrace the cause of freedom of these men.

Across the nation on the 30th day of May, July 4 and Veterans Day, Americans pause to remember the war dead but think nothing of the war living.

The war dead "rest in honored glory" but the war living can't rest because of endless days of unhappiness, uncertainty and captivity.

Unless you are close to a prisoner it is difficult to imagine what families go through.

But think for a moment! What if a prisoner was your husband, your son or your father?

Project yourself into this situation.

The average American probably feels and with some justification that there is nothing he can do.

H. Ross Perot, of Dallas, Tex., has been attempting to help the prisoners. He sent the wives of some of the imprisoned servicemen to France to plead with the North Vietnamese. He has sponsored displays showing the plight of the captives. He has done

numerous other things in an attempt to effect the release of the prisoners.

But, possibly more important, he has alerted many to their situation.

Without his concern, the plight of prisoners would still be below the surface but he had shed light on it.

This issue of The Mercury is concerned with the prisoners but only because Mr. Perot has been concerned enough to make their cause his cause.

If this edition then triggers more awareness, more appeals, then it should be worthwhile.

But it remains for the average man, to reflect his concern.

One voice wouldn't be heard in Hanoi but millions of voices couldn't be ignored.

DEAR MR. THANG: "Do unto others as you would have them do unto you" is a "Golden Rule" that bridges most ideologies, philosophies and religions. To treat others as you, yourself, would like or expect to be treated is, to most of us, a natural, human tendency. It is hardly possible, in our day, to live unto one's self.

We are dependent upon one another in so many ways. What we do affects not only ourselves and our loved ones, but many others as well. The decisions we make, seemingly in behalf of ourselves, really affect the lives of many others in our time and often in times to come.

You, the North Vietnamese government, now have that responsibility and privilege before the eyes of the world and the God who permitted this world to be created and exist to this day. You have in your hands not only American Prisoners, but the lives of many families which they represent.

Let the names of these men be known. Let the sick and the wounded be returned to their homeland. Let the exchange of written messages of hope and consolation be granted to them and to their families.

REV. RICHARD G. HOFFERT,
Pastor, Grace Lutheran Church, Dean of The Trappe District Lutheran Congregations.

MR. PRESIDENT.

SIR: As an American citizen and ex-Korean veteran, I would like to know just how much influence, confidence and trust you have in your government in order to find some solution on reconsidering the release of American soldiers in Vietnam.

I know that the American people, along with myself, would love to see their sons come home. It is most important that you, along with our government could find time to end this fruitless war and bring our boys back home.

SAGO G. GLENN,
Deputy Sheriff.

DEAR MR. THANG: On behalf of the citizens of Pottstown, Pennsylvania, I join with many others in asking for a reconsideration of your policy concerning American prisoners of war in the Viet Nam Conflict. The release of the American POWs can in no way affect the outcome of this struggle or change the political philosophies or ideologies professed by either side. Life today is all too short to have this period of time taken from the prisoners involved, their families, and loved ones.

Again, I implore you to reconsider your policy concerning the release of American Prisoners of War in Viet Nam.

Sincerely,

BROWER B. YERGER,
Mayor.

MR. PRESIDENT: I am making a simultaneous request in the name of humanity to both your and my government.

We plead with your government to release our men captured by your government and held for war crimes as we also plead with our own government to release our own political prisoners and to give amnesty to our 10,000 men who have fled to Canada and Sweden because of their refusal to participate in war crimes.

We believe the prisoners you hold and the men our government has imprisoned or forced into exile have been away from their loved ones too long.

Very truly yours,

JACOB M. SCHOLL.

DEAR MR. THANG: You have within your possession, property which does not belong to you—human property—American men who are the sons of anguished mothers, the husbands of tense, lonely wives, the fathers of children who cry out for Dad's touch in their sleep at night, the useful citizens of a Nation who loves them very much, a nation who wants them to return to their rightful place on the soil of freedom. These men can never, should you keep them a million years, mean as much to you as they do to us.

No matter what your reasons could be for keeping them, these reasons could never hold an appropriate amount of sting to discourage us from caring and pursuing our course of freedom, for ourselves and all people everywhere.

At present you are the richest individuals in the world, because from our bank account of humanity, and in the name of stamping out infamy, we have invested the blood of young men.

Sincerely,

MRS. JEAN M. KERSCHNER.

PRESIDENT THANG: In Sunday School I have learned to love my enemies. Even though you are our enemy, I want you to understand how we feel.

Today was my last day at school. I can look forward to enjoying my vacation with my father. But there are many families who don't have their fathers home because they are prisoners of war in your country.

Please release them from prison. If your father was in prison you'd want him to come home. That's the way we feel. Please send them home to us.

In Love and Peace.

VALERIE VANDYKE.

HONORABLE TON DUC THANG: "Who is the strongest of the strong?" Ask a rabbi 2,000 years ago. His answer, "He who turns an enemy into a friend."

The suffering and horror of war must cease. The heartache and anguish of mothers, wives, and children must be relieved.

Surely there must be a way for us to stop being enemies and become neighbors who strive to build a better world.

The longest journey begins with one step . . . perhaps, perhaps that is a dramatic act; release the American prisoners of war.

RABBI HERMAN E. GROSSMAN,
Congregation Mercy Truth Synagogue.

TON DUC THANG.

SIR: I am a veteran of World War II and a member of the Veterans of Foreign Wars of the United States since 1945, thus my interest in all veterans. The men you are holding as prisoners of war are veterans. It is my hope that these men will be released in the very near future.

The motto of the Veterans of Foreign Wars is "Honor the Dead By Helping the Living." I feel the release of these men would fit our motto in the true sense.

The wives and families of these men would be quite relieved to know their men were safe and sound.

You being a family man and a veteran can surely understand what I am saying.

Hoping for your sincere consideration.

I am very truly yours,

EDWIN G. PENNYPACKER,
Commander VFW Post 6341.

DEAR MR. THANG: I have given a son for our country, but I don't believe in war and I don't believe our soldiers should be in Vietnam. I would like to see all of our men and boys come home.

My brother has been in Vietnam four times in two years, and I wouldn't like to see him captured.

Won't you please send home the prisoners you already have—maybe then we can achieve peace.

ELVA GEBHARD.

PEOPLES REPUBLIC OF NORTH VIETNAM,
Office of the Chairman,
Hanoi, North Vietnam,

DEAR MR. CHAIRMAN: This letter is being written with purely humane interest.

On a humanitarian basis, I ask that you use your good offices to initiate a mutual release and exchange of prisoners of war. There are thousands of families on both sides of the Pacific Ocean affected by a loved one being held captive.

Therefore, a genuine humane effort in this direction would serve a worthwhile purpose.

AARON KATZ, D.S.C.

DEAR MR. PRESIDENT: You are concerned as I am about those American boys who are prisoners in Vietnam. Perhaps I am particularly anxious because my son who served his country over in Vietnam has returned safe and sound for which I will be eternally thankful. However I cannot forget those sons who are not able to return so I am beseeching you to do everything in your power to release them as soon as possible so they may be reunited with their families in this "land of the free!"

MRS. A. FLORENCE MANTHORNE,
Principal, Lincoln School.

DEAR MR. THANG: Our Parish of St. Aloysius, Pottstown, Pennsylvania, U.S.A. represents more than eighteen hundred Roman Catholic families in this community.

At each Mass every Sunday, in our special "Prayer of the Faithful", we ask God to bring Peace to the world. We also ask for the return of our young men and women who are in the Armed Services to their homes and families.

It is our special plea to you in Hanoi, to return to us the young men who are being held prisoners.

Sincerely yours in Peace,

Rev. JOHN P. MURPHY,
Rector.

GREATER POTTSTOWN AREA CHAMBER OF COMMERCE,
Pottstown, Pa.

HONORABLE TON DUC THANG: We pray along with other Americans that you will consider the rapid release of American Prisoners; a gesture that we're sure will do much to bring about peace.

BOSCOV'S,
Pottstown, Pa.

Life is dear and peace is sweet to all Americans.

Because we hold individual life in such high esteem, the lives and well being of the American men held by your country is of primary concern to all of us.

Their captivity has become a paramount concern to us.

We are business people, simple Americans, who may be divided on the issues of the war but who are united in our desire to have our captured servicemen returned to their families.

Their chains of captivity also form a barrier which prevents greater understanding between us. The release of these men could well be the catalyst needed for our countries to work out a just peace.

We join with the millions of Americans who ask simply that you return these men home.

H. FECERA'S FURNITURE STORE,
Pottstown, Pa.

HONORABLE TON DUC THANG: We pray along with other Americans that you will consider the rapid release of American Prisioners; a gesture that we're sure will do much to bring about peace.

SPRING CITY KNITTING CO.,
Spring City, Pa.

HONORABLE TON DUC THANG: Like all other Americans, the more than 4,000 people associated with Spring City Knitting Company, are sincerely concerned about the Americans who are imprisoned in your country.

Like all other Americans, the management, the staff and the workers, of Spring City Knitting Company feel that a demonstration of compassion by your country and yourself will help mend the differences that exist between us.

Like all other Americans, we implore you to release the American prisoners as a gesture of goodwill and as a practical example to the world that you are as concerned as we are with the welfare of man.

The men you hold in captivity have wives, children, parents and friends anxiously awaiting their return to this country.

We can see no use to their continued imprisonment but can see benefits from their freedom. The world awaits an example, a display of your humaneness and by releasing these prisoners you could demonstrate that despite our differences a concern for individuals is paramount.

We respectfully implore that you act quickly and feel sure that this humane gesture would widen the path to peace.

LEVITZ FURNITURE,
Pottstown, Pa.

HONORABLE TON DUC THANG: The quality of mercy is admired throughout the world and a demonstration of mercy by you toward American prisoners would enhance the opportunities for peace and bring you much respect.

We urge and implore you to release the Americans you have in custody as one step toward bringing peace to mankind.

THE FIRST AMENDMENT FREEDOMS ACT

Mr. HRUSKA. Mr. President, a little more than a week ago the senior Senator from Michigan (Mr. HART) and I introduced a bill entitled the First Amendment Freedoms Act (S. 3976). I am pleased to say that since that time more than a dozen Senators have asked to be listed as cosponsors of this important measure.

Our purpose in writing the bill was to empower the Federal courts with adequate authority by way of injunction and other powers to forbid interference with our constitutional freedoms to speak, to worship, to write, to meet, and to petition. All citizens, not just those who dissent, deserve to have these precious rights protected.

Two editorials have come to my attention, one from the Christian Science Monitor, the other from the Washington Post, which support enactment of the bill. Generally, these editorials point out that in these days of pressure tactics there is some need for Government protection to insure the continuing existence of these basic rights. That is the common purpose which has led us to sponsor such a bill.

In order that all may have an opportunity to read these thoughtful discussions of this bill, I ask unanimous consent that they be printed in the RECORD.

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

[From the Christian Science Monitor, June 23, 1970]

FROM BOTH ENDS OF THE SENATE

In the view of the all-out liberal Americans for Democratic Action (ADA) Democratic Sen. Philip Hart of Michigan is one of only six with a straight "A" voting average. On the other hand, few, if any senators, are lower in the ADA's opinion than Republican Sen. Roman Hruska of Nebraska. These twain almost ideally represent the opposite ends of political and ideological thinking in the United States Senate.

Thus it is extraordinary and significant to find these two joining hands and influence to jointly sponsor a new, powerful, and wide-ranging federal law. Called the First Amendment Freedoms Act, this bill would empower federal courts to forbid and punish interference with freedom of speech. Furthermore, this bill would apparently lower the boom as vigorously on those who interrupt classes in universities as on public officials or university administrations which ban orderly demonstrations.

Moreover, the bill would permit those whose rights (to speak, to hear, to teach, to learn, to participate, to demonstrate peacefully, and so forth) are infringed to sue and recover damages.

Ideally, the bill seeks to open the way for all legitimate opinion to be expressed fully and freely. If it achieved that objective, it would end once and for all any interference with teaching and learning on a college campus as well as any interference with the right of protesters to make their views felt on either campus or street.

We agree. There is a crying need in these days of pressure tactics from all sides, of fascistic thinking, of unconscionable rudeness, of the shouting of obscenities, of a breakdown in calm, reasoned dialogue, for a return to more mature conduct. If this cannot come through a free exercise of good sense, it must come through stringent laws requiring it.

There is no honest, thinking American who can object to the enforced guarantee of free speech, free action, free determination for all within the very right and sensible limits which an orderly society prescribes.

The fact that such a forthright liberal as Senator Hart and such a forthright conservative as Senator Hruska both support this bill is an excellent token of its need and, we trust, of its eventual passage by Congress.

[From the Washington Post, June 24, 1970]

GOVERNMENT PROTECTION OF RIGHTS

Usually one thinks of the great substantive freedoms guaranteed by the First Amendment—freedom of conscience, of expression, of assembly and of association—as restraints upon governmental authority. They are stated in terms of a limitation on congressional law-making power. It is obvious, however, that the enjoyment of these freedoms depends in a real sense upon governmental protection. It is a truism that there can be no liberty without law and order. Freedom of conscience, for example, would not have much value if thugs could take over a pulpit whenever they felt like it and disrupt a religious service—as three University of Maryland students did on Sunday at Prince George's Davies Memorial Unitarian Church on the pretext of pressing "demands" for social action.

The disruption of meetings they dislike, the shouting down of speakers they don't want to hear, has become so standard a tactic of the New Left that the Violence Commission in its report made a unanimous recommendation in favor of legislation which would "confer jurisdiction upon the United States District Courts to grant injunctions, upon the request of the Attorney General or private persons, against the threatened or actual interference by any person, whether or not under color of state or federal law, with the rights of individuals or groups to freedom of speech, freedom of the press, peaceful assembly and petition for redress of grievances."

Such legislation has now been introduced by a bipartisan group of two senators and two representatives, all members of the Violence Commission. A question naturally arises as to why the ordinary state laws against trespass and disorderly conduct are not adequate. The Violence Commission gave this rationale: "State remedies against private misconduct involving infringement of First Amendment rights are usually based not on the First Amendment but on trespass statutes or disorderly conduct ordinances. Such laws were not written to deal with acts of physical obstruction, particularly those committed for demonstrative purposes and are not always effective in handling such conduct. Moreover, where acts of violence or obstruction are committed in the name of righting fundamental grievances, those engaging in such conduct may find it harder to justify disobedience of court orders issued to uphold the First Amendment than would be true of orders based upon the laws against trespass and disorderly conduct."

It is true that punishment for contempt of court may be a more effective antidote to disruption than prosecution for trespass or disorderly conduct. Perhaps this is, in part, because it can be imposed in some circumstances without the formality of a jury trial and by the summary judgment of a court. The experience of this country with labor injunctions does not warrant a wholly carefree attitude toward the device. The proposed legislation needs careful scrutiny. We agree, however, with Senator Philip Hart, one of its sponsors, that "unless we protect the First Amendment rights of all our citizens, whatever their viewpoint, we kid ourselves if we think our free society can survive. We must act now to preserve the vigorous and peaceful exercise of those precious rights, so that the violent confrontations of the 1960s will not be recorded as a mere warmup for even more tragic turbulence in the coming decade."

RESPONSIBILITY FOR ENDING THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, Merlo Pusey has written a perceptive article, published in the Washington Post this morning.

I agree with Mr. Pusey's suggestion that Congress, certainly the Senate, should share the responsibility for ending the war. I wish to do it by a negotiated political settlement similar to that by which the French liquidated their proprietorship of Indochina in 1954.

I also approve Mr. Pusey's remarks about the resolution of the Senator from New York (Mr JAVITS) dealing with the definition of the proper constitutional responsibilities of the Congress and the

Commander in Chief in the use of the Armed Forces.

It is a thoughtful article and 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:

SENATE'S NEW MOOD ON THE WAR POWER

(By Merlo J. Pusey)

Though still groping its way, the Senate appears to be reclaiming at least some of the war power Congress lost to the President in recent decades. The vote to repeal the Tonkin Gulf resolution was indicative of the new mood. It must be viewed alongside the Cooper-Church amendment to the foreign military sales bill, which would restrict future operations in Cambodia. Together, they say that the Senate wants to restrict the President's right to make war in Southeast Asia at his own discretion.

There is still a good deal of confusion over the changes the Senate voted in the Cooper-Church restriction. Opponents contended that it would be an encroachment upon the constitutional powers of the Commander-in-Chief; so a large majority approved a disclaimer of that argument sponsored by Majority Leader Mansfield. It said that nothing in the Cooper-Church amendment "shall be deemed to impugn the constitutional power of the President as Commander-in-Chief." On Monday the Senate added to this another phrase authored by Sen. Robert F. Byrd recognizing that the President may exercise his "constitutional power" when necessary "to protect the lives of United States armed forces wherever deployed."

The wording has in it the vagueness of the Constitution itself in regard to the powers of the Commander-in-Chief. But if interpreted in the light of what the Senate is trying to do, it surely means that the President can exercise only "constitutional power" in the protection of troops, and this would seem to forbid any further incursions into Cambodia if Congress has withdrawn funds for that purpose.

Senator Fulbright fears that any vague recognition of the powers of the Commander-in-Chief to protect the troops in Vietnam plus repeal of Tonkin Gulf will amount to giving another blank check to the President. If so, the intent of the Senate would be thrown into reverse. Allowance has to be made for the fact that the Senate has not yet legislated an entirely new policy. It seems to have started down that road, but at the moment it is trying to erect a barrier against further abuse of power and to clear away some underbrush planted by the Johnson administration.

THE BIG question is how much further the Senate will try to go. If Congress forbids widening the war to Cambodia and knocks out the approval it once gave to the war in Vietnam (the Tonkin Gulf resolution), the next logical step would be enactment of a policy to terminate the war either on President Nixon's terms, its own terms or a combination of the two. Since it has welcomed the repeal of Tonkin Gulf, the administration could scarcely object to reasonable legislation putting Congress behind liquidation of the war. And if Congress is sincere in its drive to reclaim the war power, it cannot rationally avoid a sharing of the responsibility for the pullout.

Beyond the war in Southeast Asia, a still larger question arises. Will Congress face the issue of preventing future presidential war? Given the precedents of recent decades, additional Koreas and Vietnams (wars launched by the President on his own responsibility) are a virtual certainty unless Congress and the President define by law the amorphous Commander-in-Chief powers that recent Presidents have exercised.

This is the point at which Senator Javits's bill comes into the picture. It would lay down some rather specific rules to govern the use of our armed forces in military hostilities in the absence of a declaration of war by Congress. The President could, under its terms, use the military to repulse any sudden attack on the United States and its territories; to repulse any attack on American armed forces on the high seas or on foreign territory where they might be "lawfully stationed"; to protect the lives and property of U.S. nationals; and to comply with a national commitment resulting from a treaty or convention where immediate response to an attack might be required.

This would seem to leave the Commander-in-Chief ample leeway to act in any emergency involving the vital interests of the United States. Whenever he did so, however, he would be required by the Javits bill to report the details to Congress. During the next 30 days Congress could declare war, authorize the President to carry on limited hostilities, or instruct him to suspend the military operations he had begun. If Congress had not acted at the expiration of the 30 days, the President would be left without either authority or funds to carry on his war.

Since the Constitution lodged the war power in Congress and gave that body authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States," there can be no question about the right of Congress to pass a law of this kind. Does it have the courage to do so? Such courage has not yet been demonstrated, and so there is ground for concern about stopping before a complete job has been done.

If the Javits bill does become the focus of a long-range reform movement, it will probably go through many stages of evolution. There are some obvious holes in it. Unless Congress restricts the proliferation of military bases in many parts of the world, for example, executive war-making under the guise of protecting those troops could become a serious problem.

At this point the significance of the Javits bill is that it shows Congress how the war power can be legitimately reclaimed without doing any violence to the power of the Commander-in-Chief. As the Senate wrestles with Cooper-Church and a substitute for Tonkin Gulf, it needs to keep in mind the longer-range objective.

ROGERS COMMENTS ON THE MIDDLE EAST

Mr. HATFIELD. Mr. President, at a time when daily reports of events in the Middle East bring news of escalating violence and warfare, I was most encouraged to hear the remarks made by Secretary of State Rogers at his news conference today. The precarious military balance that many have relied on to control the hostilities in the Middle East no longer seems capable of deterring conflict and war. Secretary Roger's reference to new political and diplomatic initiatives that are underway with concerned parties in the conflict and his continued emphasis on the importance of the U.N. Security Council and U.N. peace envoy Gunnar Jarring provide new hope for breaking the present hostile impasse in the Middle East. The "stop shooting, start talking" philosophy delineated by Secretary Rogers at the press conference is a major prerequisite toward reaching a settlement of the complex problems of the area, and I wish to commend the administration for initiating these new moves directed toward a just and lasting peace for all governments and peoples of the Middle East.

I remind Senators that Secretary Rogers' statements were based on the completed report of the April 29 review of military and political problems of the Middle East requested by President Nixon. I feel, therefore, that Secretary Rogers' comments were based on a knowledgeable foundation of the present best interests of our Nation and those friendly nations in the Middle East. It is my sincere hope that the new diplomatic and political channels being explored at present will add strength to the many voices of moderation in the Middle East and open legitimate pathways to peace for this strife-torn area of the world.

INEQUITIES IN CENSUS IN FIRST CONGRESSIONAL DISTRICT OF ARKANSAS

Mr. FULBRIGHT. Mr. President, we are all aware that 1970 is the year of the decennial national census. Enumeration has been underway for some weeks and now the figures are beginning to come in.

The population business is a kind of paradox. Most of us, if we had our preference, would choose to live in relatively uncrowded and less-populated areas. However, at census time, we all like our communities and States to show impressive growth.

Much of it has to do with civic pride. But the significance of the census goes far beyond civic pride. As we know, the apportionment of congressional seats and the administration of many State and Federal aid programs are based on population. Thus it is of major importance to a community or a State to have its population accurately counted so that it will have proportionate representation and receive proportionate funds from various Government programs.

The Arkansas Legislative Council has forwarded to me a resolution, unanimously adopted on June 19, which calls the attention of the Census Bureau and the Arkansas congressional delegation "to serious inequities which may have occurred in the method in which the 1970 census was taken in the First Congressional District of the State of Arkansas.

The resolution points out that the census in the First District was taken in a different manner than in other parts of the State. In the First District the census was conducted by mail and elsewhere it was taken by house-to-house visits. Many of those in the First District feel that there is serious question about the accuracy of the count. The resolution passed by the Arkansas Legislative Council urges "immediate steps to provide for a correct and accurate census of the First Congressional District."

I am hopeful that something can be done to insure that the final census figures do provide an accurate reflection of the population of this district.

I would also refer to an editorial published in the Arkansas Gazette of June 21. The editorial pertains primarily to the census in Little Rock, which it says "does not appear to be at all realistic."

The Gazette notes that accurate and complete census statistics are essential to the workings of government at all levels and the editorialist writes:

It is our guess that a substantial number of Arkansans have not been counted in the decennial census. . . .

Mr. President, I ask unanimous consent that the resolution adopted by the Arkansas Legislative Council as well as the Arkansas Gazette editorial be printed in the RECORD.

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

RESOLUTION No. 28

Whereas, the United States Census Bureau is in the process of completing its 1970 census in Arkansas; and

Whereas, in making the 1970 census, such census was taken in a different manner in certain areas of the State, consisting in some areas of a house-to-house visit by the census takers, while in other areas, each household was requested by mail to complete and mail in a census return; and

Whereas, in the First Congressional District of Arkansas, the census was taken by mail, but in the other three Congressional Districts of the State, the census was taken by house-to-house visits by census takers; and

Whereas, the 1970 preliminary census of the First Congressional District reflects information for a number of the counties in the First Congressional District which are subject to serious question as to accuracy; and

Whereas, unless an accurate census is taken of the First Congressional District, the citizens of such District will suffer severe hardship and penalty under the various laws dealing with the apportionment of Congressional seats, the apportionment of legislative seats, and the administration of many State and Federal aid programs which utilize population as a major factor in the apportionment of funds for various governmental programs. Now, therefore

Be it resolved by the Legislative Council of the State of Arkansas:

That the attention of the United States Census Bureau and the Arkansas Congressional Delegation is hereby called to serious inequities which may have occurred in the method in which the 1970 census was taken in the First Congressional District of the State of Arkansas, and the Arkansas Congressional Delegation and officials of the United States Census Bureau are urged to take immediate steps to provide for a correct and accurate census of the First Congressional District in order that the people of said District will not be deprived of substantial rights with respect to Congressional and legislative apportionment, and with respect to the benefits to be gained by the citizens of such District from various State and Federal programs which rely upon census in the apportionment of funds for essential governmental services.

Be it further resolved that a copy of this Resolution shall be furnished to the Director of the United States Census Bureau in Washington, D.C., and to each member of the Arkansas Congressional Delegation.

Respectfully submitted,

ROBERT HARVEY,
Senator, District 17.

Filed: June 11, 1970.

TO BE COUNTED IN THE 1970 CENSUS

Preliminary census figures confirm the indications of the last few years that Arkansas has stopped the outward flow of population experienced in the 1950s and has gained population during the 1960s. This perhaps is the most significant finding of the 1970 census, even though disappointment attaches to the total preliminary figure, 1,886,404, which is not only short of the 1950 total but also substantially below the two million figure that many Arkansans had anticipated.

Thus we see in the statewide context the checkered pattern of good and bad news found as well in the subtotals by congressional districts, counties and cities. Two congressional districts—the Second and Third—have gained while the First and Fourth Districts have lost, but these shifts are not especially surprising. The Second District covers Pulaski and 14 other counties, most of them in the central part of the state, where building growth has been obvious. The Third District includes the rapidly growing northwest corner of Arkansas, where industries and retired people are finding new homes. The greatest loss was in the First District, which includes most of the Delta counties, where industrialization has not caught up with the migrant of workers from the large, mechanized agricultural enterprises. Much of the Fourth District, which had a smaller loss, also has a strong agricultural base in South Arkansas.

Our own special disappointment is in the showing of population in the preliminary figures for Pulaski County and Little Rock and North Little Rock, where surely there are a few thousand more persons who have not been counted. In Pulaski County the increase shown is about 37,000 for the 10-year period, with the total set at 279,965, roughly 20,000 below the most recent estimates of Metroplan, which uses all the accepted and reliable indices in reaching its figures. Metroplan surely is not as much as 20,000 off the true mark.

North Little Rock's net gain of only 982 is especially surprising, considering all the residential building that has been going on in recent years and the city's willingness to annex those areas where its population is likely to spill over the corporate limits. Anyone who has driven through the hilly portions of North Little Rock recently can attest to the appearance of a very large bedroom community indeed. It is difficult to imagine older housing being vacated at a rate almost equal to the occupation of newer housing, but nonetheless the preliminary census figures show a decade's gain of from 58,032 to 59,014.

Little Rock's preliminary census total of 129,059 does not appear to be at all realistic. Although it represents a gain of 21,246 from 1960, it is a gain of only 130 persons over a special census conducted in 1964, after the last large annexation was completed. Since 1964, residential building has been substantial along the spreading western and southwestern edges. It is true that Little Rock has turned down one large annexation since 1964, but there have been several smaller areas of annexation that taken alone could easily account for far more than a total population growth of 130. It is unfortunate, however, that much of Little Rock's natural growth to the southwest especially has not been credited to the city because of resistance to annexation.

In any case, accurate and complete census statistics are as essential to the workings of government at the state, county and municipal levels as they are at the federal level, and it is a responsibility of good citizenship for each individual to see that he is counted. For the city dweller in Arkansas, it is particularly important to be counted, because the amount of state tax turnbacks to cities is based on the cities' populations. The turnbacks now amount to $16 a person—up from the $6 or $7 at the time of the 1960 census—each year. Arkansas cities already are terribly cramped for adequate finances and simply cannot afford to forfeit what tax turnbacks they have legitimately coming to them.

It is our own guess that a substantial number of Arkansans have not been counted in the decennial census, but it would be a futile exercise to try to assess the blame, because that doesn't really matter in the long run. We are convinced that a conscientious attempt has been made to reach or count everyone, but that unavoidable circumstances may have caused some persons to be missed. The Census Bureau itself recognizes the possibility that some may have been missed and is now asking persons whose census forms were not picked up by a census taker to mail the forms.

County Judge Frank Mackey has urged residents of Pulaski County, inside and outside the cities, to give the necessary information to the census office and if it is closed to take the form to one of the city halls or the county courthouse. To be counted is more important than many persons may realize and we would urge those who think they have been missed to take the little time and trouble involved to make sure their names are in the lists.

THE ATTITUDE OF PEOPLE TOWARD STUDENTS

Mr. FULBRIGHT. Mr. President, one of the most thoughtful observers of the national and international scene today is the well-known columnist, Clayton Fretchey.

His article about the attitude of our people toward students deserves special 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:

A COUNTRY LOVABLE

(By Clayton Fritchey)

WASHINGTON.—We are told (in the latest Gallup Poll) that the American public now considers "campus unrest" as the Nation's "number one problem." If this is so, then it is clear that the generation that really needs attention is not the younger one, but the older one.

"Even such pressing problems," says Gallup, "as the Vietnam war, racial strife, the high cost of living, and crime, have taken a back seat to the problem of campus unrest in the public's thinking."

It sounds preposterous at first, but it cannot be dismissed out of hand. There is no doubt that the students have generated an unreasoning fury on the part of their elders. Yet it staggers the imagination to find college demonstrations being considered a greater problem than the Vietnam war, which so far has cost over 50,000 dead and 300,000 wounded. In all the campus outbreaks put together the casualty list would not equal one day's casualties in Vietnam and Cambodia. And the cost of fighting the war for one day would far exceed the cost of all the physical damage to all U.S. campuses in the last few years.

The entire world knows the U. S. is in a serious economic bind. More than a million workers have lost their jobs; the cost of living goes up and up; profits drop, and 26 million stockholders see $300 billion of their worth wiped out. Still, we are informed that the adult population thinks this is a minor matter compared to student protests.

The grownups, if they can be called that, also rate campus disturbances as a more serious problem than racial strife, crime, juvenile delinquency, poverty, drug addiction, pollution, and, curiously, illegal strikes. Logically, this makes no sense.

After four students, none of them activists, were shot to death at Kent State University, the Gallup Poll found that (by a margin of 5 to 1) the "kids" rather than

the National Guard were held "primarily responsible" for the tragedy. And then there was another poll which found that college demonstrators were more hated than prostitutes, atheists, and homosexuals.

It is especially interesting to note that the polls find Americans are 82 per cent against student strikes, which seldom if ever cause public inconvenience, but they either tolerate or sympathize with massive, illegal strikes (postal workers, for example) which have caused serious breakdowns in the country.

The National Observer sent a team of reporters to Massillon, Ohio, a steel center full of hardhats, to get a cross section of opinion about students. Most of the comments backed up the Gallup finding. One worker, however, said, "In a way, you can't blame the kids. Everybody else is raising hell, striking against the government, so that law and order don't mean nothing anymore to nobody."

Time and again public services have been paralyzed by illegal strikes of subway workers, teachers, airline controllers, sanitation men, railroad employees, etc. but of all these millions of offenders only one or two have ever gone to jail and then only for a few days, and nobody really cares. The adults understand their mutual problems and make allowances; it is not at all un-American to get yours, even if it stands the country on its head. But there is no such indulgence for the young.

The emotional, even irrational attitude towards students is no accident. It has been carefully cultivated for political advantage. The hardhats now say, "America: Love It or Leave It," but Edmund Burke long ago put it another way: "To make us love our country, our country ought to be lovable." And sometimes it isn't.

ECONOMY AND EFFICIENCY IN THE POSTAL SERVICE

Mr. PERCY. Mr. President, I have addressed the Senate several times within the last few weeks on the compelling necessity for locating those areas of Federal spending which can be reduced or eliminated to provide greater economy in Government. The Senate will soon debate and vote on one of the major reorganization proposals for successfully strengthening a Federal agency. The issue is postal reform.

I am most pleased that both Houses have acted promptly during this Congress on the proposal for an independent Postal Service. Postal reform is long overdue, for the taxpayer deserves a mail system that is totally responsive and responsible. In my opinion, the proposed independent Postal Service can produce both economy and efficiency in Government. While there are a number of controversial sections of both S. 3842 and H.R. 17070, these differences can and will be settled to produce the most agreeable and feasible reorganization of the postal system.

The problems inherent in the current Post Office Department are well known to everyone from the local postman to the Postmaster General and Congress. We operate currently an antiquated postal service which annually burdens the taxpayer with deficits which have never gone below $200 million and will probably rise as high as $2.5 billion in fiscal 1971. Mail users know firsthand that the price they pay for sending a piece of mail through the Post Office does not always insure prompt delivery of their communications.

Perhaps the postal employee himself knows best of all the toll that our continual support of a nonsystem has taken. Postal employees, now numbering close to 750,000, have suffered poor working conditions, low pay, little planning for career advancement, and fringe benefits that have not been altogether adequate. Evidence of the low morale among postal workers is abundant, and the recent mail strike clearly demonstrated the degree of frustration that employees have with an unresponsive, lethargic Congress.

In addition, the Post Office Department has not been able to modernize or mechanize its facilities to cope with the expanding volume of mail. There has been much discussion about ways to overcome the anachronistic methods without severely increasing the postal deficit. Until the consideration of an independent, totally management oriented postal service, there seemed to be little promise of surmounting the forthcoming obstacles in outdated equipment, operations, employment practices, and spiraling postal rates. The most popular recourse was heavier congressional subsidies.

As some Members of the House and Senate may point out, there are no firm statistics to show that the Postal Service by implementing "X" procedure can realize "Y" amount of savings to the Government. However, the business community can well testify to the fact that organized, progressive business concepts can produce profits to the shareholder and the corporation. One such concept is that of unified management. By taking the postal system out of the political arena, all management can be centralized.

On the issue of postal rates we cannot continue to increase postal pay, which is badly needed, without making appropriate increases in postal rates. I mentioned this on the floor on June 18 when the distinguished Senator from Arizona (Mr. FANNIN) was discussing certain provisions of the bill. In the past, however, it has been the first-class mailers who have been most often hit by increased rates, while second- and third-class categories still do not yet pay a fully reasonable share of demonstrably related costs.

Through the Postal Rate Board, to be established as a part of the Postal Service, rates can be altered so as to more clearly reflect the costs of handling and delivery in each category. Each class of mail should begin to pay more of its own way, and this will be the prime responsibility of the Postal Rate Board.

Equitable and reasonable rate increases will produce a system which is largely self-supporting. The Post Office Department estimates that the Postal Service will create a $16 billion savings over projected costs for continuation of present operations. While the cost of modernization and updating of operational procedures will be about $5 billion, the savings to the taxpayer will shortly be realized by a more efficient, business-like system.

Where the Postal Service does not fulfill its goals, there is ample latitude for expanded research into better management practices. We know that there is an identified service to be delivered and the aim is to fashion that service to provide the greatest benefit to the consumer.

We cannot give complete attention to efficiency and economy without recognizing the human elements involved.

As a former businessman, I can see no reason why 60 percent of all postal employees retire at the same civil service grade that they entered.

For the postal worker the new Postal Service will offer advantages more closely identified with the private sector. Wages can be established independent of congressional squabbling; work conditions will be improved; fringe benefits will not decline and can only be improved; and more goal-oriented career programs can be established.

A reasonable line of grievance procedure can be set up; for this is a vital aspect of good labor-management relations. In addition, it will be possible for us to slowdown the hiring of postal workers and, at the same time, produce a more efficient delivery at less cost per service.

The Post Office Department is a $7 billion business and should be operated as one. The necessity is for total reorganization and as Postmaster General Blount pointed out in testimony before the Senate Post Office and Civil Service Committee, postal reform is an urgent national requirement.

Our failing economy must be restored. I very strongly believe that the enactment of the Postal Service will mean another constructive step toward fiscal responsibility.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, the Chair lays before the Senate the unfinished business which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16528) to amend the Foreign Military Sales Act.

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 proceded to call the roll.

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

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

Mr. DOMINICK. Mr. President, I send to the desk an amendment to the pending bill and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, line 15, strike out "delivery" and insert in lieu thereof the word "programing".

On page 6, line 23, strike out "50 per centum" and insert "25 per centum".

On page 6, after line 25, add the following:

"(d) The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress."

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. DOMINICK. I thank the Chair. I do.

The PRESIDING OFFICER. Without objection the amendments are considered en bloc.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CROSSES TOO HEAVY TO BEAR?

Mr. CHURCH. Mr. President, in the course of the closely contested debate in the Senate over the commitment of American troops in Cambodia, it may be useful to detach ourselves and look at the consequences of our action from someone else's angle of vision. Not only might it be useful, it may even be sobering.

In this connection, I submit for consideration an article entitled "The Crusaders' Crosses," that appeared in the Far Eastern Economic Review of May 28, 1970. The article portrays Cambodia as a helpless party in the net of Indochina rivalries—its territory trampled and bloodied, and its economy staggered by the occupation by Communists, Thais, South Vietnamese, and American troops.

On March 18, when Lon Nol and his supporters overthrew Prince Sihanouk, the grim events began to unfold for Cambodia.

The article's concluding sentence is appropriate:

> The March 18 coup seems to have made Norodom Sihanouk look like a real Cambodian hero at last.

I ask unanimous consent that the article be printed in the RECORD.

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

THE CRUSADERS' CROSSES

(By T. J. S. George)

PHNOM PENH.—Lon Nol's crusaders were kneedeep in the raindriven red mud of Cambodia last week. On one hand, the government's total dependence on outside forces was more evident than ever before. On the other, the honeymoon between South Vietnam and Cambodia seemed wrecked before it had really started.

Phnom Penh's main hope over the Djakarta conference was that some way would be devised to give it desperately-needed arms and money. But Foreign Minister Yam Sambaur was not even allowed to attend as a regular delegate or to put forth formal requests for aid. Most participants refused to give arms while the Thais alone said they would give "military equipment" which, they explained, was not the same as weapons.

With or without weapons, the Thais were making their presence felt more and more in Cambodia's western provinces. Phnom Penh seemed either powerless or disinclined to resist them, but the government must be having grave forebodings about the Thai putsch in the light of its quick disenchantment with the South Vietnamese.

That disenchantment surfaced last week. Posters appeared on the glass walls of the government department store in the capital asking South Vietnamese troops to withdraw from Cambodian soil. The posters charged that the troops from Saigon had ill-treated Cambodian villagers, violated Cambodian women and destroyed Cambodian property. These charges had been known to correspondents ever since South Vietnamese units moved into Cambodia, but no one quite expected that the Phnom Penh government would come out out with open accusations so soon.

The South Vietnamese minister in charge of refugee relief was very bitter when he talked last week about the Cambodian government's policy of discrimination against the 600,000 Vietnamese in Cambodia. Dr. Phan Quang Dan used the term "concentration camps" to describe compounds in which Vietnamese had been detained. The most important part of his condemnation pertained to the desire of many refugees to return to their homes if their security could be guaranteed: "They would be secure in areas now occupied by our troops."

Saigon's repeated assertions that its troops would remain in Cambodia for a long time obviously are not motivated by the glorious crusade against communism: they are part of a definite South Vietnamese policy to take hold of the situation created by new racial animosities. It is now clear that territorial occupation of parts of Cambodia is Saigon's aim in the deal it has apparently struck wih America to make Cambodia safe for democracy. The scope of the deal is being widened deftly by Saigon with Vice President Nguyen Cao Ky talking of a broad anti-communist front in all Indochina. This will suit the Americans as they face inevitable withdrawal. It also will suit the ulterior aims of Saigon.

The helpless party in this game is Phnom Penh. As its dependence on Americans, South Vietnamese and Thais grows, it is facing serious economic problems. The information minister told the REVIEW that the government initially had set out to expand the army by 10,000. In fact it had taken in 50,000 recruits. Each new private has to be paid a monthly salary of Riels 1,750 (about US$32). The main fighting units, the Khmer Krom from South Vietnam, are demanding salaries on par with what they were getting from the Americans—around Riels 4,000 ($73) for a private.

In a hesitant interview, the minister for agriculture admitted that the war had upset all calculations by the government and that it had been forced to adopt an improvised war economy. Allocations from all departments were withdrawn and diverted to meet the army's requirements. Not one development project was going ahead. The minister said it was vital for Cambodia to keep trade channels open and improve exports. But here again there have been serious disruptions.

"We have difficulty in transporting goods to Sihanoukville for export," he said. Even the crop outlook was gloomy because—although weather conditions seemed favourable—the internal security situation was too dangerous. Some units of the army are being used to protect the movement of goods and of fertilizer to farm areas, but this does not seem to have been a very successful operation.

But who cares? The government in Phnom Penh can care only about survival; at week's end it finally proclaimed martial law "to counter subversion", thereby confirming widespread rumours here that communists have been infiltrating the capital for several weeks. The Americans must care most of all about their own campuses and the deadline Nixon has set for a withdrawal. The South Vietnamese are caring for their compatriots and the Thais for their own national interests. The March 18 coup seems to have made Norodom Sihanouk look like a real Cambodian hero at last.

BUSINESSMAN'S MAGAZINE SPEAKS OUT

Mr. CHURCH. Mr. President, Fortune magazine has impeccable credentials within the American business community. It is not the favorite reading in Moscow or Peking. Nor do its subscribers subscribe to the outlook of the so-called New Left, which sounds more and more like the Old Right.

But in its current issue, the editors of Fortune label our Cambodian involvement "a mistake" and state that the sitting Republican President on the domestic front "not only failed to allay this rising discord (that is, black militancy and white reaction), but contributed to it." It also fairly reprimands the extreme critics of the President, but urges that the President, in turn, assume a paramount role of reconciliation—an exercise, Fortune concludes, in which he has hitherto been deficient.

"The President needs our help," Fortune declares, "because we need his."

Mr. President, I ask unanimous consent that the Fortune editorial be printed in the RECORD at this point in my remarks.

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

A BUSINESSMAN'S MAGAZINE SPEAKS OUT

Six weeks ago this was a divided, frustrated, and anxiety-ridden country. Some people said, "Things have to get better because they can't get worse." Then, within a few days, the American situation deteriorated from serious to critical. Cambodia, Kent State, the killings of blacks in Georgia and Mississippi, along with all the protests, counterprotests, and counter-counterprotests that stemmed from these, plunged the nation to a level of bewilderment and fear that it had not reached in the depth of the great depression.

A measure of the present crisis was the last-minute refusal of the Illinois Constitutional Convention to let John W. Gardner make a long-scheduled speech. Gardner, a Republican who had served a Democratic President as Secretary of Health, Education, and Welfare, is one of the most patiently reasonable figures in public life. The Illinois convention stirred up by its own passionate argument over Cambodia, feared the effect of Gardner's warning that "the nation disintegrates." By refusing to listen, the convention, which is not composed of excitable students or nervous guardsmen, demonstrated that the nation was indeed disintegrating.

For the first time, it is no longer possible to take for granted that the U.S. will somehow survive the crisis that grips it. The land

itself will survive, of course, along with the machines and the people—or most of them. But no nation is merely, or mainly, an aggregate of its geography, its material assets, and its warm bodies. At the core of the U.S., conferring identity, cohesion, and vitality, stands a Proposition: free men, despite differences of status, belief, and interest, can govern themselves. Upon the survival of that Proposition, confirmed by eight generations of superb achievement, depends any worthwhile future that an entity called the United States might have. And it is that Proposition—amazingly—which in the spring of 1970 has come to be at stake.

Our two must disruptive specific issues are Vietnam and race. Grave as these are, it is a mistake to believe that the fundamental U.S. political situation would return to "normalcy" if these two issues were miraculously whisked away. For the internal and external demands on this society have been multiplied by the sheer fact of its unprecedented power and prosperity. The demonstrated American capacity for a rapid and radical change stimulates insistence upon other and greater changes. These demands conflict with one another. As the horizon of our choice has widened, we have moved into a new dimension of opportunity that is also—as we can now see—a new dimension of political danger.

There is no prospect whatever that our society can avoid issues, foreign and domestic, on which people will divide sharply. The only long-range hope lies in the possibility that we can improve our processes of discussion and decision to the point where such future challenges will not degenerate into crises like the present one.

There isn't going to be a long range worth bothering about, however, unless we cope immediately with the mess we're in. Improvement of the process has to start now and it has to be visible and quick—before the morale of the U.S., jolted by some unforeseen external or internal event, slides into another sickening descent like that of the last few weeks.

WHERE THE INITIATIVE LIES

The first and overriding goal of this torn country must be reconciliation. The burden of initiative in reconciling the country falls upon Richard Nixon, not because he is most to blame for the disruption but because he is—God help him—President. Neither his countrymen nor history would forgive the man who was in the White House while the ability of Americans to govern themselves came to an end.

In fairness to Nixon it should be remembered that for several years before he took office political passions had been rising. The Eisenhower-Kennedy-Johnson style of conciliatory, centrist politics had collapsed in 1966–67 under pressures of domestic and foreign issues.

On the domestic front, black militancy and white reaction against black gains rose simultaneously. Nixon not only failed to allay this rising discord, but contributed to it. Apparently despairing of conciliating black leaders and their allies in "the liberal establishment," his Administration seemed to court a reputation of being less than even-handed. By two provocative Supreme Court appointments, by unleashing the Vice President to woo that large number of voters who were disgusted by demonstrations and riots, and by an equivocal statement on school desegregation, Nixon gave the impression—especially to blacks—that he was not really trying to pull the nation together.

It must be conceded that his tactics were within the conventional patterns of U.S. politics. When attacked, politicians are expected to strike back and to seek friends among the enemies of their enemies. But the underlying political situation had degenerated to a point where a conventional maneuver such as Nixon's was unworkable.

WHY CAMBODIA WAS A MISTAKE

Overshadowing domestic issues was the inherited dilemma of Vietnam. Nixon's contribution to Vietnam policy was defensible. Almost any imaginable man, taking office as President in 1969, would have wanted to end the American military commitment in Vietnam in an orderly way that would minimize the internal and external price of partial failure. A very wide band of public opinion, believing that Nixon meant what he said, supported his stated policy. Many moderates among the antiwar dissidents adopted a wait-and-see attitude.

Nixon should have placed a very high priority on deepening and extending this tentative acceptance of his promise to liquidate the war. Instead, attacks by the Vice President and others on antiwar dissenters revived doubts that his Administration really intended to expedite military withdrawal from Vietnam.

Cambodia pulled the plug. It may ultimately be shown that Nixon had excellent military reasons for sending U.S. units into Cambodia. But Cambodia was not his main problem. The condition of the U.S. was his main problem. When he encased his announcement on Cambodia in the kind of simplistic and emotional language most likely to inflame antiwar dissidents, including the moderates, he invited a greater cost in American unity than could possibly be balanced by any success in Indochina.

Now Nixon is faced with a heightened demand that he compensate for the Cambodian mistake by a precipitate withdrawal from Vietnam. If he accedes to that demand, he will risk provoking a different upheaval of U.S. protest as serious as that which greeted his invasion of Cambodia. If, on the other hand, he ignores vociferous dissent and relies on the belief that he has the backing of a "silent majority," he may find that many present supporters will turn against him on the ground that he allowed disruption to reach a point where the political and economic life of the nation has become grievously impaired.

WHAT'S THE DIRECTION?

Reconciliation does not mean attempting to suffuse the U.S. with sweetness and light. Reconciliation does not imply that dissent should cease on the ground that "the President knows best." Nor does it imply that policies, foreign or domestic, should be abandoned whenever they encounter vigorous internal resistance. Either of those paths to reconciliation is inconsistent with the central theory and the best experience of American democracy.

We are going to disagree. Never a homogeneous or conformist people, Americans have down the years achieved unity enough through their shared sense of forward motion, of hope. What now undermines the national confidence and cohesion is not the inevitable recurrence of dissension, but the weakening of belief that the nation is moving, despite its quarrels, in some worth-while direction.

The President of the U.S. has a part to play in restoring a vision of the American future. After continental expansion had been achieved, after U.S. world power had been demonstrated, after economic growth came to be assumed, it was not surprising that Americans, especially the young, should more insistently ask, "What else? What next?" Nor was it either surprising or deplorable that this questioning should turn upon nonmaterial values such as those represented by civil rights and the moral aspects of the war in Vietnam.

To knead this new moral concern into some new sense of where the U.S. is going calls for a transformation in the style of presidential leadership. Through most of our history, Congress was the most important federal organ in a nation where the central political task was the resolution of conflicts between regions and economic-interest groups. The challenge of the great depression, overshadowing such conflicts, ushered in forty years of presidential ascendancy. World War II, the cold war, and the prosperity that everybody wanted had confirmed the tendency to think of the policy-making power as concentrated in the White House, where national unity is symbolized.

That era has ended. In a room full of students watching Nixon's May 8 televised press conference, a girl said, "He speaks as if it's his country; it's our country, too." It is, indeed, and it is also the country of the flag-waving construction workers, the enraged blacks, and a hundred other factions whose viewpoints and demands will be harder to compromise than the traditional issues of economic rivalry.

The role of Congress, that instrument of government intended to represent the people in the multiplicity of their political wills, is now more necessary than it ever was. Nixon has been—or has seemed to be—too isolated. Part of the shock of his Cambodian decision came from the public's sense that neither this specific action nor the whole Southeast Asia policy had been considered and decided on a sufficiently broad and representative base.

If Nixon does his part, if he moderates the embattled tone of the Administration, if he shows more of the kind of initiative embodied in his new Family Assistance Act now before Congress, if he agrees that Congress has an important function in foreign and military policy, then a correspondingly heavy responsibility for conciliation will shift to the shoulders of his present critics.

WHAT OTHERS CAN DO

Among critics of the war are men who seem to have staked their reputations on the prediction that it must lead to disaster. They should stop speaking as if nothing short of disaster in Vietnam will satisfy them. Among critics of Nixon are some who are likewise committted to his failure. This kind of partisanship will impede the work of reconciliation.

Journalism, though not unfairly biased in the way Spiro Agnew says it is, does have a deep-seated and regrettable tendency to prefer the dramatic confrontation between extreme views to the less exciting processes of reasonable discourse and compromise. This preference has been a powerful factor in bringing about a sense of national disintegration—especially since protestors of all sorts have discovered the hunger of the TV screen for visually exciting political expression. Restraint of this appetite could be one of journalism's contributions to reconciliation.

The academic community, organized around value-free science, has been ill-prepared—and left the nation ill-prepared—for a present and future politics turning largely upon the intricacies of how moral values apply to practical policies. Correction of this defect will be a long-range process, but of immediate help would be a modicum of humility that at least recognizes the difficulty of applying purely idealistic criteria to the actual choices *now* before us.

All responsible citizens who may disagree with the President, and each other, on specific acts and policies must recognize the higher national necessity of defending the whole. And resolved into a kind of Committee of the Whole, taking his conciliatory statements at face value, we should give him the fullest possible support in his efforts to contain the fissioning forces of this country.

The President needs our help because we need his.

"HIGH NOON" ON SENATE FLOOR

Mr. CHURCH. Mr. President, there is a wind of change blowing through the

Senate corridors. It bears a hopeful augury that the end of unchecked Presidential powers in foreign affairs may be at hand and the role of the Senate as a force in foreign affairs may be in resurrection. I hope so.

The Senate, in my judgment, has already shown itself reluctant to routinely issue each year a hunting license and unlimited quantities of arms and ammunition for a national administration, whether Republican or Democratic, to go searching for foreign countries to "save" or foreign governments to "protect."

Upon the passage of the Church-Cooper amendment, the Washington Post has urged:

. . . Congress should go on . . . to enact a policy of terminating the war at the earliest feasible date. The time for unlimited executive discretion in these matters has passed, and the government ought to be able to devise a rational means of returning to constitutional processes without a bruising fight in Washington or in the country.

I ask unanimous consent that the editorial, including this sensible conclusion, be printed in the RECORD at this point in my remarks.

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

[From the Washington Post, June 6, 1970]

A SHOWDOWN ON THE WAR POWER

President Nixon's willingness to accept the Byrd amendment to loosen the proposed Cooper-Church restriction on future operations in Cambodia narrows the issue before the Senate without substantially changing it. The basic question continues to be whether Congress will assert its authority to de-escalate the war. Apparently a majority in the Senate is now determined to cancel, at least in some measure, the blank check Congress gave the President when it passed the Tonkin Gulf resolution in 1964. It is some gain to have the White House withdraw objections to Congress getting into the act at this point in some way. But the hard fact remains that the President is still maneuvering for what would in effect be a free hand in Indochina.

The chief complaint against the Cooper-Church amendment is that it would encroach upon the constitutional duty of the President acting as Commander-in-Chief of the armed forces. The views of the administration on this subject were spelled out the other day by Assistant Attorney General William H. Rehnquist. He dismissed the legal and constitutional arguments against the incursions into Cambodia by saying that they reflect "precisely the sort of tactical decision traditionally confided to the Commander-in-Chief in the conduct of armed conflict." It is, he went on to say, "a decision made during the course of an armed conflict already commenced as to how that conflict shall be conducted, rather than a determination that some new and previously unauthorized military venture shall be taken."

Of course the Commander-in-Chief does have broad authority over the conduct of a war that has been authorized by Congress. But in this case there has been no specific authorization by Congress, unless the Tonkin Gulf resolution can be so construed. Mr. Rehnquist does so interpret it, but the State Department recently consented to repeal of Tonkin Gulf on the ground that the administration was not relying upon it for the conduct of the present operations in Southeast Asia. That would seem to leave the entire war in Vietnam as well as the Cambodian affair hanging precariously on the powers of the Commander-in-Chief, without any congressional authorization.

It is interesting to note that when Mr. Nixon was a senator he voted to restrain the President in a relatively mild exercise of his power as Commander-in-Chief. President Truman had sent troops to Europe to support our commitment under the NATO alliance, without going to Congress as his administration had promised to do. Senator Nixon was among those who passed a resolution saying that "no ground troops in addition to . . . four divisions should be sent to Western Europe in implementation of Article 3 of the North Atlantic Treaty without further congressional approval." In this instance it was simply a question of putting muscle behind the NATO guarantee that an attack upon one member would be regarded as an attack upon all—a quarantee which the Senate itself had approved. Now, Mr. Nixon, who voted to deny that relatively minor discretion to President Truman, seems to be claiming unlimited authority for himself to extend the war, not in our vital security area, but in remote Southeast Asia where no treaty commitment extends.

The Senate is trying to clear up this anomalous situation. By adopting the Cooper-Church amendment it would say to the President: "We are in a limited war. The Congress forbids any expansion of the war across the Cambodian border." The general effect would be to put Congress on record in favor of winding down the war—the policy that the President himself repeatedly proclaims—instead of beefing it up.

In some degree, of course, this would restrict what the Commander-in-Chief could do in the name of protecting the American troops in Vietnam. But it is a very limited restraint that ought to be implicit in the nature of international relations. Even if we were at war with one country under a congressional declaration, the Commander-in-Chief should not take it upon himself to invade a neighboring country that might be giving aid to the enemy. That would be a question of solemn national policy which could not be legitimately made by one man who happened to occupy the White House.

Senators Cooper and Church and their supporters are trying to say to the President that he must not make such a decision again without congressional consent. Senator Byrd would undercut that by providing that the President could send troops into Cambodia again if he concluded it was necessary to protect the U.S. forces in Vietnam. This goes right back to one-man decisions. It breathes the spirit of Tonkin Gulf—that the President alone shall determine the nature and extent of our participation in the war in Southeast Asia. It would open the door to expansion of the war if the President should deem it wise or desirable.

Congress cannot afford to settle this historic effort to recapture the war power with a rhetorical gesture that would be devoid of substance. It needs to tell the President that the powers of the Commander-in-Chief do not include an unrestrained license to make war any place in the world at his sole discretion. Instead of yielding on this initial showdown. Congress should go on to repeal the Gulf of Tonkin resolution and to enact a policy of terminating the war at the earliest feasible date. The time for unlimited executive discretion in these matters has passed, and the government ought to be able to devise a rational means of returning to constitutional processes without a bruising fight in Washington or in the country.

VICE PRESIDENT AGNEW'S SPEECH YESTERDAY

Mr. CHURCH. Mr. President, it is significant to note that Vice President AGNEW charged yesterday that "the Cassandras of the Senate" are "trying to forge new chains upon the President's freedom of action," while he is trying to use those powers "to protect American lives in Vietnam."

Reading from Mr. Carroll Kilpatrick's article in this morning's edition of the Washington Post, the report states:

The Vice President, speaking last night in Denver, referred to the Cooper-Church amendment to limit President Nixon's power to intervene again in Cambodia.

Assailing those who opposed the President's decision to attack the Cambodian sanctuaries, Agnew said that they "should be apologizing for their irrationalities" instead of "trying to hobble the commander-in-chief" while 400,000 Americans "remain vulnerable in the field."

Mr. President, the inaccuracies of the Vice President's attack on the Cooper-Church amendment are obvious. It is, I believe, a typical political barrage of the kind to which we have become accustomed. However, it is significant that this administration continues, through its highest spokesmen, to oppose vigorously the enactment of the Cooper-Church amendment. This kind of opposition underscores the necessity for the Senate to go forward in the firm resolution that it has heretofore demonstrated, not only reasserting itself in the foreign policy role that the Constitution intended it to play, but also to regain a sense of itself as a vital, functioning institution in our democratic Government of checks and balances.

The passage of the Cooper-Church amendment would be an unprecedented act. I cannot recall a time in the history of our Nation when the Senate has undertaken to limit the use of the purse for the purpose of setting the outer limits of an on-going war. These are, however, unprecedented times. If we are going to come out of Southeast Asia intact, then it is becoming increasingly obvious that we must come out together, the Congress working with the President, the Congress functioning once more as the Constitution intended, in a common plan for setting the limits of America's involvement in Southeast Asia. I hope, at a later date, we can set a schedule whereby American troops remaining in Southeast Asia can be withdrawn in an orderly and safe manner.

Some have suggested that great questions such as these lie beyond the reach of the Congress and must be decided exclusively by one man. This attitude ignores the Constitution of the United States, as well as the whole concept of the division of powers contained in that living document.

Nevertheless, it is clear, from what the Vice President has said, that the White House still strongly opposes the Senate passage of the Cooper-Church amendment.

We are very much on our nettle; I hope we persist in our determined effort to see that the amendment reaches a final vote soon and that the Senate adopts it.

In that connection, I would stress that the proponents of the Cooper-Church amendment have been ready to vote for final passage at all times during the past 7 weeks.

The consistent effort by the amendment's opponents to prevent a vote has been an explicit strategy by the White House and their supporters in this body. Only after the current operation in Cambodia is completed will we be able to vote.

Why have administration supporters considered this strategy important? By its very terms, our amendment does not take effect until the operation is completed, the proponents proceeding from the beginning upon the acknowledged assumption that the President would keep his pledge and withdraw American troops by the end of his month.

The whole application and thrust of the Cooper-Church amendment pertains to the period following the first of July.

Nevertheless, the work of the Senate has been held up for 7 weeks. Legislative business, especially key domestic bills, have been log-jammed. Apparently, this effort to prevent a final vote has been done with the concurrence, if not as a result, of direct instruction by the White House.

I hope that we might proceed, without anymore conscious delay, to vote on the amendments still to be offered, we should do so with the expediency the situation now calls for in order that a final vote on the merits of the Cooper-Church amendment is not postponed much longer.

I repeat—the proponents of this amendment have been ready to vote for the past 7 weeks, and it should be clear who has been responsible for this prolonged, protracted delay.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. CHURCH. Mr. President, I ask unanimous consent that there be a vote at the hour of 2 o'clock this afternoon, that there be a time limitation on the pending amendment, and that the time be divided equally between the two sides. The time of proponents will be managed by the distinguished Senator from Colorado (Mr. DOMINICK), and the time of the opponents will be managed by me.

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

Mr. DOMINICK. Mr. President, it is my understanding that the vote will take place at 2 p.m. today.

The PRESIDING OFFICER. The vote will be at 2 p.m.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

Mr. President, we went over some of the points involved in this amendment in the previous amendment I offered to section 9, which was rejected by the very narrow vote of 38 to 43. We have again been in touch with the Defense Department and the State Department, who were supporting the previous amendment, and we have assurance from both of those departments that, once again, they are in agreement in support of this amendment.

We have changed substantially the form of amendment on which the previous vote was taken. But in order to keep my remarks in context, and in order to make sure that the RECORD shows what we are trying to do, I think it is only proper that we start out by referring to some of the letters from the Defense Department and the State Department.

Under date of May 16, 1970, Secretary of Defense Laird wrote to Senator RUSSELL, as chairman of the Committee on Appropriations; and in that letter he pointed out the serious effects which certain amendments to the Foreign Military Sales Act would have on the security of the United States. One of the sections to which Secretary Laird specifically refers is section 9, about which he says:

> Section (9), which severly limits the amounts of items excess to the needs of our Armed Forces which we can provide at no cost or nominal cost to our allies.

Then on the 26th of May, 1970, the chairman of the Joint Chiefs of Staff, Earle Wheeler, wrote to the Senator from Mississippi (Mr. STENNIS) as chairman of the Committee on Armed Services, on which I sit as a member, and he reports as follows:

> DEAR MR. CHAIRMAN: On May 16, 1970, Secretary Laird wrote you concerning the serious effects which certain amendments to the Foreign Military Sales Act, now pending in the Senate, would have on the security of the United States. He made particular reference to those amendments which would severely limit the existing authority in the Foreign Assistance Act of 1961 to give excess defense articles to foreign countries (Section 9) and which would require a foreign country to pay, in its own currency, 50% of the value of military grant aid provided by the United States to that country (Section 10). Secretary Laird expressed the view that taken together these amendments would severely limit the effectiveness of our collective defense arrangements. I fully concur in this view and because of the nature of the military consequences which could flow from the proposed amendments, I am taking this opportunity to also urge your support in securing a modification to the current Bill.
>
> For some twenty years the Military Assistance Program has been an important element in our national security policy. Through it, we have been able to strengthen our allies in those areas where we have mutual security interests, and we have thereby reduced the military requirements for our own forces. The Joint Chiefs of Staff have considered the Military Assistance and Sales Program to be an important aspect of the United States national security and weakening this program can weaken our security. Of particular concern to me are the serious consequences which the proposed amendments could have upon the military capability of our Forward Defense Allies, such as the Republic of Korea and Turkey.
>
> As you are aware, the Republic of Korea is a key element of the United States forward strategy in Northeast Asia. If the Republic of Korea is to maintain her responsibilities for her own self-defense against aggresion, she must have enough modern military equipment to meet the military threat currently posed against her by the North Korean military forces. I had the opportunity to visit South Korea during October of last year and I saw first-hand the condition of the South Korean equipment. Their ground forces equipment is antiquated, and they lack adequate force mobility. Their Air Force needs additional resources, and their Navy needs additional surface units. If we are going to place a greater reliance on the indigenous forces of the Republic of Korea, we must be sure they can cope with the threats to their security, for their security is tied to the security of the free world. If United States military equipment, which would otherwise be scrapped, can be useful to enhance the capability of such indigenous forces, we ought not to permit these defense resources to be wasted. We ought not to take unnecessary risks by adding to our scrap heap instead of adding to an ally's strength.

Mr. President, without reading the rest of it, that is the major objective of the Joint Chiefs of Staff's letter; namely, that we should not so excessively limit our ability to take excess defense supplies and deliver them to our allies as to impede both their ability to defend themselves and their ability to be an ally in our forward defense structure.

With regard to the same item, on June 8, 1970, the Department of State wrote to the Senator from Pennsylvania (Mr. SCOTT), and said, in part, as follows:

> DEAR SENATOR SCOTT: I am writing in connection with H.R. 15628, the Foreign Military Sales legislation now before the Senate, to request an extension of the legislation and to express our concern with certain provisions of the Bill reported out by the Committee on Foreign Relations.

Then, skipping over to the point I am now dealing with, it reports as follows:

> Section 9 as now written would place such a low ceiling on the amount of excess materiel that could be delivered under the Military Assistance Program (MAP) that it would drastically reduce deliveries of defense articles to the principal aid recipient countries, such as Turkey, the Republic of China, and Korea. The greater part of the programs to these countries is required for training, operation and maintenance, and shipping costs. In fact, from a world-wide MAP based on a $350 million appropriation, we do not expect to be able to provide more than $78 million in equipment for force improvement (investment items) in FY 1970. Thus, excess articles—which have always been an integral part of MAP—provide an essential element to modernize the defense forces of our allies in the underdeveloped world. The reductions proposed in Section 9 would effectively cut down our overall aid. This might raise doubts about the effectiveness of our plans to implement the Nixon Doctrine of assisting allies to assume greater responsibility for their own security and to diminish the need for direct involvement of United States Forces. It would eliminate what they need for carrying the greater burden we are urging them to assume. In order to avoid the problems we believe are certain to arise from Section 9 as now written, we are hopeful that you will support a substantial increase in the authorized ceiling level.

Now, Mr. President, in the last amendment as I presented it to the Senate, what I did in that case was to urge that we raise the overall limit from the amount established in the bill, the utility value of some $35 million, to $150 million or almost five times what the limit says within the actual bill itself.

As I said, that was defeated by a very narrow margin. It is my feeling that perhaps some of the Members of this body did not fully understand what we were

trying to do and felt that in some way we were increasing the military defense budget.

Exactly the contrary was true then and exactly the contrary is true now.

What I am urging here is to leave in the limitation as now established in the bill; namely, the $35 million of utility value, but to substitute for the figure of 50 percent the figure of 25 percent.

The virtue of this is that we are dealing with excess defense articles, articles not needed by the United States for our own defense capability, articles which in most instances are anywhere from 10 to 12 years old, are obsolete from our point of view and which, unless we supply them to our allies, the only effective thing we can do with them is to spend a lot more money in the process of trying to maintain them, or simply to put them on the scrap pile where they will not do us any good or our allies any good, either.

For articles from 10 to 12 years old, it would seem to me that 25 percent of their original acquisition cost is an ample amount to try to determine what the utility value is to the countries which will be receiving them.

We should keep in mind, in the process of this discussion, that the amendment of the Senator from Iowa (Mr. MILLER), to strike section 10, was rather substantially defeated as of yesterday. That portion of section 10 which applies to my amendment is the portion which requires that countries receiving excess defense articles must make available a fund representing 50 percent of the fair value of the articles received.

Obviously, any country which is receiving articles is going to find that this will have a major impact on its own budget in order to provide that fund. Therefore, to the extent that we in Congress increase the so-called utility value of any particular object, we are also increasing the amount of money our own allies will have to put up within their own country for the United States to use in any way it wants.

This is a very difficult situation for our allies. It is a very difficult situation for the State Department to try to operate with any degree of tact in self-governing countries. Consequently, as I have said, what I have done is to provide that the value of these articles will be computed at 25 percent of their original cost instead of the 50 percent.

The net effect of this, in order to make the record crystal clear, is that the overall limitation of $35 million, which represents the $70 million in terms of original acquisition cost, will in fact represent about $140 million of original acquisition cost as of about 10 or 12 years ago, which is the average age of most of the articles we will be dealing with.

There are two other portions of the amendment which are important. The first is to strike out the word "delivery" and insert in lieu thereof the word "programing."

This is somewhat of a technical amendment. What it does is to keep the pipeline open for fiscal year 1970.

The other is contained in a new subsection (d). It is a requirement that the President fully inform the respective committees of Congress in the event there is any proposal to deliver major weapons systems to any of our allies.

By and large, the program does not consist of what are termed major weapons systems. But this is required so that in the event they should be added, the appropriate committees of Congress would be notified before it is done so that we would have appropriate information upon which to determine whether objections should be interposed, or whether it should be pushed along as rapidly as possible.

This is a provision for reporting which is not now in the bill and which, in my opinion, gives the Foreign Relations Committee of the Senate a better control over what type of items are being given to our allies than they previously had or would have within the terms of the bill as it is presently written.

Mr. President, I have the strong feeling that unless we agree to this amendment, we are not only creating a substantial amount of initial expense to the United States, but we are also rather sharply injuring the very allies upon whom we are relying to provide a first line of defense in the event of any sudden aggression by either the Soviet Union or the Red Chinese.

The PRESIDING OFFICER (Mr. GRAVEL). The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Colorado is recognized for another 5 minutes.

Mr. DOMINICK. Mr. President, keep in mind that South Korea is under rather sharp infiltration and attack from North Korea; that the North Koreans are receiving rather massive economic and military support from the Red Chinese and from the Soviet Union; that the Soviet Union and Red China are in a very hostile, belligerent position, vis-a-vis themselves, along their northern border which, if it erupts, might easily involve the Korean peninsula, both north and south.

Keep in mind that the southern flanks of NATO are guarded by Turkey, Greece, and Iran, all of whom have been recipients in the past of our foreign military assistance; that these countries are rather vital to the southern flank of NATO, and that if we continue the process of trying to permit them to defend themselves against a sudden incursion into these areas, it is bound to be of benefit not only to ourselves, but also to the rest of the free world.

It seems patently self-defeating to me to put on a limitation which is so restrictive as to require that we must put in a stockpile the items which our allies want for their defense and then require them to go on the market and buy them at a budget cost which would be very high to them and which they probably could not finance.

I urge strongly that this very important amendment, which simply changes the computation by which we determine the limit for the amount of aid to be given to our allies in terms of excess defense articles, be agreed to.

Mr. President, I reserve the remainder of my time.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. GRAVEL). The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, this is the second amendment the distinguished Senator from Colorado has offered regarding a general provision of the Foreign Military Sales Act that deals with the disposal of surplus weaponry.

The first amendment offered, and rejected several days ago, would have had the effect of more than quadrupling the ceiling which the Committee on Foreign Relations has imposed upon the transfer of surplus weapons. The amendment now offered by the distinguished Senator from Colorado would have the effect of doubling that ceiling.

If the amendment now offered were agreed to, we could give away $140 million worth of military equipment without having to charge it against the authorized ceilings of the military grant program as contained in the Foreign Assistance Act. The committee bill, on the other hand, would permit $70 million worth of so-called surplus equipment to be transferred without having to charge any of it against the authorized ceiling in the Foreign Assistance Act.

Mr. President, it would be advisable to return again to a consideration of the reasons why the Foreign Relations Committee placed this ceiling in the bill. I refer to the committee report, beginning on page 10, under the caption "Section 9—Ceiling on Grants of Excess Defense Articles."

I read from the report:

SECTION 9—CEILING ON GRANTS OF EXCESS DEFENSE ARTICLES

The Department of Defense has used existing authority in the Foreign Assistance Act of 1961 to give excess defense articles to foreign countries in such a way as to circumvent the expressed intent of Congress in reducing the military assistance program. Section 9 restricts that authority by placing a $35 million ceiling on the amount of excess defense articles that may be given to foreign countries in any fiscal year.

For all practical purposes, there are, at present, no restrictions on the amount of military assistance which the Department of Defense can provide by way of its excess stocks—since existing law covering the use of these weapons and materials requires that only the value of reconditioning this equipment be charged against the annual military assistance authorization. Thus, with virtually no restrictions on its authority to use surplus defense articles under the Military Assistance Program, the Department of Defense can and has utilized this authority to maintain the program at a much higher level than Congress has been willing to provide out of new funding.

A particular example of the Department of Defense's disregard for Congress' efforts to cut back on military assistance occurred last year when Congress refused to authorize an additional $54.5 million to provide the Republic of China with a squadron of F-4 fighter aircraft. Following this refusal, the Department of Defense announced that it was providing the Republic of China with a number of F-100's and F-104's from the Department's excess stocks. In total for fiscal year 1970, Department of Defense pledged to Taiwan $144,000,000 worth of excess defense

items—an amount which may be compared to the $341,000 given in the fiscal year 1970 congressional presentation book on the military assistance program as the total amount of excess defense articles that the Republic of China was scheduled to receive for that year.

This example illustrates that so long as the Defense Department has unrestricted use of the excess stockpile—which can be expected to rise sharply as a result of Vietnam—the Congress cannot exercise effective control over the amount of military assistance available to the Department to give to foreign countries.

Section 9 establishes an annual ceiling of $35 million for excess defense articles. For each fiscal year, any amount given away above the $35 million ceiling would be subtracted from the funds available for grant military assistance, and deposited in the Treasury as miscellaneous receipts.

For valuation purposes the provision provides that excess defense articles be valued at not less than 50 percent of acquisition cost; the Department of Defense now values excess articles at an average of 30 percent of original cost.

Mr. President, it is with respect to the last matter of evaluating the articles given away as surplus, or as excess to our own needs, that the pending amendment has particular reference. If we agree to the amendment offered by the distinguished Senator from Colorado, we would reduce from 50 percent of acquisition cost to 25 percent of acquisition cost the formula for evaluating this surplus or excess equipment.

The committee looked very carefully into the question of the formula currently being used. We must understand that we are discussing the method by which the Department of Defense evaluates the equipment it gives away. This enables us, the public, and the press to have some idea of the size of this program.

In the past, the methods that the Department of Defense itself adopted averaged out to 30 percent of original acquisition cost to the Government of the United States. The Dominick amendment would reduce that figure to 25 percent.

If we agree to the amendment, we establish a congressional guideline which actually falls below the voluntary figure that the Department of Defense has used in the past.

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

Mr. CHURCH. I will yield in a moment. I would like to document that statement by referring to a question that was addressed to the Department of Defense when the bill was before the Committee on Foreign Relations, asking the Department to detail the method used and what the average figure had been for evaluating surplus equipment. The following is the answer furnished us by the Department of Defense, which I shall read into the RECORD:

(a) We calculate utility value as 25% of acquisition cost for major items, which are largely used and obsolescent, and at 100% for secondary items which are essentially new and fully meet the requirement. Non-reimbursable issues to MAP of these two categories over the past two years produce an overall average utility value of 30%. This percentage does not apply to other years, nor does it apply to the total long supply and excess stocks in DOD inventories because the mix between major and secondary items differs from that which applies to issues over the past two years.

Mr. President, this clearly establishes the fact that, according to the Department of Defense, the average evaluation has been 30 percent, while the amendment offered by the Senator from Colorado would have the effect of reducing it to 25 percent.

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

The PRESIDING OFFICER (Mr. ALLEN). Does the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I am not going to quarrel or argue with semantics, but as the Senator probably knows, we had quite a series of talks with the military leaders on what constitutes acquisition costs. Until very recently research and development and all other items that have gone into the acquisition of any kind of weaponry have not been considered as part of the acquisition cost. My guess is—and I am only guessing—under the present accounting system it would be found that 30 percent would be rather substantially reduced after there has been poured into the total acquisition cost research and development and things of that nature.

Mr. CHURCH. The Senator may be correct in that observation. I stress only that whatever elements enter into the determination of the acquisition cost, the same elements enter into it regardless of whether the Senator's amendment were agreed to. In other words, under the committee version of the bill, the Department of Defense would have to establish a utility value figure for weapons that are declared to be excess of our own needs and are given to foreign governments. This figure could not fall below 50 percent of the acquisition cost. If the amendment now pending were agreed to, however, the Department would be able to establish that figure at 25 percent of acquisition cost.

As far as the effect of this amendment is concerned, it does not matter how the acquisition cost is determined or what elements go into it.

Turning briefly to a different aspect of the debate which relates to the Cooper-Church amendment, I have noticed with considerable alarm in the last few days, news accounts reporting that American airpower is now being employed in Cambodia in ways that suggest an ever-deepening involvement of this country in a new war on a new front in Indochina.

I refer, first, to an account in Wednesday's edition of the Philadelphia Inquirer, dated June 24, 1970, written by the staff reporter of the Inquirer here in its Washington bureau, Mr. James McCartney. The news dispatch reads as follows:

WASHINGTON, June 23.—The wraps have been taken off United States air power in Cambodia, it was learned here Tuesday.

U.S. planes will be permitted to bomb and strafe over more than half of the country, virtually at will—including areas south of Phnom Penh, as yet untouched.

A high defense Department official said the primary purpose of the new level of aerial warfare will be to protect the U.S. troop withdrawal program in South Vietnam by attacking Communist supply routes.

But he freely acknowledged that a loose interpretation of this assignment will be permitted on the battlefield.

"If a pilot sees trucks on the highway nobody is going to complain if he shoots them up," the official said.

Pentagon officials acknowledged Monday for the first time that "interdiction" raids against Communist supply routes had been flown as far as 100 miles from the South Vietnamese border.

They did not indicate the full scope of the new approach to the aerial war, however.

Officially, U.S. planes will not be used to support the Cambodian government.

But unofficially, nobody at the Pentagon plans to try to draw that line too sharply.

The new policy almost certainly means a gradual escalation of the aerial war in Cambodia, it is acknowledged.

I am not going to read the remainder of the account, for the purpose of saving time, but I ask unanimous consent that the full account appear at this point in the RECORD.

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

U.S. AIR FORCE GIVEN FREE REIN TO RAID RED POSTS IN CAMBODIA

(By James McCartney)

WASHINGTON, June 23.—The wraps have been taken off United States air power in Cambodia, it was learned here Tuesday.

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At the moment most U.S. aerial combat missions in Cambodia are being flown by fighter-bombers.

But the official said that huge B-52 Stratofortresses will undoubtedly be used in the future.

Up to this point B-52 activity has been largely confined to the so-called "sanctuary" area in Cambodia along the Vietnamese border.

Up to now the aerial war in Cambodia has been largely secret.

Several weeks ago Defense Secretary Melvin Laird said that U.S. planes were not observing the 21.7-mile restriction that President Nixon has placed on U.S. ground combat operations in Cambodia.

But Laird at that time declined to say how deeply U.S. planes were being permitted to penetrate the country. He said such material is "classified."

In his June 3 nationally televised speech on Cambodia President Nixon said that "air

missions to interdict the movement of enemy troops" would be permitted in Cambodia after his June 30 U.S. troop withdrawal deadline.

The volume of recent attacks has not yet been disclosed by the Pentagon, but Defense officials said they are still far below the volume of attacks in neighboring Laos.

If the Communists continue to build up supply lines, however, attacks can be expected to escalate.

Mr. CHURCH. Mr. President, further evidence of the escalation of the aerial war in Cambodia is to be found in the Washington Post of June 24, 1970. That account reads as follows:

U.S. war planes struck deep into Cambodian territory to help government troops break the month-long siege of the provincial capital of Kompong Thon, the Cambodian military command reported Wednesday.

The spokesman said the U.S. jet fighter bombers joined the battle during the crucial final stages in the first joint U.S.-Cambodian-South Vietnamese aerial bombing campaign.

The strike 80 miles north of Phnom Penh was about 130 miles from the nearest U.S. combat troops in Cambodia.

Mr. President, I ask unanimous consent that the full text of the article also appear in the RECORD at this point in my remarks.

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

U.S. PLANES STRIKE DEEP INSIDE CAMBODIA

U.S. war planes struck deep into Cambodian territory to help government troops break the month-long siege of the provincial capital of Kompong Thon, the Cambodian military command reported Wednesday.

The spokesman said the U.S. jet fighter bombers joined the battle during the crucial final stages in the first joint U.S.-Cambodian-South Vietnamese aerial bombing campaign.

The strike 80 miles north of Phnom Penh was about 130 miles from the nearest U.S. combat troops in Cambodia.

In another development, about 1,000 North Vietnamese troops swept to within rocket range of Phnom Penh by driving 400 Cambodians from Prek Tameak on the east bank of the Mekong River 11 miles northeast of the capital. An officer said his troops found a six-foot Soviet-made rocket capable of hitting Phnom Penh.

Most government troops have pulled back from the vicinity of Prek Tameak to within a few miles of the capital to await reinforcements.

The prospect of the capture of Prek Tameak was not regarded in Phnom Penh as a threat to the capital despite its proximity. Observers saw it as part of the day-to-day action rather than a prelude to a thrust on Phnom Penh.

Witnesses at Kompong Thom said the U.S. planes—with American pilots—fired rockets and machine guns at enemy forces near the provincial capital and were followed in by South Vietnamese A-37 jet fighter-bombers. The U.S. strikes apparently were to mark enemy positions for the South Vietnamese pilots.

The U.S. planes were Air Force OV-10 Broncos, light, propeller-driven aircraft designed specifically for counter-insurgency and limited-warfare operations, including observation and reconnaissance, helicopter escort, limited ground attack and gunfire spotting.

In Phnom Penh, Information Minister Trinh Hoanh welcomed the news from Washington Monday that American aircraft were striking at supply lines as far as 100 miles inside Cambodia.

The minister said, "Our reaction is of course favorable. This is further proof that the United States is ready to help Cambodia against Communist aggression."

The U.S. has not acknowledged any combat-support air missions—such as those reported at Kompong Thom—deep in Cambodia.

In a separate development in Phnom Penh Tuesday, 1,000 South Vietnamese refugees filed aboard the South Vietnamese landing craft Ninh Gian to be transported to a temporary camp near Saigon.

In Saigon, as visiting U.S. Navy Secretary John H. Chafee looked on, the U.S. Navy transferred 273 patrol boats to the South Vietnamese navy. The transfer brought the total given to South Vietnam to 525.

In Canberra, External Affairs Minister William McMahon announced Australia was making a special grant of $555,000 in logistics equipment to Cambodia.

There will not, however, be any form of direct military aid in arms or ammunition, he said, nor will any Australian military personnel be sent to Cambodia.

McMahon said vehicles, communications equipment, engineer stores, tents and clothing will be sent to Cambodia under the logistics grant.

Mr. CHURCH. Mr. President, how do these news items compare with what we were told in the last Foreign Relations Committee meeting with the Secretary of Defense regarding the administration's policy in limiting American involvement in Cambodia?

I quote from the transcript of the committee's proceedings. On page 552 of the proceedings, dated May 18, 1970, Secretary Laird asked the chairman (Mr. FULBRIGHT), as follows:

Secretary LAIRD. The operating rules which we are using presently as far as air power is in accordance with the fourth caveat of the Church-Cooper amendment. Would that satisfy you?

Senator FULBRIGHT replied:

Well, with respect to the support of Cambodian forces, not South Vietnamese forces.

Secretary Laird replied:

The air power is being used in support of allied forces, not Cambodian forces.

There ends the quotation.

Mr. President, I am not contending that this was not the limit then being imposed. The President had assured the country that the United States was moving into Cambodia only temporarily to eliminate the border sanctuaries and to facilitate further withdrawals of American forces from South Vietnam. However, as I have tried to stress again and again in this debate, once the Cambodian borders were breached, once American and Allied forces were permitted to enter Cambodia and engage the Vietcong and the North Vietnamese in that country, a new front opened up. Immediately, the pressures began to develop on the administration to broaden the scope of American participation beyond the limits the President had said assured the country he was determined to hold.

And now I have word that the Secretary of State, at his press conference this morning, would not categorically rule out that the United States might not fly close air support for Cambodian or South Vietnamese troops in Cambodia. According to UPI, the Secretary said that he wished to make no statement "which would limit U.S. air power."

It is clear that the administration's original limits on an aerial war have been abandoned, and authority has been given the American Air Force to participate in an aerial campaign over Cambodia involving support for Cambodian forces in the field.

Mr. President, this is added evidence of the necessity to enact legislative limitations upon the widening American involvement in the Indochinese conflict.

Subsection (4) of the Cooper-Church amendment would withhold further funding after July 1, 1970, for any combat activity of the U.S. air forces above Cambodia in support of Cambodian forces. That is completely consistent with the objective we have sought to serve from the outset.

The Cooper-Church amendment is designed to prevent the kind of creeping involvement in Cambodia which carried us deeply into the South Vietnam quagmire. Combat air activity is an important element in that creeping involvement. We carefully drafted the amendment in such a form that it would not impede U.S. aerial activity in support of American or Allied forces in any way. We carefully drafted the amendment so that it would not interfere with the interdiction of enemy supply lines supporting enemy activity in South Vietnam. However, we did not want, we do not want, and we seek to prevent, the extension of this combat activity in the air in such form as to entangle us with Cambodian forces and in support of the Lon Nol or subsequent regimes in Phnom Penh.

If the President wants to change the policy, if the President thinks he should now go to the defense of still another government in Southeast Asia, then it is his obligation, under the Constitution, to come to the Congress, lay his case before the Congress, and ask the Congress for its authority and consent.

That is the objective of our amendment. Subsection 4, an important provision, seeks to restrict aerial activity in Cambodia so that we do not find ourselves drawn into a developing war on that front, as we were, in piecemeal fashion, in South Vietnam.

These news releases and reports are very disturbing. They bear out what we have been saying all along.

They are further proof of the need for the Senate to move on to a final vote on the Cooper-Church amendment. I hope that we can reach that vote early next week.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes, just to comment on the strategy of my distinguished debating friend from Idaho. As I said the other day, I always enjoy a discussion with him, because I know he is a very sharp debater, and, as usual, has skillfully drawn a very fine red herring across the trail of the amendment I am talking about.

The last portion of his talk, at least, involved the Cooper-Church amendment, which I am not involved in at all with this particular amendment. I am talking about section (9), which has nothing to do with the Cooper-Church amendment. Section (9) deals only with the question of whether or not we are

going to be able to put more of our excess defense weaponry into our allies' hands, instead of putting it on our own scrap heap. That is all it involves.

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

Mr. DOMINICK. I am happy to yield.

Mr. CHURCH. I did in the earlier part of my remarks, address myself to the Senator's amendment. I thought I had said enough about it. I wanted to consider a matter that seems to me to be far more serious. Yet, I did spend at least half of my time at what I thought was a rebuttal of the Senator's arguments in behalf of his revised amendment.

Mr. DOMINICK. Fine. I just wanted to set the record straight, and make sure that no one felt the last part of the Senator's speech dealt with the amendment I am talking about.

I wish to quote one further thing which I think is of interest here. This is from a memorandum prepared with respect to both this amendment and the original one I offered, the last portion of which reads:

> Curtailed use of excesses will not produce savings to the U.S. The materials have long ago been paid for by the Defense budget and are no longer needed to meet current operational requirements and mobilization reserves of the U.S. military services. Cost of repairing and shipping these articles are borne by either the recipient or the MAP appropriations. If not used to meet military assistance requirements, they will be scrapped and useful defense resources will be wasted.
>
> Much of the equipment furnished from excess is old and, by U.S. standards, obsolescent and beyond the point of economical repair. But, to the recipient country where materials are relatively scarce and expensive while labor is relatively plentiful and inexpensive, these equipments are extremely valuable and useful.

Once again, I repeat, they are not only valuable and useful to the recipient countries but, to the extent that they increase their capability to defend themselves, they are enormously useful to us; and it seems to me patently self-defeating for the Senate to say that we are going to oppose the joint, unanimous opinions of the State Department, the Defense Department, the Joint Chiefs of Staff, and the allies who are trying to help us, and simply say we are going to put an arbitrary limit on this activity which does not provide any saving to us, and which certainly does not increase the capability of our allies to defend themselves.

The Senator from Idaho, in the latter part of his speech, was talking about the need for limiting U.S. involvement in Indochina. One of the ways we can do that is by giving the countries the capabilty of defending themselves. So he talks, on one phase of this matter, on one side, and then would place a limitation on the very action that is needed in order to limit U.S. involvement, no matter where it is, whether South Vietnam, Israel, Berlin, or anywhere else.

So it would strike me that passage of the amendment is eminently sensible.

Mr. President, I reserve the remainder of my time.

Th PRESIDING OFFICER. Who yields time?

RECESS

Mr. CHURCH. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the anticipation that the Senate will reconvene around 1:30, proceeding then to a vote on the pending amendment at 2 o'clock.

The PRESIDING OFFICER. With the intervening time to be charged equally to both sides?

Mr. CHURCH. With the intervening time to be charged equally to both sides.

The motion was agreed to; and thereupon, at 12:45 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:05 p.m., when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 1:30 p.m. today and with the further understanding that the time be equally divided between both sides.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to and at 1:11 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1:20 p.m., when called to order by the Presiding Officer (Mr. PEARSON).

WHITE HOUSE MEMORANDUM ON REVENUE SHARING LEGISLATION

Mr. BAKER. Mr. President, I am today releasing a White House memorandum sent by President Nixon to all senior administration officials urging that they familiarize themselves with the administration's revenue-sharing legislation and that they make known on every suitable occasion the strong desire of the President to secure the enactment of this measure.

I commend the President for his commitment to revenue sharing and for his increased efforts to secure enactment during this session of Congress.

Federal revenue sharing with State and local government would restore needed balance in the federal form of government and would provide needed resources to allow States and localities to devise their own programs and set their own priorities to solve their own unique and most crucial problems.

As we all know, the concept of revenue sharing has been espoused for some time. It was endorsed in 1968 by both presidential candidates and by both party platforms. Over 100 different revenue-sharing bills were introduced during the 90th Congress. Further, and of great significance, was the agreement reached in 1969 on the question of assuring cities and counties an adequate portion of revenue-sharing funds by agreeing to a guaranteed State passthrough provision.

With Governors, mayors, and county officials united behind one basic revenue-sharing plan and with substantial support in Congress, one would have thought that the Congress would then respond by enacting revenue sharing to relieve the fiscal pressures confronting State and local governments.

The Congress did not act.

Then in August of 1969 President Nixon fulfilled his commitment made during his campaign by including the proposal for revenue sharing within his New Federalism program and by sending to the Congress the requisite legislation. On September 23 I introduced the administration's proposal, and I have been joined in cosponsorship by 33 other Senators.

Still the Congress did not act.

In January of this year State and local government public interest groups, including the National Governors Conference, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties and the National Legislative Conference, banded together to generate support for revenue sharing. On April 16 representatives of this group, including both Democrats and Republicans, liberals and conservatives, conducted a press conference calling upon the Congress to act promptly to relieve the urgent problems of our States and cities.

Still the Congress has not acted.

As I have stated, revenue sharing is supported by almost every Governor, mayor and county official in this country. The Nixon administration has submitted a proposal to this Congress. It has been cosponsored by over one-third of the membership of the Senate. In this situation fundamental fairness demands that the Senate Finance Committee and the House Ways and Means Committee fulfill their responsibilities by taking up this measure, holding hearings on it, and giving consideration to it. The Congress has already waited too long to respond to the problems of our States and cities.

Mr. President, I ask unanimous consent that the memorandum of President Nixon to his senior administration officials reaffirming his strong support for revenue sharing and calling upon the Congress to act be reprinted in full at this point in the RECORD.

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

MEMORANDUM FOR SENIOR ADMINISTRATION OFFICIALS

THE WHITE HOUSE,
Washington, June 24, 1970.

Subject: Revenue Sharing.

This Administration came to office at a time when many Americans were frustrated (often justifiably) with the performance of

existing governmental institutions. We have, therefore, proposed basic changes in the domestic policies of the Federal Government. The Administration's new domestic policies, taken together, constitute a strong effort to reform major program systems, renew our federalism, and strengthen the capacity of governmental institutions—at the national, State and local levels.

Last August, I submitted to the Congress a proposal for sharing a portion of Federal revenues with State and local governments. This innovative program is designed to extend Federal assistance to these governments in a broader, fairer, and less conditional manner.

Over the years this mechanism will have a substantial economic and political effect on our Federal system.

The arguments in favor of revenue sharing are as strong as ever:

1. We have a serious "fiscal mismatch." The Federal government has the superior revenue-generating system. The other levels of government have the major domestic expenditure requirements. The Federal government has long recognized this discontinuity between public needs and resources. So far, we have chosen to bridge the gap through the mechanism of categorical grants-in-aid to State and local governments. Next year, nearly $28 billion will be spread over 500 separate and uncoordinated aid categories.

2. We need to design better systems for delivering Federal program assistance and better methods of fiscal assistance. Revenue sharing represents a valuable and necessary supplement to our existing financial assistance efforts. Increased resources and additional decision-making responsibility will be transferred to States and localities. Local discretion and flexibility will be encouraged. Citizen discontent over the inability of the Federal government to deliver services effectively provides strong incentive to decentralize some governmental decision-making.

3. The revenue capacity of State and local government is severely strained—despite their considerable efforts. During the 1960s, the States made over 300 increases in major taxes, either enacting new taxes or raising rates on existing ones. Property taxes are very high in many areas. These governments need financial help. The simplest, most direct, and fairest way to provide that help is through revenue sharing.

4. Adequate provision of basic public services is a matter of high national priority. Revenue sharing is directly responsive to this need. We look to our States and localities to provide these services, and revenue sharing funds represent vital support for our domestic programs.

5. Americans not only are frustrated with the performance of governmental institutions, but also with the unresponsiveness of these institutions to local concerns. The individual citizen can have the largest impact on public policy through his State and local governments. By strengthening these governments, revenue sharing can enhance individual contributions to public decision-making. Through revenue sharing an important measure of political power is returned to the people.

I want to emphasize the importance of revenue sharing in our total domestic policy. Revenue sharing is the financial heart of the New Federalism.

Under the New Federalism, major aims are to define more clearly functional responsibilities among levels of government and strengthen governmental institutions at all levels. Welfare, for example, is appropriately a national responsibility. In addition to providing equity and dignity for the poor, the Family Assistance Act will relieve State and local governments of rapidly rising costs for welfare.

In areas which are primarily State-local responsibilities, revenue sharing and other measures which the Administration has advanced will strengthen the capacity of States and localities to make decisions which reflect their own priorities and needs.

In the first full year of the Family Assistance Program, fiscal relief for states and localities will be nearly $600 million, in addition to the currently estimated revenue sharing program of $1 billion.

I encourage all of you to become familiar with the basic elements of the Administration's revenue sharing proposal and to make known, at every suitable occasion, our strong desire to secure its enactment in 1970. A very brief description of revenue sharing, along with major questions and answers, is enclosed.

RICHARD NIXON.

SUMMARY OF THE ADMINISTRATION REVENUE-SHARING PLAN

The leading features of the Administration's revenue-sharing proposal are as follows:

First, the total amount to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. The fund will grow fairly rapidly from a currently projected program of $1 billion on a full-year basis to reach $5 billion by the mid-'70's.

Second, the distribution of the fund among the states will be based on a simple formula that assigns primary weight to population, but also gives some weight to tax efforts exerted in the State.

Third, the distribution within each State between the State government and the localities will be based on a formula, so that each unit of general government within a State will be assured a share that is proportionate to its own revenues raised.

Fourth, no program or project restrictions will be placed on the use of the funds made available by the Federal Government. Each State, county, city and town will rely on its own judgment, and allocate the funds as it deems best.

The distinguishing characteristics of this proposal are:

(1) *Simplicity*—objective statistics and clearly defined procedures are used;

(2) *Fairness*—all general purpose local governments participate, regardless of size;

(3) *Dependability*—State and local governments can count on the funds in their planning; and,

(4) *Discretion*—State and local governments are free to use the funds wherever they determine the need most pressing.

QUESTIONS AND ANSWERS ON THE ADMINISTRATION'S REVENUE-SHARING PROPOSAL

1. Q. *What is the purpose of this proposed legislation?*

A. The ultimate purposes are:

To restore to the States their proper rights and roles in the Federal system with a new emphasis on local initiative and discretion;

To provide both the encouragement and the necessary resources for local and State officials to exercise leadership in solving their own problems;

To restore strength and vigor to local and State governments;

To achieve a better allocation of total public resources.

2. Q. *Why do State and local governments need revenue sharing?*

A. One reason is due to what President Nixon calls the "fiscal mismatch." Federal tax receipts, based largely on incomes, tend to grow faster than the economy. At the local level, the reverse is true. State and local revenues, based heavily on sales and property taxes, do not keep pace with economic growth, while expenditure requirements for education, health, welfare, and other local services tend to exceed such growth.

3. Q *But doesn't the Federal Government provide aid to State and local governments already?*

A. Yes. Federal grants to State and local governments will amount to $24 billion during fiscal year 1970 and an estimated $28 billion in 1971. But this assistance is being distributed through a confusing array of nearly 500 separate program authorizations. A basic objective of revenue sharing is to supplement the existing Federal aid effort with broader and less conditional fiscal assistance. In this manner, both funds and the responsibility for their proper allocation will be transferred to the States and localities.

4. Q. *But if some "surplus" revenue develops at the Federal level, why not reduce the Federal tax take—leaving the field open for State and localities?*

A. This is not a matter of sending back to the States "excess" Federal revenues left over from Federal program requirements. Revenue sharing should be viewed as an *expenditure* for a basic national purpose—strengthening the financial base of our Federal system of government. It should be evaluated with other expenditure programs and assured delivery to State and local governments.

5. Q. *How much money is to be shared?*

A. The size of the total fund to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To provide for an orderly phase-in of this program, the FY 1971 percentage will involve new obligational authority of $275 million for the last quarter of the year—or $1 billion on a full-year basis; subsequent fiscal year percentages will be increased annually up to a permanent one percent for fiscal year 1976 and thereafter. On this basis, we estimate an appropriation for fiscal 1976 of about $5 billion.

6. Q. *The initial amount of revenue sharing does not sound like much, particularly when it is split up among 50 States and thousands of cities and counties. Wouldn't this just be a drop in the bucket for most communities?*

A. Given the current and near-term budget outlook, we realistically faced two alternatives for introducing revenue sharing: (1) either delay introducing the plan until funds are available to begin a full-scale program, or (2) establish the plan now and provide for phased increases as budget resources permit. The second course of action is clearly preferable. With all the competing claims for limited Federal revenues, it is important to establish the principle of revenue sharing as soon as practicable.

7. Q. *Can the States and localities depend on this flow of funds to be regularly appropriated?*

A. In order to provide for the assured flow of Federal funds, a permanent and indefinite appropriation will be authorized and established for the Department of the Treasury, from which money will be automatically disbursed each fiscal year, as required by the revenue sharing act.

8. Q. *How will the funds be distributed?*

A. The funds will be distributed from the Federal Treasury to the 50 States and the District of Columbia. Each State will receive an amount based on its share of national population, adjusted for the State's revenue effort. The revenue effort factor provides the States with some incentive to maintain (and even expand) their efforts to use their own tax resources to meet their needs. Revenue effort is the ratio of total general revenues collected by State and local governments in a given year to the total personal income of that State.

9. Q. *Will the States be required to share some of this distribution with their local governments?*

A. Yes. The allocation of a State's share among its general units of local government will be established by prescribed formula. The proportion which an individual local government will receive corresponds to the ratio of its own revenues to total State and local government revenues in the State.

10. Q. *Why are these particular distribution formulas used?*

A. Distributions based on revenues raised have several important advantages:

They make allowance for State-by-State variations in preferences;

They tend to be neutral with respect to the current relative fiscal importance of State and local governments in each State;

They provide a method for allocation among governments units with overlapping jurisdictions.

11. Q. *By sharing revenues with every city, county, and town, is the effectiveness of this plan diluted too much?*

A. We are unable to find an acceptable or logical point at which revenue sharing funds should be denied a local government. Some proposals would exclude all cities and counties of less than 50,000. All local governments are faced with fiscal pressures, often especially acute for small communities, and all deserve specific inclusion in the revenue-sharing program.

12. Q. *What restrictions or qualifications will be imposed on the use of these funds?*

A. There will be no program or project restrictions on the use of these funds. One purpose of revenue sharing is to permit local authorities the programming flexibility to make their own budget allocation decisions. Each State will be required to meet minimum reporting and accounting requirements.

13. Q. *Are State and local governments able to establish proper social priorities for the allocation of their revenue sharing funds?*

A. The answer can be obtained by examining the pattern of State and local spending. From their own revenue, they have consistently spent the lion's share on education, health and hospitals, and public welfare.

14. Q. *How do the various State, county, city and other local officials view this revenue-sharing proposal?*

A. We have had numerous discussions with governors, mayors, and county officials on this proposal. There has developed a remarkable degree of approval. Revenue sharing has now been enthusiastically backed by the national associations of governors, mayors, county commissioners, and other State and local leaders.

15. Q. *How much of a new administrative apparatus will be required to administer revenue sharing?*

A. None. The plan has been designed to operate almost automatically, avoiding any requirement for the establishment of any new Federal bureau or agency. The whole purpose is to avoid Federal controls and to increase the fiscal discretion available to State and local governments.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I strongly support the amendment to section 9 proposed by the distinguished Senator from Colorado.

Section 9 of the Foreign Military Sales Act as now written would reduce U.S. surplus military items destined for our allies below an acceptable risk for no good reason. Placing an unrealistic ceiling on excess military materials for such allies, as South Korea, Turkey, Nationalist China, and other friends who have stood firm against Communist aggression for 25 years, is a measure which is completely unsupportable.

Surplus military materials, such as weapons, vehicles, and tanks, which are not economically repairable for our Armed Forces, would all go to scrap if our allies did not have a vital need and capability to make them serviceable. The ceiling proposed by advocates who would weaken the capability of the free world will prevent the United States from making optimum use of these assets to help our allies continue their firm stand against aggression.

Mr. President, this portion of the military assistance program has two great advantages. It helps our allies to maintain their military forces, and it does not cost the American taxpayer. It buys security for the United States and her allies without cost. I challenge anyone to devise a cheaper deterrence.

It has been proposed in section 9 of the act that a ceiling of $70 million on the basis of the original cost of the equipment be established by law. This action drastically curtails the vital contribution that excess articles make to the military assistance program.

Providing military materials from U.S. surplus to our allies is the heart of the MAP program. For an example, of the $350 million appropriated for fiscal year 1970, only $78 million was for modernization. Unnecessary curtailment of excess issues will increase the need for MAP funding of operating requirements and diminish our ability to use these assets for modernization.

Mr. President, the reduced use of surplus items by our allies will not produce any savings to the United States. The articles have long ago been paid for by the United States. They are no longer required by our military services. It would cost more to repair them than it would to buy a replacement. Opportunities for our forces to take advantage of improved replacements would be reduced.

Costs of repairing and shipping these articles are borne by either our allies or by MAP appropriations. If these materials are not used to meet military assistance requirements, they will be scrapped and useful defense resources will be wasted.

Mr. President, much of the equipment provided from surplus is old and worn out by U.S. standards. It is obsolete and beyond the point of economical repair. But, to our allies, where materials are relatively scarce and expensive, while labor is relatively plentiful and inexpensive, these defense items are invaluable in checking Communist aggression.

The ceiling of $70 million at acquisition cost which is being proposed would almost eliminate the excess program to assist our allies. The use of the original cost to set this ceiling makes this proposal completely unrealistic. Such factors as age, condition, and actual usefulness to our allies must be taken into account. Experience of the Department of Defense over the years indicates that such excess equipment has a worldwide utility value of about 25 to 30 percent of the original or acquisition cost.

Mr. President, I am strongly opposed to the $70 million ceiling on section 9 of the amendment to the act. If a ceiling must be imposed, then it is recommended that it be calculated on the "utility value" formula of 25 percent of acquisition cost as proposed by Senator DOMINICK. The Department of Defense has advised that the program can be sustained at this level without seriously jeopardizing the security of our allies.

Mr. President, there is an apparent effort by the advocates of capitulation to weaken the defense posture of the free world. Their proposal will reduce the effectiveness and motivation of our allies, It will alienate our friends. It will be another measure toward isolationism for America.

Mr. President, I urge the Senate not to accept this unnecessary risk to our security. Section 9 must be modified as proposed by Senator DOMINICK's amendment. I strongly urge my distinguished colleagues to approve his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, how much time do the two sides have remaining?

The PRESIDING OFFICER. The Senator from Colorado has 4 minutes remaining. The other side has 9 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield me 3 minutes?

Mr. KENNEDY. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, it is germane to this bill, because it is actually mentioned in the bill, to say a word about the situation in the Mideast which has just broken by reason of a declaration——

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BYRD of West Virginia. Mr. President, I would say there is some question as to germaneness, but since the Senator has only 2 more minutes, I shall not object.

Mr. JAVITS. Mr. President, I do not agree that there is a question as to the germaneness. The bill itself refers to the Mideast.

Mr. BYRD of West Virginia. I realize that.

Mr. JAVITS. And this germaneness thing can be stretched to the breaking point, too. But when the bill itself refers to the issue, I do not see why we cannot discuss it, especially when it is urgent and timely.

Mr. President, the United States today, through the Secretary of State, indicated that overtures with respect to the Mideast have been placed before other countries, but that the United

States had not yet made a decision on the question of arms aid to Israel, especially as to the Phantoms which are expressly covered by this bill.

NEW U.S. MIDEAST PEACE PROPOSALS

I am concerned that the U.S. initiative may be putting the cart before the horse. Unless and until Israel is assured of receiving the military equipment it needs, it is doubtful that the Soviet Union and the radical Arabs are likely to negotiate to any real purpose. If they are given reason to believe that Israel can be weakened and worn down militarily and economically, they have little incentive to agree to a real cease-fire or seriously to negotiate. However, if it is made clear that Israel will be provided with the planes and other equipment it needs to match the massive inflow of Soviet arms—and personnel—then Cairo, Amman, Moscow—and the Arab commandos—may have an incentive to negotiate for peace.

The crucial substance and details of the latest U.S. peace proposals for the Mideast have not been made public. But it is reported that the main thrust of the latest U.S. initiative is to reestablish the cease-fire and to reactivate the Jarring Mission for "indirect" peace talks. Both of these objectives are desirable. But past experience counsels caution.

Egypt has shown scant regard for past ceasefires; and the previous laborious travels of Ambassador Jarring failed to produce anything of substance as to peace.

Even temporary cease-fires are desirable provided that they are not just pauses for the UAR to catch its breath. Real caution is called for in this respect. Moreover, the greatest caution must be exercised to assure that a temporary ceasefire and pullback from the Suez Canal area is not used by the U.S.S.R. and the UAR to prejudice Israel and to gain a strategic advantage by moving up to the Suez Soviet SAM III's and covering Mig fighter patrols.

The big powers, inevitably, will continue to play an important role in Mideast diplomacy. Certainly there are issues with respect to the Mideast which are the proper subject of U.S.-U.S.S.R. negotiation. But this must not include a big power dictate which could sacrifice Israel's security on the altar of some larger "accommodation."

Israel has not gained peace as a result of the 1967 war, but at least it has gained a position which is strategically viable while it waits for a real peace. Israel cannot now be asked to compromise or undermine its strategic viability for anything short of meaningful peace.

The Soviet Union has a very ambitious geostrategic "game plan" in the Mideast. It has succeeded in achieving some of its preliminary objectives by bankrolling Arab radicalism with arms and by fanning anti-Israel passions. But the Soviet Union cannot achieve its broader aims unless it succeeds in reopening the Suez Canal. This would reopen access of the expanding Soviet Navy to the Red Sea and Persian Gulf areas, which the Kremlin believes to be ripe for its influence in the wake of Britain's withdrawal from east of Suez.

The United States has a vital interest of its own in seeing that, when the Suez is opened, it is with freedom of transit for all countries and will lead to peace in the area.

Finally, I hope the United States will be spared the embarrassment, as happened before, of having its peace proposals rejected by all the Mideast parties concerned—as well as by the U.S.S.R.

I thank the Senator from Massachusetts (Mr. KENNEDY) for yielding me the time, and I thank the Senator from West Virginia (Mr. BYRD) for his forbearance.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 2 minutes. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, for the benefit of Senators who were unable to be in the Chamber from the beginning of the debate, let me say that the amendment I am proposing is supported by the State Department, the Defense Department, and the Joint Chiefs of Staff. It is a much more realistic—perhaps that is one word that my opponents would use—amendment than the former one, although I thought the other one was very good.

This amendment would accomplish two things: One, it would enable us to give excess material to our allies so that they could defend themselves, instead of involving the United States in any kind of widening conflict. Two, it would enable our allies—and I am talking about countries such as Korea, Turkey, Greece, and Iran—to acquire this material without having to put up as much money as they previously would have had to put up, because the value would be computed at a lesser level. Consequently, we would have a situation in which there would not be as much drain on their budget and less drain on ours, because we would not have to maintain the material or simply scrap it, as we would have to do under existing circumstances, as presented in the bill.

I repeat: This is a variation on the amendment that was very closely rejected the last time. My feeling is that some people did not really understand what I was trying to do before. I hope that this makes it crystal clear, and I would sincerely urge that this amendment be adopted.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PESIDING OFFICER. On whose time?

Mr. KENNEDY. I ask unanimous consent that there be a quorum call, with the time not to be charged to either side.

Mr. MANSFIELD. Mr. President, reserving the right to object, at what time is the vote to take place?

The PRESIDING OFFICER. Two p.m.

Mr. DOMINICK. Mr. President, reserving the right to object, I think I have only 2 minutes remaining. If we take it out of the quorum call, I will not have any time in which to sum up. Perhaps the Senator could take a certain amount out of his time.

The PRESIDING OFFICER. If there is no objection, it will not be taken out of the time remaining.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CHURCH. Mr. President, I yield myself such additional time as may remain.

I hope the Senate will reject the amendment now being presented. It appeared in slightly different form several days ago and was defeated. Both the original and this amendment offered by the distinguished Senator from Colorado would quadruple the size of the ceiling established for the arms giveaway program of excess weapons from our own inventory.

This quadrupling is done by evaluating the quipment that is given away at a particular level.

The Committee on Foreign Relations has established a limit of 50 percent of the original acquisition cost to the Government of the United States. The amendment offered by the Senator from Colorado would reduce that to 25 percent. This would be unwise. The Defense Department voluntarily, without any instruction whatever from Congress, has already established a formula which, on the average, makes the figure 30 percent. If we are going to establish a congressional guideline in the name of the ceiling, it would be very unwise to make that a lesser figure than the Defense Department has voluntarily established by its own methods. Therefore, I hope this amendment will be rejected.

I also urge Senators to remember that when we go to conference, we need room for further negotiations.

Mr. DOMINICK. Mr. President, I will be very brief, because the time is approaching when we will have to vote.

This amendment does this:

One, it gives more flexibility to be able to get our allies in a position to defend themselves, instead of our having to do it for them.

Two, it reduces the burden on our allies, on their own budget, which they would have to put into a special fund, under section 10. So it accomplishes two things in that way.

Three, it reinforces the control of Congress over what type of items are going to be given away, by requiring that the President report to all the committees before any major weapons systems are distributed.

Four, it is more realistic in terms of utility value than is the committee amendment because of the fact that the articles we are distributing are, by and large, 10 to 12 years old. As such, certainly the 25 percent of original acquisition cost formula is reasonable.

I might also point out in that connection that the 30 percent which the military said they were using was probably—and I say this because of the discussions we have had in committee—computed without taking in the research and development costs in terms of acquisition. So I would think that if we included that, what they were giving away is probably

25 percent or less as a totally computed cost, so I do not think that would be violating anything there.

All I can say is that this is needed for our allies and for our own security.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Yes, the yeas and nays have been ordered.

Mr. GRIFFIN. I thank the Chair.

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, the Senate will now proceed to vote on the amendment of the Senator from Colorado (Mr. DOMINICK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

I further announce that the Senator from Texas (Mr. YARBOROUGH), is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS) and the Senator from Illinois (Mr. PERCY) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 40, nays 48, as follows:

[No. 172 Leg.]

YEAS—40

Allen	Griffin	Packwood
Allott	Gurney	Pearson
Baker	Hansen	Prouty
Bellmon	Hollings	Scott
Bennett	Hruska	Smith, Maine
Bible	Jackson	Smith, Ill.
Cannon	Javits	Sparkman
Cook	Jordan, N.C.	Spong
Cotton	Jordan, Idaho	Stevens
Curtis	Mathias	Thurmond
Dole	McClellan	Tower
Dominick	McGee	Young, N. Dak.
Fannin	McIntyre	
Fong	Miller	

NAYS—48

Aiken	Gravel	Moss
Anderson	Harris	Muskie
Brooke	Hart	Nelson
Burdick	Hartke	Pastore
Byrd, Va.	Hatfield	Pell
Byrd, W. Va.	Holland	Proxmire
Case	Hughes	Randolph
Church	Inouye	Ribicoff
Cooper	Kennedy	Schweiker
Cranston	Long	Stennis
Eastland	Magnuson	Symington
Ellender	Mansfield	Talmadge
Ervin	McGovern	Tydings
Fulbright	Metcalf	Williams, N.J.
Goodell	Mondale	Williams, Del.
Gore	Montoya	Young, Ohio

NOT VOTING—12

Bayh	Goldwater	Percy
Boggs	McCarthy	Russell
Dodd	Mundt	Saxbe
Eagleton	Murphy	Yarborough

So Mr. DOMINICK's amendment was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANNOUNCEMENT ON PROBABLE LIVE PAIR ON CHURCH-COOPER AMENDMENT VOTE

Mr. NELSON. Mr. President, during the week of June 30, I will be attending as a delegate the fifth Conference on the United Nations of the Next Decade. The Conference will be held in Denmark and is sponsored by the Stanley Foundation.

At the time I agreed to attend as a delegate, it was not anticipated that the Church-Cooper amendment would still be pending and might be voted upon in my absence.

In the event the amendment is voted upon in my absence, I have a live pair with the Senator from Louisiana (Mr. LONG) who opposes the amendment; and, therefore, my absence would in no way change the final result. I thank the Senator from Louisiana for agreeing to a live pair since otherwise it would have been necessary to cancel plans for attending the Conference.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator from Colorado is recognized.

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

Mr. ALLOTT. Mr. President, I yield.

Mr. MANSFIELD. Mr. President, does the Senator from Colorado intend to offer an amendment at the present time? Could the leadership ask his intentions so that we may be guided thereby.

Mr. ALLOTT. Mr. President, I will be very happy to inform the leadership that I am going into a matter which I have discussed before, and will then offer an amendment.

Mr. MANSFIELD. Mr. President, would the Secretary yield further?

Mr. ALLOTT. I yield.

Mr. MANSFIELD. Mr. President, I would like to carry on a discussion with the minority leader for the purpose of laying down guidelines, or perhaps we should call them guideposts for the days ahead.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I wonder if it would be possible, in view of the fact that at the present time the only amendments to be offered are amendments by the Senator from Colorado (Mr. ALLOTT), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Washington (Mr. JACKSON), the Senator from Indiana (Mr. HARTKE), maybe the distinguished Senator from Washington (Mr. MAGNUSON), and the distinguished Senator—I do not think I should try to list them all.

May I say that as far as all of these amendments are concerned, I believe they are in good order except the one which I think the distinguished Senator from Colorado may offer.

I wonder if it would be possible to arrive at a time limitation on each of these amendments, say 2 hours on each amendment beginning tomorrow with a vote on the Cooper-Church amendment at 2 p.m. on Tuesday next and a vote on the entire bill at 4 p.m. on Tuesday next.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. SCOTT. Mr. President, will the Senator yield to me first?

Mr. ALLOTT. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, this request has followed from a discussion with a number of Senators on this side of the aisle and the distinguished majority leader.

As far as I know, unless someone wishes to interject a contrary opinion, there is every desire to finish this bill—and it does seem that Tuesday is a very good day to do it—and if we can, to accommodate each other by some limitation on the numerous amendments following the amendment of the Senator from Colorado. We do not ask any limitation on that amendment.

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

Mr. ALLOTT. I yield.

Mr. JAVITS. Mr. President, for the purpose of perfecting the unanimous-consent request, and I shall not object, I hope the majority leader will make two provisions, one for amendments to amendments; and two, not limiting the limitation to the amendments of those who have spoken up and said they have amendments.

Mr. MANSFIELD. No; I said all amendments.

Mr. JAVITS. All amendments.

Mr. MANSFIELD. But with the proviso that on the Cooper-Church amendment the vote would be on Tuesday at 2 p.m., and the final vote would be at 4 p.m. on Tuesday. Some people seem to attach some symbolic significance to the date. I do not care what date it occurs on just so we can dispose of the measure one way or another and get back on a one-session basis.

Mr. JAVITS. If amendments to the amendments are provided for, and the time, will it be understood that sessions will be extended to accommodate action on all amendments and amendments thereto, and still meet the deadline?

Mr. SCOTT. The daily sessions.

Mr. JAVITS. The daily sessions.

Mr. MANSFIELD. We will do the best we can but we have other important legislation backing up because of the full 6 weeks we have spent on this bill.

At the last minute all these new amendments spring up and proposals come into being. We have been on this matter for 6 weeks. Where have these amendments been all this time?

Mr. SCOTT and Mr. HOLLAND addressed the Chair.

Mr. ALLOTT. Mr. President, I yield first to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, speaking for myself, I have been ready to vote on Cooper-Church for at least 3 weeks, as the Senator knows, but we have tried to accommodate the desires of a number of Senators.

Mr. MANSFIELD. That is correct.

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

Mr. ALLOTT. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I thank the Senator.

My question is: How long does the distinguished majority leader expect the present program to continue of having two sessions, one lasting into the night?

Mr. MANSFIELD. For as long as the pending business is the pending business.

Mr. PASTORE. Without the unanimous consent.

Mr. MANSFIELD. We hope we will get that.

Mr. HOLLAND. Then, the Senator indicates if the pending business is disposed of next Tuesday there will no longer be the necessity for night sessions.

Mr. MANSFIELD. That is correct; at this time.

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

Mr. ALLOTT. I yield.

Mr. PASTORE. Why do we not make the time limitation 1 hour?

Mr. MANSFIELD. Fine.

Mr. PASTORE. If a Senator cannot state his case in one-half hour I do not see what case he has.

Mr. MANSFIELD. Fine. Very well, I change the request, and I am delighted to do so, to 1 hour, applicable to all amendments and amendments thereto.

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

Mr. ALLOTT. I yield.

Mr. AIKEN. If all amendments were taken care of by Saturday under the 1-hour time limitation, would we have a final vote on Saturday?

Mr. MANSFIELD. No.

Mr. AIKEN. Why?

Mr. MANSFIELD. Because we have other bills. Very likely we will be on the postal reform bill on Saturday, and conference reports.

Mr. AIKEN. Would it not be better to take care of all our emergency legislation before July 1, even if we have to put over the vote on the Cooper-Church amendment and put over the vote on the bill until after July 4?

Mr. MANSFIELD. The Senator has a point, but if we can get an agreement, maybe we could do both.

Mr. AIKEN. I wonder why we could not vote on this bill before or after next Tuesday. What is so sacred about voting on Tuesday?

Mr. MANSFIELD. Just to get it off before the holiday.

Mr. ALLOTT. Mr. President, I want to be certain, before the ruling, that the time limitation does not apply to me.

Mr. MANSFIELD. That is correct.

Mr. SCOTT. That is right.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator wants the vote on the bill at 4 p.m. on Tuesday?

Mr. MANSFIELD. Yes; and the vote on the Cooper-Church amendment at 2 p.m. on Tuesday, and the waiver of rule XII.

The PRESIDING OFFICER. Is there objection to suspending rule XII?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. What is that?

The PRESIDING OFFICER. The provision for a quorum call.

Is there objection to the request of the Senator from Montana?

Without objection, it is so ordered.

Mr. MANSFIELD. Mr. Presient, will the Senator yield to me for 1 minute?

Mr. ALLOTT. Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I have forgotten to include in the unanimous consent request that the time, when it begins to run after the disposal of the speech and the amendment of the distinguished Senator from Colorado, be equally divided between the sponsor of the amendment and the majority leader, or whomever he may designate.

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

The unanimous consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote at 4 o'clock p.m. Tuesday, June 30, 1970 on the final passage of H.R. 15628, an act to amend the Foreign Military Sales Act.

Ordered further, That the Senate vote at 2 o'clock p.m. on the same day on the pending committee amendment, as amended.

Ordered further, That further debate on any amendment or amendment to an amendment (except the pending amendment by the Senator from Colorado, Mr. ALLOTT on which there is no limitation) be limited to 1 hour each, to be equally divided and controlled by the mover of the amendment and the Majority Leader or his designee.

EXTENSION OF THE EFFECTIVENESS OF THE DEFENSE PRODUCTION ACT TO JULY 30, 1970

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 1259.

The PESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 1259), to extend the effectiveness of the Defense Production Act of 1950 to July 30, 1970, which was read twice by its title.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (H.J. Res. 1259) was considered, ordered to a third reading, read the third time, and passed.

LEGISLATIVE PROGRAM

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may yield to the minority leader for the purpose of propounding a question to the majority leader, without my losing my right to the floor.

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

Mr. SCOTT. Mr. President, may I ask the distinguished majority leader what is the order of business in part 2 of the day's proceedings following the disposition of the education bill?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the second shift will return to the appropriation for the Office of Education. We hope that will be finished tonight.

That will be followed by Calendar No. 913, S. 3842, a bill to improve and modernize the postal service and to establish the U.S. Postal Service, which will be taken up tonight, if possible—which is doubtful—and tomorrow night certainly, and Saturday as well, if need be.

On tomorrow the Senate will convene at 9 o'clock in the morning, and after an agreement with the distinguished Senator from Delaware (Mr. WILLIAMS) and the distingiushed Senator from Nevada (Mr. CANNON), after the prayer we will take up the 17 conference reports on the stockpile bills.

Following the Postal Reform bill, we have the District of Columbia appropriation bill, then the independent offices appropriation bill, and then the Interior Department appropriation bill, which will be coming up; and if we can get all those out of the way by Thursday next, I think we will be following in the Pastore pattern. I refer to the Pastore pattern because it was his bright idea which brought about a culmination of this stretched-out proceeding.

Mr. SCOTT. There is another Pastore pattern which should be commended, and that is the suggestion that the time on all amendments be limited to 1 hour, and I want to congratulate another proposal by the Senator from Rhode Island.

Mr. MANSFIELD. Mr. President, before I yield the floor, may I say there will be at least 1 vote, perhaps more, early tomorrow morning, on the stockpile measures, so all Senators should be on notice.

Mr. COTTON. Mr. President, did the Senator mention the guarantee bill from the Committee on Commerce?

Mr. MANSFIELD. No, but that may be brought up later, for reasons which I will explain to the Senator shortly. But, to repeat, it is very, very likely that there will be a Saturday session.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, at the risk of being deemed "crude," or "cynical," or of having it inferred that I have

not been in the Senate long enough to know how matters are handled here, I would like to pose one simple question: Is this not the proper, sensible time to come to grips with the various measures designed to influence American policy in Vietnam? I think it is time, and that is why today I intend to propose an amendment which I hope and expect the Senate will reject, decisively and finally.

This is an amendment which would place severe and unprecedented restraints upon the Commander in Chief as he works to extricate this Nation from a war he inherited. Ideally, such restraints would never have been suggested. But they were suggested, and, as promised, will inevitably come before the Senate sooner or later. The sooner this legislation is disposed of, the better. Just by looming in the background it can have a bad effect. That is why I am anxious to dispose of it. That is why I shall offer the amendment, and hope it is defeated.

In my remarks today I want to emphasize two things. First, why I think this is the appropriate time to bring the matter to a vote. Second, why I think this amendment should be defeated. As I shall make clear, these two questions are quite closely linked. Hence, I think it is not just important that we defeat this amendment, but that we defeat it now, to rid ourselves of the vague uncertainties hanging over this Government.

Mr. President, I shall vote against this, my own amendment. There may be some who think it odd to propose an amendment and then to vote against it. But at a glance as Senate practice will tell them that this is hardly an unprecendented action. Consider the following examples.

Consider record vote number 565 in the second session of the 88th Congress. Senators may consult the CONGRESSIONAL RECORD, volume 110, part 17, page 21900. At that time the distinguished senior Senator from Vermont (Mr. AIKEN) moved to table H.R. 11380, an amendment to the Foreign Assistance Act of 1961. Senator AIKEN then voted against his own tabling motion.

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

Mr. ALLOTT. I yield.

Mr. AIKEN. Did that method work?

Mr. ALLOTT. I think so.

Mr. AIKEN. I assume the Senator has checked on that.

Mr. ALLOTT. I want to congratulate the Senator from Vermont, who is our patron saint on this side, because I have before me an analysis of that particular action. The motion to table was rejected, and the Senator was on the prevailing side, by a vote of 49 to 38. So he is to be congratulated.

Mr. AIKEN. And the Senator thinks that is an excellent precedent for his move?

Mr. ALLOTT. I do not know of anybody's action I would rather have as a precedent than the Senator from Vermont. I might say that on that occasion I had the pleasure of voting with him.

Consider record vote No. 93 in the first session of the 90th Congress. Senators may consult the CONGRESSIONAL RECORD, volume 113, part 8, page 10692. At that time the able majority leader, the distinguished senior Senator from Montana (Mr. MANSFIELD), moved to recommit H.R. 6950, a measure concerning restoration of investment tax credit. Senator MANSFIELD then voted against his own motion to recommit.

Consider record vote No. 46 in the second session of the 91st Congress. Senators may consult page 4141 in the CONGRESSIONAL RECORD for February 19, 1970. At that time—a short four and a half months ago—the able majority leader, Senator MANSFIELD, moved to table Senate Resolution 359, concerning a select committee on equal educational opportunity. Senator MANSFIELD then voted against his own motion to table.

Mr. President, these are but a few examples of the accepted and valid practice of opposing a measure one has proposed. It is perfectly consistent to feel that a measure should not be passed, but deserves prompt consideration. That is my reasoning today. I think it is my duty to expedite consideration of this measure which is so directly relevant to the current debate. Therefore, I favor bringing it to a vote. I think it is an unwise measure, and therefore I intend to vote against it.

This amendment, which I shall offer in my own behalf, has the same wording as the so-called amendment to end the war, heavily advertised as the McGovern-Hatfield amendment. It has been the announced intention of the sponsors of that amendment to attach this language to the military procurement authorization bill. I do not see why that particular form of attachment should be considered vital.

Indeed, I think it is most appropriate that we consider measures pertaining to the entire situation in Cambodia and the rest of Southeast Asia at the time of the most comprehensive debate in which we are engaged. Further, I am convinced that the American people want it this way. They are divided on the particular question of policy but they are anxious for the Senate to make some coherent statement, not just about Cambodia but about this entire foreign policy dilemma. The American people do not want policy statements to emerge from the Senate in drips and drops. They do not want the Senate to sacrifice an orderly consideration of all relevant matters just to observe some timetable that was set before the current comprehensive debate developed. The American people do not want the Senate to meander around this issue. They have a sense of germaneness and would like to have all the germane matters discussed and voted on at approximately the same time.

Mr. President, every Senator was exposed to the massive lobbying effort that immediately followed the President's decision to make a limited incursion into the Cambodia sanctuary area. Every Senator's office was visited by large numbers of persons interested in voicing their opinions on this issue.

Let me be very clear about my own experience, and my own reaction to that experience. For the most part the persons who visited my office were civil, informed, concerned and courteous. There were some exceptions, of course. But by and large, the intense lobbying effort during the first 2 weeks of May was an admirable example of good citizens exercising their constitutional right to voice their opinions and know they were heard.

Of course, not everyone who came to see me felt aggrieved by the President's policy. On the contrary, some of the most able and articulate visitors to my office came to assure me that the support for the President's policy was solid, and included—as it still includes—a large section of not only the entire population, but, more specifically, even the student population.

But be that as it may, the fact is that most of those citizens who journeyed to Washington were opposed to the President's policy with regard to the Cambodia sanctuaries, and were dissatisfied with the general contours of the President's policy in Vietnam. They were critical of the Vietnamization program and, by implication, of the entire Nixon doctrine.

Most of these persons oppose the President for honorable reasons. In most cases they fear an inevitable and inexorable American involvement in Asia. I disagree with the fears they have as a result of the President's program, but I recognize that these are matters about which honorable—and by no means "crude and cynical"—men can and do disagree.

What most struck me about these earnest lobbyists—young and adult alike—was their overriding interest in two things. One was an interest in the Cooper-Church amendment. The other was an interest in the McGovern-Hatfield amendment.

These people made three requests. First they urged me to consider these measures carefully. Second, they urged me to consider them together. Third, they urged me to support both. I think they were perfectly correct in urging and expecting all Senators to do the first two. We have done so. I cannot satisfy them on the third point. But that is an honorable difference of opinion about the best way to reach our common goal—peace.

Mr. President, I think the American people expect us to make a comprehensive review of all the relevant measures regarding Vietnam while we are in the midst of this current debate. I think the American people have a right to expect this. I think their expectation reflects a clear understanding of rational and orderly procedure.

The American people are ready to have us vote up or down on the relevant measures. Still, there are those who say that it is premature to vote on this matter.

It is especially odd to hear it said that it is premature to take up this matter because the supporters of the measure have not had time to muster their support. This is implausible.

Some of the supporters of this measure —and, of course, I do not include Senators in this description—have made a career of mustering support for this amendment and for the thousands upon thousands of petitions, marchers, sit-ins, teach-ins, fasts, picketing, riots, mail drives, and lobbying trips and other ac-

tivities which have all been supported by the very same people who are ready, on signal, to rally to the support of this measure.

With regard to the argument that supporters of this amendment are not "ready" to vote on it, let us consider the supporters in two different categories, some of those in the public at large and those in the Senate.

With regard to some of those supporters in the public at large, two observations are relevant. These supporters can be rallied at the drop of a picket sign. For some of these supporters, falling into line is a primary reflex.

Moreover, assuming (implausibly) it would take time to stimulate the reflexes of such people, it is still appropriate to ask this question: What is the purpose of rallying these supporters? Is it to give them time to book more planes and trains and buses to get to Washington to tell us what we already know—that they would rather like it if we supported the amendments they support? This is good for the transportation industry, but it has little practical effect at this late date. Or is it that the supporters of this measure need more time to get all those full page advertisements—complete with requests for funds—printed in the New York Times?

These advertisements may be good for the New York Times—and honorable men of good will can and do disagree as to whether that is in the national interest. And the moneys which the advertisements raise may be in the interests of the various "movements," and especially of the political candidates about whom some of these "movements" are enthusiastic. Again, honorable men of good will can and most certainly do disagree as to whether this is in the national interest.

But I must ask: What has all this to do with the question of when it would be best to bring up a particular piece of Senate business? It can hardly be expected that we here in the Senate can or should tailor our business to suit the convenience of the New York Times advertising department, or of the groups outside the Senate who will benefit from a favorable response to an advertising campaign. I cannot bring myself to believe that the Senate must be constrained by considerations such as these.

So much for the proposition that we should not take up this matter because some of the supporters of the measure, outside the Senate, are not "ready" for it to be taken up. Now, what is to be said about the notion that the supporters within the Senate are not "ready" to stand up and be counted on this measure?

Mr. President, let us all face some elementary facts. Every Senator is a responsible citizen. Every Senator is a responsible Member of the Senate. Every Senator has been pondering the difficult problems of American disengagement from Vietnam for years. I very much doubt that there are any Senators who are not clear in their own minds as to where they stand on the so-called amendment to end the war, the McGovern-Hatfield amendment.

Mr. President, it has also been rumored that it is premature to consider this measure now because the McGovern-Hatfield amendment, of which this is a true copy as to its contents, was due to be revised in some particular. I do not know whether the rumored revisions are more than rumors. I do know two things.

First, if some Senators want to introduce a revised version of the so-called amendment to end the war, then they may do so.

Second, I know that a lot of money has been raised from television shows and newspaper advertisements on behalf of the amendment on which my amendment is modeled. The money has come from people who sent money to support appeals for that amendment to end the war. These appeals have been going on for nearly 2 months. I think the people who expressed this support deserve to have a prompt vote on the amendment they sent money to support.

Now, I understand that the junior Senator from South Dakota would rather prefer—and he so expressed yesterday—to bring a matter exactly like this before the Senate a little later in the year. Of course, it is his privilege to do so. He can bring it up, with his name on it, whenever the spirit moves him. But I should have thought the spirit would move him rather more quickly than it now appears.

In fact, I am frank to admit that I am mystified by the fact—quite evident on the last 24 hours—that the junior Senator from South Dakota is so exercised about the fact that his amendment is coming to a vote.

The junior Senator from South Dakota has spoken with admirable energy and astonishing frequency on the subject of squarely confronting what he considers the vital issues of the day. He has not been reluctant to share with a wide public his opinion that it is time for the American people, and especially the Senate, to stand up and be counted on controversial matters.

Given the fact that the junior Senator from South Dakota thinks his amendment is vital to the future of the Republic; and given the fact that he is ardently in favor of hastening consideration of vital matters in the Senate; and given the fact that he is anxious to stand up and be counted on the question his amendment touches—given all this, then I should think I am doing the junior Senator from South Dakota a distinct favor by doing what I can to expedite a vote on his amendment.

In fact, there are some men in this body who have indicated that they think we have already been delayed for too long in the current debate.

I do not share this belief. In fact, I am most puzzled by the idea that 6 weeks is too long to spend debating the most expeditious way to disengage from a war that is nearly a decade old.

I am frankly very puzzled indeed as to how anyone can feel that a few weeks is too long to spend considering the policies of a President who has inherited a war which was, when he inherited it, the longest war in American history, and who in a few short months managed to reverse 8 years of escalation, and who has never wavered in his commitment to orderly deescalation.

Mr. President, in this regard I must emphasize one more point. I am more than puzzled—I am astonished and amazed and filled with wonder and awe—when I hear it said that we have spent too much time debating matters which have a direct constitutional importance.

Let me be very clear. I am convinced that the various measures designed to dictate disengagement policy to the President raise serious constitutional questions. In fact, I am convinced that they involve serious constitutional transgressions. They violate the spirit and the letter of the Constitution.

With regard to the spirit of the Constitution, one thing is very clear. Our Constitution is a product of the 18th century. According to some people, this makes the Constitution hopelessly out of date. I respectfully disagree. I say that our Constitution was a product of the richest period of political philosophizing the world has ever seen. I know that our Constitution was the product of the greatest single deliberative body in the history of human politics—the Constitutional Convention of 1789. I know that the very heart of the political philosophy embodied in the Constitution is the idea of the separation of powers. The towering figures who drafted our founding document understood the overriding necessity for a rational division of labor among political men and institutions. I respectfully suggest that the legislative amendments designed to circumscribe and fetter the President violate the spirit of this Constitution.

Mr. President, in addition, these amendments violate the letter of the Constitution. The Constitution stipulates, and nearly two centuries of precedent attests, that the President is the Commander in Chief and that once troops are committed to battle, the responsibility for their intelligent use falls on the President.

No Congress has failed to understand this, and I am confident that when, in a very short while, we put the pending amendment to a vote, this Senate will demonstrate that it understands the letter and the spirit of the Constitution. This Senate will demonstrate that it understands the facts of our relevant constitutional history. The Senate will demonstrate that it has no appetite for hasty and reckless tampering with our settled constitutional arrangements. The Senate will demonstrate that it has no desire to undertake an unprecedented usurpation of Presidential power at a moment when the President is engaged in the very delicate task of extracting this Nation from a war he inherited. The Senate will demonstrate its accord with the Nation's public opinion as measured by every poll—the opinion that the accepted role of the Commander in Chief should not be mutilated by the Senate. The Senate will demonstrate all these things by rejecting this amendment. Of course, anything can happen in these odd times.

If, as a result of some wholly unforeseen dereliction of judgment, this measure were to be adopted by the Senate, it would not be adopted by the House of Representatives, I am sure.

Furthermore, if, by some drastic suspension of the laws of nature and of na-

ture's God, this reckless measure did pass both the Senate and the House, the President would be bound by his constitutional oath and his good sense to veto it.

Mr. President, it is perfectly clear that this measure is not going to become a law—that is, it is perfectly clear to anyone with a clear comprehension of the realities of American life. The problem is that our enemy may not have such a clear comprehension of these realities. He may not understand that this measure has no future.

Let us just consider one likely effect of this misunderstanding on the part of the enemy. Consider the effect on the so-called Paris peace talks.

Obviously, there is little talk now, because the other side does not want peace on any terms other than its own. What we must ponder is the possibility that, were we in the enemy's position, we would behave in exactly the same way as long as the U.S. Senate had failed to act on a measure that would make it unnecessary for the enemy to negotiate.

Is it not clear that this would be one of the most noxious effects of adopting this measure? Is it not clear that this measure would make it unnecessary for the enemy to ever get serious about reaching a negotiated settlement of the war? Is it not clear that delaying final action on this amendment may only prolong the violence and killing in Asia?

Further, is it not clear that passage of this measure by the Senate will have somewhat the same terrible effect even if it is not passed by the House? Is it not clear that the enemy will take this as a sign that the American Government has no expectation that meaningful talks will ever take place, in Paris, or anywhere else? This is why I oppose this amendment on two grounds. First, it tampers with proven constitutional arrangements as regard the vital powers of the Commander in Chief. The second reason for opposing the amendment is that it would have a dangerous effect, should its provisions ever become law. These provisions cut the ground from under our judicious withdrawal policy, a policy that is designed to give Vietnamization a fighting chance to succeed.

The vital question here is what would a rash and inflexible withdrawal timetable do to the Vietnamization program which alone can guarantee that our many sacrifices have not been in vain?

In this regard, I would like to call attention to a report issued by the highly respected Citizens Committee for Peace With Freedom in Vietnam.

The citizens committee is a nonprofit, nonpartisan organization founded in October 1967, by private citizens, including President Harry S. Truman and President Dwight D. Eisenhower. The organizing chairman is a man universally respected in this Chamber, Senator Paul H. Douglas. The cochairmen are General of the Army Omar N. Bradley, Archbishop Robert E. Lucey, and George Meany. The vice chairman is Mrs. Oswald B. Lord, the director is Charles Tyroler II, the deputy director is Abbott Washburn, and the treasurer is Huntington Harris.

The citizens committee describes itself in this way, and, I think, Mr. President, it is wise to look at it from this viewpoint, especially when we consider the caliber of the committee.

Our committee is national and non-partisan.

We are incorporated as a non-profit organization. Membership is limited to those in private life. It is open to any private citizen but it is not our purpose to solicit a mass membership or to circulate petitions or to sponsor or participate in rallies or demonstrations.

The Committee has no organizational affiliates. All members serve in their individual capacities.

Our activities are wholly financed by voluntary contributions from concerned citizens. We hope that you will want to help to make our work effective.

The report I want to share with Senators is the report of the committee's second factfinding mission to Vietnam. This report was drafted, significantly, on April 19, before the first of the President's two April speeches of this year. The men who drafted it are all highly regarded men of moderation and proven judgment. They include these men:

Edmund A. Gullion, dean of the Fletcher School of Law and Diplomacy, Tufts University; former U.S. Ambassador to the Congo; former counselor of legation, Vietnam; founding member and director, Peace With Freedom Committee.

Charles Tyroler II, president, Quadri-Science, Inc., Washington, D.C.; former Director of Manpower Supply, Department of Defense; founding member and director, Peace With Freedom Committee.

Abbott Washburn, president, Washburn, Stringer Associates, Inc., consultants, Washington, D.C.; Chairman, U.S. Delegation, Intelsat Conference; former Deputy Director, U.S. Information Agency; founding member and director, Peace With Freedom Committee.

David E. Bradshaw, attorney-at-law, corporate director, and special assistant attorney general of Illinois.

Dr. Huntington Harris, business executive and educator; trustee, Syracuse University and Brookings Institution; chairman of the board, Asheville School; member of the Harris Trust, Chicago; founding member and director, Peace With Freedom Committee.

Dr. Donald E. Weatherbee, director of graduate studies and professor, department of international studies, University of South Carolina, Columbia, S.C.

Peter C. White, executive secretary, South Council on International and Public Affairs, Atlanta, Ga.

The introductory passages of the factfinding report make very interesting reading today. They are especially interesting in light of the fact that they were drafted before the President delivered either of his two April speeches on Cambodia. These are the introductory paragraphs:

On April 20, 1970, the seven Americans who make this report returned by way of Bangkok and Paris from a three-week factfinding mission in South Vietnam, Cambodia and Laos. For three of us it was the second such visit in seven months. Our two teams represent an aggregate of many years of experience in Vietnam and Southeast Asia.

We split up and ranged Indochina as widely as time and our own endurance allowed, from the Plain of Jars in Laos to the Plain of Reeds in Cochin China, from the valley of the Mekong at Vientiane to its banks at Phnom Penh; and from the "Street Without Joy" on the coast of Annam to the busy streets of Saigon. We visited scores of military outposts and nation-building projects. We talked to many hundreds of soldiers and civilians, American and Asian. And we tried our level best to subject official statistics and briefings to all the commonsense cross-checks and eyeball verification we could apply.

We came away with an increased sense of the excruciating difficulty of the problem and of the limits of insight which any truthful observer of Vietnam must profess.

But we came away convinced that:

Vietnamization is working in both its military and pacification aspects;

American disengagement is feasible provided the withdrawal of American forces is closely geared to demonstrated and continuing improvement in the capabilities of the South Vietnamese;

The greatest danger to Vietnam and to our own troops now comes from outside Vietnam through Cambodia and Laos; and

The decisive struggle for Vietnam is in none of these places but is taking place in the arena of American public opinion.

Mr. President, I want to call special attention to the last three paragraphs, all drafted prior to the tumult and shouting that followed President Nixon's April 30 speech.

First, the distinguished authors of the report are convinced that Vietnamization and orderly American withdrawal are not only compatible but mutually dependent. Yet they will succeed only if the President is left free to make careful and precise adjustments of American withdrawals.

In the final two paragraphs, the authors declared that the great danger in the war zone was in areas outside of but closer to South Vietnam—Cambodia, for example—and that the great danger to the entire American effort was a collapse of American resolve.

Since these wise words were written, the President has moved against the Cambodian danger to which the citizens committee pointed. And I am pleased to report that American public opinion has supported this move. Every poll taken since the invasion of the Cambodian sanctuaries confirms the fact that the American people support the President's decision to take all necessary steps to facilitate an honorable withdrawal from Vietnam, and to protect the safety of the American men remaining in Vietnam while the orderly disengagement continues.

Clearly, all of this can be jeopardized by a rash action by the Senate which tries to put the President in an unprecedented and unconstitutional straitjacket. This straitjacket is not desired by the American people or by the President. It should be discarded as a bad idea.

Another passage from the Citizens Committee report that deserves special consideration is this:

The Inscrutable West—With respect to United States troop withdrawals, our allies urged us to tell America to "act like the mysterious Occident." They fear the United States is getting itself locked into a fixed

pattern of pullouts which the enemy can anticipate and exploit. As withdrawals cut into muscle, our allies need assurances that Vietnamization is not merely a screen for abandonment. They do not want to be mystified but they do want the enemy to be. And they count upon a substantial American logistics force remaining in South Vietnam for some time to come, certainly as long as the North Vietnamese forces remain.

These wise words express well the tactical—as distinguished from constitutional—reasons why we should avoid inflexible public timetables with regard to our continuing disengagement from Vietnam.

Mr. President, the sober, worldly men who comprised the Citizens Committee's second factfinding mission are not the sort of men who will let their wishes control their thoughts. Their recommendations should be pondered by all those who are tempted to saddle the President with unprecedented restraints. They include the following:

We recommend:

(a) That the President of the United States take firm, immediate steps to secure the safety of American troops in Vietnam which, with mounting concern, we see as seriously imperiled by current developments in Cambodia;

(b) That the United States welcome initiatives by Asian states themselves to consult and to act on the new dimensions of the Indochina war created by the invasion of Cambodia and Laos by the regular troops of a foreign power;

(c) That the United States on its own initiative vigorously explore all opportunities for *bona fide* negotiations, whether *ad hoc* or through existing international bodies, in consultation with our Asian allies;

(d) That without prejudice to Asian initiative, the President of the United States dispatch a high-level official fact-finding mission to the capitals of selected Asian states;

(e) That, in any negotiations, proposals for the withdrawal of foreign troops apply to Cambodia and Laos as well as to South Vietnam;

(f) That the United States and the Republic of Vietnam continue to carry forward a program of civil and military Vietnamization, including a prudent, *flexible* program of U.S. troop withdrawals;

(g) That these withdrawals (always subject to the requirement that we protect our troops) be linked to President Nixon's three criteria:

(1) progress in negotiations at Paris (*or elsewhere*)

(2) improvement in Vietnamese capacities; and

(3) the level of enemy activity (*including its new dimensions in Cambodia and Laos*).

(h) That the United States remain committed to removal of its combat troops as soon as feasible under these criteria; but that the President of the United States keep our options open on the size, timing, composition and announcement of particular installments toward withdrawal.

I would call special attention to the emphasis on the imperative need for Presidential flexibility. The authors of the report were no doubt urging the President to remain flexible. They probably were not urging the Senate to allow the President to remain flexible. After all, unprecedented and unconstitutional restraints on the Commander in Chief's traditional flexibility were not in the news at that point.

Mr. President, I want to make one thing very clear. My opposition to the pending amendment—the amendment I intend to offer—and the Citizens Committee's opposition to inflexibility, are not related to any desire for a military victory. Rather, they are related to the problem of getting negotiations started. I would like to remind Senators of some remarks I made on May 7 concerning the problem of engaging our Communist enemy in negotiations. At that time I called attention to the fact that the United States has been very conciliatory, but that all our conciliation has failed to produce negotiations, or respect for any form of agreement.

We have agreed to 14 holiday ceasefires. Our enemy violated every one of these and even launched the infamous Tet offensive of 1968 during such a holiday cease-fire.

We worked for the neutralization of Laos. But the enemy kept 67,000 troops in that country.

For years we were told that meaningful negotiations would begin if only we would make some gesture of willingness to negotiate. We made numerous such gestures, in public and private, through regular and irregular channels, and the Communists still showed no inclination to enter into meaningful negotiations. In my memory, I recall President Johnson making many such suggestions for negotiations.

We were told that meaningful negotiations would begin if only we limited the bombing of North Vietnam. We did so, but the meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we stopped all bombing of the North. We did so, and still meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we could get the South Vietnamese to participate. We did get them to participate, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we would agree to the inclusion of representatives of the Vietcong in the negotiations, thereby tolerating the fiction that the Vietcong are truly independent of North Vietnam. We did agree to include the Vietcong in the negotiations, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we began to withdraw some troops from South Vietnam. We began withdrawing troops, and still no meaningful negotiations began.

Most recently—and most implausibly—we have been told that meaningful negotiations would begin if only we would send a top-level personage to head our negotiating team in Paris. Now, I reject the idea that Mr. Phillip Habib is not a top-level American official. But in any case, it is important to notice that we have had first Ambassador Averell Harriman and then Ambassador Henry Cabot Lodge at the head of our Paris delegation, and still there have been no meaningful negotiations.

Mr. President, the lesson is clear. America has been conciliatory time after time after time. We have gone beyond the call of duty—sometimes beyond the bounds of prudence—to encourage the enemy to begin meaningful negotiations. I hope we shall continue to make every effort to get the negotiations off dead center. But all of us who hope for some peaceful resolution of the current conflict should note three things.

First, the many American concessions so far have been taken at the initiative of American Presidents. They have been exercises of the Commander in Chief's traditional latitude.

Second, if meaningful negotiations are ever going to come about, it is not unlikely that they might come about as a result of other Presidential initiatives regarding the use of American Forces.

Third, if meaningful negotiations do not come about, it will be all the more crucial to preserve the Commander in Chief's flexibility and maneuverability as he works to achieve a safe and honorable nonnegotiated American disengagement in that area.

Mr. President, as I have mentioned, the amendment of which my amendment is a duplicate, the so-called Amendment To End the War, the McGovern-Hatfield amendment, is now on the table. This label is touching and even poignant. It makes one think, "if only the world were that way." But what a sad innocence that label also connotes. Behind the very name of the amendment—"The Amendment to End the War"—lies a planted assumption. It is an assumption of almost crystalline innocence. It is the assumption that one ends wars by voting amendments.

As my distinguished colleague, Senator BYRD of West Virginia, argued forcefully in a television discussion last weekend, this is not the sort of war one ends by passing an amendment.

Indeed, the belief in the efficacy of such a measure evinces a belief in the miraculous powers of Senate votes.

In this regard I am reminded of the story—I almost hope it is not apocryphal—of the State legislature in one of our great States, a legislature with uncommon faith in the power of votes in assemblies. It seems this legislature voted to make (π) equal to the number 3 even, so as to make arithmetic homework easier for the schoolchildren of the State. Unfortunately, of course, this measure, which was motivated by such a kindly spirit, made it uncommonly hard to compute the circumference of a circle.

There is a direct parallel here. The motivation behind the McGovern-Hatfield amendment is kindly. It involves an earnest desire for a stable and lasting peace. I do not question their motivation. I make that clear. The trouble is that the passage of the amendment would make it very difficult indeed to achieve a peace of any sort, or even an orderly disengagement from the war region. I am also reminded of a statement made once by Mr. Dooley, the splendid fictional philosopher invented by Peter Finley Dunne around the turn of the century. Mr. Dooley said this:

A man that'd expict to thrain lobsters to fly in a year is called a loonytic; but a man that thinks men can be tu-rrned into angels by an iliction is called a rayformer an' remains at large.

I am afraid that those who think you can end a war with an amendment might be the modern-day equivalent of those who think you can teach a lobster to fly in a year.

Mr. President, it gives me no pleasure to point this out. I know that if, in the best of all possible worlds, there should be a war, it would be the sort of war one could end by passing amendments in the Senate. But this is not the best of all possible worlds. It is a dangerous world made all the more dangerous by the fact that some persons cannot bring themselves to face the facts about how dangerous the world really is. Let us face one hard, nasty fact. Measures such as the one proposed can only make the world more dangerous. It makes the world more dangerous by encouraging our enemies to avoid negotiations. And in this world an enemy that will not negotiate is the worst sort of enemy.

Mr. President, it is with joy and some surprise that I find that I am in accord with the Washington Post on the subject of the McGovern-Hatfield amendment. In its editorial of May 5, the Post unequivocally declared that:

> The course advocated by Senators McGovern, Hatfield, Goodell, and Hughes is too reckless for serious consideration.

I repeat the wise words from the Washington Post:

> The McGovern-Hatfield amendment is too reckless for serious consideration.

In a letter responding to the Post's stern editorial, Senators McGOVERN, GOODELL, HATFIELD, and HUGHES said they were not swayed by the Post's argument. In fact, they declared that:

> We regard the forthcoming roll call on our amendment to end the war in Southeast Asia as the most important vote we have cast in the Senate.

Mr. President, I should think the Senators would welcome any move that expedites the arrival of a vote they consider so important.

If getting the Senate to stand up and be counted on this matter is so important, we should not waste time in getting to it. Those Senators who think that it will save lives should not be deterred from getting at it by mere procedural considerations. And those Senators who, like myself, feel that lives may be lost because the enemy hopes the amendment will save them from meaningful negotiations should rejoice at the opportunity to get this amendment defeated so that the enemy will come to its senses. I oppose the Hatfield-McGovern amendment, which is the same as the amendment I have offered. And I will vote against it. I hope that it will be soundly defeated.

Mr. President, I send to the desk an amendment and ask that it be made the pending business and ask unanimous consent that reading of the amendment in full be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

AMENDMENT NO. 741

At the end of the committee amendment insert the following new section:

"SEC. 15. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict; provided that, funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces, and Further Provided, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

"(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisors, or to support military operations by the forces of the United States or any other country in or over Laos.

"(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after 30 days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisors, or to support military operations by the forces of the United States or any other country in or over Cambodia.

"(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

(The following proceedings, consisting of tributes to the majority leader, occurred during the delivery of the address by Senator ALLOTT and are printed at this point in the RECORD by unanimous consent.)

TRIBUTES TO SENATOR MIKE MANSFIELD, MAJORITY LEADER

Mr. SCOTT. Mr. President, I offer a resolution on behalf of myself, the distinguished assistant majority leader (Mr. KENNEDY), the distinguished assistant minority leader (Mr. GRIFFIN), the secretary of the conference of the majority, and the Senator from West Virginia (Mr. BYRD), and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BELLMON). The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 423

Whereas, on June 19, 1970, Senator Mike Mansfield completed 9 years and 167 days of service as Majority Leader of the United States Senate, and;

Whereas, said period of service exceeds in length that of any previous Majority Leader in the history of the United States, and;

Whereas, the Senate recognizes that Mike Mansfield has fulfilled this service to his country and to his State with consummate parliamentary skill, and unfailing courtesy and consideration for his colleagues during a most crucial period in the Nation's history, and;

Whereas, such service has been of exemplary example to his Nation and to the Senate; now

Therefore, be it resolved, that the Senate extend to Mike Mansfield its deep gratitude and admiration for his outstanding performance as a Senator and as Majority Leader.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, for the first time in the year and a half of my service as assistant majority leader, I have schemed behind the leader's back to touch his power. It was not easy, Mr. President, to outmaneuver the majority leader. I can say to the Senate, whose Members know it is not possible to outsmart him, that it is equally difficult to outflank him. Because of the problem posed by the necessity of obtaining unanimous consent to set pending legislation aside, it required two quorum calls, a diversionary route through the Republican cloakroom, and a pretended scrutiny of the tickertapes to clear the way for me to announce this colloquy.

Probably there have been few times in the history of the Senate when this body has been engrossed in deliberations more crucial to our future or more far-reaching in effect, than we are at this moment, as we debate the question of war and peace. But there are times when, in moments of stress, it is well to pause and reflect upon our sources of strength. And so it struck me as most appropriate on this occasion that we take time from the Senate's busy night and day schedule, to deliberate briefly upon the subjects of distinguished public service, of dedication to country, of decency, integrity and ability as they are personified by the distinguished majority leader.

May I say to the Members of the Senate that I spoke with the able Republican leader, Mr. SCOTT, in this regard, and he agreed wholeheartedly with the proposal, as did the managers of the pending legislation.

Longer than any other man in this Nation's proud history, MIKE MANSFIELD has served as the leader of the Senate majority. Last week, on June 19, the Senator from Montana had served his colleagues 9 years and 167 days in that high office. Until 6 days ago, this record was held by Alben W. Barkley, of Kentucky, who subsequently became, as all Senators know, Vice President of the United States. Former Senator Joseph T. Robinson, of Arkansas, holds the all-time record as Democratic leader, in which capacity he served for 13 years, 224 days. Four years, 59 days of that time, however, were served as minority leader. By my calculations, the Senator from Montana will break this record of service as Democratic leader, hopefully, from the viewpoint on our side of the aisle, without every having to serve as minority leader, on August 14, 1974. I serve notice on the Senate that, at that time, it will again be appropriate to pay tribute to Senator MANSFIELD.

As a legislative leader, Senator MANSFIELD is unique. In a body of men of ambition and aspiration, he is calm and deliberate and without pretension. In him is exemplified the noblest tradition of high public service. He is honest—intellectually, professionally, and personally. Because of his complete integrity and sense of fairness, trust flows to him.

His power and influence in this body far exceed those vested in him by his party caucus at the beginning of each Congress. No Senator has ever claimed that MIKE MANSFIELD abused his confidence.

He is a man spare with words. He is a delight to watch on a television program, or to stand next to, as I do just prior to the opening of each day's session, when the reporters come onto the floor and "have at" the leadership. Most politicians, when they are asked a question, will say, "Now I want to make one thing perfectly clear". Others will say: "Now, I am glad you asked that question." and some will say: "Now, let me say this about that." But Senator MANSFIELD'S answers are economical and always the best. His five best are:

"Yep."
"Nope."
"Maybe."
"Could be."
"Do not know."

One of the most personally rewarding honors which I have received was when, this spring, I was invited to deliver the Mansfield lecture at the University of Montana. In spending 2 days on that campus and in the city of Missoula, I found that Senator MANSFIELD'S constituents feel about him the way every Senator wishes his own constituents felt. They have full and unreserved faith in their Senator. The trust they put in him is not, of course, only well-placed, but is the kind of trust that is becoming more and more unusual in American political life today. If MIKE says it, it is right. For they and he are one—one in their sense of morality, one in their understanding of America, one in their dreams and hopes for the future. And that is a relationship and a bond that cannot be developed by any use of political rhetoric, by any subtle device of publicity—it is a bond that is developed over time and will remain for all the years in which he serves them.

Mr. President, because many Senators wish to participate during this brief period, and so that I might not take more than my share of the time, I ask unanimous consent that I may insert into the RECORD at this point remarks I made in introducing the leader 1 year ago tomorrow, at a dinner here in Washington.

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

REMARKS OF SEN. EDWARD KENNEDY AT DEMOCRATIC CONGRESSIONAL DINNER

Tonight I have the honor to introduce a man of greatness. Spare and lean, a man of the west, with all of the strength and conviction that comes from the tall timber and open space.

To you and me, he is the majority leader of the United States. To foreign powers, he is a voice to listen to, to Presidents he is a wise counselor, to members of the Senate he is the boss.

But back in Montana, in Butte, in Missoula, in Euroka and Sydney, he is Mike.

There have been others from the west who came east to lead us. With the firmness of William Borah, the integrity of George Norris, the skills of Carl Hayden—these are the talents that built a nation. But among all the west has produced, no man is more honored or respected or loved than Mike Mansfield.

He has been a member of every branch of the military service. He has been a mucker in the coppermines of Montana. As a lad, he was a roustabout—but made up for it by receiving a high school diploma and a college degree in the same year. He went on to become a noted professor.

And, in 1943, with his wife, Maureen, and young daughter Ann, he drove from Montana to Washington as a man newly elected to Congress; arriving in an old campaign car still wearing his Marine boots.

He has never left us since. But he has never left Montana either.

In September of 1963, President Kennedy made his last visit to Montana. He stopped in Great Falls to pay his respects to the late Patrick Mansfield, the father of the majority leader. And when the president came back, he told me of the thousands of people who crowded the roads from the airport to town and the thousands more in the Mansfield family neighborhood. And the amazing thing was that Mike Mansfield could greet each and every one of them by their first names. "That" President Kennedy said, "is the mark of a leader."

If the Greeks gave us the vision of the good life, and if the Romans gave us the majesty of the law, I like to believe that it is the Irish who had the boldness and the compassion to join the two together in the political leadership of America.

And the best of all that is embodied in our majority leader.

Senator Mansfield is the height of integrity. He is a man strong and true in his faith. This is a man whose word and fairness is unquestioned in the Congress of the United States.

As a soldier, he learned devotion. As a teacher, he gained the gifts of calm and patient leadership. And as a laborer in the pits, he developed his sensitivity for the weak, the innocent and those who toil with their hands.

There is a phrase that only those who have been in the mines of Montana know. They use it when the sticks of dynamite have been put in place, in the drift, and the time has come to cap them for the explosion.

Whenever Mike Mansfield bids farewell to a Montana friend, he uses the phrase, and says "tap'er light."

This is Mike Mansfield's style. This has been the tone he has brought to the United States Senate. Others may speak more loudly, and others may speak in greater length, but when the leader stands in the well of the Senate, other voices fade before the authority of his presence.

In his own quiet way, he has moved this country toward what it should be—toward the American dream. In his own quiet way, he has made each of us proud to be Democrats in the United States Senate.

And I am proud to stand here tonight before friends of a great party and give to you the majority leader of the United States Senate—my leader—Mike Mansfield of Montana.

Mr. KENNEDY. Mr. President, Andrew Jackson once said: "One man with courage makes a majority". This characterization has a special significance when applied to MIKE MANSFIELD, whose courage of conviction, intellectual strength and sense of integrity have made of him, in my opinion, the greatest living legislator in this country. My association with him as a Senator and as his deputy, is a source of great personal pride, but even more importantly, is a constant challenge.

The leader likes to tell the story of Powder River, Montana, which he says fondly, is "a mile wide and an inch deep". The affection and esteem MIKE MANSFIELD'S colleagues hold for him is, like the Powder River—a mile wide, but unlike that legendary stream, very deep indeed.

Mr. SCOTT. Mr. President, I yield to the dean of the minority, the distinguished Senator from Vermont (Mr. Aiken).

Mr. AIKEN. Mr. President—

There was a time 10 years ago
If Republican Senators wanted a show,
They would toss a needle across the aisle
And then they'd all sit back and smile.

The Democrat's leader was Lyndon then
Who was mighty with sword, and sometimes pen.

He was quick to respond to the needle's touch
And never refused a challenge as such.
The show would go on—the air get torrid,
Though Lyndon never said anything horrid.

But Barnum and Bailey could take a rest
When Lyndon was functioning at his best.

And when'ere we'd tense up with talk of taxation,
We could look to Lyndon for relaxation.

Then disaster struck us and Lyndon went on.
And with his departure went most of our fun
For the Democrats made a new appointment
Which for Republicans spelled disappointment.

They had chosen a man from the Golden West,
Where every kid knows his country is best.
Where they shoot from the hip—whether right or wrong,
And ride off from their victims singing a song.

Of course MIKE MANSFIELD would be such a leader,
Eating needles and darts like steers at a feeder.
He would give us the uplift Republicans need
And meet every challenge by word and by deed.

Did I say disaster struck us this time—
Just another understatement of mine.
For MIKE had been leader only a week
When JOHN J. WILLIAMS got up to speak.

For JOHN who was feeling in real good fettle
Addressed the new leader somewhat like a nettle
And every Republican, one by one,
Sat back in his seat to enjoy the fun.
And oh the agony of what followed.
We might as well have arsenic swallowed.
For MIKE got up to give JOHN his reply
With such a reproachful look in his eye,
That I thought JOHN WILLIAMS would like to die.

And never since then do Republicans smile
When a needle is tossed across the aisle,
For we found that MIKE is as square as a die
With a mind as broad as Montana's sky.

It's now 10 years that we've worked with MIKE.
And during that time we have learned to like
The fairness and candor with which he acts,
And the way when in speaking he deals with facts.

So let us be thankful that we serve with one,
Whose honor and fairness is second to none.

And since we would miss him on this Senate floor,
I earnestly wish for him 6 years more—

As minority leader of course.
[Laughter.]

Mr. SCOTT. Mr. President, may I be recognized very briefly?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I think I could add a stanza about the distinguished Senator from Montana:

Of all of our solons, whom do we we like?
We quickly answer: Obviously MIKE!

The qualities which we admire in him, I think, center in the one word, "character," and within that framework of character we find that we need so much for the amiable disposition of the traumatic seria which sometimes afflict the Senate, because within that great vise of character are gripped the qualities of fair-mindedness and of integrity and of amiability and of economy of language.

Some may be proud of their articulateness, and others of their oratory, and some others of plain long-windedness—heaven forbid—but MIKE MANSFIELD'S answers are straight, true, direct to the point, and you know where you stand with him at all times. I have seen reliance on phraseology of the old Roman rulers, "ad captandum vulgus," simply to capture the crowd, rather than to capture, to use the French phrase, le juste milieu, the golden mean, and within that latter he finds the ability to accommodate the multifarious demands on him within the Senate.

I know that the members of the press are hard put when he appears on the Sunday programs, because, with most of us, they have prepared six or eight usually obnoxious questions, and they sit back to wait for the hapless Casper to wander through his own verbiage and rhetoric down various Indian trails toward some possible obscure termination. But with MIKE, when he appears on the Sunday morning program, you get brief replies such as the Senator from Massachusetts referred to—"Yep" and "Nope."

So, instead of relying on six or eight questions, the members of the press find they have to play 20 questions or more and learn that they are exposed to their own unpreparedness for the genius and entirely lovable majority leader.

So, Mr. President, it is an enormous pleasure to be a party to this resolution, and to say these few words, every one of which, however, seem somehow to have been longer than MIKE MANSFIELD would have used in reference to similar situations. I hope that he is around. We have been trying to lure him into the Chamber; but when he learned that his own name was going to be taken—and not in vain—I am afraid he has again absented himself.

At this point, I am happy to yield to the Senator from Alabama (Mr. SPARKMAN), and then I have promised to yield to the Senator from Vermont.

Mr. SPARKMAN. Mr. President, I shall be very brief, but I do wish to join my friends in paying tribute to MIKE MANSFIELD.

I had the pleasure of serving with MIKE MANSFIELD in the House of Representatives. I knew him quite well when he first came to the House. I knew something of his good qualities there. I came to the Senate in November of 1946, and MIKE came in November of 1952.

One thing I recall about him that I often think of as a mark of the recognition of his fine talent and fine work is the fact that he was assigned to the Foreign Relations Committee as a brand-new Member; and that is something that is rather unusual, certainly at least so far as this side is concerned, because there are numerous applications every time that a vacancy occurs.

For the last few years, it has been my privilege to sit next to MIKE MANSFIELD in the Foreign Relations Committee, and I have observed his work there. I have had the privilege of serving under him here as our majority leader, and I certainly join in everything that has been said about the very fine characteristics that mark him as an outstanding leader.

I have known quite a number of leaders here in the Senate. Some of them may have been more voluble than he. In fact, I think one of his remarkable talents is that which has been referred to already as his brevity in dealing with almost any matter. He can pack more into a few words, I believe, than anyone else on the floor of the Senate. Some of the leaders may have been more flamboyant, but none has been of greater ability, greater character, greater integrity, or greater success in getting things done than MIKE MANSFIELD. I am glad that I have had the privilege of serving with him, and I am glad to pay tribute to him as a great leader.

I thank the Senator from Pennsylvania.

Mr. SCOTT. I now yield to the Senator from Vermont (Mr. PROUTY).

Mr. PROUTY. Mr. President, I am happy indeed to join both my colleagues in saluting the distinguished senior Senator from Montana (Mr. MANSFIELD), whose length of service as majority leader now exceeds that of all his predecessors in that exalted office.

No one in this body commands or deserves greater respect than MIKE MANSFIELD. Gentle, courteous, and always considerate of the problems of others, he is perhaps the antithesis of the typical majority leader. And yet, it is these qualities which have enabled him to become an effective and strong leader, because they have gained for him the confidence and cooperation of all Members of the Senate.

I am proud indeed to claim him as a friend and to serve under his inspired and compassionate leadership.

Mr. SCOTT. Mr. President, I now yield to the Senator from West Virginia (Mr. RANDOLPH).

MIKE MANSFIELD, THE SCHOLAR, THE STATESMAN, THE GENTLEMAN, HOLDS UNIQUE RECORD IN SENATE

Mr. RANDOLPH. Mr. President, as a Member who has had the privilege of serving with MICHAEL J. MANSFIELD, of Montana, in both bodies of the Congress—as far back as January 1943 in the House and since November 1958—in the Senate—I say that no man has deserved to hold the championship for continuous longevity in the office of Senate majority leader than has our esteemed colleague, MIKE.

I commend my colleague from West Virginia (Mr. BYRD), who, on the day before yesterday, told us in factual and eloquent tribute of the unique record of our leader.

It is not platitudinous, nor is it indulgence in pleasantry, when I state on this occasion that I place MIKE MANSFIELD in the upper bracket as I speak of the true gentlemen, the scholars, the able statesmen, and the really capable leaders with whom I have served in the numerous Congresses of the United States since my first term began in March 1933.

In bracketing the gentlemen with whom I have labored, I place none higher than MIKE MANSFIELD.

Perhaps he has had a peer now and then among the scholars, the statesmen, or the leaders—but I would be hard pressed to grade anyone in the Congresses with whom I have served higher rating on the overall performance in the triple category, scholar-statesman-leader, than that I feel MIKE MANSFIELD has earned.

Our quiet, earnest, nonflamboyant, majority leader has been as consistently fair, as constantly patient, as congenially friendly, as carefully considerate, and as scrupulously honest as any man with whom I have had experience in the Congresses in which we have worked together.

What more can I say about MIKE MANSFIELD than, Mr. President, to state emphatically: It has been much more than a privilege—indeed, it has been a real joy to have served with MIKE MANSFIELD and to have experienced the fair but forthright, prudent but progressive, and convivial but impartial leadership he has provided for those of us who have been his colleagues during his brilliant and benevolent tenure as majority leader—and for the years before that when he served as the assistant majority leader in this body.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. Mr. President, like all of my colleagues, I have many enduring memories of events which have taken place on the floor of the Senate. There have been some great moments here—moments so absorbing that we can recall them, to the finest detail, many years later. I think this is one of those moments.

Any tribute to the distinguished Senator who serves as ably as the majority leader must necessarily be phrased in

superlatives. Indeed, it is difficult to find words which do justice to the remarkable achievements of Senator MANSFIELD as a lawmaker and as a leader.

We are indebted to the Senator from West Virginia (Mr. BYRD) for his diligent research and scholarship on the history of Senate leadership. Because of his efforts, we now have statistical proof that Senator MANSFIELD has occupied the position of Senate majority leader longer than any predecessor in either party. He has, as of today, served 9 years and 173 days, surpassing the previous record of 9 years, 165 days established by the late Senator from Kentucky, Mr. Alben Barkley.

As Mr. BYRD observed, it is probable Senator MANSFIELD will extend his tenure by a period of several years and will leave a record destined to stand for many decades. Perhaps at some distant date in the future that record will be broken. But there is another, more important record that cannot and will not be broken and that is Senator MANSFIELD's splendid record of leadership.

By any objective yardstick, the 1960's were one of the most challenging periods in our Nation's history, if not the most challenging of all. Someone has observed that more major laws shaping the destiny of human events were enacted during the 1960's than in the entire previous history of the American legislative process. Few would quarrel with that observation because, in fact, the volume and the impact of legislation written during the last decade was enormous. Congress engaged and acted upon a wide spectrum of problems ranging from social injustice to preservation of the environment. It wrote and rewrote hundreds of laws to improve education, housing, medical care, transportation, law enforcement, recreation and a hundred other areas of vital concern to every American citizen.

The contribution of Senator MANSFIELD to this unprecedented record of legislative achievement was inestimable. Perhaps it is enough to observe that without his personal qualities of tact and diplomacy, without his wise counsel and unfailing good judgment, without the inspiration of his positive leadership, it is doubtful the Congress could have approached this standard of achievement. Thus, if one man must be chosen as a symbol of the vision and progress of Congress in the 1960's, Senator MANSFIELD is that man.

An insight into the character of the distinguished majority leader may be gained from a statement he made last year during an interview with a Christian Science Monitor staff writer. After citing a number of major congressional achievements, he examined the problems of the present in these words:

> Still facing us at home will be the gaps—the ubiquitous and divisive gaps—between the races, between the generations, between urb and suburb, between wealth and poverty, between the deterioration in the nation's physical environment and the neglect of its human resources and the magnificent technical achievements and pyrotechnics of the advance into space.

I submit that those are the words of a statesman, a man of imagination, a man of unlimited vision. For here we have a lawmaker who has served as a principal architect of the most productive record of legislative achievement in our Nation's history—and he is thinking only of the future. I can think of no greater tribute to his stature as a giant of the Senate.

Mr. President, former President Harry Truman once described the value of leadership as follows:

> Men make history and not the other way around. In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better.

He might have been speaking of our distinguished colleague, Senator MANSFIELD. The majority leader is a man who has made history and who has changed things for the better. And that is as much as any man has ever hoped for, ever sought, ever achieved.

Mr. SCOTT. Mr. President, I yield now to the distinguished senior Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, others have spoken of MIKE MANSFIELD the majority leader, the statesman. I want to say just a few brief sentences about MIKE MANSFIELD the man.

It was my privilege to serve for 8 years with him in the House of Representatives and then, when I came to this body 16 years ago, to serve with him throughout all that time—a total of 24 years.

Whenever I think of MIKE MANSFIELD, I think of him on the first occasion that he impressed himself upon me. It was—and I suppose is—the custom in the other body each year to hold a memorial service for the Members who had passed on during the preceding year; and a Member is selected each year, alternating between the sides of the aisle, to deliver the memorial remarks. I always think of the first time I really came to get a vision of what MIKE MANSFIELD is like, which was when he was selected and when he mounted the rostrum and gave one of the most simple, direct, but most spiritual utterances I have ever been privileged to hear either in public bodies or in church. It was simple because he is not a man to wear his emotions or his spirituality on his sleeve. But on that day, because of the occasion, he opened up, and I caught a glimpse of the real spirit of MIKE MANSFIELD.

During all the years since, when I have had the privilege of serving with him and under his leadership, that analysis has never changed. His kindliness, his courtesy, his sincerity, his integrity, his warmth, and his sympathetic understanding are known to every Member of this body and the other body who has served with him.

So, Mr. President, I shall content myself by saying that the rewards of service in Congress are not as great as the world seems to think. The gratification of being a Senator wears away after the first few years, and we realize that instead of gold there is some tinsel there; and as we grow older in the service and reach our later years, we sometimes wonder what, if anything, we have accomplished and what we have derived from service in this body. I think that most of us who have served here a long time and realize that we are of necessity in the twilight of our service, are likely to agree that the greatest rewards of service here are the contacts and the friendships we have made with some of the finest men and women from every section of this country and from every field of thought and philosophy—but all of them great Americans.

So I would simply close with this statement, and I think it is the highest tribute that can be paid to MIKE MANSFIELD: I am positive that there is not one Member of this body or one person who has served with him in the past in this body or the other who does not feel that his life is richer and that his devotion to his country is greater because of having known MIKE MANSFIELD.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, Senator MANSFIELD became majority leader of the Senate on January 3, 1961, the same day that I first took my oath of office as U.S. Senator.

I shall always remember the courtesy, consideration, and friendship which the majority leader extended to me as a brand new Member of this body. And each year that I have served in the Senate has deepened my respect and affection for MIKE MANSFIELD. He is honest—with himself as well as others; he is fair and even-handed, and, perhaps most important to the work of the Senate, he has an unfailing ability to find a way for the Senate to work its will on even the most controversial of issues.

In serving the Senate so well, Senator MANSFIELD serves also our entire Nation. His is a voice of reason that is heard and heeded not only in the Senate but also throughout our country. He is sparse, too, in the use of his voice. In fact, he is one of the few of us who never lapses into loquaciousness.

To change ideas into events and to help people is the proper pursuit of all of us in politics. But in achieving these ends, Senator MANSFIELD excels.

Finally, it is as a man, as a gentleman, that I have come most to respect our majority leader. His word is his bond. His honor is irreproachable. His faith and trust in the Senate are complete—and are fairly returned by our trust and faith in him.

There is no man in our Nation, much less in this Chamber, whom I would rather see as majority leader than MIKE MANSFIELD, and I pray that he may long continue to occupy this position.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Mississippi (Mr. EASTLAND).

Mr. EASTLAND. Mr. President, while I rise to address the Chair, the feelings of my heart flow toward the occupant of the first seat on the right of the center aisle.

This extraordinary man took his first oath of office in the Senate on January 3, 1953; he was reelected in 1958 and 1964; he became the majority whip in 1957 and the majority leader in 1961, serving in that capacity to date. During this unusual tenure, I have been privileged to be a Member of this body; I have known

our occupant well; I am a humbler and better man through this association.

He is a gentle man as well as a gentleman. He is fairminded. Without diluting the tenets of his own beliefs, he is fair to his adversaries as well as his friends. With this man one may disagree violently, but one never feels anger or resultant rancor.

I well remember his remark, when he took over the leadership, that though he may be the leader, he was only one of 96 Senators. His humility enshrouds those around him, quieting, soothing, and gentling raw nerves. With compassion he consoles friend and foe alike. He is a builder of men and ideals. He is in fact a Senator's Senator.

His brand is on this Chamber and on his colleagues. The diverse beliefs of the 99 other legislators who make up this body cause us to support different causes and to follow various banners. I am certain, however, that every man here would be proud to wear an "I Like Mike," button every day.

As a committee chairman, I am well aware of the sensitivity with which this man handles the legislative reins of the Senate. We have had many differences throughout the years, and I can tell this Chamber that he catches more Judiciary flies with his honey than other leaders have with their vinegar—often to my chagrin. Veritably, this is a man to go to the well with.

He cherishes our Senate traditions: though in a position of power, he treats power gingerly; he reveres the institutions of the other branches of our Government; he is awed and abashed at the burdens of the White House; he knows not charisma but charisma must certainly know him.

I wish this man well and Godspeed; I am honored to have known him, for he possesses the milk of human kindness. I praise his longivity record and I salute my leader—MICHAEL J. MANSFIELD of Montana.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Idaho (Mr. CHURCH).

A MAN ADMIRED

Mr. CHURCH. Mr. President, compliments may be brief. Mine shall be—in keeping with the sparse, succinct, well-knit speaking style of MIKE MANSFIELD, whom we honor today. I do hope, however, that my words will convey to our "Iron MIKE" the deep respect in which I hold him, both as a leader and as a person.

All Senators on both sides of the aisle would agree, I am sure, that MIKE MANSFIELD has the patience of Job, the persistence of Hercules, and the strength of Atlas. His sincerity of purpose and his steadfastness under pressure are two conspicuous traits that impressed me when I entered the Senate 14 years ago. His kindness to newcomers is one that Senators will always treasure.

He has served, I am told, as majority leader for 9 years and 165 days. By my calculations that totals more than 3,450 days during which he has borne the burden of leadership. His legislative days are kaleidoscopic ones, consisting of thousands of assigned chores, dictated messages, knowledge applied, legislative battles orchestrated, directions given and, despite the bruising political struggle, objectives sought and attained.

Of course, I do not know whether we 99 Senators—persons of assertive views and not without idiosyncrasies—have disappointed MIKE MANSFIELD. I think we may have on occasion. Nevertheless, on this day we can perhaps help make his difficult task a bit lighter by pausing from our legislative work long enough to say "thank you."

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Ohio (Mr. YOUNG).

Mr. YOUNG of Ohio. Mr. President, I thank my friend the distinguished minority leader, Senator HUGH SCOTT, for yielding to me. It is with pleasure I join my colleagues in expressing my deference and devotion to the distinguished majority leader, Senator MIKE MANSFIELD of Montana, a great American, a great leader, and perhaps most important, a marvelous human being. His qualities of leadership have been well and amply expressed by Senators who have preceded me today. There is little that I can add to their praise.

However, I recall a speech MIKE MANSFIELD made a few years ago in which he recalled the years when as a young man he labored in the mines of Montana. He spoke of how before dynamite was exploded to disgorge the copper, the miners yelled, "Tap 'er light." He related how this phrase, meaning "Take it easy" or "Play it soft," has become a part of the folklore and language of his State. Perhaps that expression "Tap 'er light" most succinctly characterizes this great leader from the West. A man of great force, energy, ability, and intelligence, he has always "tapped 'er light" in applying those qualities to problems confronting himself and the Nation.

As those with whom he has engaged in legislative combat well know, beneath his calmness, his gentleness, and his patience, there is a quality of great personal and moral courage. At 14 years of age he enlisted in the U.S. Navy in World War I, and subsequently enlisted in the U.S. Army and U.S. Marine Corps. He further forged his qualities of leadership when in his youth he worked in the mines, and by pulling himself up by his own bootstraps later achieved university bachelor of arts and master of arts degrees. He went on to become a professor at Montana State University, a Member of the House of Representatives for 10 years, a Member of the U.S. Senate for more than 18 years, during which time he was assistant majority leader for 4 years.

Years ago, I served in the House of Representatives with him and came to admire him then. And I have had the honor to serve with him in the Senate for nearly 12 years. He has been majority leader in the Senate since January 1961. He is truly a self-made man.

Few people are born leaders. Leadership is achieved by ability and by a willingness to accept responsibility; by getting along with people; by an open mind, and a clear head in times of stress. The greatest asset in leadership is courage. Cowards never lead. Leadership requires tact, fairness, and confidence. Leadership implies consideration of those who follow. It requires communication that works both ways—from the bottom up, as well as from the top down.

MIKE MANSFIELD has all of these qualities in abundance and throughout the years has displayed them profusely to the great advantage of the Nation. He understands the problems of those he leads. I can truly say—as I know all Senators can—that he has never once asked me to take a position that he knew would be in conflict with my responsibilities to the people of my State or with my conscience.

Mr. President, our Nation has passed through many trying times. However, not since the Civil War have Americans been more sorely divided than we are today. I am confident that with the grace of God we shall emerge from this precarious era successfully and with renewed greatness and vigor. When historians of the future recount our times, it is certain that they will write that America was blessed with the leadership of the Senate of the United States in the hands of Senator MIKE MANSFIELD.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I thank the distinguished Republican leader for yielding to me.

Mr. President, on last Tuesday, June 23, the distinguished junior Senator from West Virginia (Mr. BYRD) made an eloquent and memorable address in the Senate in which he praised the service of our distinguished majority leader, Senator MIKE MANSFIELD.

In the course of his remarks, the Senator from West Virginia gave a most interesting history of the offices of the majority and minority leaders in the Senate. He called attention to the fact that on June 18, Senator MANSFIELD had surpassed the previous record for longevity in service as majority leader in the Senate held by Senator Alben Barkley, later to be Vice President of the United States.

Since I was in the Chamber at that time, I took the opportunity of making remarks expressing, all too inadequately, the high regard and the great respect and admiration I have for the distinguished majority leader, the able Senator from Montana, Senator MIKE MANSFIELD.

As I said on Tuesday:

I wish to express my thanks and appreciation to the distinguished Senator from West Virginia for the fine remarks he has made about the service of our distinguished majority leader. I associate myself with the remarks he has made.

I, too, congratulate and salute the distinguished majority leader, the able and dedicated Senator from Montana (Mr. MANSFIELD), on having passed the record of the late Senator Alben Barkley for longevity of service in the position of the majority leader, he now having attained a length of service greater than Senator Barkley's record of 9 years and 165 days.

It was not until I came to the U.S. Senate in January 1969 that I had the

pleasure of meeting Senator MANSFIELD, but since then I have been greatly impressed by his ability, sincerity, and dedication. He has been extremely fair and impartial. We have not always voted alike, and I suppose, if a label were to be applied to the majority leader, he would have to be classed as a liberal, whereas if a label were applied to me it would probably be that of conservative.

Nevertheless, whether I have agreed with Senator MANSFIELD or not, I have always found him to be most fair, and always found him to give each side of any controversy an opportunity to be heard and to present its case before the Senate.

On at least two occasions the Senator from Montana cast votes with which I agreed wholeheartedly. Very vividly do I recall the first such vote. It occurred in January of 1969. I believe it to have been the most important vote that has been taken in the Senate during the 91st Congress. That was the vote on the appeal by the distinguished senior Senator from Florida (Mr. HOLLAND) from a ruling of Vice President Humphrey.

The then Vice President had ruled that, at the opening session of a Congress, a majority of the Members of the Senate could apply cloture to debate on a motion to amend the rules; and more than a majority did vote to apply cloture to the debate on that motion to amend the rules.

The then Vice President ruled that the cloture motion had carried because more than a majority had voted in its favor. An appeal was taken from the ruling of the Chair and I remember that on that vote, I was impressed very much when Senator MANSFIELD, the Democratic leader of the Senate, voted to overrule a Democratic Vice President on a ruling which, in my opinion, was clearly erroneous. The Senate did overrule the ruling of the Chair on the cloture motion to cut off debate on the motion to amend the rules to provide for cloture on a three-fifths vote of a quorum of the Senators present.

That vote by the distinguished Senator from Montana impressed me very much. Then again on the Stennis amendment, which sought to achieve uniformity in the application of Federal criteria and guidelines for desegregation of public schools throughout the country, a very important amendment, we found the distinguished Senator from Montana voting in favor of the amendment. The distinguished majority leader votes his convictions, and lets the chips fall where they will.

The majority leader of the Senate, as I found when I came here, controls the flow of legislation to be considered by the Senate. That, of course, makes him the most powerful single Senator. But in my observation, that power has not been misused by the majority leader in a single instance, because everyone receives an opportunity to speak, and everyone gets an opportunity to have his bill considered by the Senate if it reaches the calendar.

I also appreciate very much the reference of the distinguished Senator from West Virginia to some of the able Senators of the past who have served as Democratic leaders in the U.S. Senate. He referred to one of my distinguished predecessors as Senator from the State of Alabama, when he mentioned the great and able Senator Oscar W. Underwood, of Alabama, who, I might add, not only served as Democratic leader in the Senate, but prior to that time had served as Democratic leader of the House of Representatives. In the House and Senate he was a recognized authority on tariff laws and taxation and in both 1912 and 1924 was a leading candidate for the Democratic nomination for President. He is remembered as a great statesman. A well-known incident in his political career is the fact that in the 1924 Democratic National Convention—back before the days of amplifying systems as we know them now—the then Governor of Alabama, W. W. Brandon, throughout the 103 ballots cast at that convention, in a thundering voice, cast the votes of the Alagama delegation in that convention as "Alabama casts 24 votes for Oscar W. Underwood."

Senator Underwood, when a Member of the Senate, owned and resided at the estate near Mount Vernon known as Woodlawn. He was one of the great Senators in the history of the Senate, and I am proud to occupy the seat in the class of which Senator Underwood was a Member.

It is indeed appropriate that the distinguished Senator from West Virginia has called attention to the fact that the majority leader now has the record of having served longer in that position than any other Senator in the history of the U.S. Senate, and I predict that he will be reelected as majority leader—and I use this word advisedly—when the 92d Congress meets in January of next year.

So I wish to associate myself with the able remarks made by the distinguished Senator from West Virginia regarding our outstanding majority leader.

Mr. RIBICOFF. Mr. President, I yield to the distinguished Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, it is rather difficult to add to the remarks that have been made here this afternoon in praise of our distinguished majority leader. I might observe that the able and distinguished senior Senator from Tennessee (Mr. GORE) and I are the only two Members of the Senate who have served during the entire term of Senator MANSFIELD in the House and in the Senate.

During this time I have had an opportunity to observe him not only as a man but also as a Representative, as a Senator, and as a leader.

We have worked together in both the House and the Senate on problems of mutual concern and interest, especially to the Pacific Northwest.

We all know about the character of this man. MIKE MANSFIELD is a kindly man, always a gentleman, a selfless individual. If there is any meaning to modesty, MIKE MANSFIELD more than most other individuals is entitled to that descriptive term.

Having said this, Mr. President, let no one get the impression that MIKE MANSFIELD is not a strong, determined man. Behind his kindly approach and interest in the well-being of all of his fellow citizens, as well as his deep concern for Senators on both sides of the aisle, there is a dedicated determination to stand by his deep-seated convictions, whatever the issue may be. This quality of firmness obviously comes from his great integrity as an individual.

We could not deny the fact that in the Senate from time to time we have our disagreements. But MIKE MANSFIELD is a genius at being able to disagree with you without being disagreeable. More than any other leader I have ever served under, in either the House or the Senate, he has an absolute genius for being able to work his will to get a program through, without leaving battle scars in this Chamber.

MIKE MANSFIELD's record as a majority leader has covered a period of great ferment and turbulence in our history; and much of the accomplishment in the Senate is the result of his great leadership. All of us on both sides of the aisle owe him, and the country owes him, a debt of gratitude for his ability to bring us together on issues vital to the Nation and to the world.

Mr. President, I join my colleagues in saluting MIKE MANSFIELD at this milestone in his career, which marks only the first period in his on-going leadership of all Members of the Senate.

Mr. RIBICOFF. Mr. President, as of last week, Senator MIKE MANSFIELD had served the U.S. Senate as majority leader longer than any man in the history of our country. In this body of 100 complex, independent men, this record is a great tribute to his sensitivity and leadership.

His decade as majority leader has been an exciting one, filled with upheaval and change. Thanks largely to his leadership, the Senate has kept pace with these rapid and almost dizzying changes by enacting an unprecedented number of landmark pieces of legislation.

It was particularly appropriate that only a few days ago, the President signed a bill giving 18-year-olds the right to vote. This legislation would not have been passed without the guidance and support of the majority leader.

In times such as these, emotions often run high and differences of opinion can become dangerously divisive, yet, Senator MANSFIELD's special sense of fairness has harmonized disparate beliefs. His firm commitment to what he believes is right coupled with an inexhaustible supply of patience and understanding of his fellow Senators, has made possible a truly impressive record of legislative accomplishment.

These accomplishments include three major acts extending the protection of the Federal Government to our black citizens, expansion of aid to education, the establishment of extensive manpower training programs, the establishment of the Department of Housing and Urban Development, and the passage of medicare and medicaid.

It is indicative of Senator MANSFIELD's statesmanship and sensitivity that he would be among the first to recognize the needs of the whole Nation and then take

a strong role in fulfilling them through legislation.

As a member of the Committee on Foreign Relations, MIKE MANSFIELD has taken the lead in reestablishing the powers of Congress in the difficult field of international relations. MIKE's knowledge and understanding of the intricacies of affairs in the Far East is unsurpassed in the Senate.

In the process of these accomplishments, no other Senator has earned the level of respect and admiration that is accorded to Senator MANSFIELD from both Democrats and Republicans alike. Whether on his side or another, each Senator knows that the actions of the majority leader will be wholly based on the principles of integrity and fairness.

One is tempted to talk at length about MIKE MANSFIELD but verbosity would be a particularly inappropriate tribute to the majority leader.

Throughout the last decade, MIKE MANSFIELD has been quietly, yet firmly effective. We are all acutely aware of the great contributions he has made both to the Senate and our country as majority leader. I, therefore, take this opportunity to congratulate Senator MANSFIELD upon reaching a great milestone and to thank him for the effective and selfless leadership he has provided to the Senate and the Nation.

Mr. President, I yield next to the distinguished senior Senator from Tennessee (Mr. GORE).

Mr. GORE. Mr. President, throughout my service as a Representative and as a Senator, it has been by privilege to be the colleague of the distinguished senior Senator from Montana, our beloved majority leader. It has been my pleasure to be in his home town in Montana, which he loves, to visit the institution in which he taught, to speak with the people in his State whom he serves, to walk in the paths which this man has trod.

Mr. President, his tracks I cannot reach. His tracks are the strides of a giant of the mountains, a giant in intellect, in good will, in fellowship, in love of his fellowman.

These qualities were recognized early in his career—not just in the Senate of the United States, but also in the gold mines, in the Marine Corps, in the classroom as a student and as a teacher, as a Representative and as a leader of our great Nation.

What manner of man is this that stands so tall amongst us, that bestows upon each of us, Republican or Democrat, conservative or liberal, irrespectively, an effection, who inspires in each of us a devotion and a respect.

He is a man of kindness and humility, of understanding and compassion, of vision and of courage, of leadership potential par excellance.

What manner of leader is he? A leader of conscience, a leader for the good of all, a leader of patriotism.

What manner of patriotism does he exemplify? A broad concept, a concept of patriotism that embraces not narrow chauvinism, but the love of humanity, of his fellowman, of his State, of his country, and of the world.

MIKE MANSFIELD exemplifies the stature, the statesmanship, the dream, and the aspiration which makes this country great. He does not drive, he leads; he does not command, he persuades; and in all this he has the power of accomplishment given to but few men.

As a spokesman for this body, as a spokesman for his party, but more importantly as a spokesman for the freedom of his country which he cherishes, his voice rings clear and is magnified and reverberates in the receptive hearts of his fellow Americans.

To serve with, to support, to follow, to adore and admire MIKE MANSFIELD for a long period of time has been my pleasure.

Mr. RIBICOFF. Mr. President, I yield to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I am proud to have the privilege of sharing in the sentiments of my colleagues on this occasion and to have this opportunity of paying tribute to our distinguished majority leader, who is today one of the outstanding statesmen and leaders in our Nation.

I am now serving the 28th year of my tenure in the Senate. I have served, I believe, under five other Democratic majority leaders in the Senate: the late and beloved Alben W. Barkley, of Kentucky, the Honorable Scott Lucas of Illinois, the Honorable Ernest W. McFarland, of Arizona, the Honorable Lyndon B. Johnson, who later became President of the United States, and now under our present distinguished and able leader, MIKE MANSFIELD.

This is quite an honor that he has achieved in having served longer than any other leader in the Senate. I can appreciate in a small measure the gratitude he must feel because I discovered last year that I had served longer in the Senate than had any other Senator from my State, a record I had never hoped to achieve and one I really did not know that I was achieving until after the fact.

To serve as a leader in this body for the length of time, so ably, so valiantly, and effectively as has MIKE MANSFIELD is an honor that could well be sought and to which any American citizen and certainly any Senator might well aspire. It is one for which I am sure he is grateful and one he will always cherish.

I mentioned that I had served under other leaders and it has been my good fortune and my pleasure to always respect and admire the leadership in this body; and it has been a joy to have had the fellowship and association with them and to work with them in trying to meet the responsibilities that are incumbent on those of us who serve here.

Of all the leaders with whom I have served, all of them great men, I have served with none who was more considerate and more understanding; I have served with none who was more cooperative and helpful when the opportunity was presented. I have served under no leader who was more sincere and more dedicated to his task and to the principles and ideals upon which our Government was founded and upon which our liberties rest.

A particular trait that I admire so much in Senator MANSFIELD in the performance of his duties as leader is that he never undertakes to apply what could be termed "pressure," sometimes referred to as "arm twisting," to influence a vote of his colleagues. Instead, MIKE MANSFIELD employs the persuasion of logic and reason to influence others. I have never known him to reflect or manifest the least resentment toward any Member of this body, particularly any Democrat who might disagree and who might vote contrary to the position of the leadership on a given issue. He respects others and their right and prerogative to disagree with him.

In fact, I have found Senator MANSFIELD, as the leader, to be a person with whom, when I did disagree with him, I could disagree with him most pleasantly, and when, as in most cases, I could wholeheartedly support and follow his leadership, I could do it with much enthusiasm and confidence.

Mr. President, I say in conclusion that my experience in the Senate and my service has been greatly enriched and my labors have been more pleasant and enjoyable by reason of having served under and worked with such an able and effective leader as MIKE MANSFIELD, a man who has the admiration of every Member of this body because of his ability to influence and to command the respect and admiration of all of those with whom he labors.

I am proud to join with my colleagues here today in paying deserved respect and tribute to this great American.

Mr. SCOTT. Mr. President, I yield to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, I am sure that Senator MIKE MANSFIELD, wherever he may be just now, although appreciative of the tributes which he so richly deserves, nevertheless is rather embarrassed, for one of the most certain qualities of Senator MANSFIELD is his modesty.

His simplicity and integrity are expressed in everything he does and everything he says, I may say, in his faith.

Today he is being honored because he has served longer than any other leader of the majority. He now served longer than my fellow Kentuckian, the late Senator Alben Barkley.

Senator MANSFIELD is a leader not only of his party, but he is a leader in the Senate. He is a leader in the Senate because he is a man of his word, a man of integrity, a man who is fair and just.

It is only natural that other qualities attend him—qualities of mind and heart, of conviction, of firmness, and of honor. Many of us have recognized his strain of poetry when he has spoken of his State of Montana and when we heard him speak in the Rotunda at the memorial service for the late President John F. Kennedy. He deserves with his wife, Maureen, the honor of the Senate and the country.

I am glad that I have had the pleasure of serving with Senator MANSFIELD, of knowing him, and I value greatly his friendship.

Mr. SCOTT. Mr. President, I yield now to the Senator from Idaho (Mr. JORDAN).

Mr. JORDAN of Idaho. Mr. President,

I am pleased to join in the plaudits for the senior Senator from Montana, the distinguished majority leader, MIKE MANSFIELD.

In this body of competitive and frequently sharply diversive interests, it is frequently difficult to maintain cordial relations with our colleagues, sometimes even within the same State.

But MIKE MANSFIELD has that breadth of human character, that unshakable sense of fairness, and a demonstrated capacity for honesty and integrity that has won for him through the years the respect and support of his colleagues in this body.

All who know MIKE appreciate that his word is not given lightly and that his word, once given, can be depended upon like the rugged granite peaks of his native Montana.

This outpouring of bipartisan praise and support is deep and sincere because MIKE the political leader is first and foremost a dependable friend, a stalwart man, and a Senator's Senator.

Mr. SCOTT. Mr. President, I yield now to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Mr. President, let me say, as a junior Member of this body, that I have great respect and admiration for the distinguished Senator from Montana, the majority leader, MIKE MANSFIELD.

When one first comes to this august body he is impressed by various Members—for various reasons. Freshmen Members, both Republicans and Democrats, were impressed by Senator MANSFIELD because of his sincerity, his candor, and for the many kindnesses and courtesies extended to us as freshmen Members of this body. I can recall a number of personal instances in which Senator MANSFIELD has been helpful to the junior Senator from Kansas. I can say, on behalf of all the freshmen Members of the Senate, that we appreciate and we respect leaders like Senator MANSFIELD.

I congratulate the Senator from Montana on establishing the record for the longest continual service as a majority leader. I hope this record will be extended at least for a few months longer, and that in the months ahead the senior Senator from Montana will have even more success than in the past.

Let me say, in closing, that it has been an honor and a privilege to serve as a junior Member of this body under the leadership and guidance of a man like Senator MANSFIELD.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, there is an old saying that it takes all kinds of people to make a world. When one thinks of great leaders, I am afraid one is often prone to think in his mind of people who bluster into a room and speak in deep, ponderous voices, and dominate the scene—at least with their words. But that is not true of the man whom we are honoring this afternoon. We have set aside this hour to congratulate MIKE MANSFIELD as the majority leader who has served the longest in that capacity in the history of the Senate.

My words shall be very brief, but they are from the heart. I shall always remember Senator MANSFIELD for his sincerity, his intrinsic honesty, and the fact that during his conduct as leader of the Senate, his word has always been good under any circumstances.

There have been many times when people make agreements and then later, because of pressures from some source or another, they are prone to modify or put a different meaning on the words they used when the agreement was entered into. There have been times when such situations were presented to Senator MANSFIELD, and if there ever was a question, he always resolved the question in favor of keeping the agreements in the way and in the manner the person with whom he made an agreement thought it was meant to be.

I know of nothing greater that can be said of a man than that he has conducted the leadership of the Senate—which certainly is one of the most trying of positions—in a way that clearly shows his sincerity and his complete honesty. These great personal attributes are constantly reflected in the manner in which Senator MANSFIELD has always kept agreements with Members of the Senate and respected them when he made those agreements.

We are indeed fortunate that we have had him. I want to join our colleagues today in paying tribute to MIKE MANSFIELD and congratulating him on his service.

Mr. GRIFFIN. Mr. President, on behalf of the distinguished minority leader, I now yield to the Senator from Tennessee.

Mr. BAKER. I thank the distinguished assistant minority leader for affording me this opportunity to pay respect to a great Senator and a distinguished leader of the majority in the Senate.

As many of our colleagues have done, I take this opportunity to pay my respects and to say this accolade to a man who richly deserves it for his distinguished service to the Senate.

I have known him from the first day I came to the Senate. I knew him as majority leader when the late Senator Dirksen was minority leader. I knew him as one who forged a close relationship in the "joint leaderships" and provided great strength for the combined good of the Senate and its programs.

Senator MANSFIELD has done what no other person before him has done in serving this length of time as majority leader; but he has done much, much more. He has set a tone for the conduct of the Senate, for the dispatch of its affairs, and for the handling of its requirements in difficult, tedious times. He has served under Republican and Democratic Presidents with equal dedication to duty. He is to be commended on this anniversary occasion, and I am pleased to add my accolade to those of our colleagues on this occasion.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. Mr. President, I would be untrue to myself if I did not join in this praise of our distinguished friend, the majority leader, Senator MIKE MANSFIELD of Montana.

It has been my privilege to know Senator MANSFIELD since that day when he was sworn into the House of Representatives, in January 1943.

MIKE MANSFIELD's service as majority leader of this body stands out for several reasons, the least of which is the number of years he has served. The mere passing of time itself is not an overwhelming tribute in any activity; it is what you do while the time passes. Senator MANSFIELD has performed his job well. He has been a patient, understanding leader. His actions are never irritating. He takes into account the rights, the wishes, and the desires of every other Senator, and from that point tries to work out the program of the Senate.

Without a doubt, he experiences many trying times. There is no question in my mind but that the majority leader has to go through an ordeal, many times, in dealing with the rest of us, in getting the program under way, and in advancing the legislation.

Yet, throughout all of this, MIKE MANSFIELD is a perfect gentleman, with unfailing and unending courtesy and consideration for others. His grasp of public questions and his understanding of procedures are the best. I am happy to be among those who, today, go on record in testifying to his outstanding service as majority leader of the Senate.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, as one who has had the privilege of serving with MIKE MANSFIELD for the past 18 years I am proud to join my colleagues in paying tribute to this man whom I consider to be one of the most able majority leaders of the Senate with whom I have had the privilege of serving.

The most required characteristic to successful leadership is integrity, and MIKE MANSFIELD is Mr. Integrity. Men may agree or disagree with some of his decisions, but no man who knows him has ever questioned the fact that MIKE's word is his bond and that every decision he makes is in what he considers to be the best interest of his country.

As a Senator from Montana, MIKE MANSFIELD is an able representative of his State's interests. The Democratic National Committee salutes this man as an able representative of his party. His colleagues in the Senate salute him as one of its most highly respected Members, and I salute MIKE MANSFIELD as a great American and a man I am proud to call a friend.

Mr. GRIFFIN. Mr. President, on the list of the distinguished minority leader is the name of the Senator from Wyoming (Mr. HANSEN), but I do not see him here at the moment. The next one on the list is the senior Senator from Michigan (Mr. HART). I yield now to him.

Mr. HART. Mr. President, what makes an effective Senator and leader? In quiet moments that is what all of us have asked ourselves. For the answers we have but to look to the majority leader: a man of principle and integrity, a man of quiet resoluteness, a master of the legislative process—and a friend of unfailing personal loyalty.

His bold and imaginative understand-

ing of a political system that often seems to defy mastery and generate only frustration was brought clearly into focus just a week ago. The House had passed the extension of the Voting Rights Act. And included in it was the provision for the 18-year-old vote.

As I noted on the floor of the Senate that day, the credit for that achievement belongs to the majority leader. But, of perhaps greater significance today as we pay tribute to Senator MANSFIELD, is what that provision on the 18-year-old vote said about his leadership.

When the suggestion was made, I was reluctant to attach that proposal to the voting rights extension. I could see all sorts of hazards and began to speak and voice caution and reservation about it.

I had not finished three paragraphs before the majority leader announced without any adjectives and in about two sentences that he thought it was a great idea and that it was going to go on the bill.

He had in that short time determined with pointblank accuracy that the 18-year-old vote could be approved by both bodies. That is boldness and creative politics at its finest. And the fact that it was accomplished is a tribute to his skill as a legislator and to his hard work on behalf of all the people.

I have wondered from time to time as I have seen that firm profile rise to report with those sparsely phrased sentences—how an artist might record MIKE MANSFIELD. To catch the real personality he would have to take into account the moments of wry humor, the flashes of firm determination, and that genuine sensitivity to people.

Most of all, he would have to find a way to express what it means to the people of this Nation in this time of flaying, divisive rhetoric to be represented by a man of MIKE MANSFIELD'S calmness and reason. We are fortunate to be served by his leadership.

Mr. President, one of the qualities of which mankind is in perennially short supply is civility. Yet civility is an absolutely essential element in our dealings with one another if the measure of freedom within which we seek to live is to be maintained.

One of the reasons that young people may tend to reject civility is that they have very few examples of civil, gentle men making any dramatic impression on the community or the Nation.

We are fortunate that, especially when any young person begins to despair of ever persuading anyone to do anything unless he first hits him over the head, we can point to MIKE MANSFIELD. Here is a man who is not frightened of admitting that his judgments have to be tentative about a great many things. All he is doing, of course, is demonstrating wisdom, because most of the things we are asked to pass judgment upon are so complex that it is only a very imprudent person indeed who would jump up all the time and announce that he knows exactly what to do.

Senator MANSFIELD is never under any compulsion to avoid giving an answer such as, "I do not know; I will try to find out."

So we can point the concerned American youngster to Senator MANSFIELD, and suggest that one need not be shrill, that certainly one need not be abusive, in order to be persuasive and effective. Ultimate power is not in force but in ideas; and no man in this body more clearly exemplifies his clear understanding that our survival hinges on our ability to develop prudent ideas, responsive in time to a myriad of complex problems that trouble, not just the young man on the campus, but all of us.

MIKE MANSFIELD is indeed a gentle man in the liberal sense; and, together with my colleagues, I am very grateful to be permitted the opportunity to serve with him, to see him, and to draw from him the strength that comes from quiet reserve, thoughtfulness, and self-discipline—all of the characteristics that make a really effective leader, but which, in this turomil today, we tend almost to discount as unimportant, as almost handicaps.

I thank the people of Montana, for the people of Michigan and the people of the country, for sending MIKE MANSFIELD to the Senate.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished senior Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I am pleased to join in the richly deserved tribute to the majority leader, who is a model of understanding, patience, dignity, tolerance, and even empathy.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Utah. (Mr. Moss).

Mr. MOSS. Mr. President, today Senator MANSFIELD surpasses all longevity records for service as majority leader in the Senate.

I would say that he also surpasses all records for day-in, day-out, year-in, year-out patience, tolerance, discernment, wisdom, good judgment, rationality, and balance.

The durability of these qualities in his leadership has not only made these last 9 years and 165 days more endurable and rewarding to every Member of the Senate, but they have been a bulwark upon which has been built much of the enormous legislative accomplishments of these years. The quiet strength of the majority leader has contributed much to the inner stability of the Nation as well as to the inner stability of the Senate.

It has been more than leadership which he has given us, however, in the Senate. It has been a recognition—almost in the manner of the leader of a constitutional government—of the problems and differences of those of us who are a member of this body, and the regions we represent. He has sensed in a special way that dedicated as each of us is to the welfare of the country as a whole, we all remain close to the land and history from which we come. He understands the stresses and strains we each face. Without this understanding—without a recognition of these factors and a nod in their direction—the Senate could never have gotten on so well as it has with the Nation's business.

There is another respect in which I feel MIKE MANSFIELD has served both the Senate and his country especially well. He has been masterful in assessing the Nation's ills and in speaking out with power and eloquence on them. He never blasts with rhetoric, but discusses an issue with calmness and candor.

He has made peace in Vietnam his first priority—and his statements on this, and on crime, inflation, student discord, and other issues of the day have all helped immensely in keeping the Nation informed and in calming public opinion in times of tempest. His unflinching confidence in the democratic processes is one of America's great assets.

Mr. President, I appreciate having this opportunity for those of us who serve with our distinguished majority leader to thank him, individually and collectively, for the work he does for us and for the country every day, and to tell him how much we appreciate him.

Mr. GRIFFIN. Mr. President, I yield to the distinguished senior Senator from Florida.

Mr. HOLLAND. Mr. President, from the moment I first met MIKE MANSFIELD, I have liked him, and have been impressed with his gentleness, his kindness, his courtesy, his tolerance.

I happened to be at Mount Vernon on George Washington's Birthday observance, during the 80th Congress, when the customary tributes are laid at the tomb of the Father of our Country. The Senator from Montana was then a Member of the House of Representatives. I was a Member of the Senate. We were both there to carry wreaths on behalf of patriotic groups in our respective States. There had been a heavy snowfall the night before, and I remember distinctly the first thing I saw him do was to help an ambassador from one of our South American countries, and his entourage, to find a spot where they could stand without being in deep snow, and to help them get with their floral offerings up to the tomb of George Washington.

From that time to this, I have noted always the fact that patience and tolerance and cooperation with others and gentle courtesy have been qualities which always showed in every act that I have seen MIKE MANSFIELD perform.

It would be idle to say that I agree with him always or he with me. He probably has been right in these disagreements more often than I. But I have noticed this wonderful attitude of tolerance and of gentleness coupled, however, with a firmness which refused to yield when he thought that a certain course of action was right, whether that course of action was to keep us from meeting at nights or on occasion to insist that we meet at night. Whatever he thought was right at the time, he was perfectly willing to stand by.

I noted a long time ago what a good family man he is. I had the honor of going to the statehood celebration at Hawaii. MIKE and Mrs. Mansfield had been in Asia, and in the group with which I went was their daughter, Ann. I remember how eagerly she looked forward to the arrival of her mother and father, who joined us for the celebration of statehood; and I remember the quiet and gentle but unmistakable affection which prevailed among those three, and showed that here was a real fam-

ily, after the most genuine American tradition. I have noted that always since.

Mr. President, something that MIKE MANSFIELD did the other day showed the measure of the man, I thought. I participated in the conference of Democratic Senators which arranged for him to procure, if he could, equal time from the National Broadcasting Co. to speak on the economic problems of the country—somewhat in response to the speech which had been made a couple of days before by the President of the United States. There may have been some in that group who thought MIKE MANSFIELD would make a highly political speech, a speech full of blaming and criticism. I did not think so; and when I heard the speech, I realized that I had been right; because he carried into that speech the kindness and the courtesy and the tolerance which he always makes his hallmark.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a column published in today's Washington Star, written by the noted columnist Mr. David Lawrence, whose philosophy no more than my own rarely jibes with that of the distinguished majority leader.

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

(See exhibit 1.)

Mr. HOLLAND. In this column—I shall quote a few things from it—Mr. Lawrence shows the kind of man the majority leader is by the description he uses of that broadcast by Senator MANSFIELD. I read from the column:

> The Democratic leader nevertheless made a well-balanced set of comments. It was not in the nature of a political speech at all. There was no invective or irony or animosity in it. Mansfield admitted, as Nixon had said, that much of what is transpiring in the national economy began during preceding administrations.

I now read from a later portion of the column, and in this instance Mr. Lawrence quotes from the speech of Senator MANSFIELD:

> "Congress shares the responsibility for correcting these discouraging economic trends. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress."

A third, brief portion, again quoting from Mr. Lawrence:

> It was, on the whole, a nonpartisan speech such as might well be expected from an opposition leader during war time.

In closing, Mr. Lawrence says this:

> Altogether, Mansfield portrayed himself as a cooperative majority leader, even though he represents an opposite political party.

Mr. President, I think that David Lawrence has done a fine job in discussing the speech of Senator MANSFIELD on that occasion, and the qualities and character of Senator MANSFIELD, by his description of the speech.

For a man who has not only been majority leader of the Senate a longer time than any citizen who has ever lived in this Republic but who also has served in the Marines, in the Navy, and in the Army, Senator MANSFIELD has every hallmark of patriotism of the purest sort. I am sure that we all recognize that today, when we recognize this period of his extended service as majority leader without, so far as I know, a single unpleasant incident having arisen, whether in his disagreements with Senators on his own side of the aisle or in his disagreements with Senators on the other side of the aisle, or in his disagreements with the Executive.

That is the kind of majority leader we can all join in praising today and in expressing our deep appreciation for his years of great and patriotic service to our Nation.

EXHIBIT 1

MANSFIELD TALK STRESSES COOPERATION

Although the National Broadcasting Co. granted "equal time" to Mike Mansfield of Montana, the Democratic majority leader in the Senate, for his nationwide talk on television about the economic problems of the country, it didn't attract the attention that President Nixon's did. Also, many of the people who listened had already forgotten several of the points made in the Nixon speech of last week.

The Democratic leader nevertheless made a well-balanced set of comments. It was not in the nature of a political speech at all. There was no invective or irony or animosity in it. Mansfield admitted, as Nixon had said, that much of what is transpiring in the national economy began during preceding administrations. The Democratic leader added:

"We may regret it but we cannot undo it. To be sure, the basic strength of the American economy promises a great deal. But that is for the future. What of today? What of the now?"

The Montana senator stresses the fact that inflation is still rising, that interest rates have climbed, and that unemployment is growing steadily. He then declared:

"Congress shares the responsibility for correcting these discouraging economic trends. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress."

Mansfield pointed out that much of what can readily be initiated to improve the economic situation has been done. He stressed a number of laws passed, and promised that if Nixon wishes "to use the persuasion of the presidency" as a means of discouraging excessive price and wage increases, the President would get the support of Congress. Mansfield said it is not clear to him why this "persuasive power" has not been tried. He claimed that this approach was effective in 1962 and suggested that presidential intervention could well be used again. He added:

"Congress has already given more authority to the President than he wishes, apparently, to use against the rise in prices. That is his option. I do not criticize his decisions. But the record should be clear. Congress has been ready and stands ready to cooperate with the President. We are prepared to move on any proposals which may be forthcoming from the administration to end the inflation and to check the slide into a deepening recession."

Other pledges of cooperation were cited to confirm the willingness of Congress to work with the President in order to "stop the downward drift in the economy."

After presenting some illustrative examples of federal spending for military purposes, Mansfield indicated that his party can take credit for much of the cutting down of federal expenses.

While listing a few of the differences between the President and Congress, the Democratic leader asserted that "the most respectful consideration" will be given to whatever Nixon "may propose to halt the inflation and high interest rates, to reduce unemployment and terminate our involvement in Vietnam."

It was, on the whole, a nonpartisan speech such as might well be expected from an opposition leader during wartime. But, unfortunately, it doesn't reflect the behavior of many of the members of Mansfield's own party who have been carrying on campaigns that imply distrust in the President's statements that he will pull all American troops out of Cambodia by June 30. Many Democratic senators have backed resolutions designed to suspend the use of public funds in certain areas and curtail the powers of the commander-in-chief in handling the armed services of the nation during wartime. This could be a serious handicap to military operations if emergencies should arise.

Altogether, Mansfield portrayed himself as a cooperative majority leader, even though he represents an opposite political party.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I served with Senator MANSFIELD, man and boy, in the other body and this one, long enough so that at this moment of paying such highly deserved tributes to him, I want to join my other 98 colleagues here in the Senate, for myself, and for Marian, my wife, in conferring upon MIKE MANSFIELD the highest accolade that a New Yorker can confer on anyone.

It is, of course, well known that I am a New Yorker.

My words for MIKE MANSFIELD are, "We love MIKE."

Thank you, Mr. President.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from North Carolina (Mr. JORDAN).

Mr. JORDAN of North Carolina. Mr. President, I consider it a rare privilege to join today in saluting majority leader, MIKE MANSFIELD, because I know of no man more deserving of such a tribute.

He has served with unusual distinction longer than any other man in what I think can safely be called the most demanding and difficult job in the Senate.

Just surviving in such a job for nearly 10 years is in itself quite an accomplishment.

But MIKE has brought to this position a combination of qualities that make his performance stand out for reasons much more important than simply his length of service.

He has earned the respect and affection of all of us by his kindness, his understanding, and his ability to direct by gentle persuasion instead of demanding direction.

His example of dedication has been an inspiration throughout the years to those

of us who have followed his leadership throughout his term, as well as to those who have come here in more recent times.

I consider MIKE MANSFIELD a true friend and adviser and to me, at least, he is more than just the Democratic leader.

I think he is a symbol of the Senate and I am proud to salute him today in that role.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from Rhode Island (Mr. PASTORE).

Mr. PASTORE. Mr. President, to me, it is not so much how long MIKE MANSFIELD has been majority leader in the Senate as much as it matters to me what a great gentleman he is and what a great American he is.

The Senate of the United States of America is composed of 100 individuals. I know of no other body where individuality is in such evidence as in the Senate of the United States.

Mr. President, when you have a man who can bring divergent points of view together in such smooth fashion, there you find a good leader.

MIKE MANSFIELD does it calmly. He does it temperately. He does it patiently. He does it very effectively.

MIKE MANSFIELD is a very dear and close friend of mine. I know him and Mrs. Mansfield, and his very lovely daughter.

How much longer MIKE MANSFIELD will be majority leader, I do not know, but I do hope the Good Lord will give him and his family many years of good health and happiness.

I conclude by saying: ad multos annos.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, I am happy to join with all my colleagues in expressing the affection and esteem we all hold for MIKE MANSFIELD.

I, like many others here, have served with him for a quarter of a century and upward in the House and Senate. It has been one of the great privileges of my adult life to have had this association.

As a person, as a political leader, and as a Senator, MIKE MANSFIELD has been everything that a person, a political leader, and a Senator should be.

It is because of people like MIKE MANSFIELD that this institution has retained the strength, the respect, and effectiveness it has.

It is because of people like MIKE MANSFIELD that this country has retained its greatness.

It is because of people like MIKE MANSFIELD that the human race has found coexistence tolerable.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, having observed some of the disagreements we have within our own party on the Republican side, and having admired our leadership and its ability to try to get us together on some kind of basis, and having also observed that the other side has even more members in disagreement, than we have, I have been constantly delighted and amazed at the ability of Senator MIKE MANSFIELD to absorb this tension, to maintain his calm, tact, and good humor for all of us in the Senate and almost at all times.

We have not always agreed. But, at all times, whether we agreed or disagreed, he has been courteous, fair, full of good humor, and continued friendly relationships, so far as people are concerned.

I am deeply indebted personally to MIKE MANSFIELD for the fine support he gave to me throughout a period of 5 years in my efforts to try to revise our silver policy, which was headed in the wrong direction for so long. I shall always be grateful to him for that, and even more grateful for the sense of balance which he has given to the entire Senate.

Mr. GRIFFIN. Mr. President, I now yield to the distinguished Senator from Utah (Mr. BENNETT).

Mr. BENNETT. Mr. President, I am delighted that the distinguished Senator from Montana (Mr. MANSFIELD) has had the privilege of serving in this body and in his position as majority leader longer than any other which will place his name on the permanent records of this body, because if any man deserves such a privilege, MIKE MANSFIELD does.

I know that there have been times when his pattern of leadership has been criticized—that it was too kindly, too thoughtful, or too considerate. Some people have interpreted that as being weakness.

I have been the beneficiary of that kindness, thoughtfulness, and consideration many, many times, even though I am on the other side of the aisle.

To me, these qualities are more significant characteristics of greatness than if he had been the kind that pounded the desk, hit people over the head, so to speak, and run roughshod over some of the wishes and needs of those of us who might not have been so important politically to him or to his party.

What I shall always remember about MIKE MANSFIELD are his characteristic kindness, thoughtfulness, and consideration in which, as I have just said, I have shared.

Mr. President, I am sure that MIKE MANSFIELD will be with us as majority leader for the rest of this year. I am not quite prepared to wish that that will continue on into the coming session; but even if it should not, and he should become the minority leader, I know that he will retain the same sweet spirit in his attitude toward all of us in this body as he has before.

Thank you, Mr. President.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from Florida (Mr. GURNEY).

Mr. GURNEY. Mr. President, I, too should like to join in the tributes of the Senate to the distinguished majority leader for having served longest as majority leader in the Senate.

My reflections would be that of a new Senator who has known MIKE MANSFIELD only last year and this year to date, but I have always found him to be a most fair, a most considerate, and a most kindly man.

On the occasions I have had to talk to him, mainly concerning advice on Senate procedures when I was learning how this body operates, I have always found him willing to spare the time to advise me on what ought to be done and what ought not to be done.

Certainly his leadership is exemplified by fairness, and, I think, by example, a sort of light touch, a persuasive touch, rather than the sort of leader who drives one with the lash of a whip. MIKE MANSFIELD is not that kind of man at all. Of course he is liked and respected by his colleagues on both sides of the aisle. And I think that in these troubled times the Senate is most fortunate in having MIKE MANSFIELD as majority leader.

Mr. KENNEDY. Mr. President, I move the adoption of the resolution recognizing the outstanding service of Senator MIKE MANSFIELD as majority leader of the Senate.

The resolution (S. Res. 423) was unanimously agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the tributes of Senators on the service of MIKE MANSFIELD as majority leader of the Senate, be gathered and printed as a Senate document, and that all Senators be given until the close of business July 10, to submit additional statements for the RECORD, with reference to Senator MANSFIELD.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I wish to pay tribute to a man who not only has served longer in the postion of majority leader than any predecessor, but who while serving in that post has demonstrated unsurpassed leadership, patience, and understanding through difficult times in a most demanding role—our beloved MIKE MANSFIELD.

Senator MIKE MANSFIELD is a calm but firm leader; one who not only has demonstrated a desire to serve his colleagues on the Democratic side of the aisle, but also is known for his astute sense of fairness to those on the other side, as well, and has thereby gained their cooperation and respect. This is the mark of a true leader.

His quiet, reflective manner, his calm but firm demeanor, and his dedication to placing the national interest first and foremost over any personal or partisan preference, make him a man admired and loved by his colleagues in the Senate as well as the overwhelming majority of the people of his own State of Montana, and indeed of the Nation.

Senator MANSFIELD has thoroughly demonstrated throughout his career an interest in the common good. In so doing he has also shown an independence which clearly designates him as no one's man but his own. This may spring from the fact that MIKE MANSFIELD is so clearly a self-made man; a Senator beholden to no one individual or interest.

He has demonstrated a tremendous capacity for hard work, and although a busy man he always has time to help an individual in need, and to be considerate and courteous to all who seek his attention or counsel.

While it is not possible for any one

man to express the desires or interest of 100 individual Senators or even the 56 other Senators of our party, MIKE MANSFIELD represents, and expresses in most literate fashion, the common will and consensus of his party in the Senate. We are all proud of you, Mr. LEADER, and we appreciate and admire the leadership which you have provided us in making the U.S. Senate an institution of real substance and service to our people, our Nation, and the cause of mankind.

We wish you many more years of service in the cause of peace, to which you are so fervently dedicated, and in the leadership of the majority in the U.S. Senate, to which you have addressed yourself so ably and well.

Mr. McGEE. Mr. President, the record of longevity recently established by our majority leader (Mr. MANSFIELD) is a measure of the high esteem in which the Senator from Montana is held. It speaks, of course, of the confidence Members of his own party place in him, but the respect and admiration we in the majority party share for MIKE MANSFIELD is, I know, shared also by those on the other side of the aisle who would prefer to see the Senator from Montana serving as minority leader.

Mr. President, the legislative accomplishments of this body over the past 9, almost 10 years, also stand as a measure of our majority leader. It has been a decade of most significant legislative accomplishment marked by the enactment of measures of far-ranging and durable benefit to the United States and its people. Much of the credit for these accomplishments must go to the majority leader. His leadership has been of the persistent type, which wears well and long. Perhaps that is obvious because he has been retained in the post longer than any of his predecessors.

Senator MANSFIELD, as we in this Chamber know, practically invented the low profile. One does not hear him claiming credit for his own achievements or see him flashing the outward signs of the power which vests in his office. As one who has had the honor to serve under his leadership, however, I wish to join my Senators in paying tribute to his long and patient service, which has borne much good fruit. Finally, as a Senator from Wyoming, Montana's good neighbor to the south, I have a particular appreciation for Senator MANSFIELD'S sound leadership and counsel. We in Wyoming are pleased to have the majority leader's office occupied by our wonderful friend and neighbor.

Mr. HARRIS. Mr. President, it has come to my attention that the distinguished majority leader of the Senate, Senator MIKE MANSFIELD, of Montana, has now served in that position for 9 years and 167 days. This is longer than any other Senator in the history of the Senate has served as majority leader. He has just now surpassed the length of time that the late Senator Alben Barkley, of Kentucky, served as majority leader.

Senator MANSFIELD has served a long time because he has served with exceptional distinction—served both the people of Montana and the Senate of the United States.

A man of fairness and firmness, conviction and compassion, Senator MANSFIELD leads the Senate because he is a leader of uncommon quality.

I congratulate him on the record of service which he has forged, I express my appreciation for what he has done for the Senate and for the country, and I wish him many more years in the important position he holds.

Mr. HOLLINGS. Mr. President, I am extremely pleased today to join with my distinguished colleagues in paying tribute to our outstanding majority leader, the Senator from Montana, MIKE MANSFIELD.

Senator MANSFIELD is truly admired by all for his ability as majority leader. But more important than this, he has had the wisdom and fortitude to maintain the calm, deliberate debate within the Senate on issues which drive other, lesser men to distraction.

In recent months, the patience of Senators has been sorely tested. A man without the qualities of Senator MANSFIELD might not have been able to handle the task we now have before us and will have in the difficult days which are ahead.

Senator MANSFIELD has my deep and abiding respect, both as a Senator and a gentleman. I am proud to call him majority leader.

Mr. ANDERSON. Mr. President, the foundations of America's enduring constitutional government are the principles of individual liberty and the system of checks and balances enunciated by the wise political philosophers of the 17th and 18th centuries. One of the wisest of those philosophers, one to whom this and other republics owe so much, was the Baron de Montesquieu, who fully developed the principles that we know as the separation of powers and checks and balances.

Montesquieu believed, and wrote, that such principles would have to be institutionalized in order to preserve liberty, because, he said:

> Every man invested with power is apt to abuse it.

Mr. President, I believe one of the finest tributes we can pay to our esteemed and distinguished majority leader, MIKE MANSFIELD, is that he has been invested with great authority and power and has not abused it. He is universally regarded for his scrupulous fairness, his honesty, his forthrightness, and, perhaps most of all, for his forbearance, his steadfast refusal to abuse the power with which he has been invested.

Today it is my pleasure to join my colleagues in honoring MIKE. Technically, we are paying tribute to him for having surpassed all records for length of service as majority leader. This is no small feat, and it certainly deserves tribute. The post of Senate majority leader is a demanding one. It requires both attention to minute, technical detail and a grasp of broad social and political issues. Senator MANSFIELD has performed both duties ably and diligently.

But we also are honoring MIKE for the qualities which have enabled him to serve so long in such a demanding post without having incurred the enmity of even those who have differed with him. When we hear him described, we hear such words as "judicious," "fair," "accommodating," "helpful," "reasonable." Those adjectives are well chosen, Mr. President, when they are applied to our esteemed majority leader.

I salute Senator MANSFIELD, and I am confident that we can look forward to additional years of enlightened service from our distinguished leader.

Mr. TALMADGE. Mr. President, it is a great pleasure to join Senators in today's salute to the distinguished majority leader, Senator MIKE MANSFIELD.

We particularly pay tribute to Senator MANSFIELD in recognition of the fact that on June 17 he established a new record for longevity as Senate majority leader, a term of almost 9½ years. This is a distinct honor.

Senator MANSFIELD is an outstanding Senator who, regardless of party lines, has always endeavored to serve the best interests of his Nation and State. As majority leader his statesmanlike and gentlemanly conduct have earned him the respect and admiration of Senators on both sides of the aisle. He is a fair and generally quiet-spoken man, but, as we all know, he is firm in the courage of his convictions. This is to his credit as a man and as a Senator. He has indeed brought distinctive leadership to the important office of majority leader. I wish personally to extend my congratulations to Senator MANSFIELD for having the honor of holding this position longer than any other Senator in history.

Mr. McINTYRE. Mr. President, there are many rewarding aspects of the task of representing one's fellow Americans in Congress.

Not the least of these is the privilege of associating with others who bear this same responsibility.

Under the Constitution, all of us who serve in this body of Congress are equal. But having said that, let me hasten to recognize reality by pointing out that some are more equal than others.

Then I must quickly add that there is one among us who is the most equal of all, and it is my most pleasant privilege to join with Senators to pay my respects today to the leader—to our friend—to my leader—to my friend—MIKE MANSFIELD.

Today we are paying our respects to MIKE for having served the world, the Nation, the President, the people of his State—and his colleagues—longer than any other leader in our Nation's history.

I, for one of many, am not at all surprised by the luminous longevity of his leadership. The only way he could not havce reached this new milestone would have been for him to leave it of his own volition. Thank goodness he has not.

I know that the people of his State will never keep him from this body. And I know that Senators on this side of the aisle will keep him as their leader as long as he wants to serve.

History will record what we have accomplished under Mike's leadership. It will record that he has kept us on an even keel during one of the most difficult eras in our history.

And this, of course, is the real mark of a great leader—the ability to hold the

keel steady when seas are rough—to keep the ship on course when the cross winds blow—to reach the harbor through the treacherous reefs.

We could not have asked for more—and MIKE did not give us less.

MIKE, our words today cannot begin to express the real admiration, the deep respect, and the great affection we feel for you.

Mr. BURDICK. Mr. President, I wish to commend MIKE MANSFIELD, our distinguished majority leader, for his dedication and devotion to his country. For more than 9 years, MIKE MANSFIELD has served his Nation with integrity and wisdom as our majority leader.

Citizens throughout the land are grateful to MIKE for his many years of public service and as an advocate of justice for all our people. We in Congress are grateful for his warm friendship, his brilliant leadership, and his constant cooperation.

Through our majority leader's leadership, some of the most important decisions ever made by this body were decided.

Truly this man from the "big sky country" of Montana is one man in public service who leads the humanitarian form of quality service to his fellow man.

Mr. TYDINGS. Mr. President, ours is a large Nation that faces immense challenges. We have a huge Government. The task of shaping and leading this mammoth Government in the right direction in order to solve the great crises of our day is the most difficult and important task of our time.

Few men reach that level of leadership where they can offer a significant contribution to the governing of our Nation. Fewer men reach the highest level of leadership and remain in that position long enough to leave a lasting imprint on the course of national events. And fewer still are those who, having been given these awesome responsibilities, acquit themselves in such a manner as to be esteemed by their colleagues, by their Nation, and by the students of government and history. One of these very few men is Senator MANSFIELD.

In nearly a decade as Senate majority leader, Senator MANSFIELD has made a great imprint upon the operation and policies of our Government. In the complex and rugged combat over the course of national policy, the majority leader has often applied the key push or shove to guide us in a better direction.

Senator MANSFIELD does not lead by cracking heads together. He does not raise issues with loud cries of despair or elaborate promises of future bliss. His style of quiet reflection and discussion, of raising questions and indicating problems, of expertise that slowly pervades the thinking of those around him is so effective, it goes unnoticed to many outside the Senate. I can only say that I feel he has been a great Senate leader.

He has mastered the difficult balance between being leader of the Senate and of his party in the Senate to the benefit of both. He is one of the moving forces in making our body into a more respected, more powerful, and more positive part of the Federal Government. He has led a party with a great majority—so easily split into divisions—to become a responsible, cohesive unit that has contributed much in this decade.

Senator MANSFIELD has been a leader who has dipped into substantive areas, not being content to reign above the great issues of our day. As the most informed and expert Senate majority leader in the area of foreign affairs in our history, he has had a profound impact upon our policies. He is one of those few men who has reversed one of the most unfortunate ventures of our history and has helped lead the renaissance of the Senate's power in foreign affairs. For this alone, Senator MANSFIELD must be called great.

Another example of the majority leader's skills as leader of the Senate and the Nation was his decision to move ahead with the 18-year-old vote as part of the Voting Rights Act. This demonstrated a wise sensitivity to the trends in our Nation and an acute reading of the legislative possibilities. This was Senator MANSFIELD at his best, a man of thoughtful and powerful action.

One of Senator MANSFIELD's great attributes is his disdain for the elaborate praise and formalities of high office. So I shall not go further. I am happy to note briefly my respect and admiration of a great Senate leader. We are fortunate that the man who has been the majority leader longest in our history is also one of the best.

Mr. BOGGS. Mr. President, I wish to join in congratulating the distinguished majority leader on his long and most successful tenure.

It has been my great pleasure to serve with the Senator from Montana in both Houses of Congress. When I entered the House of Representatives in 1947, he had already served there with great credit for 4 years. In 1961, when I entered the Senate, he had already served in this body for 8 years.

It was in that year that he was first elected majority leader and embarked on his now nearly 10 years in that illustrious position.

It has always been a great pleasure for me to be associated with Senator MANSFIELD in any endeavor. I remember warmly trips to Southeast Asia that a group of Senators made under Senator MANSFIELD's leadership in 1962 and 1965. His expertise in the field of foreign relations was most valuable to us, and, I believe, the reports which he was instrumental in writing were most excellent commentaries on the tragic conflict which still engulfs us.

In an adulthood that began prematurely at the age of 14, he has had many varying experiences—in the military, in industry, and in scholarly pursuits—that uniquely qualify him for his position.

It has been my experience that the distinguished majority leader has been absolutely fair and honest in his dealing with each of us—no matter the side of the aisle on which we sit.

I congratulate him on his accomplishments of the last 10 years and hope that he will be in a position of leadership among us for many years to come.

Mr. ELLENDER. Mr. President, since June 18 our esteemed colleague, MIKE MANSFIELD of Montana, has been making, each day, a new record in terms of length of service as the Senate's majority leader. On that date, June 18, he surpassed the previous record held by Senator Alben Barkley of Kentucky who served in the position of majority leader for 9 years and 165 days, or from July 22, 1937, through January 3, 1947.

Needless to say, I wish our present leader many more years of service in this august body.

The position of majority leader, and for that matter minority leader, in the Senate is always most difficult to define in terms of our Government as a whole, in terms of this great institution of which we are all a part, and in terms of the Office of the President, and the administration. It is a difficult position to fill in personal terms and I can well recall the trials and tribulations of Majority Leader Barkley during the Roosevelt administration.

The exact duties and powers of the Senate leadership have never been written down except in the most narrow terms. This means that the leadership role in this body must be defined by those Senators occupying the leadership position. It is often said in our Government that the Office of President makes the man. This is not quite true of the Senate leadership. The individual Senator serving as majority leader exercises the primary and decisive influence as to how that office is to function.

I do not think it to be flattery or merely an example of general Senate decorum to say that our present majority leader, MIKE MANSFIELD of Montana, has performed an outstanding job in filling the leadership role. Many others will express similar sentiments today. They have been expressed in the past and will be stated in the future. Those sentiments are all well-deserved, but I wonder if we appreciate just what the present occupant of the leadership chair has accomplished for the Senate during his tenure.

If we ponder upon the descriptions that have been used to characterize the "MANSFIELD leadership," we notice the many affirmative phrases dealing with his "fairness," his "impartiality," the fact that he "leans over backward" to protect the rights of Senators, particularly those who may disagree with his own position on public policies. We can also notice what seems to be a consensus in the Senate, and one with which I wholeheartedly agree, that our majority leader has not been "heavy-handed," that he has not attempted to "force a decision" on the Senate and, as some have pointed out, that he is not prone to "arm twisting tactics" in the conduct of the Senate business.

I do not think these descriptions can be argued with and I think they are appreciated by all of us here on both sides of the aisle. I think there is something deeper involved, though, and I believe it is this function, as developed by Senator MANSFIELD, that is likely to stand as his most important contribution to the leadership role in the years ahead.

As I think back over the many issues that have divided this body over the last 9 years—and they have been many and

the divisions have been deep and bitter on some occasions—I cannot escape the conclusion that the "light" guiding Senator MANSFIELD's attitude and actions has been a desire to see the Senate act as a mature legislative body in our democracy. He has been guided at all times, I believe, by a desire to see the Senate act responsibly and on its own on the public policy issues confronting us. I think this to be very important, and I think it will become more important in the years ahead as our Government continues to expand. If the Senate is to recognize no master among the powerful outside forces—parties, President, or organized pressure groups—the Senate must master itself as an effective legislative body. As I read the record of these last 9 years, this has been the overriding concern of the present majority leader.

I would hope that future scholars and historians of the Senate would give full attention to this feature of Senator MANSFIELD's leadership when this period of our history is analyzed.

In looking for possible explanations of Senator MANSFIELD's attitude toward the Senate leadership, I turned to the "Biographical Directory of the Congress." I was surprised by what I learned but I was also able to see many features that explain the Senator's development through the years into the gentleman—and I use the term advisedly—that he is today.

For instance, he has served in the enlisted ranks of what was then all three services of the U.S. Armed Forces. He was a Navy seaman during the First World War, an Army private in 1919–20, and a private first class in the Marines from 1920 to 1922. He has had practical experience working with his hands as a miner and mining engineer in the ore fields of Montana from 1922 to 1930. He received a broad education during his schooling and acquired an appreciation for theoretical concerns serving as a professor of history and political science at Montana State University from 1933 to 1942, when he was first elected to the Congress. All these trends—humility, a complete lack of arrogance, practical experience, a student of national and world affairs, experience as a teacher and lecturer—are evident in the manner in which Senator Mansfield has filled the majority leadership chair. All of us here today and the country at large have benefited as those past experiences have culminated and have been brought into play during the last decade. I hope that the Senate may continue to benefit from Senator MANSFIELD's services as majority leader for many years in the future. I am certain that the people of Montana will send him back to us and that he can have and hold his present job as long as he desires it.

Mr. MAGNUSON. Mr. President, the distinguished majority leader of the Senate (Mr. MANSFIELD) is a man to whom all types of tribute can be and have been paid. Yet the mark of a man deserving of tribute is how little really needs to be said of him in praise on special occasions.

It is not by virtue of what we say about him on a day like today that makes Senator MANSFIELD the truly great and historic leader that he is. Rather, it is in the smooth operation of the Senate and in the progressive legislative product of the Senate that Senator MANSFIELD is honored day after day, week after week, month after month, and year after year.

For nearly a decade now, Senator MANSFIELD has been our majority leader. Historians will note that his tenure was the longest in the long and colorful life of the Senate. But historians will note more than his endurance in a difficult and demanding post. They will note that under his leadership, the Senate of which the majority leader is a beloved Member passed the great landmark legislation that has reshaped, and will continue to reshape, the lives of millions of Americans. And historians will also note that the most significant and most far-reaching of these many important laws would not have been possible without the leadership, the intellect, and the compelling persuasiveness of this remarkable man.

Senator MANSFIELD has brought honor to the people of his State, to the people of this Nation, and to all the Members of the Senate. In praising him today, we are not signaling an end to his career or to our need for his leadership. We are saying, simply, that we need him here in the Senate, that we appreciate the important role he plays here, and that we look forward to seeing him continue to serve in that role throughout the years ahead. The Senate, the American people, and the times in which we find ourselves all demand his many and varied skills.

Mr. MUSKIE. Mr. President, modest, humble, fair, quiet, low keyed, with simple tastes, unassuming, and without a single enemy—these are uncommon words to use in describing strong leadership. But with MIKE MANSFIELD, the definition of leadership must be expanded and rewritten. Indeed, what these phrases describe—at least in part—are the qualities of the man who, in my judgment, has led the Senate with greater effectiveness than in any other period in the entire history of this institution.

The Senator from Montana has been majority leader of the U.S. Senate longer than any other man. It is not surprising. When asked once how he would like to be recalled in history, he is reported to have replied: "When I am gone, I want to be forgotten." History could never honor that wish.

It is difficult to say now what single achievement will most be remembered about MIKE MANSFIELD—it may be leading the fight to give 18-year-olds the vote. It could be a host of legislative monuments that occurred during the sixties—from medicare for the elderly to civil rights for the racial minorities; from the Nuclear Test Ban Treaty to a breakthrough in Federal aid to education. It may be one that has not yet even been attained.

If I were to summarize his influence, it would be to say that MIKE MANSFIELD has set the entire tone for this emerging decade. He has called us quietly and most effectively for a reappraisal—a reappraisal of our objectives, of our policies, and our purposes—both at home and abroad.

At a time when it is not always popular to engage in politics, he has made me proud to be a politician. In an era when the Senate was at times relegated to a less than coequal status, he has led us in regaining the Senate's constitutional role.

Stripping it all away, there is perhaps only a single word that is needed to describe the reason for his success. It is trust. It has been the immense faith generated by this kind and honest man from the West that has been his most valuable asset. With it he has gained the support of all of his colleagues and associates. With it he has affected the very core of the U.S. Senate. With him, I have developed more confidence in the direction of this Republic.

I honor MIKE MANSFIELD today. I do so as he would say it himself, without any ifs, ands or buts.

Mr. CRANSTON. Mr. President, on the Senate floor today, and off the floor on many occasions, I have heard Senators compare MIKE MANSFIELD to other majority leaders under whom they have served.

I can make no such comparisons, for I have never served under any other leader.

Nor do I wish to serve under any other leader, ever.

I find it impossible to imagine a leader of greater grace and greatness, a leader more considerate, thoughtful, moral, wise, and effective than MIKE MANSFIELD.

I am particularly appreciative, of course, of the guidance and the opportunities that MIKE MANSFIELD, in his capacity as leader, offers to new Senators, like myself.

Most of all, I respect MIKE MANSFIELD not only as a leader of the majority, and hence of the whole Senate, but as a leader of the United States, and hence of the whole world.

A MOST DISTINGUISHED SENATOR

Mr. HANSEN. Mr. President, the quiet, scholarly, concise majority leader is, indeed, a most distinguished Senator. More than that, his fairness encourages each of us to bear greater regard for the interest of others.

His thoughtfulness, quietly displayed by his logic, prompts more reflection by each of us. His uncommon commonsense is a stabilizing factor in even the worst of situations, although it has been characteristic of his attention to duty that such situations are seldom.

His abiding concern for fairness and his courtesy and thoughtfulness for his colleagues, regardless of party lines or differences of opinion, often belies a dedication to study and a toughness that may have had its beginnings during his days in the U.S. Marine Corps.

No one can ever question his loyalty or integrity to the Senate, his State, or his country. However, he always puts statesmanship and the national interest above strictly regional or partisan issues when he believes such interests transcend provincialism. And in spite of his gentle demeanor, he runs a tight ship and one on which we can all be more proud to serve.

Storms have raged within this body that have threatened, with the passions of the moment, to swamp the progress of legislation essential to this Nation in many areas. The steady hand of the majority leader, at the helm, has led us to more reasonable solutions.

The leadership of the able Montanan has been instrumental in maintaining the traditional, reasoned deliberative approach of the Senate to critical and often emotional issues during years of some of the greatest unrest this Nation has known. He has consistently exhibited a presence of wisdom that surpasses party lines, and has often been quick to bring into perspective and help clarify the position of Senators on each side of the aisle.

His understanding of the value of the two-party system which continues to make this Nation the greatest on earth has prevented harsh divisions from forming on matters which a lesser man could have allowed to result in rigid and long-lasting lines of anger or discord.

Mr. President, the confidence of every American in the Congress is strengthened by the knowledge that men like the distinguished senior Senator from Montana are in service to this Nation.

MIKE MANSFIELD—DISTINGUISHED MAJORITY LEADER

Mr. MONTOYA. Mr. President, MIKE MANSFIELD has occupied the post of majority leader longer than any other Member of this body in its long-honored history. This Chamber has seen many a Senator of significant stature. More than a few have left an imprint upon it that remains to this day.

The Senate became a part of them. In turn, they each left a part of themselves here in this Chamber. It is because of such men that the Senate, as an institution, has evolved, grown, and had such an impact upon the history of our Republic. MIKE MANSFIELD is very much in the tradition of such towering figures.

A majority leader must be many things. Party leader. Statesman. Compromiser and peacemaker. A person whose mind and wit are able to cope with the myriad situations and human confrontations that occur on such a national stage as this. MIKE MANSFIELD has been all of these and more.

He holds his position of eminence by dint of ability, knowledge of the body, and respect of his peers. The newest Member of the Senate can unhesitatingly approach him on practically any matter, secure in the knowledge that MIKE MANSFIELD will greet his request with sympathy, understanding, and awareness.

Practically every Member of this body has come to him with the most involved problems confronting them. Each time some reasonable alternative or just compromise is offered.

It would be easy indeed for a man of his position to act differently—negatively—patronizingly. This has not been known to happen.

MIKE MANSFIELD has remained true to his heritage of toil, honesty, and courage. Surely, the people of Montana are fortunate in having a man and Senator of such caliber representing them here.

We live now in difficult times, fraught with danger and replete with the thorniest of problems. At such moments in the passage of national history, we have always sought out those elements in our society that are most stable and worthy. That is why today it is all the more fitting for this body to pay deserved tribute to MIKE.

Greater trials lie ahead, not just for a party, but for our Nation. America will look to the Chamber we occupy today, just as it has in other times. Our response will go a long way toward deciding the direction the Nation will take in the face of crisis.

We are more than a little fortunate to have MIKE MANSFIELD among us, as majority leader, as Senator, as friend, and as an American.

Mr. PEARSON. Mr. President, today, our distinguished majority leader, Senator MIKE MANSFIELD, passes the previous record for service as majority leader set by the late Senator from Kentucky, Alben Barkley. It is a pleasure for me to join my colleagues in paying tribute to Senator MANSFIELD's record.

The senior Senator from Montana is well respected and loved on both sides of the aisle here in the Senate—both as an able public servant and as a fine, fair, God-fearing man who is a credit to his State and Nation.

MIKE MANSFIELD is a man who "tells it like it is," and he does so in a few well-chosen words. There is no doubt in my mind that the Democrats in this body have been fortunate to have him for their leader since January 1961. And I know that the country has benefited from his tenure.

We Republicans have found him to be a fair and cooperative man and it is with pleasure that we join in this expression of congratulations.

There is only one thing that would make MIKE MANSFIELD even more endearing to the hearts of Republican Senators—and here I associate myself with the earlier remarks of the senior Senator from Vermont—to see him begin another Congress as minority leader.

Mr. MONDALE. Mr. President, I wish to join my many colleagues who are today paying tribute to one of the most effective and admired leaders in the history of the U.S. Senate—the greatest deliberative body in the world.

MIKE MANSFIELD has now been majority leader longer than any other Senator. In this capacity, he is known and will be remembered for his warmth, his leadership, and his unparalleled ability to provide effective leadership along with the utmost respect for the integrity of every Member of this body.

I am proud to have served in the Senate for 6 years under the leadership of MIKE MANSFIELD. He has done much for me through his wisdom, his leadership, and most of all his personal friendship.

To the distinguished Senator and majority leader for Montana, I say: Congratulations upon reaching this milestone which so reflects the esteem of your colleagues. I look forward to more years of your friendship and your leadership.

Mr. STEVENS. Mr. President, I want to join the other Members of this body in paying tribute to the majority leader. Although a freshman and in this body by appointment, I am most pleased to be able to say that the senior Senator from Montana has accorded me every courtesy and has gone out of his way to ease the transition for our State from our previous Members of this body to the representation provided by Alaska's Senators now. Because of the untimely death of my predecessor and the election of my colleague, Alaska found itself with two freshman Senators coming on the scene here within a matter of days. All of the Members of this body have been courteous and kind to both of us, but it is important for me to note that the majority leader has, in many ways, aided me in the performance of my duties for my State.

Of course, this action merely reflects his total qualities of fairness and the fact that he is a complete gentleman in every regard.

SENATOR MANSFIELD'S LEADERSHIP

Mr. PROXMIRE. Mr. President, I join with my colleagues in congratulating the majority leader, Mr. MANSFIELD, on establishing a record for tenure as majority leader of the U.S. Senate.

As important as length of service is, the quality of that service is even more important. Senator MANSFIELD has excelled in both.

There are various ways to lead men. Some do it by the power and authority and domination over others which they exercise. On the whole that is not the way to lead. It may get action. It may succeed at a given moment. But in the long run it will fail because free men resent these methods and smart under them even when they appear to accept them.

But Senator MANSFIELD leads the Senate by consent. It could be called the "Quaker Meeting" style of leadership. All feel free to express their views. All have a voice in policy. No one is forced to action against his will or against his better judgment. He is a master at leading the Senate to a judgment based on the free flow of opinion and debate. Under his leadership, the Senate really does "work its will."

Modest, self effacing, but also determined and forthright, Senator MANSFIELD has made the Senate a pleasant place to be and to work.

Senator MANSFIELD's record tenure in office is indeed matched by the quality of his leadership.

Mr. McGOVERN. Mr. President, MIKE MANSFIELD is noted for his remarkable capacity to say important words with unusual brevity. Following his example, I simply wish to say that it has been one of the most satisfying experiences of my life to work under the leadership of Senator MANSFIELD since 1963. I treasure him as a friend, as a colleague, and as a wise and sensitive leader.

It is a pleasant privilege to join with my colleagues in honoring him today on his long and effective leadership of the Senate.

Mr. SCHWEIKER. Mr. President, I would like to join this colloquy in praise of the distinguished majority leader's

long tenure and outstanding service to the Senate and our Nation.

As a freshman Senator, I have been particularly appreciative of the majority leader's fairness, and his support and encouragement for greater participation in Senate business by new Senators.

An example of Senator MANSFIELD's attitude toward younger Senators occurred when he was graciously appearing as a guest on a radio and television report the minority leader and I prepared for Pennsylvania stations.

During the show, I made a reference to being the junior Senator from Pennsylvania, and Senator MANSFIELD objected to this and said:

There is no such animal in the Senate.

And he said to me:

When you refer to yourself, don't refer to yourself as a junior or senior Senator, but just as a Senator, because it is 99 men and lone woman. They're all equal and they carry the same weight.

I think this is typical of the majority leader's fairness, and respect for the job we all have to do here, and for all Senators who have the same job to perform.

The majority leader has always put the interests of the Nation, and the Congress, ahead of more parochial concerns, and in so doing, has been a credit to his party, to every Senator, and to our great Nation, and it is a pleasure to join my colleagues on both sides of the aisle in these words of praise today.

Mr. NELSON. Mr. President, I join today in the accolades properly being accorded to the majority leader of the U.S. Senate, the gentleman from Montana, MIKE MANSFIELD.

As majority leader of this body, MIKE has certainly set a record which deserves to be recognized this afternoon. The measure of his achievement, however, has not just been determined by the unparalled number of years and days in this position of leadership. Nor are we only calling attention to the list of important legislative innovations which MIKE has steered through these halls in the last 9 years and which are now part of the public law of the Nation. Rather, we are giving recognition and public acknowledgment of our respect for a trusted colleague, an admired leader, and an exemplary man.

This is a political leader whose overriding concern for his country's welfare is such that he can tell Members of his party at a recent campaign fund raising function:

In this year of national crisis, there is no partisanship. There is only national obligation.

This is a Senator in a position of great power who has chosen to employ reasoned dialog and perseverance rather than force as the means to produce legislative action.

This is a gentleman whose sparse words are not rhetorical evasions, but statements of trust.

This is a man who views the Senate as a national legislative forum to produce agreement on the course of action for the country rather than a political arena in which to score ideological wins and losses.

I think that we and the country are extremely fortunate in having MIKE MANSFIELD as our majority leader at this particular time of national uncertainty and bitter divisiveness. As a calm force for unified attention to the public welfare he can direct cooperative political energy for the Nation's benefit. In MIKE's own words, this congressional cooperation is given "without ifs, ands, or buts. The Republic deserves no less." And with MIKE MANSFIELD's calm, steady voice in the Chambers of the Senate, the Republic will continue to receive no less.

Mr. MATHIAS. Mr. President, in all the naval lore of Great Britain, no legend is more cherished than the story of Lord Nelson's constant consideration for his midshipmen and young officers. He gave them endless hours of his time and dedicated himself to helping them and promoting their professional education and training.

It has been my personal observation that great judges in both big and little courts are invariably interested in young members of the bar. They exercise the responsibility of the bench to teach the ethical standards and moral philosophy of the law, which are not generally offered as courses in law schools. They shield young lawyers from embarrassment and strengthen both their sense of duty and their confidence.

But the task of perpetuating the best traditions of a noble profession is often left undone in the world of politics. Political life is often cruel, frequently bloodthirsty, and sometimes cannibalistic. It is also pressured and hurried so that even the gentler and more considerate among us simply do not find time for such work. The center aisle is a possible partisan obstacle.

But as a Member of the Senate who entered at the beginning of the present Congress, I want to testify that Senator MANSFIELD has always had the time, and the patience, and the interest to help a new Member. To say that I am grateful is a gross understatement of the case.

I do not always agree with Senator MANSFIELD. At times, our differences may be rooted in a divergence of opinion, and at times, in a diversity of party loyalty. But however I may view his position on any one issue, I know that in his view of it he will be right with himself and his conscience.

He has instilled in politics an air of nobility and purpose, and for this above all, the citizens of this Republic should be glad that he is an American, a Senator, and a fellow citizen.

Mr. BROOKE. Mr. President, I could not let this day pass without joining with my colleagues in a well-deserved tribute to our distinguished majority leader upon his completion of the longest term of service in that position in the history of the U.S. Senate.

No one knows better than he that his is not an easy task. Yet he has always carried out his duties with consummate skill, patience, integrity, and faith in his fellow men. It gives me great pleasure to salute our majority leader for his remarkable record, and to extend to him my personal gratitude for the many times that he has offered me his counsel and assistance.

Mr. GRIFFIN. Mr. President, I am grateful for the opportunity to join in paying tribute to the distinguished majority leader, the Senator from Montana.

By serving as majority leader longer than any other man in the Senate's history, he has confirmed what we all know. He is a man of endurance.

The majority leader is not only a man of endurance but he is relentless in pursuing a course which reflects credit on the Senate and serves the Nation's interests best.

If one were to attempt to describe his manner and style in a phrase, I think we might say that his is "a quiet leadership." But his quiet leadership is most effective. It is an effective leadership because he is a good man who is thoughtful, patient, considerate, humble, and decent.

I salute him as a great leader and a great American.

Mr. TOWER. Mr. President, as of June 18, 1970, the Honorable MIKE MANSFIELD of Montana has held the position of majority leader of the U.S. Senate longer than any other individual who has held that important post.

The length of his tenure indicates that he has the confidence of those in his own party. However, I know that all in this Chamber will join with me in commending Senator MANSFIELD for the outstanding job which he has done. The patience and diplomacy which he has shown in guiding our discussion are particularly important in this very deliberative body. Beyond that he is a fair-minded man and a man of his word. I offer my congratulations to the Senator on his past achievement and know that his future action will merit no less appreciation from his fellow Senators.

Mr. CANNON. Mr. President, it is with great personal pleasure that I join today in paying tribute to our colleague who has surpassed all longevity records for service as majority leader—MIKE MANSFIELD.

The dedication of MIKE's outstanding talents to the manifold duties and responsibilities of his career as majority leader spans a decade of tremendous significance in the history of our country.

We have seen the greatest pieces of social legislation maneuvered through the Senate and Congress under his guidance and leadership. He has contributed notably to America's social progress by his own spirit and intellect and energy.

As Senate majority leader he has been chosen for one of the most difficult assignments in Congress. Under circumstances that would try most men, MIKE MANSFIELD's leadership qualities have been tested and found solid over and over again.

On the personal level I have found his counsel and guidance an invaluable aid in my own legislative duties, and I appreciate the many hours we have discussed the problems of my State of Nevada and the needs of the country.

MIKE has won a secure place in the esteem and affection of all of us privileged to serve with him in the Congress of the United States.

Mr. YOUNG of North Dakota. Mr. President, during my time in the Senate, which has spanned quite a number of

years, I have seen many Senators come and go. Many of them able and hard working and most of them very personable. Some, of course, were more effective than others as legislators.

One of the most effective Members during my time is our beloved friend from Montana, the distinguished majority leader, MIKE MANSFIELD. His is an assignment that is far more difficult than most people realize. It requires great ability, good judgment and, above all, understanding and patience in working with all the Members of the Senate on both sides of the aisle.

I oftentimes marvel at the patience of our friend, MIKE MANSFIELD. If he is greatly disturbed—and I know that sometimes he is and has reason to be, there is little outward manifestation. I know that sometimes he has a virtual storm within himself. His patience, understanding, and friendly attitude toward every Member of the Senate are among the major reasons why he has served longer than anyone else as majority leader.

I am amazed at how MIKE has been able to maintain himself in this difficult assignment for so many years. Oftentimes, he has to take issue, and sometimes rather sharply, with powerful and influential Members of the Senate. More often than not they are his best friends.

I cite these examples, Mr. President, because I think they are unique in MIKE MANSFIELD'S personality and they speak louder than any words I could utter as the reason for the great record he has established.

No leader of the Senate, Republican or Democrat, has been more considerate and understanding of any problems I have had. MIKE just does not turn people away if he thinks they have a reasonable cause. There is much more that could be said about our friend but, to sum it up, may I say that he is one of the most honorable and decent men I have ever known.

Mr. THURMOND. Mr. President, I am pleased to have this opportunity to congratulate the distinguished majority leader, MIKE MANSFIELD, upon his completion of the longest period of service in that important position in the history of the U.S. Senate.

Senator MANSFIELD is not only a distinguished Senator but also an estimable gentleman who is held in high esteem by his colleagues on both sides of the aisle.

Though he and I frequently disagree on matters before the Senate, I have always found him to be courteous, considerate, and helpful as majority leader.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD tributes to the distinguished majority leader (Mr. MANSFIELD) submitted by the Senator from Texas (Mr. YARBOROUGH), the Senator from Indiana (Mr. BAYH), and the Senator from New Jersey (Mr. WILLIAMS).

These Senators are necessarily absent from the Senate today but desired to participate in expressing their appreciation to the majority leader.

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

STATEMENT OF SENATOR BAYH

Mr. President, today the Senate is honoring one of its most distinguished Members, Senator Mike Mansfield, of Montana, who has served in the position of Majority Leader longer than any other Senator.

This highly deserved tribute comes not just from his own party. Members on both sides of the aisle have long recognized Mike Mansfield as an able Senator, an outstanding leader, and a superb statesman. When Senator Mansfield ran for re-election in 1964, the late distinguished minority leader, Everett Dirksen, informed his colleagues in the Senate that he was about to commit political heresy. Senator Dirksen said that, while he would be willing to go to the moon, he would not visit Montana to campaign for the Republicans because he would not and could not speak against Mansfield. Many other Republicans must have had the same attitude, because Mike won his 1964 re-election with 64.5% of the vote.

The Majority Leader has commanded the respect of men of both parties and of differing philosophies because he has always been concerned about the well-being of all Americans. He has been first a statesman, then a politician. He has had a distinguished career, both as an educator and in public life. He taught Far Eastern and Latin-American studies at the University of Montana for several years, served in the House from 1942 to 1952 as a Representative from Montana, and has been in the United States Senate for nearly 18 years.

During the almost three decades of his service as a legislator, few members of Congress have equaled the devotion to duty, absolute integrity, complete fairness, and parliamentary skill which he has displayed. He has led the Senate with patience, kindness and good humor. He has rendered invaluable service to both the nation as a whole and the people of his own state.

I am pleased to join other Senators in extending my appreciation to Senator Mansfield for the many courtesies he has shown us through the years and to thank the "Big Sky Country" for sending to Washington one of its finest. I have no doubt that this fall the electors of Montana will once more demonstrate their faith in Mike Mansfield by again returning him with their mandate to the Senate.

STATEMENT OF SENATOR YARBOROUGH

Mr. President, today the Senate is assembled to pay tribute to a great leader and fine American, Senator Mike Mansfield. There are countless things that can be said about Senator Mansfield's excellent leadership, ability, and his sense of statesmanship; however, as important as these things are, I think it also important to point out that Senator Mansfield is a kind and considerate gentleman who has won the affection and respect of every member of this body

It has been my pleasure to know and work with Senator Mansfield for over 13 years. In the hard fights for progressive legislation, he has always been an eloquent and effective ally. As Majority Leader, Senator Mansfield has provided the forceful leadership that was needed to pass some of the most important social legislation in the history of this nation. Despite the difficulties and pressures imposed upon him as Majority Leader, Senator Mansfield has always treated every member of the Senate with the utmost courtesy and respect. Many times in the heat of a legislative battle, when tempers reached the boiling point and reason temporarily departed this chamber, it was Senator Mansfield's quick wit which was the "soft answer" that "turneth away wrath" and paved the way to a logical solution and reconciliation of differences.

As Chairman of the Committee on Labor and Public Welfare, I shall always be grateful to Senator Mansfield for the many courtesies he has shown and for his help in passing the major legislation that my Committee has produced. However, above all else, I cherish the 13 years of friendship Mike Mansfield and I have shared. I wish for him many years of good health and continued success. His place in the history of America is assured.

STATEMENT OF SENATOR WILLIAMS OF NEW JERSEY

Mr. President, I am delighted to have the opportunity this afternoon to pay tribute to Senator Mansfield, who on June 17 marked the longest record for service as Majority Leader of the United States Senate.

When Mike Mansfield assumed that position in January of 1961, we already were aware of his dedicated service to the Senate and the Nation. In reviewing his record and the countless newspaper and magazine articles written about him, I find time and again references to his humility, modesty, and patience—that he combines the rare qualities of gentlemanliness and leadership.

No one can point to a man of greater honesty than Mike Mansfield. Probably the only fib to which he ever was a party involved a Navy recruiter's belief that he was 17, rather than 14, when he enlisted for World War I.

In 1943 his public service to Montana began with election to the House of Representatives—increasing with his election to the Senate in 1952. Although he represents a rural state he has not been parochial in his activities and concern. Mike has demonstrated his belief that whether the needs of people are met or not depends largely upon Government and those, who by election or otherwise, assume responsibility for Government at each level.

I shall always be proud of the fact that I have worked with a man who has played so large a role in shaping the direction and greatness of our country. Few of us will ever forget his determined efforts to maintain and improve our VA Hospitals, to bring enactment of the landmark Civil Rights Act of 1964, to establish a rational foreign policy and to bring peace to the world, to insist that 1969 would be a year for meaningful tax reform, and, most recently, to invest our Nation's youth with the right to vote.

I congratulate the distinguished Majority Leader who is a benefactor of his State, the Nation, and the world.

Mr. PERCY. Mr. President, I am honored today to join my colleagues in paying tribute to a man who has the unqualified respect and affection of us all, the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD).

The Senator from Montana exemplifies the very best characteristics of the State he so ably represents—the individualism, openness, courage, and integrity so often associated with persons from the Western States.

But he is no regional politician. He loves the West, but he is even more devoted to his country—to the solution of the problems of all regions of this great Nation, North, South, East, and West. Senator MIKE MANSFIELD feels the needs of the inner city ghetto as deeply as those of the open prairies and lands. The range of his competence in legislative matters covers virtually the entire spectrum of issues that comes before this chamber.

With his tenacity, his subject area knowledge and his parliamentary skill, the Senator from Montana can be a formidable adversary when he is on the other side of an issue, as all of us can testify. But whether MIKE MANSFIELD is with you or against you on an issue, he

always plays by the rules, and as a result the outcome invariably enhances, rather than diminishes, the esteem in which he is held.

As the leader of his party in this body, he works diligently to implement its programs. But MIKE MANSFIELD never loses sight of his broader duty to the United States and to the Congress. A piece of legislation is considered on its merits, not on its source. Blind partisanship is alien to his nature.

Because he harbors no regional, ideological or personal biases and because of his unfailing fairness and courtesy, the Senator from Montana has enduring friendships among Democrats and Republicans, liberals, and conservatives, northerners, and southerners.

I know that my former colleague from Illinois and the leader of my party, the late Senator Dirksen, worked closely and harmoniously with the Senator from Montana for many years. I rarely heard him mention MIKE MANSFIELD's name without adding a word, a sentence or several sentences of praise.

Almost every morning, the Senator from Montana can be found in the Senate cafeteria having breakfast with two of his closest friends, the distinguished Senator from Vermont (Mr. AIKEN) and the distinguished Senator from Delaware (Mr. WILLIAMS). The fact that both of these men are Republicans is eloquent testimony to the high regard in which Senator MANSFIELD is held on my side of the aisle.

Mr. President, at this difficult time in our history, this body is particularly fortunate in having such a steady hand at its helm. I am confident that MIKE MANSFIELD will continue to help steer us on course toward a better and stronger America.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, the Senator from Colorado has been extremely generous in yielding to the leadership for the tributes which have been expressed this afternoon. We interrupted his speech earlier, shortly after 3 o'clock, for this purpose.

Up to that time it did not appear to the joint leadership that it would take the full time until 5 o'clock to express these tributes. However, it has taken the full time.

The leadership wants to be as understanding as we can with the distinguished Senator from Colorado. We do have, in accordance with the order of procedure agreed upon previously, pending business to consider after 5 o'clock.

The leadership was prepared to call up H.R. 16916, the education appropriations measure. I wanted to mention that to the Senator.

Mr. MAGNUSON. Mr. President, I have been holding hearings. Whether there has been some previous arrangement to abolish the 5 o'clock unanimous-consent agreement, I do not know, but I must say to the leadership on both sides that we are ready and willing and able to go on with the education appropriations bill at this time, and the hour of 5 o'clock has arrived.

Mr. SCOTT. Mr. President, if the Senator would yield, I think I ought to explain that some tributes were paid to the distinguished majority leader, and we were all carried away with our enthusiasm.

Mr. MANSFIELD. Mr. President, will the Senator from Colorado yield to me, without losing his right to the floor?

Mr. ALLOTT. I yield.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment, the Allott amendment, occur at 1 o'clock on Monday next; that beginning with the hour of 12 noon, the time be equally controlled between the distinguished Senator from Colorado and the majority leader, or whomever they may designate.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, would that agreement permit any appropriate tabling motions prior to that time?

Mr. MANSFIELD. Oh, yes.

The PRESIDING OFFICER. Not unless it is stipulated.

Mr. SCOTT. Not until 1 o'clock, as I understand it.

Mr. MANSFIELD. That is right, because if we agree to an hour, we should have it.

Mr. KENNEDY. Mr. President, under the unanimous-consent request it would still be in order for any Senator to make a tabling motion under the proposed agreement, but not prior to the hour of 1 o'clock. Is that right?

The PRESIDING OFFICER. Yes, it would, since it has been stipulated that it should be included.

Is there objection to the unanimous-consent agreement? Without objection, the agreement is entered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, that on Monday, June 29, 1970, the Senate proceed to vote at 1 p.m. on the amendment by the Senator from Colorado (Mr. Allott), No. 741 to the bill H.R. 15628, an act to amend the Foreign Military Sales Act, with debate from 12 noon until 1 p.m. being equally divided and controlled by the Senator from Colorado (Mr. Allott) and the majority leader, or his designee. Should a motion to table the amendment be offered, it would be voted on at 1 p.m. on said day.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the consideration of the conference reports on the stockpile bills and possibly a brief morning hour, when the unfinished business is laid before the Senate tomorrow the distinguished Senator from Colorado (Mr. ALLOTT) be accorded the right to the floor to finish the speech which he was unable to finish this afternoon.

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

Mr. ALLOTT. I yield.

Mr. JAVITS. Mr. President, I hope the majority leader will preserve the 5 o'clock arrangement.

Mr. MANSFIELD. I hope to.

Mr. JAVITS. I hope the majority leader understands how that works, because it is important. The Senator from Colorado could have gone on until midnight tonight.

Mr. MANSFIELD. Of course, but I never doubt the good faith of any Senator.

Mr. JAVITS. So I do hope the Senator understands that the 5 o'clock arrangement is available when the floor is available and when the Senator is able to call it up.

Mr. MANSFIELD. I think the words used were "approximately 5 o'clock." It is stretched a little.

Mr. JAVITS. As long as we all understand.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON CONSIDERATION OF PRESIDENTIAL VETO OF H.R. 11102

Mr. MANSFIELD. Mr. President, will the Senator yield further? I would like to engage in a colloquy with the minority leader.

Mr. ALLOTT. I yield.

Mr. MANSFIELD. Mr. President, I understand that the veto by the President of H.R. 11102 was overridden in the House this afternoon and that the message will be here shortly.

Not in anticipation, but for the purpose of keeping the Senate fully informed as to what the joint leadership has in mind, I visited the distinguished minority leader in his office this afternoon and raised the question as to when it might be best to bring up the veto of H.R. 11102 in the Senate for consideration.

We agreed tentatively, subject to the will of the Senate, that a good time might be 5:30 or 6 o'clock Tuesday next, after the final vote on the Cooper-Church amendment and the final vote on the pending bill.

Would that be agreeable, or are there any objections?

If not, Mr. President, I ask unanimous consent, then, that at the hour of 5:30 p.m. on Tuesday next the question of the veto of the President of the United States of H.R. 11102 be taken up, and that immediately after the vote on the pending measure, the time be equally divided between the minority leader and the majority leader, or whomever they may designate, up to the time of the vote.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote to override the President's veto of H.R. 11102, to amend the Public Health Service Act relative to hospitals, at 5:30 p.m. on Tuesday, June 30, 1970, with the time for debate after passage of H.R.15628, the Military Sales Act, being equally divided and controlled by the majority and minority leaders.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the veto

message is received today, it lie on the table until that time.

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

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Colorado for yielding to me.

Mr. ALLOTT. Mr. President, may I propound a question to the majority leader? At what time will the Senate convene in the morning?

Mr. MANSFIELD. Nine o'clock.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, for the benefit of Senators, I understand the pending amendment to the education appropriation bill is an amendment of the Senator from New York, which would add $150 million, to be used in the matter of segregation. The line item is emergency school assistance.

The PRESIDING OFFICER. Will the Senator suspend?

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 11102), an act to amend the Public Health Service Act to revise, extend, and improve the program established by title VI of such act, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and it was resolved that the bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER. In accordance with the previous order, the message will lie on the table until Tuesday

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) an act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 12, 20, 22, 24, 51, and 62 to the bill and concurred therein; that the House receded from its disagreement to the amendments of the Senate numbered 2, 10, 15, and 50, to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate; and that the House insisted on its disagreement to the amendments of the Senate numbered 13 and 16 to the bill.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask that the unfinished business from last night, the education appropriation bill, be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of H.R. 16916.

The question is on agreeing to the amendment offered by the Senator from New York.

Mr. MAGNUSON. Mr. President, the pending business is the amendment of the Senator from New York, which would add $150 million to the education appropriation bill for the purpose of a line item, emergency school assistance, and that amendment is comparable to, or I guess it may be exactly the same as, the amendment offered by the Senator from Minnesota to the supplemental appropriation bill. Now it is pending on the regular appropriation bill.

Mr. JAVITS. Mr. President, the Senator is correct, except it is not the same—definitely not the same.

Mr. MAGNUSON. I mean, the general idea is the same. The $150 million amount is the same.

Mr. JAVITS. It is $150 million. To that extent it is the same.

Mr. MAGNUSON. Mr. President, may I ask the Senator from New York a question, for the benefit of many Senators? Just how much time does the Senator from New York think he will take in debating the amendment?

Mr. JAVITS. Mr. President, I intend to ask for a quorum call, hopefully without losing my right to the floor, so Senators may know we are about to discuss the amendment. I should say that would not take over 5 minutes. I personally will speak for not more than 20 minutes. Then we will have to see what happens.

I would like to point out to my colleague that last night I slept with all the papers under my pillow, so I know all that is in them, and I do not have to take much time. But I will do my best.

Mr. MAGNUSON. The Senator from Mississippi wants to make some remarks on this matter, and some other Senators, so I would imagine, just as a rough figure, that we would not vote on the amendment for at least an hour. Would that be correct?

Mr. JAVITS. Well, hopefully about that.

Mr. MAGNUSON. Hopefully; all right.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum and regain the floor as soon as the action on it is completed.

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

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

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

Mr. JAVITS. Mr. President, the amendment which I have proposed is for $150 million. The general purpose is to utilize various authorization sections of the law allocating money under those authorities which the law allows, which will, we believe, assist the desegregating of school districts which are ordered to desegregate by law, or have within the recent past desegregated. It has been discussed, as to the substance of the amendment, most excellently and thoroughly by the distinguished present occupant of the Chair, the Senator from Minnesota (Mr. MONDALE), by the Senator from Mississippi (Mr. STENNIS), by the Senator from West Virginia (Mr. BYRD), who managed the supplemental appropriation bill, and by others, to such an extent that I think it would be imposing upon the Senate to go over the details of that argument, and I shall not do so.

I shall try, in every way that I can, to emphasize the differences which we face now in respect of this situation.

Mr. President, the amendment is different from the provision which was included in the supplemental appropriations bill as reported by the Appropriations Committee both in respect of those provisions which were contained in the bill itself, in respect of authority, forward dating, et cetera, and in respect of at least one of the provisos. As to the other provisos originating with the distinguished Senator from Minnesota, as these passed the test of a vote in the Senate, and, indeed, were changed by that vote, and after a rather extended debate, I have simply lifted the texts of them, with the permission of the Senator from Minnesota, and incorporated them in my amendment.

So I would like, Mr. President, to point out the differences.

The differences are, first, that any forward projection beyond the time for which appropriations are provided in this bill, to wit, fiscal 1971, are not attempted, nor is there any effort to anticipate fiscal 1971. So whatever is done cannot be available after July 1, 1971. In those respects, the amendment differs materially from the amendment which we considered the other day, so that it eliminates two parts of the supplemental appropriation bill provision which was before us for that reason.

The other respect in which it differs is with respect to the first proviso which is one of the grounds upon which the section was ruled out upon a point of order has been completely revised, and I should like to read to the Senate the section as it is revised, and then refer back to the section which was found inappropriate under the Senate rules.

The proviso as revised reads as follows. It is found on page 2 of amendment No. 737, beginning at line 2 and ending at line 7. It reads as follows:

Provided, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be used to calculate the allocations and proration of items under section 102(b) of the Economic Opportunity Amendments of 1969.

This is a very different proviso from what was contained in the appropriate

section of the supplemental bill, which reads as follows:

Provided, That no part of any funds appropriated herein to carry out programs under title II of the Economic Opportunity Act of 1964 shall be included as part of the amounts appropriated for the purpose of determining allocations for each purpose set forth in clauses (1) through (8) of section 102(b) of the Economic Opportunity Amendments of 1969.

The holding on Monday was that this was legislation in an appropriation bill—to wit, a waiver or a renunciation of a given section of a particular act. On the other hand, the proviso as contained in my amendment is a limitation, because it goes to the mechanical question of "shall be used to calculate," and that is a material difference between these two provisos, which in my judgment makes the necessary difference to qualify the amendment I have submitted.

Mr. President, the other aspect of the matter which I think is very important to consider is the utilization of this $150 million. It is expected that the utilization of the money will follow closely the sources of the authorizations which justify the appropriation. The money, if appropriated, will be spent pursuant to the authorities under which it is appropriated. These authorities are as follows:

For community development programs, which are spelled out in title II of the Economic Opportunity Act of 1964, under the heading "Urban and Rural Community Action Programs," $100 million.

For personnel development programs, which are found in the Education Professions Development Act, part D, under the heading "Improving Training Opportunities for Personnel Serving in Programs of Education other than Higher Education," $9 million.

For major demonstrations, authorization found in the Cooperative Research Act, $14 million.

For drop-out prevention, authorization found in section 807 of the Elementary and Secondary Education Act, $5 million.

For technical assistance, found under title IV of the Civil Rights Act of 1964, $15 million.

For planning and evaluation, authorized under section 402 of the Elementary and Secondary Education Act Amendments of 1967, $5 million.

And the remainder of $2,000,000, authorized as salaries and expenses.

Mr. President, it is the intention of the administration to spend this money under those authorizations and with fidelity to those authorizations.

Another question which troubled Members and which was debated here related to the exact concept which was embodied in proviso (a) contained in my amendment at page 2, line 8. That proviso reads as follows:

(a) to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin

That particular section was the subject of an amendment which was approved in the Senate and was the subject of an effort to amend the amendment which failed in the Senate. The words here set forth are exactly as they emerged from the give and take of debate and as they were left by the votes before the Mondale amendment was made obsolete by the fact that the basic provision of the bill to which it was addressed was itself stricken out on a point of order.

So that we have simply taken what the Senate did as to that proviso—what the Senate actually legislated, as it were, to the extent that it did have rollcall votes. However, concern was expressed over it, before it was refined—and this was a very excellent suggestion of the Senator from Tennessee (Mr. BAKER)—to include the words on line 9, page 2 of my amendment, "or has unlawfully engaged in the gift, lease or sale of property." In other words, whatever retroactivity there was, was based upon the fact that it was unlawful.

Let us remember that this whole question is one of discretion in terms of the use of this money by the Secretary of Health, Education, and Welfare. In other words, even if this proviso were not in the law, the Secretary of Health, Education, and Welfare, himself, could determine that he would not afford whatever assistance he could afford under this appropriation to school districts which had engaged in that practice. He did not need the proviso to do it; but with the proviso, this is an instruction to him to proceed in that way.

It is very important, therefore, as to the intention of the administration in that regard; because to those who have concerns about this particular part of the amendment, the fact that the administration had a given intention with respect to it anyhow, so that it becomes really a tautological question as to whether or not it is incorporated is very important. So I will read a letter from the administration, delivered to me yesterday, which bears on its intention, anyhow, without regard to the inclusion or lack of inclusion of the proviso with respect to this particular matter. The letter is addressed to me, signed by the Under Secretary of Health, Education, and Welfare John G. Veneman, and reads as follows: It is available to every Senator.

THE UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am writing to reaffirm this Department's assurances, given by Secretary Finch at the joint hearings conducted by the Senate Education Subcommittee and Senate Select Committee on Equal Educational Opportunities, that funds provided to assist local school districts involved in the process of desegregation will be administered in a manner consistent with constitutional standards and with the objective of achieving successful desegregation.

The Department understands and shares the concern expressed in the Senate about the possible provision of Federal financial assistance, such as proposed in the President's Emergency School Aid legislation, to school districts which have engaged in discriminatory and unlawful practices, including the disposition of property and services to other agencies with the intent to avoid desegregation. I can personally assure you that we do not intend to reward school districts which seek to circumvent the law. All project applicants and applications for aid will be carefully reviewed and approved only if the Department is fully satisfied that the recipient school districts are conducting their educational programs and activities in a lawful manner and with full regard to achieving successful desegregation throughout their school system.

Sincerely,

JOHN G. VENEMAN,
Under Secretary.

Now, Mr. President, it seems to me that this is an important point because it indicates that the proviso goes no further than the intention of the Department which will have discretion anyhow in carrying out its responsibilities under this particular provision.

Let me make two points and invite the attention of the distinguished Senator from Mississippi to them.

The point was made to me, Mr. President, that a State which had school districts which had in fact unlawfully engaged in the gift, lease, or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin—to wit, a local educational agency, could be entirely barred from participation in the benefits of this particular appropriation.

I said that I did not so interpret it, that "a local educational agency" meant what it said, that the intention of the proviso would be directed to what a particular local educational agency did or did not do.

My understanding was that that did not characterize a State one way or the other unless the State itself was the educational agency which engaged in this practice, and that was not the disquiet or the question which was addressed to me. So, I interpret "a local educational agency" to mean exactly what the words say, a proviso insofar as it is a limitation to refer to that agency and no other in terms of the limitation which is imposed by this particular amendment.

The last point I should like to make relates to the reason why the $150 million is sought when the administration, in a message from the President on May 25, laid out a program for $1.5 billion of which it was felt $500 million would come in the 1971 fiscal year. I think that we now face a refinement of the concepts of the administration based upon the attrition of debate and discussion here. We have before us the fundamental concept that 10 percent of the amount which the President had requested should be made available for the purpose which I have described so that we might utilize that as a way in which to determine how effectively and with what end result or with what gifted administrative skill that 10 percent of $1.5 billion can be devoted to this general purpose, and that this will be instructive to us and instructive to the administration in determining how much further along the road we go and in what way we do it. This makes tremendous sense to me.

I think it is an excellent demonstration of policy. We all know, because that was the justification which was laid before the committees.

Mr. President, I ask unanimous consent to have printed in the RECORD the testimony on this particular matter of the $150 million, which testimony was given before the subcommittee of the Appropriations Committee on Supplemental Appropriations, headed by Senator BYRD.

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

SECOND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1970

Department of Health, Education, and Welfare, Office of Education, Emergency School Assistance, Statement of John G. Veneman, Under Secretary—Accompanied by: Dr. James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education; James W. McLane, Executive Assistant to the Secretary, Programs/Special Affairs; James B. Cardwell, Deputy Assistant Secretary, Budget; Wesley L. Hjornevik, Deputy Director, Office of Economic Opportunity

(Hearings before the Committee on Appropriations, U.S. Senate, 91st Congress, 2d session, on H.R. 17399, an act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes)

Assistance to Districts Facing Desegregation

Senator BYRD. Under chapter VII of the bill, the committee has received a late proposed supplemental request from the Department of Health, Education, and Welfare, Office of Education. The proposed amendment would provide $150 million on an emergency basis for immediate assistance to school districts which must desegregate by the fall of 1970.

As described in the President's message to the Congress of May 21, 1970, desegregating districts face urgent needs for teacher training, education specialists, materials, curriculum revision, equipment and renovation.

The $150 million is requested under several authorities in order to provide as broad a range of assistance as possible for maintaining quality education during the segregation process if that can be done.

Of the $150 million, $100 million is requested under the authority of the Economic Opportunity Act of 1964. The remaining $50 million is requested under authorities vested in the Department of Health, Education, and Welfare and the Office of Education. The entire program of emergency school assistance would be administered by the Department of Health, Education, and Welfare and the Office of Education. If the request is allowed, as proposed, the $150 million would be made available to desegregating school districts before September 30, 1970.

The principal witness testifying on this item is John G. Veneman, Under Secretary Department of Health, Education, and Welfare. You may proceed.

Implementation of Commitment

Mr. VENEMAN. Mr. Chairman, in his statement of March 24 on school desegregation, the President said that he would recommend expenditure of an additional $1.5 billion over the next 2 years to assist local school authorities in their efforts to desegregate. The President is now implementing this commitment with two proposals to the Congress.

1. First, he is asking for a special appropriation, under existing authorities, to provide emergency assistance to those school districts that are now in the process of desegregating—or have recently desegregated—particularly those school districts that will be desegrating for the first time at the beginning of the 1970 fall term. It is in support of this item that we are appearing here today;

2. Second, the President is proposing enactment of the Emergency School Aid Act of 1970 which would authorize a broad range of support for school districts working toward the elimination of both de jure and de facto segregation. The details of this legislative proposal were forwarded to the Congress by the President last Thursday, May 21.

School Desegregation

This administration intends to do everything possible to assist school districts in their efforts to bring an end to school segregation. We do not believe that enough has been done to overcome the very real and difficult problems that are encountered by schools, students, teachers, parents, and the community at large once a goal or deadline has been set for desegregation. Up until now, our laws, our courts, and the Federal Government have said to school districts: "Desegregate; do it now; do it by September," and then left the school, its teachers, and residents of the community to face the problem unassisted. All too often, we have failed to recognize what the problems were. All too often, we have been critical of their lack of progress without recognizing that in many instances the community and the school districts could do a better job if we were to give them a helping hand—if we were to demonstrate with something more than words our desire to bring about desegregation promptly and with minimum disruption and turmoil.

Both the President's legislative proposal and the request for emergency appropriations are designed to provide the kind of assistance that we believe to be so important for these school districts.

Financial and Technical Assistance

We are requesting a new and special appropriation, "Emergency school assistance," that would provide financial and technical assistance to the 1,000 school districts that are expected to desegregate for the first time at the beginning of the fall 1970 term—or have recently begun the process. These districts include more than 10,000 individual schools serving over 7 million students. The appropriation we are requesting represents a significant amount of money—$150 million. This money would be administered by the Office of Education in the Department of Health, Education, and Welfare. Except for a limited portion needed to finance administrative costs associated with the program, the funds would be granted principally to individual school districts committed to carrying out the basic process of desegregation. However, these funds could also be granted to public and private community and civic organizations where it is found that such organizations can more effectively carry out programs designed to support the implementation of a desegregation plan.

Frankly, time is running out on us. We are now left with little over 3 months to work on the many, many problems that these school districts will face as they work toward desegregation. Our objective is to provide these school districts and others who would work with them both financial and technical assistance between now and next fall.

Use of Emergency Funds

The problems facing these school districts vary among school districts. In many instances, if desegregation is going to result in equal educational opportunity, there is a need to immediately upgrade the quality of the curriculum and of the teaching program of given schools. Equality of opportunity in many cases requires remedial training for the students who have heretofore gone to a substandard school. Many need additional teachers, both on a temporary and permanent basis. They face increased administrative burdens and tremendous problems of parent-teacher and community relations. They also need to modify existing school buildings to accommodate children of different age and grade groupings or to accommodate a larger number of pupils. They lack the funds to acquire a classroom trailer or other mobile facilities which might serve as a temporary expedient.

There is also a need to work imaginatively with the parents and with members of the community to pave the way for an orderly process. We are very hopeful that by offering financial assistance we can encourage local civic and public-spirited groups to assist in the task of preparing the community to adjust positively to a desegregated school system.

Based on our experience thus far with the title IV program of the Civil Rights Act of 1964, we know that a great deal can be achieved by passing experience gained by those who have already gone through the process to the school districts facing this experience for the first time. This by no means exhausts the full range of problems or solutions. The justification materials which we have already furnished to you present the full range of the program that we propose to carry out with this appropriation.

How This Emergency Program Would Work

As I have already said, the Commissioner of Education would be given the basic job of administering the program. He would do this by making grants to school districts or in special circumstances to responsible nonprofit groups at the local level. These grants would be used to finance temporary teachers, teacher aides, additional administrative and clerical staff at the local level, counseling staff, teacher training, curriculum development, special reading programs, including remedial programs for the students themselves, remodeling of facilities, support for planning the logistics of desegregation, community action and community relations efforts, and, finally, technical assistance—assistence that would be furinshed by experienced people from the State and local level.

We are requesting funds under six authorities—five vested in the Commissioner of Education and one under the Economic Opportunity Act. We believe that this special effort has the best chance of working if we award the grants under any or all of the six authorities under which the funds are being requested.

Importance of OEO Authority

While on the subject of the various authorities under which the program would be conducted, I would like to state the importance of relying, as this program proposes to do, heavily on the program authority granted under title II of the Economic Opportunity Act. It is under this authority that we would provide assistance to remodel facilities. It is under this authority that we would provide financial assistance for the procurement of additional manpower and direct services to schools. The several authorities already vested in the Office of Education, notably authorities under the Education Professions Development Act and title IV of the Civil Rights Act, would serve as the basis for assistance for teacher training, curriculum development, and technical assistance. I want to emphasize, Mr. Chairman, that we do not propose, nor would we be authorized under this request, to finance any new construction of a school building or other facility.

Administrative Requirements

Finally, Mr. Chairman, I would like to say a word about the need for administrative staff to help carry out this program. We would begin immediately to divert existing staff from the Office of Education for the operation of this program. Once we have put it in place, we would also rely on this staff to implement the President's new legislative proposal—the Emergency School Aid Act of 1970. Because we will be taking these people

from other important jobs within the Office of Education, it will be necessary to replace them, and a limited share of this request—$2.1 million—is proposed to finance administrative expenses in the Office of Education.

Except for the salaries and expenses portion of the request, the grant funds that make up the bulk of the request would be available for obligation through September 30, 1970. We have asked for this much time in order to give the school districts maximum opportunity to organize their proposals and to get their operations underway.

I should make clear, however, that the effort that would be financed through these grants will not be entirely completed by that time. Our objective is to have the awards made by that time, but they would cover local programs throughout the school year.

We see this special emergency 1970 appropriation as serving this one-time need. The resources proposed for the remainder of 1971 and 1972 in the President's March 24 message will be requested as part of the regular budget process following congressional action on the legislative proposal.

Mr. Chairman, that summarizes our request We will be glad to answer any questions that the committee might have.

Relationship of Supplemental to Total $1.5 Billion Program

Senator BYRD. How does this request relate to the new legislation recently submitted by the President and to the amounts of $500 million and $1.5 billion that I heard about?

Mr. VENEMAN. The $150 million made available through the supplemental would be deducted from the 1971 request, leaving a balance of $350 million which would be carried in the authorizing legislation which was introduced yesterday by Senator Javits and Senator Pell, and we anticipate it will be introduced on the House side. The remainder of $1.5 billion will be included in the fiscal year 1972 appropriation request.

Program Urgency

Senator BYRD. Why the hurry for the supplemental now? Why can we not wait for enactment of the legislation presented by the President?

Mr. VENEMAN. We are trying to focus this money on the de jure districts which have been ordered to desegregate by the court or have come up with a desegregation plan under HEW auspices. These districts will include those integrating for the first time this fall as well as those that have recently desegregated. This would amount to 994 school districts. This supplemental appropriation is necessary if we are to get the money out during the summer months. The schools need this time for the teacher development, the teacher aides and other items mentioned in my opening statement. We do not anticipate the Congress will be acting on our regular bill in sufficient time to make that money available before September.

Expenditure of Funds

Senator BYRD. You state that all of the $150 million being requested will be granted on behalf of school districts that have just recently desegregated or that will be desegregated for the first time next fall, and that all of the funds will be granted between now and that time. How can you spend $150 million effectively in such a short period?

Mr. VENEMAN. Mr. Chairman, as I mentioned, we are talking about 994 school districts. This is about $150,000 per school district. Within this total, there are about 10,000 actual schools. Broken down further, it amounts to about $20 per pupil or about $15,000 per school.

We feel that by using the broad authority of OEO and the other titles that we have the mechanisms to fund a large number of additional projects and have the funds expended judiciously between now and the beginning of the school year. We think the structure is pretty much there.

Senator BYRD. Please give the committee a breakdown of the $150 million. How will it be expended and possibly where it will be expended.

Mr. VENEMAN. I can do that, Mr. Chairman.

On page 3 of the budget justification we estimate that $115 million of the $150 million will be expended for special educational personnel and programs; $15 million would be expended for community participation programs, and $17,900,000 would be expended for equipment and minor remodeling.

I would emphasize, Mr. Chairman, that there is no suggestion that this money be expended for new construction of school facilities. It would be used for mobile classrooms rather than permanent construction.

We anticipate there would be a need for approximately $2.1 million for Federal administration and technical assistance. We propose to utilize initially persons who are presently on board in the Office of Education and transfer them into the program. We would need this money primarily to replace those positions so that they would not be short in the Office of Education.

Basis for Budget Requests

Senator BYRD. How did you arrive at your estimates with respect to each of these four categories?

Mr. VENEMAN. I will let Dr. Allen or one of his staff speak to that. Pages 9 through 14 of the budget justification breaks it down specifically as to the number of positions and the programs that we proposed to be spending the money for. How we arrived at $115 million for special purposes, etc., I will let the Commissioner speak to that.

Senator BYRD. Go ahead, Dr. Allen.

Dr. ALLEN. As you know, we have had considerable experience in working with districts in the South under title IV of the Civil Rights Act of 1964. By consulting with the superintendents and others down there we have arrived at these rough estimates to provide the kind of assistance this program calls for. We have had our staffs working with the school systems in the South, and we think these are reasonable estimates of what can be done.

Senator BYRD. Based on what hard facts? We don't want to appropriate $150 million on the basis of a rough estimate.

Mr. VENEMAN. Mr. Chairman, once again when we break it down in accordance with the figures I gave a moment ago, and we are dealing with 10,000 individual schools, it comes down to about $15,000 per school or $20 per pupil, which puts it in better perspective. There would not be a vast amount of money going into any particular area.

De Jure Versus De Facto Segregation

Senator BYRD. Does this supplemental deal with de facto segregation?

Mr. VENEMAN. It does not. It applies only to the 17 Southern and border States.

Relationship of Request in Pending Supplemental for Title IV of the Civil Rights Act of 1964

Senator BYRD. The bill now under consideration already includes a supplemental budget request of $10 million, and the House allowance of $5 million is for similar activities under title IV of the Civil Rights Act of 1964. How does that request relate to the $150 million?

Mr. VENEMAN. That particular title IV request, Mr. Chairman, would be for related programs, many of which would be in the same school districts; but this would be in addition to that supplemental request.

Mr. CARDWELL. I might also add, Mr. Chairman, the title IV money is much more limited in its scope. It can be used for teacher training, but it cannot be used for the broad range of activities now being requested.

Mr. VENEMAN. It does not have the flexibility this particular proposal will have.

Nonuse of Funds for Busing to Overcome Racial Imbalance

Senator BYRD. Will any of these funds be used for the purpose of bringing about racial balance?

Mr. VENEMAN. No; they would not be used for the purpose of racial balance, and that is specifically stated in the budget justification. We do not anticipate that there would be a significant amount of funds used for busing, Mr. Chairman.

As we look at the desegregation plans that have been put into effect by this Department, under this administration, we find that only about 3 percent of the school districts that have come in with compliance plans have required more busing than previously. Most of them have had a reduced amount of busing.

The only plase where some funds might be used for transportation is in those cases where the court has ordered transportation to acheive desegregation and the school district specifically requests that some of these funds be used for transportation purposes. That would be for the purpose of complying with the desegregation order and it could not be used for the sole purpose of achieving racial balance.

Senator BYRD. Is any pressure going to be put on school districts to use moneys for busing in order to deal with racial imbalance?

Mr. VENEMAN. I do not think so, Mr. Chairman. There we would be talking primarily about de facto situations. We might get into this matter when we get into the new legislation. It is not an issue as far as this particular supplemental is concerned, but I do not think that we can see far enough down the road to know if there will be very much pressure just for the purpose of eliminating racial imbalance.

Senator BYRD. How could that be generated at all in view of the verbiage of the 1964 act?

Mr. VENEMAN. That is what I am getting at. There may be school districts which will request transportation for achieving educational opportunity but not for the purpose of eliminating racial imbalance.

AVAILABILITY OF FUNDS UNTIL SEPTEMBER 30, 1970

Senator BYRD. The appropriation language which you have proposed asks that except for administrative expenses the funds remain available until September 30. Normally funds in this bill will be for the year 1970 and expire on June 30. For that reason, let the record show why this September 30th language is needed.

Mr. VENEMAN. I will let Mr. Cardwell speak to that, Mr. Chairman.

Mr. CARDWELL. Mr. Chairman, your point is absolutely correct. We are requesting what, in effect, will be 1971 appropriations in a 1970 supplemental. Our problem, however, is one of timing. We met with both House and Senate representatives from the Committees on Appropriations and discussed with them the best way to deal with this problem. At one time, we thought that perhaps we could add the item or attempt to add the item to the education bill which is soon to go on the floor of the Senate. It was decided somewhat mutually that that might well interfere with and delay an effort that the Congress has been making to get that bill out and get it out fast to establish that for 1971 we can indeed get a bill out on time.

We are still faced with the problem of having the money available this summer. We chose this route because it seemed to us that this was going to be the first opportunity for an appropriation act to make the money available. In order to make it available for 1971, we do have to have this language. Without the language, we would be forced to try to spend $150 million in a very short period of time prior to June 30th, and, frankly, we don't think we could do that.

Mr. VENEMAN. This will be deducted from the $500 million requested in the new legislation for 1971.

Criteria for Allocation of Funds

Senator BYRD. What formula will control the distribution of these funds among the States?

Mr. VENEMAN. In the supplemental it would not be a statewide formula. It would be based upon the needs of individual school districts.

In the act, there is a requirement that each State would be entitled to at least $100,000. The Commissioner can speak to this.

Mr. ALLEN. Two-thirds of the money goes to the States on a formula basis and a third is reserved to the Secretary to use at his discretion.

Senator BYRD. Will the administrator of the program have complete discretion in the distribution of funds?

Basic Policies for Program Administration

Mr. VENEMAN. He would have. The Commissioner of Education would be approving projects according to certain criteria that would be established. The criteria as they relate to this supplemental request would require that the funds be used to overcome problems associated with de jure segregation.

Senator BYRD. Has the criteria been established?

Mr. MCLANE. They are being established and should be completed within a week or so.

Senator BYRD. Supply the criteria to the subcommittee, and include in the record if possible.

Mr. VENEMAN. As soon as it is available, we will supply it to the subcommittee.

(The criteria follows:)

BASIC POLICIES FOR ADMINISTERING THE EMERGENCY SCHOOL ASSISTANCE APPROPRIATION OF $150 MILLION NOW UNDER PRELIMINARY CONSIDERATION BY DHEW

I. Eligibility criteria:

1. Eligibility for sponsorship:

A. Eligibility for sponsorship of project is limited to local education agencies (LEA's) which are implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968–69 or 1969–70.

B. Public or private community or civic organization, other than LEA's which are assisting a local school system in implementing a court ordered or HEW approved plan of desegregation for September 1970 or which have implemented a plan of desegregation during the school year 1968–69 or 1969–70.

2. Eligibility for receipt of funds:

A. The application must submit a project which is of sufficient comprehensiveness, size, and scope to offer reasonable assurance that it will succeed in meeting the problems incident to implementation of the applicant's desegregation plan.

B. An application must provide assurance that Federal funds made available for any fiscal year will be used so as to supplement and increase the level of funds that would, in the absence of such Federal funds, be available to the applicant from non-Federal sources for purposes which meet the requirements of this authorization, and in no case as to supplant such funds from non-Federal sources.

C. Sponsors of projects will be expected to demonstrate that provision has been made for minority groups, parents, members of the community and others at interest to participate in an organized way in the development, review and evaluation of the project.

(NOTE.—These draft criteria are being considered for purposes of administering the special $150 million appropriaton request and are subject to change. They have not yet been reviewed by all who might be able to contribute ideas and useful suggestions. They do not represent the same criteria, in whole or in part, that may be developed to implement the Emergency School Aid Act of 1970 or similar legislation now under consideration by the Congress.)

D. In the case of sponsorship by public or private community, or civic organizations other than an LEA, a project will be funded only when it is clearly in support of the LEA plan.

II. Funds may be used for activities that maintain and improve the quality of education during the desegregation process. Examples of such activities are the following:

1. Special educational personnel and student programs:

A. *Special personnel*—

Temporary teachers to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teachers aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during the summer for principals.

B. *Student services*—

Remedial programs to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue education.

Health and nutrition serivces—to provide specialized personnel and services for students having health and nutrition deficiencies.

Dropout prevention programs.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

C. *Educational personnel development*—

Seminars on problems incident to desegregation—to provide training with skills experts in the area of human relations so as to minimize problems incident to desegregation.

Seminars on teacher interpersonal relationships—to facilitate positive interpersonal relations among educational personnel through training by skilled professionals in an intercultural understanding.

Utilization of university expertise through institutes and inservice programs to deal with such problems as:

Teaching bilingual children

Teaching children with speech and dialect deficiencies

Attitudes and problems of teachers, parents and students involved in the desegregation process

Upgrading basic skills and instructinal methodologies of teachers in English, math, science, social sciences, language arts, reading, etc.

D. *Curriculum development*—

Utilization of expert consultants to shape and design new curricula approaches and to introduce curriculum innovations that would serve children with multi-ethnic backgrounds.

New and varied instructional materials.

Improved evaluation and assessment of student progress.

E. *Special demonstration projects*—

Projects for introduction of innovative instructional methodologies which will improve the quality of education in the desegregated school:

Individualized instruction.

Master teachers.

Team teaching.

Non-graded programs.

Special projects involving community agencies and parents—to develop joint projects between special-interest and civic groups, parents and the schools which would promote understanding among citizens. Such projects could include sponsoring citywide and countywide art and music festivals, public meetings on relevant school problems (drug abuse, behavior, etc.)

Exemplary instructional practices—to operate pilot projects which would demonstrate exemplary instructional practices suitable for systemwide replication and for other school districts involved in the desegregation process.

F. *State and local planning and administration*—

Expand technical assistance capabilities at the State education agency level—to provide additional personnel to assist the local education agency in planning for desegregation.

Temporary staff at the local level to handle administrative details and clerical duties—to provide additional temporary staff to deal with the logistics of changing from a dual to a unitary system. For example, rescheduling of students and teachers, redrawing transportation routes, supervision of necessary physical changes (moving equipment, building renovation, etc.

Staff at the local level for planning and supervising the implementation of the desegregation plan.

2. Community participation programs:

A. *Public information activities*—

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

B. *Community programs*—

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e., PTA, Education Emphasis Week, etc.

3. Equipment and minor remodeling:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility.

Expenditures Dependent Upon Delegation of Authority of Director, Office of Economic Opportunity

Mr. CARDWELL. We might point out that the expenditure of these moneys by the Office of Education, Department of Health, Education, and Welfare would depend upon the delegation from the Director of the Office of Economic Opportunity, of his authorities under title II–B of the Economic Opportunity Act. That, of course, would condition the way in which the moneys would be spent under that act.

Senator BYRD. You will be able to supply these criteria within a week?

Mr. MCLANE. By the end of next week we certainly should be able to, yes, sir.

Mr. VENEMAN. We are trying to buy time.

Senator BYRD. You might be buying time on the bill.

Will the newly appointed committee headed by Vice President Agnew have a role in this specific program?

Mr. VENEMAN. Not in this specific program. This program will be administered by the Office of Education. They have looked into the overall problems found by the educational system because of either de jure or de facto segregation, but it is not anticipated that they would be involved in the administration at all.

Activities Supported Under Title II, Economic Opportunity Act

Senator BYRD. What will the money available under these programs be used for? For example, what will OEO money be spent for?

Mr. VENEMAN. It is rather imperative that we have that authority for this supplemental, because we need the flexibility.

Mr. CARDWELL. Mr. Chairman, to a large extent the OEO money would be used for any community participation program. We estimate $15 million in that category. It would also be used for any equipment and minor remodeling. We have no educational authority to do that. There we have an estimate of about $17.9 million; and then possibly there would be another $70 million that would be used in such areas as remedial programs for students, guidance, counseling and testing of students, and work programs that might be developed at the local level to permit a student to work and go to school. We can provide for the record a full list of the kinds of items that will be used under that authority.

Senator BYRD. Very well; do that, please.

(The information follows:)

ACTIVITIES WHICH WOULD BE SUPPORTED UNDER TITLE II OF THE ECONOMIC OPPORTUNITY ACT

Up to $100 million of the $150 million supplemental estimate would be spent under the authority of the Economic Opportunity Act. The inclusion of this authority in the Emergency School Assistance request is critical because it is the principal legislative basis for (1) hiring additional educational personnel, (2) providing special services, such as guidance and counseling services, (3) supporting community participation programs and (4) financing equipment and minor remodeling.

The purpose of the Emergency Program is to fund comprehensive projects which can deal with the broad range of problems facing a school district during the desegregation process. Without this authority, the Emergency Program would be limited for the most part to the support of planning activities, teacher training, curriculum revision and technical assistance, which can be funded under the several Office of Education authorities.

Following, in greater detail, are the activities which require inclusion of the Title II authority:

1. Special educational personnel and student programs: $67,100,000.

The following activities would be supported:

A. *Special personnel*—

Temporary teachers—to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will maximize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during summer for principals.

B. *Student services*—

Remedial programs—to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue their education.

Health and nutrition services—to provide specialized personnel and services for students having health and nutrition deficiencies.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

2. Community participation programs: $15,000,000.

The following activities would be supported:

A. *Public information activities*—

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

Public information coordinator—to provide for a person on superintendent's staff to promote public information activities.

B. *Community programs*—

Establishment and support of a biracial committee.

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e. PTA, Education Emphasis Week, etc.

Community-relations coordinator—to provide a person on superintendent's staff to plan, organize and implement programs for students and parents involved in the desegregation process.

Special demonstration projects designed to keep communication open, build understanding and develop community support.

3. Equipment and minor remodeling: $17,900,000.

The following activities would be supported:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility including painting, modernizing, and partitioning.

Cooperative research

Senator BYRD. What will cooperative research money be spent for?

Mr. ALLEN. It will be spent for evaluation of these programs for one thing, and for curriculum revision, that sort of thing.

Senator BYRD. Just insert the complete list for the record.

Mr. ALLEN. It is the justification.

Categories of schools desegregating

Senator BYRD. How much of these moneys will go to districts desegregating under court order or title VI?

Mr. VENEMAN. There are about 220 desegregating under court order. It will all be under court order or title VI plans in this particular group. How that breaks out between plans that have been developed through HEW versus those that have been developed by order of the court——

Mr. CARDWELL. The figure is 220 under court order and 496 under HEW approved plans.

Mr. VENEMAN. Two hundred and seventy-eight are the recently desegregated group.

Senator BYRD. What about districts desegregating voluntarily and districts offering education in racial isolation? How will the money be broken down to districts desegregating under court order or title VI and those districts desegregating voluntarily and those offering education in racial isolation?

Mr. VENEMAN. The latter would not be involved under this supplemental. Under court order, 220, and 496 under HEW plans, and the balance of 278 would make up the 994 that we have referred to.

Senator BYRD. Why is not expenditure anticipated for those districts in racial isolation? As I read the President's statement, I gather this is one of the very important features of his program.

Mr. VENEMAN. That is correct, but that would be authorized under the new legislation. We do not plan to spend funds for this purpose under the supplemental request. We feel we should have the congressional authority before moving in that direction. I think we should point out that this is separable from the new legislation. We anticipate passage of the Administration's Emergency School Aid Act. But in the event it did not go through, this would not be wasted money because this money would be focused on those school districts which are having problems this summer.

Justification

Senator BYRD. We will place your justification in the record at this point.

(The justification follows:)

APPROPRIATION ESTIMATE

Emergency school assistance

For providing emergency assistance to desegregating school districts under part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $150,000,000 to remain available until September 30, 1970: Provided, That funds appropriated to carry out programs under title II of the Economic Opportunity Act of 1964 shall not be subject to those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels: Provided further, That funds appropriated for administrative expenses shall remain available until June 30, 1971."

Explanation of language change

The proposed language is necessary to establish the new appropriation "Emergency School Assistance." The proposed language authorizes funds to support the emergency needs of the 994 school districts which are in the process of desegregation.

OFFICE OF EDUCATION, EMERGENCY SCHOOL ASSISTANCE

AMOUNTS AVAILABLE FOR OBLIGATION

	1970		
	Presently available	Revised estimate	Increase
Appropriation		$150,000,000	$150,000,000

OBLIGATIONS BY ACTIVITY

	1970					
	Presently available		Revised estimate		Increase	
	Positions	Amount	Positions	Amount	Positions	Amount
1. Special educational personnel and programs				$115,000,000		+$115,000,000
2. Community participation programs				15,000,000		+15,000,000
3. Equipment and minor remodeling				17,900,000		+17,900,000
4. Federal administration and technical assistance			100	2,100,000	+100	+2,100,000
Total obligations			100	150,000,000	+100	+150,000,000

OBLIGATIONS BY OBJECT

	Presently available	Revised estimate	Increase
Total number of permanent positions		100	100
Full-time equivalent of all other positions		12	12
Average number of all employees		97	97
Personnel compensation:			
Permanent positions		$1,200,000	$1,200,000
Positions other than permanent		100,000	100,000
Other personnel compensation			
Subtotal, personnel compensation		$1,300,000	$1,300,000
Personnel benefits		97,000	97,000
Travel and transportation of persons		313,000	313,000
Rent, communications and utilities		207,000	207,000
Printing and reproduction		42,000	42,000
Other services		77,000	77,000
Supplies and materials		14,000	14,000
Equipment		50,000	50,000
Grants, subsidies and contributions		147,900,000	147,900,000
Total		150,000,000	150,000,000

Summary of changes

1970 enacted appropriation	
1970 revised estimated obligations	$150,000,000
Total changes	+150,000,000

INCREASES

Program:	
Special educational personnel and programs	115,000,000
Community participation programs	15,000,000
Equipment and minor remodeling	17,900,000
Federal administration and technical assistance	2,100,000

Explanation of Changes

The President, in his message of May 21, 1970, to the Congress of the United States, proposed the Emergency School Aid Act of 1970. Under the terms of this Act, funds would be used to assist local school authorities in meeting special needs incident to both *de jure* and *de facto* segregation.

The $150,000,000 requested in this supplemental appropriation, to be used under existing authorities, will provide immediate assistance to the approximately 994 *de jure* school districts in the 17 southern and border States which have recently developed or which must develop total desegregation plans by September 1970.

Emergency school assistance

Introduction

On March 24, 1970, the President of the United States issued a statement entitled "School Desegregation: A Free and Open Society". In clearly establishing the policies of his Administration in the areas of school desegregation and in restating his firm dedication to equal educational opportunity, the President added the following commitment.

"Words often ring empty without deeds. In government, words can ring even emptier without dollars.

"In order to give substance to these commitments, I shall ask Congress to divert $500 million from my previous budget requests for other domestic programs for fiscal year 1971, to be put instead into programs for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For fiscal year 1972, I have ordered that $1 billion be budgeted for the same purposes."

In this same message, the President directed a cabinet-level committee chaired by the Vice President of the United States to develop plans for the effective use of such funds as may be appropriated by Congress in response to his recommendation. One outcome of the efforts of this committee and of the Department of Health, Education, and Welfare, has been a bill requesting Congress for an authorization totaling $1,500,000,000 over fiscal years 1971 and 1972. It was realized, however, that final action on these proposals could not be completed in time to deal with the most pressing problems of school districts which have been desegregating this year or are faced with desegregation in September 1970. These districts have much work to do and many preparations to make this summer and are in need of financial assistance. To meet the emergency needs of such school districts, the President has proposed that Congress appropriate $150 million under six existing legislative authorities to be made available immediately to school districts undergoing desegregation.

Dimensions of the problem

In the 17 southern and border States there are some 4,500 school districts, of which 994 are in the process of desegregation. These include some 220 school districts now under court order calling for complete desegregation by this September, 496 districts, which have submitted are negotiating or are likely to be negotiating desegregation plans under the Department of Health, Education, and Welfare auspices for total desegregation by September; another 278 districts which will be operating under total desegregation plans implemented in 1968 and 1969.

Selection of appropriate authorities

In recognition of the immediate financial needs which desegregation places upon these 994 school districts, the $150 million being proposed for immediate financial aid is requested under six existing legislative authorities which are:

1. *Community development programs:*

Economic Opportunity Act of 1964, Title II, Urban and Rural Community Action Programs. This title's purpose is to help focus available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient. Presently funded under this authority are Head-start and Follow Through, among others.

2. *Personnel development programs:*

Education Professions Development Act, Part D, Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education. Programs or projects under this part are funded to improve the qualifications of persons serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise or train persons so serving.

3. *Major demonstrations:*

Cooperative Research Act. This Act authorizes projects for research, surveys, and demonstrations in the field of education, and for the dissemination of information derived from education research.

4. *Dropout prevention:*

Elementary and Secondary Education Act, Section 807. This section authorizes demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of children who do not complete

their education in elementary and secondary schools.

5. *Technical assistance:*

Civil Rights Act of 1964, Title IV. This title authorizes rendering technical assistance to school boards in the preparation, adoption, and implementation of plan for the desegregation of public schools.

6. *Planning and evaluation:*

Elementary and Secondary Education Act Amendments of 1967, Section 402. This section authorizes grants, contracts or other payments for planning and evaluating any programs for which the Commissioner of Education has responsibility for administration.

These particular authorities were selected because they met the following criteria:

Focus on elementary and secondary education

Can be used for student and teacher services

Are discretionary authorities

Do not have formulas which would channel funds away from areas of greatest need

Are designed to support and encourage demonstration activities

Are flexible in the range of activities which can be approved

Are clearly related and appropriate to the needs of school districts undergoing desegregation

Have authorization levels which are sufficiently above current levels of appropriation to permit additional appropriations.

Activities to be supported

To minimize disruption of the educational process and to maintain quality education during the change to a unitary system, a vast array of vital activities must be supported. Teachers need to be trained and made aware of the skills required to teach effectively in integrated classrooms. Teacher aides must be employed and trained to maximize instructional activities for students who may need to catch up academically. Guidance, counseling and testing programs must be redesigned and updated to serve new needs. New and innovative instructional approaches must be designed, including remedial, tutorial, work-study, and bilingual programs, if overall educational quality is to be maintained and enhanced. Community information and communication programs that develop and build confidence in the public education system and promote understanding and acceptance must be designed, staffed and implemented. In addition, facilities must be modified to accommodate school consolidation.

OFFICE OF EDUCATION—EMERGENCY SCHOOL ASSISTANCE

	1970					
	Presently available		Revised estimate		Increase	
	Positions	Amount	Positions	Amount	Positions	Amount
1. Special educational personnel and student programs				$115,000,000		$+115,000,000
2. Community participation program				15,000,000		+15,000,000
3. Equipment and minor remodeling				17,900,000		+17,900,000
4. Federal administration and technical assistance			100	2,100,000	+100	+2,100,000
Total obligations			100	150,000,000	+100	+150,000,000

General Statement

School districts will be encouraged to review carefully the local problems anticipated during the desegregation process, identifying programs and resources to overcome their problems. Funding will be based upon each district's needs rather than a standard program. School districts will be required to carefully plan their programs and build in evaluation components designed to assess the program's effectiveness in meeting stated objectives. State and Federal personnel will be available to provide assistance in the identification of problems, the development of program requirements, and the management of the program.

The following estimates by program activity represent a rough approximation of how the supplemental request will be used. It is based upon the judgments of present Office of Education staff who have been working closely with southern school superintendents. Although needs will vary from one school district to another, it is expected that approvable projects will need to be both large enough and comprehensive enough to make a difference. If the objective of this program—to maintain quality education during desegregation—is to be realized, projects will have to be multi-faceted. Community participation, special personnel and services, administrative and logistical help, and technical assistance are all important elements of a successful program.

A supplemental appropriation of $150 million would provide an average of $150,000 for each of the approximately 1,000 eligible school districts. Assuming an average of 10 schools per school district, this would mean about $15,000 per school.

In total, the target population includes about 7.2 million students, of whom 2.5 million are minority students, and approximately 335,000 educational personnel.

1. Special educational personnel and student programs:

Presently available	
Revised estimate	$115,000,000
Increase	+115,000,000

The following activities would be supported:

A. *Special personnel—*

Temporary teachers—to provide release time for regular instructional personnel to participate in desegregation workshop activities.

Teacher aides—to reduce pupil-teacher ratios in order to give more attention to individual students.

Special guidance and counseling and testing staff—to assist and counsel principals, teachers, and students in order to provide educational programs that will remedy student deficiencies.

Monitors—parents in the school community to perform services that will reduce potential behavioral problems on school buses and school grounds.

Crossing guards—to provide staff that will minimize safety precautions for children who may be taking new and different routes to school.

Administrative and clerical staff—to provide additional personnel and time for implementation of desegregation plans, e.g., additional month of employment during summer for principals.

B. *Student services—*

Remedial programs—to provide specialists, books and supplies for remediation in all subject areas in which students are deficient.

Guidance and counseling—to provide adequate guidance and counseling staff in order to deal with student adjustment problems resulting from the desegregation process.

Diagnostic evaluation and testing programs—to provide diagnosticians trained to evaluate special sight, hearing and psychological problems of students.

Work-study programs—to provide children from poverty level families with specially-designed school programs that would afford them financial assistance so as to continue their education.

Health and nutrition services—to provide specialized personnel and services for students having health and nutrition deficiencies.

Dropout prevention programs.

Student relations—to provide special programs designed to assist students on problems such as acceptance, behavior, dress codes, etc.

C. *Educational personnel development—*

Seminars on problems incident to desegregation—to provide training with skilled experts in the area of human relations so as to minimize problems incident to desegregation.

Seminars on teacher interpersonal relationships—to facilitate positive interpersonal relations among educational personnel through training by skilled professionals in an intercultural understanding.

Utilization of university expertise through institutes and inservice programs to deal with such problems as:

Teaching bilingual children.

Teaching children with speech and dialect deficiencies.

Attitudes and problems of teachers, parents and students involved in the desegregation process.

Upgrading basic skills and instructional methodologies of teachers in English, math, science, social sciences, language arts, etc.

D. *Curriculum development—*

Utilization of expert consultants to shape and design new curricula approaches and to introduce curriculum innovations that would serve children with multi-ethnic backgrounds.

New and varied instructional materials.

Improved evaluation and assessment of student progress.

E. *Special demonstration projects—*

Projects for introduction of innovative instructional methodologies which will improve the quality of education in the desegregated school:

Individualized instruction.

Master teachers.

Team teaching.

Non-graded programs.

Special projects involving community agencies and parents—to develop joint projects between special-interest and civic groups, parents and the schools which would promote understanding among citizens. Such projects could include sponsoring citywide and countywide art and music festivals, public meetings on relevant school problems (drug abuse, behavior, etc.).

Exemplary instructional practices—to operate pilot projects which would demonstrate exemplary instructional practices suitable for systemwide replication and for other school districts involved in the desegregation process.

F. *State and local planning and administration—*

Expand technical assistance capabilities at the State education agency level—to provide additional personnel to assist the local education agency in planning for desegregation.

Temporary staff at the local level to handle administrative details and clerical duties—to provide additional temporary staff to deal with the logistics of changing from a dual to a unitary system. For example, rescheduling of students and teachers, redrawing transportation routes, supervision of necessary physical changes (moving of equipment, building renovation, etc.).

Staff at the local level for planning and supervising the implementation of the desegregation plan.

2. Community participation programs:

Presently available	
Revised estimate	$15,000,000
Increase	+15,000,000

The following activities would be supported:

A. *Public information activities*—

Community information programs for parents, teachers, and students—to provide factual information about the desegregation plan and school programs.

Public information coordinator—to provide for a person on superintendent's staff to promote public information activities.

B. *Community programs*—

Establishment and support of a biracial committee.

School-home visitation programs—an activity to be performed by educational personnel to assist with dissemination of information about school programs and student progress in the desegregated school.

Special parent programs—to provide programs designed to increase parents' involvement with the schools' programs, i.e. PTA, Education Emphasis Week, etc.

Community-relations coordinator—to provide a person on superintendent's staff to plan, organize and implement programs for students and parents involved in the desegregation process.

Special demonstration projects designed to keep communication open, build understanding and develop community support.

3. Equipment and minor remodeling:

Presently available	
Revised estimate	$17,900,000
Increase	+17,900,000

The following activities would be supported:

Procurement and relocation of temporary classrooms (trailers, mobile facilities and demountables).

Procurement and relocation of equipment and classroom furniture, including replacement of obsolete items.

Minor building renovation and remodeling for general upgrading of a facility including painting, modernizing, and partitioning.

	Presently available		Revised estimate		Increase	
	Positions	Amount	Positions	Amount	Positions	Amount
4. Federal administration and technical assistance: Personnel compensation and benefits			100	$1,397,000	+100	+$1,397,000
Other expenses				703,000		+703,000
Total			100	2,100,000	+100	+2,100,000

An amount of $2.1 million and 100 positions is requested to administer the Emergency School Assistance Program. This new effort will require:

Developing entirely new procedures and regulations which will allow the Office of Education to administer a unified, coordinated program within the six separate authorities under which funds are being requested. This will include notices to potential grantees of the terms and conditions under which grants will be available, unified application forms, regulation notices in the Federal Register, and review, approval, award and accounting procedures.

Assisting schools and other interested parties in the development of applications.

Reviewing and monitoring an estimated 1,000–1,500 projects for assistance.

Providing program assistance and disseminating information to hundreds of State and local school officials.

In addition to these direct program services, a small supporting staff will be necessary in Washington and the regional offices to coordinate program activities, provide general guidance and other necessary administrative functions such as accounting, grants management and personnel.

Of the 100 additional positions requested, 82 will be professional staff and 18 will be secretarial and clerical positions. Eighty-one will be located in the three southern HEW regional offices with 19 in Washington, D.C.

The additional professional positions are required for the following specific purposes:

Project development, review, monitoring and evaluation.—+50 positions.

Fifty education program specialists will be required to handle the several phases of the some 1,000 project applications anticipated. This will mean that each specialist will be handling approximately 20 projects of varying size and scope. Because of the short leadtime involved and the unfamiliarity of many of the target school districts with developing proposals, it is expected that this workload will be quite demanding and fully justify the additional staff requested. Program specialists will need to go out and talk with local school officials, inform them of the assistance available, help them develop acceptable applications, help them with devising educationally sound programs, help with the installation of evaluation components and finally, monitor projects throughout the year, helping to make modifications as plans change and programs develop.

Development of program guidelines, program models and evaluation techniques.—+12 positions.

Twelve program development specialists will help develop materials which can be used by education program specialists in working with local school officials. This will include information on successful projects in other States and communities. The program guidelines and models will indicate, for example, what goes into making a successful guidance and counseling program, bilingual education program, special reading program, etc. These specialists will be educators who have a sound background in these special fields.

Developing uniform grant and contract terms and conditions.—+8 positions.

Eight specialists will be required to help develop common rules and regulations for the award of grants and contracts. These will include such subjects as the disposition and accountability of equipment, determination of allowable costs, etc. This is an extremely important task in view of the several legislative authorities involved. It will be important to develop a common set of rules which will satisfy all the authorities involved.

Management and administrative overhead.—+12 positions.

The above staff will in turn require certain central support in both the regions and Washington. This will include persons in administrative services, accounting, personnel operations, and management. Eight of these positions will be in the regional offices.

It is important to emphasize that while certain minimum Federal requirements on accountability of funds and other matters must be met by all school districts, the program assistance and development will be strictly optional at the discretion of local school officials. There is no intention of having the Office of Education offering gratuitous advice. It is expected, however, that many schools will welcome whatever help is available. Many of the staff involved will be drawn from the local region and will be selected for their judgment, maturity, and experience as well as professional competence.

Even though the program funds will have to be obligated by September 30, 1970, most projects will probably continue throughout the school year. For this reason, a special provision has been included in the appropriation language which will make funds for administrative activities available through June 30, 1971. To launch this program as soon as possible, it is expected that some existing staff will be diverted to start up the program. For this reason, it is expected that the 100 new positions will be on board for approximately 85 percent of the fiscal year.

Administrative funds for emergency school assistance program

Personnel compensation:	
Permanent	$1,200,000
Positions other than permanent	100,000
Other personnel compensation	
Subtotal, personnel compensation	1,300,000
Personnel benefits (7.5 percent)	97,000
Travel and transportation of persons (71 employees × $50 per diem × 90 days)	313,000
Transportation of things	
Rent, communication, and utilities	207,000
(GSA—100 employees × $900 lapsed 15 percent)	(77,000)
(Utilities—100 employees × $1,300)	(130,000)
Printing and reproduction (100 employees × $420)	42,000
Other services (100 employees × $900 lapsed 15 percent)	77,000
Supplies and materials (100 employees × $140)	14,000
Equipment (100 × $500)	50,000
Total	2,100,000
Total number of permanent employees	100
Full-time equivalent of others	12
Average number of all employees	97
Average cost per man year	$14,410

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION

EMERGENCY SCHOOL ASSISTANCE

Positions	Grade	Number	Annual salary
Education program officer	GS-15	5	$114,425
Education program specialist	GS-14	16	314,288
Program analyst	GS-14	3	58,929
Education program specialist	GS-13	20	335,200
Grants and contract specialist	GS-13	1	16,760
Education program specialist	GS-12	14	198,688
Grants and contract specialist	GS-12	6	85,152
Education program specialist	GS-11	2	23,810
Management analyst	GS-11	2	23,810
Grants and contract specialist	GS-11	1	11,905
Budget analyst	GS-11	1	11,905
Education program specialist	GS-9	6	59,286
Do	GS-7	2	16,178
Personnel staffing assistant	GS-7	1	8,089
Accounting technician	GS-7	2	16,178
Secretary	GS-6	5	36,470
Do	GS-5	8	52,384
Clerk-typist	GS-4	3	17,559
Do	GS-2	2	9,242
Total		100	1,410,258

Communications From the President

Senator BYRD. We will also place the appropriate and official documents received by the Congress regarding this request in the record at this point.

(The documents follow:)

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

Transmitting a proposed supplemental appropriation for emergency school assistance for fiscal year 1970 in the amount of $150,000,000 in budget authority

THE WHITE HOUSE,
Washington, May 25, 1970.

THE PRESIDENT OF THE SENATE.

SIR: I ask the Congress to consider a proposed supplemental appropriation for the fiscal year 1970 in the amount of $150,000,000 in budget authority. These funds are needed to provide immediate assistance to school districts which must desegregate by the Fall of 1970.

These desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation. The proposed supplemental appropriation is requested under existing statutory authorities on an emergency basis and would be used by September 30, 1970.

Another $350 million will be requested for fiscal year 1971 upon enactment of the proposed Emergency School Aid Act of 1970 which I described in my message to the Congress of May 21, 1970.

The details of the proposed supplemental appropriation are set forth in the enclosed letter from the Director of the Bureau of the Budget, with whose comments I concur.

Respectfully yours,

RICHARD NIXON.

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 25, 1970.

THE PRESIDENT,
The White House.

SIR: I have the honor to submit for your consideration a proposed supplemental appropriation for the fiscal year 1970 in the amount of $150,000,000 in budget authority, as follows:

"DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE OF EDUCATION—EMERGENCY SCHOOL ASSISTANCE

"For providing emergency assistance to desegregating school districts under part D of the Education Professions Development Act (title V of the Higher Education Act of 1965), the Cooperative Research Act, title IV of the Civil Rights Act of 1964, section 807 of the Elementary and Secondary Education Act of 1965, section 402 of the Elementary and Secondary Education Amendments of 1967, and title II of the Economic Opportunity Act of 1964, as amended, including necessary administrative expenses therefor, $150,000,000 to remain available until September 30, 1970: Provided, That funds appropriated to carry out programs under title II of the Economic Opportunity Act of 1964 shall not be subject to those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels: Provided further, That funds appropriated for administrative expenses shall remain available until June 30, 1971."

The proposed supplemental appropriation would provide funds on an emergency basis for immediate assistance to school districts which must desegrate by the Fall of 1970.

As described in your message to the Congress of May 21, 1970, these desegregating districts face urgent needs for teacher training, education specialists, materials, curriculum revision, equipment and renovation.

The $150 million is requested under several authorities in order to provide as broad a range of assistance as possible for maintaining quality education during the desegregation process. Of the $150 million, $100 million is requested under the authority of the Economic Opportunity Act of 1964. The remaining $50 million is requested under authorities vested in the Department of Health, Education, and Welfare and the Office of Education. The entire program of emergency school assistance would be administered by the Department of Health, Education, and Welfare and the Office of Education. The $150 million would be made available to desegregating districts before September 30, 1970.

I recommend that this proposed supplemental appropriation be transmitted to the Congress.

Respectfully yours,

ROBERT S. MAYO,
Director.

AID TO SCHOOLS WITH FINANCIAL PROBLEMS

(Message from the President of the United States transmitting proposed legislation to provide financial assistance to help school districts to meet special problems incident to desegregation in elementary and secondary schools, and to improve education in racially impacted areas, and for other purposes)

[MAY 21, 1970.—Message and accompanying papers referred to the Committee on Education and Labor and ordered to be printed]

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional $1.5 billion—$500 million in fiscal 1971, and $1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"—The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"—The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

"—The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"—The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminated *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special interracial or intercultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-guage needs of the educational system as a whole, but rather with these special and immediate needs.

HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of $100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This

double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racialily impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference especially where full integration of schools is infeasible. It means that by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already underway or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

THE URGENCY OF ACTION NOW

It is now late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in school with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in Fiscal 1971. I recommend that $150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining $350 million for Fiscal 1971 and $1 billion for Fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—$500 million in Fiscal 1971 and $1 billion in Fiscal 1972—in the years for which they are appropriated.

QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work now. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this $1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, *May 21, 1970.*

A Bill to provide financial assistance to help school districts to meet special problems incident to desegregation in elementary and secondary schools, and to improve education in racially impacted areas, 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 "Emergency School Aid Act of 1970".

PURPOSE

Sec. 2. The purpose of this Act is to provide financial assistance—

(a) to aid local educational agencies throughout the Nation to meet the special needs incident to the elimination of racial

segregation and discrimination among students and faculty in elementary and secondary schools;

(b) to encourage the voluntary elimination, reduction, or prevention of racial isolation in schools with substantial proportions of minority group students in order to improve the quality of education available to such students; and

(c) to aid children in elementary and secondary schools to overcome the educational disadvantages of racial isolation by assisting, in a concentrated manner, school districts with high proportions of minority group students to carry out inter-racial educational programs and other programs to improve the quality of their educational services.

APPROPRIATIONS

Sec. 3. (a) There are authorized to be appropriated for carrying out this Act not in excess of $500,000,000 for the fiscal year ending June 30, 1971 and not in excess of $1,000,000,000 for the succeeding fiscal year.

(b) Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

ALLOTMENTS AMONG STATES

Sec. 4. (a) From the sums appropriated pursuant to section 3 for carrying out this Act for any fiscal year, the Secretary shall allot an amount equal to two-thirds thereof among the States by alloting to each State $100,000 plus an amount which bears the same ratio to the balance of such two-thirds of such sums as the adjusted number of minority group children (as defined in subsection (c)) in the State bears to the adjusted number of minority group children in all of the States. The remainder of such sums may be expended by the Secretary as he may find necessary or appropriate for grants or contracts to carry out the purposes of this Act.

(b) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State which meet the requirements for approval of applications under this Act shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix by regulation, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

(c) For the purpose of this section, the term "adjusted number of minority group children" for any State means a number equal to the sum of (1) the number of minority group children (as defined in section 9(d)) enrolled in public schools in local educational agencies in such State which are carrying out a plan of desegregation (A) pursuant to a final order of a United States court, issued within a period not to exceed the two fiscal years preceding the fiscal year for which the allotment under this section is to be made, or (B) pursuant to a determination of the Secretary, made within such period, that such plan is adequate to meet the requirements of title VI of the Civil Rights Act; and (2) the number of minority group children enrolled in public schools in local educational agencies in a State. The adjusted number of minority group children in each State shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

Sec. 5. (a) The Secretary may provide financial assistance (through grant or contract) pursuant to applications approved under section 7—

(1) to assist any local educational agency which is implementing a plan of desegregation to meet the additional costs (as determined under subsection (c) of implementing such plan or of carrying out special programs or projects designed to enhance the possibilities of successful desegregation, and to assist any such agency which has, within two years prior to its application hereunder, completed the implementation of such a plan to carry out such programs or projects;

(2) to assist any local educational agency to meet the additional costs of carrying out a plan to eliminate or reduce racial isolation in one or more of the racially isolated schools (as defined in section 9(g)) in the school district of such agency, or to reduce the number of minority group children in such schools, or to prevent racial isolation reasonably likely to occur (in the absence of assistance under this Act) in one or more schools in such district which are not racially isolated but have a substantial enrollment of minority group children; or

(3) to assist a local educational agency or other public or private agency, institution, or organization (but only through contracts in the case of a private agency, institution, or organization other than a nonprofit one), to carry out inter-racial educational programs or projects involving the joint participation of minority group and non-minority group children attending different schools where such minority group children attend racially isolated schools in a school district in which the number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which such assistance is provided, is (A) at least 10,000 or (B) more than 50 percent of such average daily membership of all children in such schools, except that if such agency demonstrates that, in the case of some racially isolated children, provision for such programs cannot practicably be made, then to carry out unusually promising pilot or demonstration programs or projects to overcome the adverse educational effects of racial isolation upon such children.

(b) In such cases where the Secretary finds that it would more effectively carry out the purposes of this Act, he may make grants to any public or nonprofit private agency, institution, or organization (other than a local educational agency), and contract with any public or private agency, institution, or organization to carry out programs or projects designed to support the development or implementation of a plan, program, or project described in clause (1) or (2) of section 5(a).

(c) The amount of financial assistance to a local educational agency under this section may not exceed those costs which are determined by the Secretary, in accordance with regulations prescribed by him, to result in a net increase in the aggregate operating expenditures of such agency for a fiscal year.

AUTHORIZED ACTIVITIES

Sec. 6. Financial assistance under section 5 shall be available for programs or projects involving activities designed to carry out the purposes of this Act, including—

(a) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or to the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

(b) remedial and other services to meet the special needs of children in schools which are affected by a plan described in clause (1) or (2) of section 5(a) or are racially isolated, including special services for gifted and talented children in such schools;

(c) comprehensive guidance, counseling, and other personal services for pupils;

(d) development and employment of new instructional techniques and materials designed to meet the needs of racially isolated school children;

(e) innovative inter-racial educational programs or projects involving the joint participation of minority group and non-minority group children attending different schools, including extra-curricular activities and cooperative exchange or other arrangements between schools within the same or different school districts;

(f) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(g) the provision of transportation services for public school students, except that nothing in this Act shall be construed to require, nor shall funds be expended to establish or maintain, the transportation of students solely to achieve racial balance;

(h) community activities, including public education efforts, in support of a plan, program, project, or other activity under this Act;

(i) special administrative activities, such as the rescheduling of students, or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan described in clause (1) or (2) of section 5(a);

(j) planning and evaluation activities; and

(k) other specially desiged programs or projects which meet the purposes of this Act.

APPROVAL OF APPLICATIONS

Sec. 7. (a) An application for assistance under this Act may be approved by the Secretary only if he determines—

(1) that such application

(A) sets forth a plan which is sufficiently comprehensive to offer reasonable assurance that it will achieve one or more purposes for which grants may be made under this Act; and

(B) contains such other information, terms, conditions, and assurances as the Secretary may require to carry out the purposes of this Act;

(2) that the State educational agency governing the school district or school districts in which the approved program or project will be carried out has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(3) in the case of an application for assistance under clause (3) of section 5, that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Secretary, of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved and that funds under this Act will not be dispersed in such a way as to undermine their effectiveness;

(4) that the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by this Act as the Secretary may require, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services and including, where appropriate,

comparisons with proper control groups composed of persons who have not participated in such programs; and

(5) that the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made.

(b) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this Act, at least one such agency shall be an agency described in section 5 and any one or more such agencies joining in such application may be authorized to administer such program or project.

ESTABLISHMENT OF PRIORITIES

Sec. 8. (a) The Secretary may, from time to time, set dates by which applications for grants under this Act shall be filed and may prescribe an order of priority to be followed in approving such applications. Any order of priority so perscribed may give special weight to one or more categories of applicants or to one or more categories of programs or projects or to applicants which fall within more than one category of need.

(b) In determining whether to make any grant under section 5 or in fixing the amount thereof, the Secretary shall take into account such criteria as he deems pertinent, including—

(1) the relative need for assistance, taking into account such factors as the extent of racial isolation in the school district to be served and the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts;

(2) the relative promise which the program or project affords in carrying out the purposes of this Act;

(3) the degree to which the program or project is likely to effect a decrease in racial isolation in racially isolated schools; and

(4) the amount available for assistance in the State under this Act in relation to the applications pending before him.

DEFINITIONS

Sec. 9. As used in this Act, except when otherwise specified—

(a) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and other related material.

(b) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

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

(d) The term "minority group children" means children, aged five to seventeen, inclusive, who are of Negro, American Indian, Mexican, or Puerto Rican origin or ancestry.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) The term "plan of desegregation" means a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act for the desegregation of racially segregated students or faculty in elementary and secondary schools or which has been undertaken pursuant to a final order of a court of the United States requiring such desegregation or otherwise requiring the elimination of racial discrimination in an elementary and secondary school system.

(g) The terms "racially isolated school" and "racial isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 50 percent of the average daily membership of a school.

(h) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(i) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(j) The term "State" means one of the fifty States or the District of Columbia.

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

EVALUATION

Sec. 10. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the program authorized by this Act, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

JOINT FUNDING

Sec. 11. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare, and one or more other Federal agencies, for any project or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

REPORTS

Sec. 12. The Secretary shall include in his annual report to the Congress a full report as to the administration of this Act and the effectiveness of programs or projects thereunder.

GENERAL PROVISIONS

Sec. 13. (a) The provisions of subpart 2 of part B and part C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such subpart and such part with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1970;" after "the International Education Act of 1966;".

LETTER FROM SENATOR NELSON PROPOSING LANGUAGE CHANGES

Senator BYRD. Thank you, Secretary Veneman, Dr. Allen, and gentlemen.

I have received a letter from Senator Nelson expressing some concern on this request. It will be placed in the record at this point.

(The letter follows:)

DEAR BOB: It has come to my attention that the Administration has submitted a request for a supplemental appropriation of $150,000,000 for the purpose of providing emergency assistance to desegregating school districts, and that this request is now before your Deficiencies and Supplemental Appropriations Subcommittee in connection with the Second Supplemental Appropriations for fiscal year 1970 (H.R. 17399).

In submitting the appropriations request in his letter of May 25, the President attached a memorandum from Director of the Budget Robert Mayo. That memorandum makes clear that of the total $150,000,000 requested, $100,000 would be appropriated under the authority of title II of the Economic Opportunity Act. The appropriations language requested in that memorandum contains the following proviso:

"Provided, That funds appropriated to carry out programs under title II of the Economic Opportunity Act of 1964 shall not be subject to those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels."

The above-quoted language clearly constitutes general legislation in an appropriations bill and would be subject to a point of order on the Senate floor on that basis.

I am chairman of the Subcommittee on Employment, Manpower and Poverty of the Labor and Public Welfare Committee. My Subcommittee has legislative responsibility for the Economic Opportunity Act. Since the language requested by the Administration attempts to remove the earmarking provisions which we included in the Economic Opportunity Amendments of 1969 (and even attempts to do the same for the Amendments of 1967), I must strongly object to inclusion of the above-quoted proviso in the appropriations language.

You will recall that, without my knowledge or that of Congressman Carl Perkins, the chairman of the House Education and Labor Committee, the Administration secured the inclusion of language in the conference report on the regular HEW-Labor-OEO Appropriations bill which, in the relevant portion, was identical to that set forth in the above-quoted proviso. In the Christmas rush the offending language did not come to the attention of Congressman Perkins before the House passed that conference report. However, I learned of the language before the conference report was brought up in the Senate and, although it was too late to raise a point of order against the language since the conference report had already passed the House, I nevertheless did make a motion which carried on a roll-call vote (with your support) that the point-of-order language be sent back to the House for correction. The House concurred in my Senate amendment and the bill that finally went to the President did not contain any such point-of-language.

It should be noted that the proviso requested by the Administration is, by its terms, not even limited to the pending $100,000,000 supplemental for the Economic Opportunity Act. It reads: "Provided, That funds appropriated to carry out title II" (the language does not even say: "such funds" or "funds appropriated in this Act"). Since $1,948,000,000 was appropriated for the Economic Opportunity Act in the regular appropriations bill, of which over half is available for title II of such Act, the Administration seems to be trying once again to get rid of earmarking—or most of the earmarking contained in the authorization bill.

I recognize that in appropriating a supplemental of $100,000,000 for the specific purpose requested—assisting school districts in the process of desegregation—a limitation to that specific purpose may be desirable. A proviso phrased as a limitation, in contrast with the general legislative language the Administration requested, would, of course, be within the rules and not subject to a point of order.

Consistent with the rules, the section of the authorizing legislation which sets forth the earmarking of funds, begins with the phrase: "Notwithstanding any other provision of law, unless expressly *in limitation* of the provisions of this section" (sec. 102(b) of the Economic Opportunity Amendments of 1969, P.L. 91-177).

I have therefore had counsel draft suitable language for your consideration to make clear that no part of the $100,000,000 appropriated under title II of the Economic Opportunity Act shall be included in the earmarked allocations under section 102(b) of the authorization legislation. The suggested language follows:

"*Provided*, That $100,000,000 of such amount is appropriated for such purpose under title II of the Economic Opportunity Act of 1964: *Provided further*, That, in limitation of the provisions of section 102 (b) of the Economic Opportunity Amendments of 1969, no part of such amount shall be included as part of the amounts appropriated for the purpose of determining allocations for each purpose set forth in clauses (1) through (8) of such section 102(b)."

I appreciate your cooperation, both on the Appropriations Committee and in the Senate leadership, in seeking to work out problems between the appropriations and legislative committees.

Sincerely yours,

GAYLORD NELSON,
Chairman, Senate Subcommittee on Employment, Manpower and Poverty.

Mr. JAVITS. Mr. President, I think that this represents a laudable and provident way in which to handle the matter. As I said, we all understand that a large part of the funds, if appropriated, will go to districts in the 17 Southern and border States which are under orders to desegregate or are imminently under orders within the recent past to desegregate.

I think that in terms of the public policy of America, this is the most direct way to deal with the situation, much more direct and much more sensible than the degree of time and energy which we devote to deciding who is right and who is wrong, about whether there is more or less actual racial isolation or racial imbalance, or de facto segregation in other parts of the country than illegal segregation as produced in these 17 States.

Coming as I do from one of the large States, and one of the great cities of America which is constantly made the yardstick in this kind of debate, I favor strongly the ultimate that we can achieve practicably in progress in terms of equal educational opportunity in States where by tradition and the social order this has been the biggest problem.

I do not care how invidious the comparison becomes thereafter. It may become more invidious than it is now. I still want to see a section of the country brought along into a field which is responsive to the deep feelings of many millions of Americans at the earliest possible time.

My willingness to sponsor this amendment, when I was asked to do so by the administration, was sparked by my deep feeling and conviction that progress in given areas in this particular area, in the southern part of the country, is bound to be beneficial and helpful to the whole Nation in terms of the future, in terms of morality, and in terms of the public tranquility, as well as in the terms of the example which it can set to everyone else in the country.

I would rather emphasize the positive than spend our lives debating the negative. Therefore, this makes these resources available in a way most helpful for the purposes which I feel so deeply and which I believe most of the country feel so very deeply as well.

Mr. STENNIS. Mr. President, one question, while it is at the forefront. To whom will this money be paid? Will HEW pay this money directly to the local school district, or will it be paid to the State department of education?

Mr. JAVITS. I understand that it moves to the local educational agency, school district.

Mr. STENNIS. Directly?

Mr. JAVITS. That is right. That is why I pointed out that there is no allocation formula. The provisos do not apply on any formula basis. This is a matter of assisting directly at the point of the hottest contact, as it were—to the local educational agency.

Mr. STENNIS. Did the Senator explain in his remarks why there were no hearings? This money is based directly on the President's recommendations that came in, as I recall, about the middle of April. I am advised by the Senator from Rhode Island that some hearings, I believe he said two sittings, have been held with reference to the authorization for the second instrument and perhaps the third one, too, but no finalization has been added. There has been a bill introduced, too, that sets out certain definitions. Why was no effort made, if the Senator knows, to hold hearings, get out some kind of direct authorization especially for this type of money? I was looking around, Mr. President, for the Senator from Rhode Island (Mr. PELL) who is chairman of that subcommittee. I would ask him if he were here.

Mr. JAVITS. Mr. President, the hearings on the administration bill are actually being held now by the Education Subcommittee, of which I am a member—indeed, I am the ranking member of the Labor Committee of which that subcommittee is a part.

Under the chairmanship of the Senator from Rhode Island (Mr. PELL), we have received a considerable amount of testimony already, which can very materially support the very amendment which is pending before the Senate.

I would be pleased, if the Senator so desires, to incorporate such testimony as we have already received—which is considerable, in the RECORD.

I have already incorporated the hearings held before the Committee on Appropriations, through its Supplemental Appropriations Subcommittee. Those hearings are already now in the record. They occurred at two hearings, at one of which Under Secretary Veneman testified.

Mr. STENNIS. Mr. President, my question was why were the hearings not held and a bill brought before the Senate to cover this first increment of $150 million so that there would be some kind of procedural requirements, some kind of definitions, and all the basis upon which the award was to be made?

I have just glanced at the bill that has been introduced on the second increment that speaks of those schools with racially isolated conditions that would receive this money.

First it talks about the segregated schools that are being desegregated. I know what that means in the South. But I did not know how that applied to the North because the North does not have any unlawful segregation there, as the Senator interprets it.

So I judge that is caused by the racially isolated areas, or words like that, that apply to schools outside of the South.

Why can we not have some guidelines or conditions or at least minimum requirements so that the administrator can go by them and we can go by them in our voting.

Is there any reason why that should not apply to the $150 million?

Mr. JAVITS. Mr. President, the bill which I introduced is not the authority for this $150 million, and therefore no such claim is made. And I guess that I am the best one to speak on it, as I am the sponsor of the bill for the administration.

The time did not allow any action on that bill or any justificaiton under that bill. And none is sought.

So, I refer the Senator to page 741 of the hearings on the supplemental before the Appropriations Subcommittee.

Mr. STENNIS. Mr. President, if the Senator would yield, would he give me the number of that bill?

Mr. JAVITS. It is H.R. 17399. That is the supplemental appropriations bill, the one we considered on Monday.

Mr. STENNIS. Mr. President, I am talking about the Javits bill for the second increment.

Mr. JAVITS. It is right here. It is S. 3883. It was introduced as recently as May 26, 1970. That is why I say what I do about the time factor.

I would like to point out that the administration in respect of the hearings on the supplemental at page 741 of the testimony presented "basic policies for administering the emergency school systems appropriations of $150 million now under preliminary consideration by the HEW." It is that memorandum which spelled out what was intended to be done with the money.

I have already explained the authorizing of the authorities respecting authorization, and it was made very clear by the testimony that this would be used essentially in respect of districts which were under order to desegregate or had very recently desegregated pursuant to order.

There was no relevance between this and the matter of racial imbalance or racial isolationism.

Mr. STENNIS. Mr. President, I was

merely illustrating that the second increment in which the areas outside the South are to share does contain the conditions under which it is to be used. However, in this particular one, there are not any kind of limitations or minimum requirements or anything at all that a Senator must go by in voting, as I see it.

With all due deference, I think it means that the HEW could do what it pleased.

Mr. JAVITS. Mr. President, may I point out that the justification is a matter of record. It even goes into the detail of the people who will be used, their position slots, and their salaries. It is very detailed.

Might I point out, too, that the Senator from Mississippi is even more experienced a legislator than I am. And so he knows very well that my bill will look very little like the one I have introduced when it finally becomes authorization for any appropriation.

I do not think it is relevant to import into this particular appropriation anything except that this is a general characterization of the overall program of the President. And we must state, very properly, that this $150 million will move along that road and give us a pretty good idea as to what they are really doing and how well they are likely to administer a very much larger bill if we let them have it.

For that reason, I consider it to be an added benefit that we get out of acting at this time.

Mr. STENNIS. Mr. President, the Senator from New York is a master of speech. However, he does not specify how this money will be used.

The Senator referred to me as an experienced legislator. He is far better and more experienced than I. However, I believe I do have more experience with reference to this process of the desegregation of schools, because they did desegregate Mississippi. They do not have that experience in New York.

So we know how that works. They hold the money bag and tell someone what he must do and he has to do it.

Mr. JAVITS. Will the Senator allow me to interrupt? One does not have to do it if he does not want to. He does not have to do a thing. One can be just as tight and hardnosed as he likes.

Mr. STENNIS. That is not an answer, though, to providing for the improvement of education.

Mr. JAVITS. I hope so.

Mr. STENNIS. We are entitled to know when we have to deal with HEW and when we have to deal with the Department of Justice. And now we have to deal with both of them. I have been talking to them both today about cases.

I just find here that we do not have these fundamental principles involved.

I want to say this about this matter, that in spite of the Senator's diligent work, it is subject to a point of order, and at the right time I would like to make that point of order. However, the Senator from Louisiana is on his feet and the Senator from Alabama is also. I will not ask any more questions at this time.

Mr. ELLENDER. Mr. President, will the Senator from New York tell us where he obtains the authority for the appropriation of $150 million.

Mr. JAVITS. Mr. President, I will read the authority to the Senator. The authority is found at page 1 of my amendment, beginning at line 3 and going over to page 2 where it ends in the middle of line 2, and it is composed of the following——

Mr. ELLENDER. Under the law cited by the Senator in his amendment, for what use under that law can this money be used?

Mr. JAVITS. The money will be used in accordance with the authority. It cannot be used outside the authorities. I will be glad to read to the Senator the specific authorities in each law.

Mr. ELLENDER. I have that before me.

Mr. JAVITS. That is all the money can be used for.

Mr. ELLENDER. I wish to read some language to the Senator. The law provides for community development programs.

Mr. JAVITS. The Senator is correct.

Mr. ELLENDER. Very well. Economic Opportunity Act of 1964, title 2. That is what the Senator is depending on?

Mr. JAVITS. The Senator is correct.

Mr. ELLENDER. Urban and rural community action programs.

This title proposes to help focus available local, State, private, and Federal resources upon the goal of enabling low-income families and low-income individuals of all ages in rural and urban areas to obtain the schooling, knowledge, motivation. Privately funded under this authority are Headstart and Follow Through, among others.

Is that what this money is to be used for?

Mr. JAVITS. It will be used to the extent the authorization is available for those purposes.

The Senator, I think, read a digest. I am going to read the law. I know. That is a digest.

I am going to read the law to the Senator. The digest is not as good as the law. The Senator will find there is very ample room in this law for the purpose of expending $100 million, which is unappropriated, for aid and for assistance in ways which will aid the desegregation process.

Mr. ELLENDER. But that is not the purpose for which the law the Senator cited was placed on the statute books.

Mr. JAVITS. There are many laws which may have a different motivation, but the courts have held since I was a boy that the law means what it says regardless of our motives when it was placed on the books. This is one of those laws. I refer the Senator to the authorities.

I am now going to read section 102(b), authorization for appropriations in Public Law 91-177. That section reads as follows:

> Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section * * * the Director shall for each fiscal year reserve and make available not less than * * *

So much money—

> for the purpose of local initiative programs authorized under section 221 of the Economic Opportunity Act of 1964 and the remainder of such amount shall be allocated * * *

There is a long list of allocations relating to work training programs, special impact programs, special work and career development programs, Head Start, Follow Through, comprehensive health, emergency food and medical services, family planning, senior opportunities and services, rural loans, migrant and seasonal farmworkers, and so forth.

Mr. ELLENDER. Those are the purposes for which this money shall be used, and not to desegregate the schools.

Mr. JAVITS. The Senator is quite wrong, for this reason. If the purposes which are authorized promote the desegregation process, then the Department will be able to use those resources for those purposes which will promote the desegregation process and the Department fully intends to do that and feels there is ample latitude under the authorization for that purpose.

That is why it invoked that very section; it invoked others as well, but it invoked that section.

Mr. ELLENDER. As I understand the President's message asking that this money be appropriated, he had in mind the bill that was going to be enacted and not existing law.

I will read from the President's message.

Mr. JAVITS. What date is it?

Mr. ELLENDER. The President's message asked for $150 million.

Mr. JAVITS. That was in May.

Mr. ELLENDER. Yes, it was May 25.

Mr. JAVITS. Very well.

Mr. ELLENDER. This message is based on a bill to be enacted—the bill that the Senator referred to awhile ago, which he is now handling for the purpose of holding hearings—and not the law from which he quoted.

I read from the President's message:

> I ask Congress to consider a proposed supplemental authorization for $150 million in budget authority. These funds are needed to provide immediate assistance to school districts which must desegregate by the fall of 1970. These desegregating districts face urgent needs—

It is my understanding, and I am sure the understanding of the Senator from Mississippi that the sum of $150 million is to be made available and to be spent under the provisions of a bill that the Senate will consider and not under existing law.

Mr. JAVITS. Mr. President, the Senator having invoked an authority cannot defy its plain words. The Senator gave as his authority the letter the President dated May 25, 1970. That letter states "Under existing statutory authority" and this is "existing statutory authority" and the President knew very well on May 25 when he sent us that letter that there was no other statutory authority, under his ideas, for $155 billion, except the existing ones, and the existing ones according to his own department and the advice he got, including the one to which I referred, title 2(b) of the Economic Opportunity Act of 1964.

The department itself feels as follows:

That the broad authority of title 2(b) to establish sound community action programs can be used to fund among others, the following kinds of educational activities:

First. Minor remodeling of school facilities to improve the quality of physical plant;

Second. Parent or community organizations to assist in developing community support for educational change;

Third. Administrative costs incident to reorganization of school systems;

Fourth. Remedial materials, special personnel and health and nutrition services for disadvantaged children;

Fifth. Paraprofessional assistance for classroom teachers.

So they invoke this because this is the kind of things they believe will assist in the educational process; they invoke this as the President said, as existing statutory authority.

Mr. ELLENDER. I have no quarrel if the money is used for that purpose.

Mr. JAVITS. It cannot be used for anything else. Incidentally, I hope the Senator heard me. If not, I would like for him to read this letter from the department. A part from the letter, the amendment I read begins on line 2, page 1:

For assistance to desegregating local educational agencies as provided—

So the money is confined to purposes consistent with the authorization and I have specified those, for the purpose of assistance to desegregating local educational agencies.

This will not be used for broad scale antipoverty programs because that would be contrary to the law as I have read it.

Would the Senator read this letter from Secretary Veneman. He might find it useful.

Mr. ELLENDER. Has the Senator finished?

Mr. JAVITS. I will yield again if the Senator wishes.

Mr. ELLENDER. Why is it that in the third paragraph of the President's message it is stated:

Another $350 million will be requested for fiscal year 1971 upon enactment of the proposed Emergency School Act of 1970, which I described in my message to the Congress of May 21, 1970?

That is the act or bill that the Senator will hold hearings on.

Mr. JAVITS. The Senator is exactly right. We are holding them.

Mr. ELLENDER. Will not $150 million be used in the same manner as is proposed in the legislation now under consideration?

Mr. JAVITS. Not necessarily, because I do not know what that act will say when we get through. The fact is we do not have any such act on the books. Presidents can ask and they do ask but we dispose.

I think the general idea around here, as I feel the sentiment of the Senate, is that we would like to see what they do with the money and how they use it before we get into a big-scale operation, and even before we finalize the authorization bill on which we are holding hearings.

So I will say to the Senator from Louisiana that I personally consider, aside from the fact that it is the general road the President wants us to travel, that this $150 million sui generis is not necessarily based on the administration bill, because we do not know what is going to happen to that bill. We may change our minds. This is based on the outline of what they wish to do as laid down before the Appropriations Committee, which I am sure the Senator, who is very diligent, has gone over very carefully, and it is based on the authorities which are contained, as the President has said, in existing law.

Mr. ELLENDER. The bill the President sent up, and on which hearings will soon be held——

Mr. JAVITS. They are being held.

Mr. ELLENDER. Very well. What is the purpose of that act? Can the Senator tell us?

Mr. JAVITS. The purpose of the act is to authorize $1.5 billion—if we pass this amendment it will be $1.350 billion—for the purpose of assisting in the desegregation——

Mr. ELLENDER. Right.

Mr. JAVITS. No; not yet. In both illegal and de facto segregation in school districts all over the United States.

The purpose of this particular $150 million is to zero in on de jure segregation problems of school districts which have de jure school desegration situations and which have been ordered to desegregate, or which have recently desegregated pursuant to order or agreement of Government departments.

It is a rather different situation.

That would be included in the larger bill, but the larger bill would go to a broader area and in a different direction, in addition to which, I do not know what is going to happen to it.

The case I make before the Senate is that the President asks us to appropriate 10 percent of what he thinks the whole program requires, for its general purpose or its general thrust, but asks for authority so we can get to working on the problem as quickly as possible and, second, the experience that it will give in a very practical way.

Mr. ELLENDER. Mr. President, I simply wanted to try to demonstrate to my good friend from New York that the programs to which the money he is now asking for would go are community development programs and personal development programs, but not to desegregate, as is being contended for by the Senator.

I do not think it was ever contemplated, or intended under the law that the Senator is relying upon for authorization, that the money would be used for the purposes he is now referring to.

There is no doubt that the President had in mind that the $150 million was going to be used for the same purposes that the proposed bill the Senator is handling will provide, and not under the laws that the Senator cited in his amendment.

In asking for an expenditure of $1.5 billion heretofore referred to, the President had no intention of using $150 million of that sum to enforce de jure segregation and $1.35 billion to enforce de jure and de facto segregation, as is contended by the senior Senator from New York.

Mr. JAVITS. Mr. President, in the first place, every lawyer finds authority where he can. Years ago, when I was very active in the practice of law, I used to have a client who made many millions of dollars, although he was hardly literate. He had a great expression. His expression was, "There's always a right way to do right." So every lawyer, naturally, will seek authority where he can find it, and the fellows who drafted the law or wrote the decisions may never have dreamed that the authority would be extended to the given purpose for which it was properly invoked.

But we do not go that far here. The fact is that one of the aims of the Economic Oportunity Act is to afford better educational opportunity; that the whole point about desegregation is that it is supposed to offer better educational opportunity in the Economic Opportunity Act, for example, section 221(a), refers to authority to grant financial assistance in order to attain an adequate education.

In addition, the utilization of this particular authority is locked in by the words of the amendment which limit it to assistance for a given purpose and by the representation of the administration as to precisely the way in which the authority admittedly existing in title II–B of the Economic Opportunity Act, if used—and they must use it only that way—will contribute to the desegregation of local school districts.

I specified those, and I will repeat them:

(1) Minor remodeling of school facilities to improve the quality of physical plant;

(2) Parent or community organizations to assist in developing community support for educational change;

(3) Administrative costs incident to reorganization of school systems;

(4) Remedial materials, special personnel and health and nutrition services for disadvantaged children;

(5) Paraprofessional assistance for classroom teachers.

Mr. STENNIS. Mr. President, will the Senator yield to me for a brief question?

Mr. JAVITS. Certainly.

Mr. STENNIS. The Senator has developed his argument, and I would like to call the amendment to the attention of the Presiding Officer.

My first question is that this is appropriation bill language, of course. The first clause, stating the purpose, states, "for assistance to desegregating local educational agencies"—in other words, that is the purpose of the money that comes at the last—and the money refers to these four or five different authorization acts. Is that not correct, Senator?

Mr. JAVITS. That is correct.

Mr. STENNIS. I think the Senator has explained his amendment, and we have had some colloquy. Will the Senator yield for the purpose of testing this language, to make a point of order?

Mr. JAVITS. Certainly.

Mr. STENNIS. I thank the Senator. That will get us down——

Mr. JAVITS. That will get us down to cases; that is right.

Mr. STENNIS. I call the Chair's attention to the wording of the amendment, and I make the point of order that this amendment constitutes legislation on an appropriation bill, and is therefore out of order for the following reasons, among others:

The wording of the amendment is that it is for assistance to desegregating local educational agencies as provided under part D, and so forth, and goes on to name the sum of $150 million. It points out on its face that it has taken this authority from Tom, Dick, and Harry, one authorization bill after another. There is no common cause or common theme among those different authorizations.

If I interpret it correctly, I notice one is the Cooperative Research Act. As I remember, that is in the agriculture appropriation bill. I believe there is a title in the agriculture appropriation bill for the Cooperative Research Act. There may be another one.

But anyway, one is title IV of the Civil Rights Act. Then title V of the Higher Education Act, the Elementary and Secondary Education Act of 1965, and so on down the line to title II of the Economic Opportunity Act of 1964, as amended.

My point, Mr. President, is that actually there is no authorization yet for the purpose that is stated at the beginning of this amendment. It is a new program, for a new purpose. The primary purpose here is to assist, as I understand it, in the desegregating of schools. They go to four or five different kinds of acts here—and I am going to be brief—to find the authority and find the conditions under which the money could be spent.

The applicant would hardly know how to make an application and prove his case. An administrator would hardly know how to pass on the authority, if it can be called authority. It just does not fit the purposes of the amendment.

This is just lock, stock, and barrel a general program. The only reasonable interpretation of it is that HEW can do what they please, and that means that those who work at the school level will largely control the disposition of the money.

Therefore, the authorization fails because of its ambiguities and its lack of certainty and lack of being specific. Until the money is more definitely authorized for the purpose for which it is to be spent, Congress does not have the authority to appropriate the money.

Mr. JAVITS. Mr. President, may I be heard before the Chair rules?

The PRESIDING OFFICER. The Chair will indulge the Senator.

Mr. JAVITS. Mr. President, in the first place, I should like to correct the Senator's reference to the Cooperative Research Act. The Cooperative Research Act is Public Law 531 of the 83d Congress. Section 2(a) of that act is headed "Educational Research and Research Training." So we are not talking about anything in the agriculture statutes. Even if we were, it would not make any difference; but the fact is that we are not.

Second, Mr. President, I should like to cite a precedent that it is not at all unusual for authority, under the Economic Opportunity Act, to be utilized for appropriations in an education bill. The precedent, Mr. President, is the very same appropriation, the Health, Education, and Welfare appropriation for fiscal 1969, which became Public Law 90–557, which included an appropriation for the Office of Education under the heading "Higher Educational Activities," and the appropriation language was "and for grants under part (c) of title I of the Economic Opportunity Act of 1964, as amended."

In addition, Mr. President, education is clearly specified as one of a wide variety of governmental activities supported under the Economic Opportunity Act; and, indeed, it is widely considered that appropriations for the Office of Economic Opportunity are, among other things, directly related to children and to the education of children.

Finally, Mr. President, the only thing that the purport of this amendment has to demonstrate to the Senate in my judgment, is that there are authorizations under existing statutes—incidentally, these are the words of the President—which cover activities that are germane to the purpose of the appropriation, and that there remain authorizations for which there has not been appropriations within those acts.

Mr. President, it seems to me that we have demonstrated that fully with respect to the authorities which we have cited in the amendment—that is, the authorization authorities for the $150 million—including the reference to the Economic Opportunity Act, where I have specified in the debate the precise activities authorized under the Economic Opportunity Act directly contributing to the purpose of this appropriation.

For all of those reasons, Mr. President, I believe that the point of order is not well taken.

Mr. COTTON. Mr. President——

The PRESIDING OFFICER. The Chair will hear the Senator from New Hampshire.

Mr. COTTON. Mr. President, at this point, rather than delay the Senate or take time, may I be permitted, as bearing on this point of order, to file a statement which relates only to the Economic Opportunity Act? I would like to file it with the Chair as bearing on the point, rather than take the time to read it.

The PRESIDING OFFICER. The Chair will accept the statement.

The statement submitted by Mr. COTTON is as follows:

Authority for OEO to furnish funds for special educational assistance currently exists under the Economic Opportunity Act. This bill provides an appropriation to carry out this pre-existing authority. The provision that this appropriation not be subjected to certain earmarking requirements merely reflects authority of the Congress, in appropriation matters, to establish the funding level of authorized programs and in no way includes new legislative authority.

1. Authority for OEO to carry out special programs of the type which would be funded through this Appropriation Act is included in section 222(a) of the Economic Opportunity Act. This is not new authority being legislated in the bill before us today—its purpose is merely to implement authority which has been part of the EOA for some time.

2. This bill merely provides the appropriation to carry out programs under these pre-existing authorities.

3. It does so by adding a proviso that frees this appropriation from earmarking restrictions added to last year's authorization act. These restrictions contemplate that funds appropriated under the Economic Opportunity Act shall be allocated among OEO programs in accordance with a prescribed formula. The proviso here simply relieves the funds to be appropriated under this bill—and this bill alone—from the restriction of the earmarking formula. It does no more than permit the funds we appropriate to be used for the purposes we intend under already existing authority. It does not amend the prior authorization.

4. This is a simple matter of appropriations prerogative. It does not involve adding general legislative authority to an appropriations bill, but rather the authority of Congress to enact appropriations in a manner calculated to insure that the appropriated funds are used to carry out the purposes for which they were appropriated.

The PRESIDING OFFICER. Does the Senator from Mississippi wish to be heard further on the point of order?

Mr. STENNIS. If the Senator from New York will yield to me further——

The PRESIDING OFFICER. The Chair is indulging debate on the point of order. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I am not sure I understood. The Senator from New York had the floor, but if he yields to me for a statement——

Mr. JAVITS. Mr. President, I think when a point of order is in the hands of the Chair, it is up to the Chair how much he will hear.

The PRESIDING OFFICER. And the Chair wishes to indulge Senators fully.

Mr. STENNIS. I thank the Chair, and I thank the Senator from New York.

In looking at the list of authorizations in this pick-and-pack-and-pay-and-carry-away system, I find here, in the CONGRESSIONAL RECORD of June 24, 1970, page 21218, where the Senator from New York very kindly put in the RECORD the sources of these alleged authorizations.

First is this "Community development program." There is $100 million taken from that title of the Economic Opportunity Act on urban and rural community action programs. Mr. President, those headings just do not match with education or desegregation of schools, I submit.

The next one there is $9 million, "Personnel development programs." That is the second item listed here. With "Community development programs," that accounts for $109 million of the money.

The next one does have the word "education." Education Professions Development Act, part D.

Then the third numbered item in the list here, is Major Demonstrations, $14 million, from the Cooperative Research Act. It says:

This Act authorizes projects for research, surveys, and demonstrations in the field of education, and for the dissemination of information derived from educational research.

There is no reference there to desegregation of schools.

Fourth, "Dropout prevention," $5 million. That is the Elementary and Second-

ary Education Act, section 807, authorizing "demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of children who do not complete their education in elementary and secondary schools."

The next item is "Technical assistance," $15 million, from the Civil Rights Act of 1964. This is the first time that the word "desegregation" is mentioned.

May I have the attention of the Senate? This last item here is the only time that the word "desegregation" is used, and still they are trying to justify the authorization of $150 million from all these other items.

So I respectfully submit to the Chair that, in spite of the good intentions of the Senator from New York and others, this does not fulfill the minimum legislative requirement."

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

The PRESIDING OFFICER. The Chair is indulging Senators. The Chair is prepared to rule. Did the Senator from North Carolina wish to be heard?

Mr. ERVIN. I wish to make this point——

The PRESIDING OFFICER. The Chair recognizes the Senator to make the point.

Mr. ERVIN. The Senator from Mississippi has pointed out that none of these acts which are cited in the amendment have any reference to education of this nature except the Civil Rights Act of 1964. That act only authorized technical assistance, an appropriation of $15 million, and certainly an authorization for $15 million which has long since been used up by other appropriation bills cannot justify an appropriation of $150 million.

I submit that the Chair should sustain the point of order.

The PRESIDING OFFICER (Mr. GRAVEL). The Chair will now rule. The Chair is ruling on two points here—first, that this is a new item, but that it does comply with rule 16, paragraph 1. The Chair will read the language in the phrase at the end of that paragraph: "or proposed in pursuance of an estimate submitted in accordance with law."

The sum in question is pursuant to a budget estimate that was submitted to the Senate in Senate Document No. 91–83, and provides for that very purpose the sum of money.

As to the second facet, it is the opinion of the Chair that this is strictly a limitation on appropriations provided for in this bill. The language in no way changes existing law, nor does it grant any new legislative authority. It merely places limitations on the use of funds provided for in this bill.

This amendment is considerably different from the one that the Chair ruled out at an earlier date.

Mr. STENNIS. This amendment is what?

The PRESIDING OFFICER. This amendment is different from the one that was ruled out on an earlier date, on the supplemental.

Mr. STENNIS. Mr. President——

Mr. JAVITS. Mr. President, do we have the ruling?

The PRESIDING OFFICER. The point of order is not well taken.

Mr. STENNIS. Mr. President, I respect the sincerity of the Chair and the counsel of the Parliamentarian. I submit, with great deference, that it is an erroneous ruling, but I take it as a ruling and do not propose to appeal.

Does the Senator wish to speak further now?

Mr. JAVITS. Mr. President, I think we ought to have the yeas and nays on this amendment. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. I am prepared to yield the floor.

Mr. STENNIS. Mr. President, I have some other remarks, but if other Senators wish to speak at this time, I will yield the floor for the time being.

Mr. ERVIN. Mr. President, I send to the desk three amendments and ask that they be printed and lie at the desk until they are called up. They are three perfecting amendments to the amendment offered by the distinguished Senator from New York. I have written them out in my own handwriting, and to assist others, I will read them.

The distinguished Senator from New York said that this was to implement the program of the President. Since the President has expressly stated that he is opposed to the busing of schoolchildren for the purpose of altering the racial composition of schools, the first amendment would be this:

On line 15, page 2, strike out the word "or."

On line 19, page 2, change the period to a semi-colon, and add the following thereafter: "or (d) to finance the busing of school children from one place to another place or from one school to another school, or from one school district to another school district to alter the racial composition of any school."

I offer this as a perfecting amendment, because the President said distinctly in an interview which he gave during the campaign in Charlotte, N.C., that he was opposed to the busing of children for the purpose of altering the racial composition of schools.

He has also stated that he is in favor of the neighborhood schools, so the second amendment I have sent to the desk is this:

On line 15, on page 2, strike out the word "or."

On line 19 on page 2 change the period to a semicolon, and add the following thereafter: "or (d) to deny any child the right or privilege of attending the school nearest his home which is open to children of his age and educational standing."

Since the Senator from New York invokes title 4 of the Civil Rights Act of 1964 in his amendment, the third amendment I have sent to the desk reads as follows:

Strike out the word "or" on line 15 on page 2, change the period on line 19 of page 2 to a semicolon, and add the following words thereafter: "or (d) to finance any activity which is inconsistent with any provision of title IV of the Civil Rights Act of 1964."

I ask that these amendments be printed and lie at the desk until called up.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. ERVIN. I yield the floor at this time.

Mr. STENNIS. Mr. President, I had in mind as an amendment now to strike all that part of the amendment after the words "Economic Opportunity Act of 1969"—to strike everything beginning with the words *"provided further,* that no part of the funds contained herein shall be used," and so forth.

I submit that that amendment could well come before the amendments offered by the Senator from North Carolina, because that leads into another aspect of the bill.

The PRESIDING OFFICER. Does the Senator wish to call it up?

Mr. STENNIS. Will the Chair indulge me for a moment?

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

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, it seems to me that the parliamentary situation now dictates we understand what particular amendments, if any, the Senators who oppose my amendment may desire to carry forward, as I wish to take seriously to heart the admonition of the distinguished Senator from Washington (Mr. MAGNUSON) that we have gone over a lot of the ground in substance and it really should not be repeated. I think I have said everything I need to say or should say, and in view of that admonition about the essence of the amendment I have proposed, and the fundamental question that it is properly introduced and stands up against the point of order which has now been decided, I hope very much that the Senator from Mississippi (Mr. STENNIS), the Senator from North Carolina (Mr. ERVIN) and others interested, may go forward with what they desire to propose.

Mr. COTTON and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized. Does the Senator wish to call up his amendment?

Mr. STENNIS. Yes, Mr. President, I have the floor. I shall be glad to yield to the Senator from New Hampshire——

Mr. COTTON. No. Go right ahead. I have a parliamentary inquiry afterward.

Mr. STENNIS. All right.

Mr. President, I move that the amendment offered by the distinguished Senator from New York—that everything in the amendment be stricken out beginning in the middle of the amendment with the words "provided further, that no part of the funds contained herein shall be used (a) to assist a local educational agency," and so forth—those words and the rest of the amendment.

The PRESIDING OFFICER (Mr. GRAVEL). The clerk will report the amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 2, line 7, beginning with the words

"provided further," down to and including line 19.

Mr. STENNIS. Mr. President, I want to call up my amendment now, but first will yield to the Senator from New Hampshire without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, do I correctly understand from the distinguished Senator from Mississippi that he wishes the first vote to come on his first motion——

Mr. STENNIS. To strike.

Mr. COTTON. All after the words "Provided further" on page 7——

Mr. STENNIS. The Senator is correct.

Mr. COTTON. Mr. President, if the Senator will permit me 1 minute——

Mr. STENNIS. I yield.

Mr. COTTON. As the ranking minority member of the subcommittee that handled this legislation, I want to make it clear that I shall support the adoption of the essential part of the amendment offered by the distinguished Senator from New York. It is the strong desire of the President of the United States and of the administration. It is their view that it is exceedingly essential in trying to deal with the situation which has arisen in some educational areas in the country. I do feel, however, personally, that I find myself in agreement with the distinguished Senator from Mississippi. To me, the part which begins, "Provided further," while I think I understand its purpose, is more or less a self-serving declaration, in my opinion. It confuses and adds confusion and detracts from the clarity of the amendment. Therefore, my intention is to support the amendment now offered by the Senator from Mississippi to strike out the words "Provided further" on line 7 on the second page of the amendment as printed. But I shall, when the opportunity comes, most certainly support the first part of the amendment.

Mr. STENNIS. I thank the Senator. Mr. President, if we may have order and attention of Senators for a few minutes, I shall not take a great deal of time.

Mr. President, do we have printed copies?

The PRESIDING OFFICER (Mr. MANSFIELD). Yes. There are printed copies. No. 737 is the number.

Mr. STENNIS. I thank the Chair.

Mr. President, I direct attention now to line 7 on page 2 of amendment No. 737.

My amendment would strike out that part and the part that follows. This is an emergency bill, it said, and it is put together by various authorizations. It has been held, on the point of order, to be invalid, so that brings us right to the issue that this amendment is before this body. It is to assist in desegregating schools. It is to assist in places where the funds may be needed the most and that includes the poor schools, those without adequate equipment, or which have adjustments which have to be made.

The part we propose to strike out turns right around, then, and goes to putting penalties on someone. That is not the way we really go out to try to help schools or people and bring the level up. It is not only putting a punishment on it but the language still is retroactive in application.

I said here, the night before last, that I would not object to some of this if it was just to be prospective after this becomes law, if it does. But now we want to go back and punish someone because, maybe, a school district has sold a school building and maybe that building was ordered closed by HEW's plan, but if they sold that to someone to try to start a private school, then the mandate of the amendment would be that that little district would never be available for any of this money.

Mr. President, that is something that has happened in the past. And no one except those who have been through it know about the confusion, the dislocation, the necessity for the faculty, the trustees, and everyone concerned to make all kinds of adjustments and try to get a new start.

The school terms were interrupted, some of them for 3 months, some for 4 months, some for 5 months, some for 6 months, and on up. I know of one in which this drastic change was required just 7 weeks before the last term was over.

If we come back here now and say that we are legislating for the neglected, the downtrodden, the lame, and the poor, we cannot then turn around and go to pestering them with these penalties and reprisals and eliminate them from being eligible.

I do not know of any one case in my State where they sold a school building to any group that was trying to form a private school. That might have happened. I do not know. But I am not trying to protect any individual situation. There is a principle involved here.

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

Mr. STENNIS. I yield.

Mr. MONDALE. Mr. President, we were advised that on September 4, 1969, the Madden School in Leake County, Miss., was sold to a private source for $1,500. It was a 10- or 12-year-old building on 2 acres of land. It had 10 classrooms. It was then resold to a private segregated school for $10.

We have examples like this for Louisiana and elsewhere where not only schools, but also school buses, desks, and textbooks have been lent or given to private all white schools.

Mr. STENNIS. To what would the penalty apply? Would it apply to the Madden School, accepting the facts stated by the Senator to be true. And I do not know and he does not know that they are facts. But accepting that as the case, what would happen to Madden School under the amendment?

Mr. MONDALE. Mr. President, permit me to say that the information on this school and the others to which I made reference is based on direct testimony presented by the National Education Association. That is the basis of the facts which I presented.

The amendment which the Senator from New York (Mr. JAVITS) offered includes a provision which would prohibit any of the $150 million from going to a school district which transferred public property to a private segregated school.

Mr. STENNIS. Mr. President, if these facts are true, Madden School is perhaps part of the school district of that entire county. Under our system, we have county school boards, and with some municipal exceptions, they have jurisdiction throughout the county.

Madden is a very small place, as I recall. I do not know its population.

To whom would this penalty apply—the school board or to all of that county? Perhaps there is no Madden School now. But to whom would the penalty apply?

Mr. MONDALE. Mr. President, I would say that is not a penalty. It denies a reward to a school district that gives away public property to a private source in a way that is clearly unconstitutional. And it would prohibit such funds from going to local education agencies as defined by the Department of Health, Education, and Welfare.

Mr. STENNIS. Mr. President, my question is would it apply to the entire county? This school is just a small part of that county.

Mr. MONDALE. It would apply to the local education agency as defined by HEW. I am not familiar with that particular school district.

Mr. STENNIS. Mr. President, we are entitled to know whether it applies to that entire county or just to the Madden School. I think that every Senator here is entitled to know where that penalty would apply.

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

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

Mr. STENNIS. Mr. President, the Senator from North Carolina asked me to yield. I will yield to him first and will yield later to the Senator from New York.

Mr. ERVIN. Mr. President, does not the Senator from Mississippi understand by the statement made by the Senator from New York that this money is to be applied for the benefit of schoolchildren, black and white?

Mr. STENNIS. Yes; the Senator is correct.

Mr. ERVIN. So, here is the Madden School, accepting the statement of the Senator from Minnesota as being correct. The school is gone. The school building is gone. And so, the little children who fall within the jurisdiction of the local education agency which has control of the schools will be denied the benefit of the money, even though that local education agency may be composed of a different group of men at this time. The Javits amendment will deny them the benefit of any of the funds to be appropriated for the purpose of educating the little black and white children in that area.

Mr. STENNIS. Mr. President, the Senator is entirely correct. Madden is just a small town within a rather large populous county.

Mr. ERVIN. Mr. President, we cannot get information as to whether this school district or the whole county is going to be denied the benefit of the funds.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. That is the kind of amendment we have here. It is offered in

the name of education for the black and white children in the South that its supporters profess they are so zealous about. They will deny them the benefit of these funds if a local education agency has done these acts, even though that agency may not now be composed of the same group. It might be composed of an entirely different group of men from the ones who did the alleged wrong. The proponents will let the innocent suffer for the supposed sins of the guilty.

Mr. STENNIS. The Senator is correct.

Mr. ERVIN. Mr. President, that is all done in the name of education. The amendment will deny them funds for their education. Is that not correct?

Mr. STENNIS. That would be the effect of it. And that is why I made the motion to strike.

Mr. ERVIN. And this will be done by an ex post facto law.

Mr. STENNIS. The Senator is correct.

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

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

Mr. STENNIS. Mr. President, I will yield first to the Senator from Alabama and then to the Senator from New York.

The PRESIDING OFFICER (Mr. LONG). The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I would like to ask the Senator from Mississippi if it is not a fact that if his amendment is agreed to, it would still leave in the Department of Education the discretion to apply these very same limitations and prohibitions contained in the Javits amendment if, in their judgment, they should be applied?

Mr. STENNIS. I do not think there is any doubt whatsoever about it, because it is authorization. It is as high as the heavens. There is no topside or bottom to it.

Mr. ALLEN. If they wanted to apply the very same limitations contained in the Javits amendment, they could do so, even though the Senator's amendment is agreed to.

Mr. STENNIS. The Senator is correct.

Mr. ALLEN. Mr. President, I have one further question. With respect to the Whitten amendments that we have voted on from time to time here in the Senate, is it not true that they sought to put limitations on the Department of Health, Education, and Welfare and on the Office of Education as to the use for certain purposes of the funds appropriated by that act.

Mr. STENNIS. The Senator is correct.

Mr. ALLEN. And is it not also true then that this amendment of the Senator from New York also seeks to put limitations on the Department on the uses to which the funds appropriated by this bill shall be put. Is that not correct?

Mr. STENNIS. The Senator is undoubtedly correct. That is the effect of it.

Mr. ALLEN. And the Senate in its wisdom saw fit to reject the Whitten amendments which did place those limitations on the Department. And would it not then be logical that the Senate in the exercise of that same wisdom should reject these limitations contained in the Javits amendment?

Mr. STENNIS. Logic and consistency would demand, it, yes.

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

Mr. STENNIS. I yield now to the Senator from New York.

Mr. JAVITS. Mr. President, I think that Senators are entitled to know what we mean by a local education agency. I think they are entitled to know what this proviso means. I could give the Senators my view of it.

I think that the local education agency referred to in the amendment means the one who did what the amendment hopes it would not do—transfer property for services in order to aid an unlawful process.

If that is a small school board, then that small school board would be unable to get part of these funds.

If it is the whole State then the inhibition would go to the State; if it were a county school agency, then it would go to the county. As to what is a local school agency depends on the State. As the Senator from Mississippi pointed out, the way in which the State is organized, and the State has that duty, determines that question, and that is the way it is applied. That would be the application of this proviso.

I think Senators are entitled to my views on the ex post facto matter. I believe, with the Senator from Tennessee (Mr. BAKER), who unfortunately is not in the Chamber at the present time, but who made a good point, that it is ex post facto unless it is unlawful, but if it is unlawful then it is not ex post facto, because if it is wrong when committed, that wrong continues. That is basic hornbook law. I agree with the Senator from North Carolina. Whether sustained on a point of order I would not want to do anything that was ex post facto so that the innocent person who did something when it was lawful would find himself trapped. I think the intercession of the Senator from Tennessee cures that defect.

Mr. ERVIN. Mr. President, could the Senator from Mississippi ask the Senator from New York who is supposed to get the benefit of this money, whether it is the school board or the children?

Mr. STENNIS. That is a good question. Are we legislating for the school board or for the children?

Mr. JAVITS. We long ago decided when the same argument was made on the Civil Rights Act in 1957. I have been here a long time. We long ago decided that, yes, it may be that some black children would be denied opportunities which they might otherwise have if we did not press this matter, but in the interests of our Nation we decided this was the best policy for them and their progeny; and those marginal cases had to be decided in favor of the desegregation principle.

I would not predict one could not find a particular instance where a black child, or 10, 20, or 30 black children did not do as well in terms of education, but I would warrant if one were to take a vote among black people—adults and children alike—it would be found that something like 100 to 1 or better would say they would want, at long last, if they could get it, an equal break in terms of education with everybody else.

Mr. ERVIN. Mr. President, will the Senator from Mississippi yield to me so I can ask him a question to be asked the Senator from New York?

Mr. STENNIS. I yield.

Mr. ERVIN. I would like to ask the Senator from Mississippi if he will ask the Senator from New York if this amendment will not deny children of that area any benefit of these funds, even though the members of the local agency which perpetrated what it deems to be wrong have been supplanted by other members.

Mr. STENNIS. Suppose the board did commit a moral wrong and sold the building for a nominal sum. This amendment would cut them down. But suppose they did it for $10 and they are succeeded by another board with the opposite view. That is an illustration as to how this could go too far.

Mr. JAVITS. I assure the Senate that this amendment obtains for 1 year. It is for $150 million, in what will be a much bigger program. For that period and the amount of money involved, considering the size of the problem, I do not think I need to shrink from any possible investigation which may be due to an individual board.

I will join with the Senator when we learn more about awarding any board that undoes what a previous board did wrong. I think we need to go into the equities of the case.

Mr. STENNIS. I want to make clear that these school districts in my State, at least most of them are countywide and have jurisdiction over all the schools in the county, 15, 17, whatever the number is, and some municipalities, the largest ones, are excepted. The area school is a relatively small school, and under this proviso, if it were sold I think it would require school board action, but it is very minor. At the same time we were being ordered to close up the building—do not use the school anymore, close it up, and the courts ordered "Close school B, it will no longer be used." The court then adopts a position which says that the school shall be abandoned. I know that happened because I dealt with a school board to which that happened. Of course, the people acted under distress. I am willing to have this prohibition to any future acts, anything in future after enactment.

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

Mr. STENNIS. I yield.

Mr. TALMADGE. As I read the amendment the penalty provision does not provide any penalty whatever to students of the private schools but only to those remaining in the public schools. Is that the Senator's interpretation?

Mr. STENNIS. That is a good point. It is not getting at the ones in the private schools.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TALMADGE. It would not be getting at the fugitives, but those who remain in the public school systems.

Mr. STENNIS. That is correct. I think

very little of this happened anywhere and I did not know of this incident the Senator brought up.

Mr. TALMADGE. Certainly, it will not remedy the situation by shooting the innocent instead of the guilty, will it?

Mr. STENNIS. It is the wrong approach.

I wish to call attention to line 13, paragraph (b) which provides: "to supplant funding from non-Federal sources which has been reduced as the result of desegregation or the availability of funding under this head;"

There is a classic example of where HEW, in making its inquiries and adjustments can take care of any attempted or threatened situation of that kind, because in working this out with the school board to determine the source of income, and if it is going to be a supplemental fund, those things are all worked out in advance and under some operations of State law there is some reduction which automatically happens.

In our State, appropriations by the State legislature are on the basis of average daily attendance. Those records are all sent in and the money is distributed under the law. So here is a school that would have some reduction because of reduced average daily attendance and it would be a question of fact if it was prompted by any of these laws. That is what HEW would be doing.

On page 2 at line 2 it is provided, that no part of any funds appropriated herein to carry out programs under title II shall be used to calculate the allocations (c) to carry out any program or activity under any policy, procedure, or practice that denies funds to any local educational agency desegregating its school under legal requirement, on the basis of geography or the source of the legal requirement.

Frankly, I just could not understand the language. I do not know what situation it is designed to meet. I am glad to yield to the Senator from Minnesota to answer as to paragraph (c), if that is a part of his amendment.

Mr. MONDALE. Mr. President, I thank the Senator from Mississippi. In a moment I hope to get the floor in my own right, but it is true that the nationwide thrust of paragraph (c) was included in the amendments I had intended to offer to the supplemental bill.

Mr. STENNIS. It was not included?

Mr. MONDALE. It was.

Mr. STENNIS. It was?

Mr. MONDALE. Yes.

Mr. STENNIS. I am not commenting on it now, because I have not understood what it means.

Mr. MONDALE. May I respond to that just a moment?

Mr. STENNIS. Yes.

Mr. MONDALE. The purpose of subpart (c) is to make the $150 million program, for which we might appropriate money here tonight available to schools desegregating under legal requirement regardless of their location or the source of the legal requirement, and not just limited to the 17 Deep South and border States, whatever that means.

That limitation does not appear in the legislation. It was simply the expressed intent of the administration before the Appropriations Committee to limit this program to the 17 States.

Some question was raised here the other night as to which 17 States. We have not been told. I do not know. This should be a national bill, and I agree with the Senator from Mississippi that this legislation should have a national thrust to it. I personally feel very strongly about it.

Mr. STENNIS. I thank the Senator, but paragraph (c) is not carrying out the idea of making it a national bill.

Mr. MONDALE. Paragraph (c) would assure that any school district desegregating under a legal requirement—wherever the school district is located or whether it is desegregating as the result of State or Federal law—would be eligible to apply for assistance under this appropriation. The administration has testified that this appropriation would be restricted to school districts desegregating under title VI of the Civil Rights Act of 1964 or Federal court order in the 17 Southern and border States. We do not believe that school districts such as Pasadena, Calif.; Denver, Colo.; South Holland, Ill.; or Pontiac, Mich.; which are desegregating under a Federal court order, or Los Angeles, Calif., which is desegregating under a State court order, should be denied eligibility for assistance under this appropriation.

It is important to understand exactly what amendment No. 704 does, and what it does not do. It does require that a school district desegregating under a legal requirement not be denied eligibility—in other words an opportunity to apply for assistance—solely on the basis of either the location of that district, or the source of the legal requirement. It does not require that any school district desegregating under a legal requirement actually receive assistance, nor does it in any way restrict or remove the authority of the Secretary to deny assistance to a school district for reasons other than its location or the source of the legal requirement. The Secretary would have both the authority and the responsibility to deny funds under this appropriation to any district because its plan does not at least eliminate racial discrimination as required under the Constitution or Federal statute. This amendment would merely require that that district be denied assistance under relevant criteria concerning the merits of its proposal, rather than irrelevant criteria such as the source of that legal requirement or the location of the district.

Mr. STENNIS. Would be eligible or ineligible?

Mr. MONDALE. Would be eligible.

Mr. STENNIS. So paragraph (c) is to make this have a nationwide application?

Mr. MONDALE. That is right.

Mr. STENNIS. I really did not understand it that way. As I told the Senator the other night, on my motion, the Appropriations Committee struck out the language in the report that limited it to the South. I will support the Senator in the idea of making this bill nationwide. I did not really realize that (c) had that purpose. Perhaps the Senator could rewrite it or rephrase it in some way, or I could drop (c) from my amendment.

I yield the floor now to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I would like to commend the Senator from New York for introducing amendment No. 737 which seeks to add to the education appropriations bill $150 million to assist school desegregation efforts this summer and throughout the next school year. I am pleased that in introducing this amendment, Senator JAVITS has included the three amendments to the emergency school desegregation assistance program that I introduced recently on behalf of myself, and 20 of my colleagues.

These amendments which now appear as sections (a), (b), and (c) in the Javits amendment are designed to help insure that the funds under this appropriation are not used to subsidize private segregated academies, and that they are equally available to school districts throughout this Nation that are desegregating under legal requirement. They have the endorsement of the administration, the National Education Association, and the Leadership Conference on Civil Rights.

Section (a) of this amendment prohibits the funding of school districts which engage or have unconstitutionally engaged in the transfer of property or services to private segregated academies. It is identical to my revised amendment to the supplemental appropriations bill that was adopted by the Senate on Monday night by a 63–19 vote.

The need for this amendment has been documented by many witnesses before the Select Committee on Equal Educational Opportunity. Just yesterday, for example, a panel of attorneys associated with the NAACP legal defense fund described numerous examples in which public schools have given, leased, or sold school buildings, textbooks, schoolbuses, and school equipment to segregated private academies that have been established to circumvent school desegregation efforts. One of these witnesses, Mr. Melvin Leventhal of Jackson, Miss., estimated that "between 15 and 20 percent of the school districts of Mississippi that have been required to integrate have transferred property to private schools."

Section (b) of this amendment, which would prohibit funds under this appropriation from supplanting local or state funds, is equally essential. The same attorneys also testified about the way in which school districts have attempted to reduce the public support for the public schools so that more funds would be available to assist these private academies.

Section C of the amendment simply requires that no school district legally required to desegregate shall be denied eligibility under this appropriation on the basis of its location or the source of the legal requirement.

I will support Senator JAVITS' amendment because it includes these safeguard provisions. I hope that they, coupled with the administration's commitment to prevent abuses, can help assure that funds under this appropriation are granted only

to those districts that are making an honest effort to desegregate.

I sincerely hope that they will help prevent a Federal subsidy of paper compliance.

These three amendments do three simple things:

Part (a) of the first amendment prohibits money under this appropriation to go to school districts which have unconstitutionally diverted or which are diverting public property from those districts into private schools for the purpose of discrimination.

Part (b) prohibits the use of this money in school districts which are using it to substitute for money that would otherwise be spent. It would assure that this money would be used to supplement, not supplant. It would prohibit funds under this appropriation from being granted to districts which have reduced their financial support for public schools as a result of desegregation.

Part (c) makes it a national bill, not restricted specifically to the 17 States of the Deep South and border States, however they are defined by the administration.

On the first point, the diversion of property from public schools is not a technicality, it is a fundamental point. In many areas desegregation is evaded by the establishment of private segregated academies. Many of these communities have difficulty supporting those private segregated academies from voluntarily contributed funds. The way they are able to support these private schools is by obtaining, free or at reduced prices, school buildings, textbooks, desks, teaching equipment, laboratory equipment, bus transportation, and even staff from public schools.

There is no doubt in my mind whatsoever that such efforts are clearly and unquestionably unconstitutional. If there is any question at all about the existence of these practices, may I refer to the testimony by the National Education Association of circumstances in which a 10-year-old school building, with 10 classrooms, located on 2 acres of land—a brick building—was sold to a private segregated academy for $1,500. This has happened in other school districts.

The other day we had testimony by attorneys bringing civil rights suits in the South. They testified very clearly that district after district had pursued this policy of transferring public property to private segregated academies for the purpose of giving public support for an unconstitutional purpose. One attorney said:

> The transfer of textbooks is often made at the expense of students remaining in the public schools.

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

Mr. MONDALE. In just a moment.

I continue to read:

> We are not talking about just the transfer of surplus books, books that are not going to be used as old textbooks. In certain parish schools that are integrated in early February of this year.
>
> School children showed up and found that their textbooks which they had were last year's textbooks. They were old textbooks they had not even been used in the previous semesters.
>
> The new education editions had gone to private schools. Students both black and white in the public schools found themselves sitting at desks which were far too small for them.
>
> The question arose where are the desks we had last semester? The answer was they were declared surplus and were sent or sold to private schools.
>
> The public school buses in this and every other parish I know of pick up students that go to the private schools at houses and transfer them to the public schools. They provide the best possible service for those students going to private schools.

This testimony, which I shall not repeat, goes on for pages and shows that throughout the areas in which the courts are ordering the end of discrimination, a standard practice is to set up private academies and to substantially fund them by the unconstitutional transfer of public property.

I am glad to yield to the Senator from North Carolina.

Mr. ERVIN. And the amendment does not do anything to deprive the private academies of anything, but it would deny the benefit of the funds to the children who are denied admission to the private academies.

Mr. MONDALE. Well, it discourages a practice——

Mr. ERVIN. Well, is that not a fact?

Mr. MONDALE. No, I think the characterization the Senator makes is not a fact. I think it is the other way around. Not to discourage this practice is to destroy the possibilities of a decent integrated public school system in those districts.

Mr. ERVIN. Let me ask the Senator one or two other questions.

Are not these funds appropriated for the ultimate benefit of the schoolchildren, black and white, in the public schools?

Mr. MONDALE. Yes.

Mr. ERVIN. But this amendment would deny the benefit of the funds to the black and white children who will remain in the public schools, and who may be denied admission to the private academies or be incapable financially of attending the private academies. It would deny them the benefit of these funds, not on account of any sins on their part, but on account of the sins of others.

Mr. MONDALE. May I say to the Senator from North Carolina that if this practice is permitted, the public school children are going to be the losers, because thousands and thousands of dollars worth of public property that had been purchased for their education is being given away and sent to another school. The NEA testified that in one school district, an estimated $55,000 worth of textbooks disappeared one day in the public school, and the next day ended up in the so-called private segregated academies. Does that help those black and white children?

Mr. ERVIN. The bill does this. According to its proponents, the private academies have taken schoolbooks away from them, and the amendment of the Senator from New York would take the money appropriated by this bill away from them also. So the children would be the victims coming and going.

Mr. MONDALE. There is another part of this I would like to mention. Perhaps I can do its best by quoting this attorney. He said:

> The attitude in this district is that the private schools get the best transportation, they get the best textbooks. It seems as if, in many school districts that the aid to public schools is being used in a situation to drive students out of the public schools into the private schools.

In other words, the extent of such transfers is such that the bone has been picked so bare the the few white students who have stayed back there are encouraged to go to the private segregated academies.

Mr. ERVIN. And then the amendment proceeds to take the bone away from the children.

Mr. MONDALE. I would not characterize it that way. The provision earlier to $150 million to be obligated between now and September 30. HEW has said the money will be concentrated—some districts well get no money in any event. Surely where money is to be obligated so quickly, and where there is not enough money for all, those districts which have shown open contempt for constitutional requirements in this manner should be excluded.

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

Mr. MONDALE. I yield.

Mr. MAGNUSON. I wonder if the Senator, who is chairman of the special committee on this subject—and the Senator from Washington is one of the members, though he has not been too diligent in his attendance, mainly because of this situation—does the Senator know of any reason why the President of the United States waited until May 25 to send this measure up?

Mr. MONDALE. I must say that——

Mr. MAGNUSON. I know that the Senator is probably not any more privy to what goes on down there than I am. But I was wondering if they notified the committee which was set up to look at these things.

All of a sudden, this measure comes up, after we had held hearings on the education appropriations and marked up the bill, telling everybody in the country, "We are going to get this done early and quickly," All of a sudden, here comes another proposal with which I do not disagree, but I do not know why they did not go through the legislative process with this.

Mr. MONDALE. Permit me to say——

Mr. MAGNUSON. Here we are with an appropriation bill, and a good one, and we have had it how long now? Five weeks, and last year everybody criticized everybody else and pointing a finger because it was not completed early.

Now all of a sudden somebody wakes up downtown, and says, "Here is another education proposal."

Now, I agree with what they are trying to do here. I personally agree with it, but I wonder if we are ever going to get an education appropriation bill through this Congress. If we go over till next week, there will be another proposal coming up from somebody, I do not know who.

We have been trying to get this bill enacted, and they came to us after all the hearings are complete. I want to make this history. They came to us very late in the game. I got a call one day from then Secretary Finch, who wanted to see me and Mr. COTTON. We had the bill marked up already, and they came in and wanted our advice as to how to proceed on this proposal.

Well, Senator COTTON and I said, almost without even looking at one another, "Please don't put it on our educational bill, because we are trying to get the appropriation passed early. When a supplemental comes along, you can word it so that it will be germane."

I suppose this wording would be germane: I do not know.

I agree with the Senator. These are programs I agree with, and I would not vote to strike it out. But I am making a plea in this whole field of education, for some kind of orderly procedure. We will never get an appropriations if this keeps up.

Mr. MONDALE. Permit me to say that——

Mr. MAGNUSON. I think the action I will remember most about this took place recently, I do not know how long ago it was, but we spent 4½ days on this floor, debating an authorization bill for education; $24 billion in new and extended authorizations. And for 4½ days there was not one single voice raised or mention made about the money that was going to be appropriated to meet that authorization and to educate the kids.

Here we are, all over again with the same type of thing. This is pretty good language, as far as I am concerned. But we were not apprised of this when we had that meeting. Mr. Finch did not show up for the meeting, I think because he was in the hospital at that time.

They did ask our advice, and we said, "Put it on a supplemental bill; we have completed action on existing authorization. We are marking it up, trying to get it along the way."

So all the school districts, including Madden—I do not know where Madden is. Is that in Mississippi?

Mr. STENNIS. Yes.

Mr. MAGNUSON. All right. So all the school districts in the United States, some 24,000 or 25,000 of them, could know how they could effectively plan for the next year under the rules of the game that now exist, and they were very happy about it. They even suggested that we not put in the $1 billion advance funding. They said they would rather have an early bill, and get it over with under the present rules.

So here we are. I just do not understand why this happened, and why somebody—as someone told me today, they must just have wakened up downtown.

The Senator and his committee have been pursuing this matter, and the testimony has been impressive. I approve of it. But I do not know why the Senator from New Hampshire and I—maybe we are unlucky or something, I do not know—we work hard, we hold extensive hearings, hundreds of witnesses appear, and we get what I feel is a good bill. We are going to pass it early this year and we are going to do our job, and exercise our responsibility to the over 52,000,000 schoolchildren of the United States, but we get it all signed and sealed and ready for the Senate floor—where we get a few amendments to increase some of the funding levels—but then we always end up with this same thing where something new is proposed.

Mr. COTTON. May I say that the Senator, in his report, is adhering strictly to the facts, and I will vouch for every word he says.

Mr. MAGNUSON. I am not criticizing anyone about this, but I am making a little plea to get this measure over with under the rules, so that the thousands of school districts, colleges and universities, in the United States, South, East, North, and West, can know what they might expect to get next year, and make their plans to educate the 52 million students of America. This is all I am trying to say.

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

Mr. MAGNUSON. I do not have the floor. The Senator from Minnesota yielded to me for a question, and I made a speech. [Laughter.]

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. Mr. President, I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, if the Senator will permit me, I would like to propound a unanimous-consent request, which I hope will be acceded to; and, just as the Senator from Washington made a plea, I am making a plea.

I ask unanimous consent that there be a time limitation of 20 minutes on the Stennis amendment and 20 minutes on the Javits amendment, the time to be equally divided between the sponsors of the amendment and the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER (Mr. LONG). Without objection agreed to.

Mr. ERVIN. Mr. President, I object. If they vote on the Javits amendment, my amendments are perfecting amendments to the Javits amendment. I have no objection to the 20 minutes on the Stennis amendment, but I object to anything that would cut off the time on my amendments.

The PRESIDING OFFICER. Does the majority leader limit his request to the first amendment?

Mr. MANSFIELD. I think so, but I am just waiting to see what will happen. Just the first amendment.

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

Mr. MONDALE. Mr. President, I should like to respond to what I thought were the most appropriate remarks of the Senator from Washington.

I think the difficulty we are having here, in part, is that this legislation should have first been sent up in the form of authorizing legislation.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The time is now under the control of the Senator from New York (Mr. JAVITS) and the Senator from Mississippi (Mr. STENNIS). Who yields time?

Mr. JAVITS. I yield 3 minutes to the Senator from Minnesota.

Mr. MONDALE. I say to the Senator from Washington that I have used only 5 minutes of the debate time tonight for myself.

I think this is old ground. We have been over it before. Everybody knows what is involved in the proviso. It is legislation we adopted the other night, when the key portion was passed overwhelmingly. It is supported by the National Education Association, the Leadership Conference on Civil Rights, and by this Administration. It is the bare minimum that can be included in this measure to help assure that the money goes for the purpose that is stated.

I hope very much that the Stennis amendment will be rejected and that the Javits proposal, as it stands, will be adopted by the Senate tonight.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 5 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Mississippi. Mr. President, I support the Stennis amendment, which, starting on line 7 of page 2 of the printed amendment, would eliminate the three subsections starting with the words "provided further" and continuing down through the remainder of the amendment. It would eliminate subsections (a), (b), and (c).

These subsections are limitations on the Department of Education. They provide limitations on the expenditure of funds appropriated by this act. In effect, they follow the same theory as the Whitten amendments, which were limitations on the power of the Department of Education to spend funds; and the Senate, in its wisdom, turned down the Whitten amendments, seeking to put limitations on the powers of the department. These three subsections seek to place limitations on the power of the department to spend funds.

So, if it was improper to limit the power of the department under the Whitten amendments, then, under the provisions of the Javits amendment, it is just as improper to limit the power of the department to expend funds. So that it seems to the junior Senator from Alabama that if we adopt the Stennis amendment, we still leave the Department of Education with full power and authority to apply the same limitations that are now provided in the Javits amendment. No power whatsoever is taken away from the department by the Stennis amendment. They will still have carte blanche to do anything they want that is now permitted by law with the funds appropriated by this bill.

So, in speaking for the Stennis amendment, we speak for giving the department a free hand in the expenditure of the funds and not putting limitations on them, just as the Senate refused to put limitations on the department as was proposed under the Whitten amendments.

So, Mr. President, it occurs to me that with the Stennis amendment we will have a better bill, we will not have the department hamstrung, and we will not have the department limited in its course of action by these three provisions, which can cause much confusion, much uncertainty, and much difficulty.

With the adoption of the Stennis amendment, the junior Senator from Alabama would be willing to support the Javits amendment. If the Stennis amendment is rejected, then he will vote against the Javits amendment.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, the authorizing committee did not consider this measure, as has been pointed out by the senior Senator from Washington. However we are considering S. 3883 which provides for a substantially larger amount of money for this purpose. Because of the so-called emergency nature of this appropriation, trying to get funds to those schools which in good faith are meeting problems resulting from integration with the coming school year, we thought it advisable to accede to this unorthodox procedure of having the matter handled directly by the Appropriations Committee. We therefore raise no objection to the procedure, but we are shocked at the fact that virtually no guidelines were offered by the Department of Health, Education, and Welfare for the spending of this money in the supplemental appropriations hearing and that it was really to be given to them carte blanche.

We felt that there should be some criteria for distribution of these funds, and for that reason the amendments that the Senator from Minnesota (Mr. MONDALE) drew up seemed to us to supply what was needed, especially in view of the fact that there has been no specific authorization legislation.

For this reason, even though we have not had a chance to fully consider the major bill in the authorizing committee, we support the Javits amendment. I suppose my position would be, that if these tightening criteria are not adopted—meaning that there would be no guidelines—then I think we in the authorizing committee would be hard put to support the $150 million, although I would not make a commitment of that sort at this time.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Does the Senator from Mississippi desire to yield back the time?

Mr. ALLEN. Mr. President, will the Senator from Mississippi yield me 1 additional minute?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, I offer at this time, for inclusion in the RECORD, pages 22 and 23 of report No. 917 of the Appropriations Committee on the second supplemental appropriation bill. I read briefly from the report:

Under no circumstance are any of the funds intended to be available to overcome racial isolation or racial imbalance.

As indicated above, the intent of the appropriation is to provide a broad range of financial and technical assistance, but the character and degree of assistance required shall, in every instance, be a matter of local initiative and determination.

Further, the committee believes strongly that these funds must not be used to finance directly or to encourage massive or excessive busing of students. Any transportation of students covered by this appropriation must be a part of either the court order or the approved desegregation plan.

From another paragraph:

First, consistent with recommendations of the administration, the funds shall be available, on a project grant basis, to assist any public school district under either a court order or with an approved plan to desegregate beginning with the school term that begins in the fall of 1970.

I ask unanimous consent to have these 2 pages printed at this point in the RECORD.

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

OFFICE OF EDUCATION

EMERGENCY SCHOOL ASSISTANCE

1790 appropriation	None
Supplemental budget estimate (S. Doc. 91–83)	$150,000,000
House allowance	Not considered
Committee recommendation	150,000,000

The committee recommends $150 million, the same as the supplemental estimate, to meet the additional costs which will be encountered by about 1,000 school districts which are expected to desegregate by September 1970. The request for these funds was transmitted to the Senate on May 25, 1970, and therefore was not received in time for consideration by the House.

The supplemental request is the first part of the President's announced plans to ask for a total of $1.5 billion for this purpose over the next 2 years. The $150 million has been requested as a supplemental in order to make assistance available—on an emergency basis—this summer so that desegregating school districts will be able to maintain educational quality and mimimize disruption of the educational process during the desegregation period which must be underway by this fall.

Under the committee allowance, funds would be available in the form of comprehensive grants to desegregating—and recently desegregated—school districts for the purpose of hiring additional teachers and teacher aides, providing guidance and counseling and other direct services to school children, revising curriculum, purchasing special equipment, undertaking minor remodeling, supporting community programs and financing other additional costs which will contribute to carrying out a successful desegregation plan.

The program funds requested and allowed by the committee would remain available for obligation until September 30, 1970. Administrative support would be available for a full year since many of the projects funded would be operational during the coming school year and will require administrative assistance throughout this period.

A significant share of the appropriation, as much as $100 million, will be expended under title II of the Economic Opportunity Act. This will require a delegation of authority from the Office of Economic Opportunity to the Department of Health, Education, and Welfare. Such delegations are allowable under the Economic Opportunity Act. The remainder of the appropriation, about $50 million, will be expended under authorities vested in HEW and the Office of Education. Administration witnesses testified that use of these several authorities was necessary in order to provide the broad range of services required by desegregating school districts. They indicated that this arrangement represents a one-time, temporary expedient to deal with the immediate problems faced by schools this summer and that the Emergency School Aid Act of 1970, which was introduced in the Senate on May 26, would from the basis for a more permanent future authority. Any further funding for assistance to desegregation by the schools will, according to departmental witnesses, be requested as part of the regular, 1971 and 1972 budgets following congressional action on the new legislation.

In recommending an appropriation of $150 million to be applied under so many different authorities, the committee wants to be certain that there is a clear record of congressional intent as to the purposes for which the appropriation is made and the manner under which it is to be applied. First, consistent with recommendations of the administration, the funds shall be available, on a project grant basis, to assist any public school district under either a court order or with an approved plan to desegregate beginning with the school term that begins in the fall of 1970. Further, the school districts which have desegregated during the last 2 years under either a court order or an approved plan shall also be eligible. All of the funds are to be made available to deal with problems resulting from court orders or plans to overcome segregation.

Under no circumstances are any of the funds intended to be available to overcome racial isolation or racial imbalance.

As indicated above, the intent of the appropriation is to provide a broad range of financial and technical assistance, but the character and degree of assistance required shall, in every instance, be a matter of local initiative and determination.

Further, the committee believes strongly that these funds must not be used to finance directly or to encourage massive or excessive busing of students. Any transportation of students covered by the appropriation must be a part of either the court order or the approved desegregation plan.

The entire program of emergency school assistance would be administered by the Office of Education and the Department of Health, Education, and Welfare.

A proviso is incorporated in this measure stating that no part of any funds appropriated in this measure shall be included as part of the amounts appropriated for the purpose of determining allocations for each purpose set forth in clauses (1) through (8) of section 102(b) of the Economic Opportunity Amendments of 1969. The purpose of this limitation is to make clear that this appropriation is intended to have no effect whatever on the earmarking, allocation, and proration of OEO funds which would be required in the absence of this appropriation. The administration of OEO programs would otherwise be seriously disrupted in view of the lateness in the fiscal year. Further, it is not the intent of this measure, in any way, to inhibit or limit the authorities vested in the Director of the Office of Economic Opportunity under section 616 of the Economic Opportunity Act with respect to the use of funds made available for carrying out programs under that act. On the other hand, this language in no way changes the intent or effect of the provisions of section 102(b) as to all other appropriations for carrying out the provisions of the Economic Opportunity Act of 1964.

Mr. ALLEN. So this money would be on a project grant basis.

If the proposed project did not meet with the approval of the Department, then there would be no requirement that the grant be approved, making the ne-

cessity for these three subsections that the Stennis amendment seeks to strike absolutely unnecessary.

Mr. JAVITS. Mr. President, I yield myself 2 minutes, only because there may be other speakers.

The PRESIDING OFFICER (Mr. LONG). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, as this amendment was worked out by the administration, it included these particular provisos, and it was worked out further in the course of Senate debate and by voting. Therefore, the fact that the amendment states what it does as a unit is as it was presented by the administration. That is what I have presented to the Senate. I hope that it will be cleared, and that there is no dearth of structure for the utilization of the money.

I mentioned again, and refer now to the fact that on page 741 of the hearings, on the supplemental appropriation bill, the administration presented its basic policies as to the $150 million, specifying in great detail what it will do with the money. I invite the attention of Senators to pages 741 to 763—about 20 pages odd, and even a list of the officials who will handle the business—100 people required, and their salaries, so that I do not think there is any dearth of implementation.

The reason for the provisos is that the evidence taken by the Select Committee on Equal Educational Opportunity, the special committee headed by the Senator from Minnesota (Mr. MONDALE), of which the Senator from Rhode Island (Mr. PELL) and I are both members, bears out the fact for the need for the provisos, that we would not wish to do this with this money and, therefore, we have a right to tell the HEW that we do not wish that. That is a proper limitation upon the expenditure of funds. They are matters we do not wish to leave up to the HEW.

The Senator from Alabama (Mr. ALLEN) is quite right that HEW could, if they chose, do this themselves. These are matters, if the Senate desires it, that we do not wish to leave to the HEW. We will decide them. That is why those limitations are there. That is why the point of order was overruled. I respectfully submit that I have presented to the Senate what I consider to be the administration's amendment complete in itself. Whatever arrangements or compromises we have made is our problem. Everyone does that when we consider pieces of legislation. I hope it will be, in toto, sustained.

Mr. ALLEN. Mr. President, will the Senator from New York yield for a question?

Mr. JAVITS. I yield.

Mr. ALLEN. The Senator does not feel that HEW has run at all behind the wishes and actions of Congress in the matter of forcing desegregation in the public schools in the South, does he?

Mr. JAVITS. I am sorry, I did not hear the Senator.

Mr. ALLEN. The Senator from New York does not feel that the Department of HEW has been behind the thinking or actions—that they have run behind the thinking of Congress in the matter of desegregating the public schools in the South? Would it not be advisable to leave the power of fund allocation to the HEW? Is it not just as anxious to desegregate the schools as is Congress?

Mr. JAVITS. I do not think it is a question of intent. Many people complain about some of the things they have done, that they are taking deferments in respect to such plans, and others think that they have been diligent in litigation. Attorney General Mitchell went down into the South himself. I would not want to characterize it or characterize the dual economy.

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 30 additional seconds.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 seconds.

Mr. JAVITS. Mr. President, all I say is that this is presented as a unit. I worked it out with the administration.

Mr. MONDALE. Mr. President, I should like to ask a question of the Senator from Mississippi, but first I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, I want to make one point. It is not difficult to understand why the administration wants these three provisions which are sought to be stricken here. They will strengthen HEW in its effort to make the program work for the purposes which I think all of us share.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Mississippi has 5 minutes remaining, and the Senator from New York 1 minute remaining.

Mr. STENNIS. Mr. President, if I may have the attention of the membership. With all deference to everyone, it has been shown here that there is no direct authorization for the purpose that this money is going to be used for.

This is a hodgepodge authorization picked up here, there, and yonder, going back as early as the 83d Congress to find some old, unused authorizations. There has never been any bill presented to any committee of the Senate with testimony on it. There has been a little testimony taken down here with reference to the subject matter but no bill and no report on the bill as such. This whole Javits amendment is an amendment, that my immediate amendment seeks to strike out the provisos here. The first one was the one which was to help the downtrodden schools that do not have enough equipment to carry out or hasten desegregation or going for a host of other things that supposedly they do not have down there, and then we turn right around and put a penalty here. There is some little school, only one, which has been named—a small one down in Mississippi—it sold a little school building for a nominal sum for a public school purpose, as alleged.

The whole county school board has jurisdiction of all the schools in that county. It is the local governing authority. Under the harsh terms of this amendment, that county entirely, or any other county like-situated in the South, would be cut off from all this money by a mandate on a bill, as I have said, that has not had a respectable course through this Chamber and in the committees, with the filing of a report and explanation of what it can mean.

Thus, I submit, we should strike out these provisos, these limitations, these penalties, these restrictions which apply retroactively. It might be that they could be applied in the future but this language goes back and penalizes them and knocks them out because of something that happened in the past, with only one instance proven here on this floor before a committeee.

I just submit to the fairness of the thing and in the spirit of the whole bill itself, that these provisos go off at 180 degrees the other way. In keeping with the spirit of the bill itself, they should be striken out. I hope, and I believe that they will.

Mr. MONDALE. Mr. President, we are not dealing with just detail. What we are dealing with is the transfer of public property to private segregated academies, which is the major strategy now being used to circumvent the orders of the Supreme Court requiring desegregation. If public property, as is now the case, continues to be diverted into private segregated academies, then the hope for a successful end to discrimination and segregation will have largely escaped us.

In one State it is estimated that since September 1969, a significant date because that is the date by which the Supreme Court ordered complete desegregation, the number of white privately segregated schools increased from 35 to 100.

Mr. President, I think if we cannot stop public school systems from subsidizing segregation academies, at the very least we should not reward them with public funds for doing so.

The PRESIDING OFFICER. The Senator from Mississippi has 2 minutes remaining.

Mr. PELL. Mr. President, I would like to clarify some of the questions concerning the appropriation for title III of the Elementary and Secondary Education Act with respect to the programs of supplementary services and centers and guidance and counseling under title III, which arise from language contained in the committee report on page 6.

The Appropriations Committee expresses an expectation that $20,000,000 of the appropriation of title III will be used for guidance and counseling in the States. I think it unclear whether the Committee on Appropriations intended this expectation to be a recommendation that the States allot a greater proportion of their title III allotment for guidance and counseling or whether it is an expectation that the Commissioner of Education would enforce a requirement that the State plans include specific amounts for guidance and counseling which would equal in the aggregate $20,000,000.

It is my hope that the committee intends its expectation to be a recommen-

dation to the States rather than an additional requirement for the approval of State plans. If it were the latter then the authorizing legislation and the intent of the Appropriations Committee would be in conflict and there would be a great deal of confusion in both the States and the agency.

I understand that subsections (b) and (c) of section 131 of Public Law 91-230 set forth the entire legislative authority with respect to appropriations for the purpose of guidance and counseling and testing, and that there is no discretion left either in the appropriations acts or in the Office of Education with respect to enforced expenditures for this purpose.

I am especially concerned with the possibility that the Commissioner of Education may try to implement this expectation, for if he did both State and local educational agencies may wish to invoke the provisions of subsections (e) and (f) of section 305 of title III, which grants them standing to sue if they wished to challenge such a requirement on the part of the Commissioner, and if the Commissioner is taken to court there will be a state of confusion which could prevent title III funds from being used expeditiously for the education of American children.

A second concern of the authorizing committee arises with respect to funds for the National Advisory Council on Supplementary Services and Centers established under section 309 of title III of the Elementary and Secondary Education Act. While it is true that the language of the authorizing legislation could permit the use of funds appropriated to carry out title III to finance the operation of the National Advisory Council, it was the intent of the authorizing committee in enacting the revision of title III in 1967 that the National Advisory Council have independent funding.

It was hoped that there would be a separate line item appropriating funds for the National Advisory Council. Since neither the House nor the Senate Appropriations Committee have provided for a separate line item, I would hope that it be understood that the legislation does permit the use of appropriations for title III ESEA for the National Advisory Council. Counsel advises me that the language of the second sentence of ESEA section 301 and the allotment of funds under ESEA section 302 would permit this procedure.

Thank you Mr. President.

Mr. STENNIS. Mr. President, I have about concluded my remarks. I think that we have made this matter clear.

All we are passing on is the three limitations or restrictions. And we can pass them to any other matter, after the vote on Javits amendment. It does not reduce the money or anything of that kind.

I respectfully submit that a case has not been made out here. Because of one little school building, they propose to put a penalty on the entire county. That county has about 20,000 to 25,000 people living in it. I understand that the population is about 50-50 divided, colored and white.

If Senators want to penalize them and anyone else that might get caught in this mess for a small item like that, why they should vote "no," vote against my amendment.

If Senators want to strike that feature out of the bill—and I assume these would apply prospectively anyway—vote "aye."

The PRESIDING OFFICER (Mr. BENNETT). All time having expired, the question is on agreeing to the Stennis motion to strike. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH), are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay".

If present and voting, the Senator from California (Mr. MURPHY) would vote "nay."

The result was announced—yeas 28, nays 59, as follows:

[No. 173 Leg.]

YEAS—28

Allen	Fannin	Sparkman
Bennett	Fulbright	Spong
Bible	Gurney	Stennis
Byrd, Va.	Hansen	Talmadge
Cannon	Holland	Thurmond
Cotton	Hollings	Tower
Curtis	Hruska	Williams, Del.
Eastland	Jordan, N.C.	Young, N. Dak.
Ellender	Long	
Ervin	McClellan	

NAYS—59

Aiken	Gravel	Moss
Allott	Griffin	Muskie
Anderson	Harris	Nelson
Baker	Hart	Packwood
Bellmon	Hatfield	Pastore
Boggs	Hughes	Pearson
Brooke	Inouye	Pell
Burdick	Jackson	Percy
Byrd, W. Va.	Javits	Prouty
Case	Jordan, Idaho	Proxmire
Church	Kennedy	Randolph
Cook	Magnuson	Ribicoff
Cooper	Mathias	Schweiker
Cranston	McGee	Scott
Dole	McGovern	Smith, Maine
Dominick	McIntyre	Stevens
Eagleton	Metcalf	Symington
Fong	Miller	Tydings
Goodell	Mondale	Young, Ohio
Gore	Montoya	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—12

Bayh	McCarthy	Saxbe
Dodd	Mundt	Smith, Ill.
Goldwater	Murphy	Williams, N.J.
Hartke	Russell	Yarborough

So Mr. STENNIS' motion to strike from Mr. JAVITS' amendment (No. 737) the language beginning with the proviso on line 7, page 2, through line 19, page 2, was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MONDALE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I would like to propound a unanimous-consent request that there be a 10-minute limitation of time on the pending amendment, the Javits amendment, the time to be equally divided between the Senator from New York (Mr. JAVITS) and the Senator from Washington (Mr. MAGNUSON).

Mr. ERVIN. Mr. President, reserving the right to object—and I assure the majority leader that I shall not object—upon mature reflection, I have decided not to call up my amendments, because I do not think they could receive adequate consideration at this hour of the night.

Mr. MANSFIELD. Mr. President, would the Senator be not averse to having a vote right now?

Mr. ERVIN. No.

Mr. MANSFIELD. Mr. President, did we get that order?

The PRESIDING OFFICER. There was no objection to a time limitation of 10 minutes, and it is so ordered.

Mr. JAVITS. Mr. President, I yield myself 1 minute, and I yield back the other 4. We have debated the amendment thoroughly. I think every Senator understands thoroughly the purposes and limitations, and so forth. As for me, I think the fundamental thrust of it has been made clear. I believe what we are doing, and we all understand it, is to see if we can go forward in a more effective way by the use of the money than otherwise. I am ready for a vote.

Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been.

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. JAVITS. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) and the

Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 70, nays 18, as follows:

[No. 174 Leg.]

YEAS—70

Aiken	Gravel	Muskie
Allott	Griffin	Nelson
Anderson	Hansen	Packwood
Baker	Harris	Pastore
Bellmon	Hart	Pearson
Bennett	Hatfield	Pell
Boggs	Hruska	Percy
Brooke	Hughes	Prouty
Burdick	Inouye	Proxmire
Byrd, W. Va.	Jackson	Randolph
Case	Javits	Ribicoff
Church	Jordan, Idaho	Schweiker
Cook	Kennedy	Scott
Cooper	Magnuson	Smith, Maine
Cotton	Mansfield	Spong
Cranston	Mathias	Stevens
Dole	McGee	Symington
Dominick	McGovern	Tower
Eagleton	McIntyre	Tydings
Fannin	Metcalf	Williams, Del.
Fong	Miller	Young, N. Dak.
Fulbright	Mondale	Young, Ohio
Goodell	Montoya	
Gore	Moss	

NAYS—18

Allen	Ellender	Long
Bible	Ervin	McClellan
Byrd, Va.	Gurney	Sparkman
Cannon	Holland	Stennis
Curtis	Hollings	Talmadge
Eastland	Jordan, N.C.	Thurmond

NOT VOTING—12

Bayh	McCarthy	Saxbe
Dodd	Mundt	Smith, Ill.
Goldwater	Murphy	Williams, N.J.
Hartke	Russell	Yarborough

So Mr. JAVITS' amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I think it should be noted at this time that there was great concern among the members of the committee about campus unrest in general, and in particular, about the recent trend of temporary and early closings of many of our colleges and universities.

This concern was expressed in both the language of the bill, and in the report which accompanied the bill.

Section 205 of the bill reads as follows:

No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Page 11 of the committee report states the following:

It is the sense of the committee that whenever a college or university closes prior to the completion of an academic year, and fails to provide instruction for a comparable number of days of the preceding academic year, the Secretary of Health, Education and Welfare shall reduce proportionately amounts otherwise payable from funds appropriated under this Act to such institutions.

Mr. President, I understand what is troubling many of our college students. Those who differ with Government policy are clearly given the right to disagree by our Constitution, and this right must always be protected. But, the right to disagree does not imply in any sense the right to destroy an institution of learning; nor, does the right to disagree imply that others, who hold different political views, can be prohibited from seeking the education they desire. We must make perfectly clear that there is no relationship between intellectual freedom on our campuses, and destruction in the name of dissent.

Yet, many of our college and university campuses were forced to close this past spring before the normal academic year had been completed. Many university administrators were coerced into yielding to the demands of a handful of radical demonstrators bent on disrupting education activities and on destroying the educational system and our republican form of Government.

These radicals denied the vast majority of students, in many instances who did not take part in rebellious disorders, the opportunity to conclude the course requirements of their schools. The interference—through threats, disorder, and violence—of the normal conduct of our universities is unacceptable and must cease.

No country in the world offers the educational opportunities which the American system provides. This bill alone will provide close to $1 billion for higher educational purposes. These funds will help make the goal of a college education a reality for thousands of Americans.

The intent of the committee regarding campus disorders has been made clear both in the committee report and in the language of the bill. College and university administrators are urged to take immediate action to assure that our federally supported universities and colleges will remain open throughout the entire academic year. The pursuance of an education by our students in an atmosphere congenial to learning must be assured. The rights of the majority of students—students who attend our schools for the purposes of attaining an education and who reject the tyranny of the radicals—will be sustained.

The era of lawlessness and the era of subversion of the best interests of education and the Nation must be brought to an end.

I believe in the essentiality of education. Let it be an education in the normal sense, and not an education dominated by revolutionaries who advocate the tyranny of the left or of the right.

SPECIFIC LEARNING DISABILITIES

Mr. DOMINICK. Mr. President, I wish to call attention to a new program which is proposed for inclusion in this budget. Part G of title VI of the Elementary and Secondary Education Act of 1965 provides for the initiation of a program to deal with specific learning disabilities. H.R. 16916, under "Education for the Handicapped," appropriates $1 million in startup funds for this program.

I am delighted that the Senate is considering this program, even though the funding level is considerably below the $20 million authorized for fiscal year 1971. At least the program can get started with $1 million, and can be in a position to use effectively larger appropriations in subsequent years.

The establishment of this program as a separate entity will do more than simply provide money to get the program started. It will help to estabilsh national visibility and focus on the problems of specific learning disabilities. One of the major deterrents to recognition and treatment of specific learning disabilities has been the invisible nature of these handicaps.

In the past 4 or 5 years there has been a major breakthrough in discovering both the existence and nature of these invisible handicaps which plague thousands of our schoolchildren, seriously impairing their ability to read, write, calculate, or perform other basic skills.

It is of major significance that the Senate recognize the need for national attention, research, and training in the area of specific learning disabilities. I am convinced that this program will more than pay for itself by opening the door to restoration of the educational and occupational birthright of many children who might otherwise become a liability of society.

Mr. MAGNUSON. Mr. President, several Senators have been asking whether there are going to be any more rollcalls tonight, or additional amendments. We have a list here of eight or 10 proposed amendments, most of which will add specific amounts to certain programs in the bill.

I would like to have the proposers of these amendments bring them up now, and if they do not, I am going to ask for third reading.

Mr. MONDALE. Mr. President, I send to the desk an amendment in behalf of myself, Mr. BAYH, Mr. CRANSTON, Mr. EAGLETON, Mr. MONTOYA, Mr. MURPHY, Mr. KENNEDY, Mr. WILLIAMS of New Jersey, Mr. HARRIS, and of Mr. YARBOROUGH.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

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

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

Mr. PASTORE. Mr. President, will the Senator yield for just a moment, while I address myself to the majority leader?

Mr. MONDALE. I yield.

Mr. PASTORE. Could we not have a limitation of debate on this amendment?

Mr. MANSFIELD. I would be delighted? Would 10 minutes be enough?

Mr. MONDALE. This is a composite of four amendments, all directed at the section on elementary and secondary education. Ten minutes is fine by me, but I would ask——

Mr. MAGNUSON. I do not know which amendment this is.

Mr. MONDALE. I would ask Senator CRANSTON and Senator KENNEDY whether they feel more time is needed.

Mr. MAGNUSON. Will the Senator explain so everyone can hear him what his amendment does? The amendment has not been printed.

Mr. WILLIAMS of Delaware. Mr. President, may we have the amendment read?

Mr. MONDALE. Mr. President, I am willing to withdraw my request that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 2, line 22, strike out "($140,393,000)" and insert in lieu thereof "($150,393,000)".

On page 2, lines 22 and 23, strike out "($29,750,000)" and insert in lieu thereof "($33,750,000)".

On page 3, lines 2 and 3, strike out "($1,873,168,000)" and insert in lieu thereof "($1,898,168,000)".

Mr. MONDALE. Mr. President, this is an amendment which adds $25 million to a number of titles and programs within the elementary and secondary education section of the bill.

Mr. MANSFIELD. Mr. President, would the Senator agree to a 20-minute limitation; 10 minutes to a side?

Mr. MONDALE. I do not think we are going to need more than 15 minutes, but to be safe, I will ask for 15 minutes.

Mr. MANSFIELD. All right, a half hour, the time to be equally divided between the Senator from Minnesota and the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MONDALE. Mr. President, this is an amendment which adds $25 million to the elementary and secondary education section, appearing on page 2——

Mr. COTTON. Mr. President, may we have order, so we can hear the Senator explain his amendment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. This $25 million would be added to the elementary and secondary education section, appearing on page 2 and the top of page 3 of the committee bill.

It is a composite of several amendments, originally introduced as separate amendments, but combined in order that we might request only one change in the total appropriations figure for the Elementary and Secondary Education Act. The first portion is a $10 million amendment, originally offered by the Senator from California (Mr. CRANSTON), which would add $5.5 million for the supplemental services centers and $4.5 million for guidance counseling and testing. He will shortly describe those sections more fully.

The next is a $5 million amendment by the Senator from California (Mr. MURPHY), and me, to bring the dropout prevention up to the administration request of $15 million.

The third section is an amendment by Senator MURPHY to add $5 million to the bilingual education program, and this was joined by the Senators from Texas (Mr. YARBOROUGH and Mr. TOWER).

The last $5 million item is an amendment prepared by the Senator from Massachusetts (Mr. KENNEDY), which would add $4 million to one new part C of title V, authorizing planning and evaluation grants to State and local educational agencies, and adding another $1 million to the bilingual education program, directed toward the new section 706 dealing with such programs for Indian reservation schools.

Together, those items add up to $25 million.

I yield first to the Senator from California (Mr. CRANSTON) to explain his part of the amendment.

Mr. CRANSTON. I thank the Senator for yielding. I commend him for his concern over Federal support of guidance counseling and testing services, which are involved in this amendment. I share his concern, and for that reason have joined him and other Senators in sponsoring this amendment, which provides additional funds for title III of the Elementary and Secondary Education Act, as amended.

Mr. President, the distinguished Senator from Indiana (Mr. BAYH) is the principal sponsor of the portion of the amendment providing the additional funds for title III of the Elementary and Secondary Education Act. Senator BAYH, who is unable to be here tonight, asked me to include in the RECORD his remarks justifying the need for these additional funds. I ask unanimous consent to have Senator BAYH's remarks printed in the RECORD at this point.

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

APPROPRIATIONS FOR ESEA TITLE III

Mr. BAYH. Mr. President, many educational programs overlooked by our colleagues in the other body, have been suitably funded in the Senate version of H.R. 16916. However, I believe that there is one area in this bill—Title III of the Elementary and Secondary Education Act—which deserves particular attention and the amendment which has been proposed would increase the appropriations for this title from the Senate Appropriations Committee recommended level of $140,393,000 to $150,393,000.

President Nixon signed the Elementary and Secondary Education Amendments of 1969, into law on April 13, 1970. This legislation had been deliberated by Congress for over a year and the President's signature concluded the efforts of Congress on this monumental and historic piece of legislation. In this legislation, Congress consolidated into one Title, Title III, two programs previously funded separately in other public laws. The two programs were:

1. Title III of Elementary and Secondary Education Act of 1965—Supplementary Educational Services and Centers.

2. Title V-A of National Defense Education Act of 1958—Guidance, Counseling, and Testing.

Congress extended the authorization of Title III, as well as most of the entire Act, three fiscal years or through FY 1973. Congress further provided in Title III that the purposes of each program, as previously contained in the two former public laws, remained intact in the new Title III. In a further provision Congress authorized $550,000,000 for FY 1971, $575,000,000 for FY 1972, and $605,000,000 for FY 1973 for Title III.

The first program contained in the new consolidated Title III—Supplemental Educational Services and Centers—has benefited more than 11 million children in over 21,000 public school districts and 2,000 non-profit private schools since its beginning in 1965. The projects aided by this program have helped the disadvantaged, the handicapped, the potential dropout, and talented and gifted children in schools throughout the nation.

While the number of children served by this program has increased, appropriations have generally decreased in recent years. The appropriations for year 1968 amounted to $187,876,000 when the program serviced 10 million children. In fiscal 1969, when the program serviced 11,400,000 children, the appropriations were $164,876,000. For fiscal 1970, $130,843,000 was appropriated. For fiscal 1971, the Committee has recommended a total appropriation of $140,393,000. However, of this amount, the Committee indicated that it expects "that $20,000,000 will be available for support of guidance, counseling, and testing." Thus, the recommended total appropriation for what was Title III of the Elementary and Secondary Education Act of 1965 is $120,393,000.

We would hope that $5.5 million of the $10 million which this amendment would add to the appropriation for ESEA Title III would be used by the States for supplemental educational services and centers.

The guidance, counseling, and testing program, also included in Title III of the Elementary and Secondary Education Amendments of 1969, is another worthwhile and expanding program. Again, the appropriations for this program have decreased over the years. For fiscal year 1968, appropriations amounted to $24.5 million. For fiscal 1969, this was reduced to $17 million and, in fiscal year 1970, the amount was reduced again to $14.45 million.

Despite this reduction in funding, the program can be credited with a number of major achievements.

For example, the number of counselors providing guidance and counseling services to public school children and youth has increased sharply. In 1958, there were 13,000 full-time counselors for *secondary* schools with a ratio of 1:960. Ten years later in 1968 there were 36,000 full-time *secondary* school counselors with a ratio of 1:450.

Moreover, support for guidance and counseling programs has been markedly improved. Financial support of these programs, considering local and state support, is more than 27 times greater than when federal assistance began. And, as a result, the federal share of support has decreased from 44.5% in 1958 to less than 8.4% currently. There has been a tremendous "seed money" effect in this program.

The program has also resulted in the provision of more tests and testing programs to identify interests, aptitudes, and abilities: 9 million of the 45 million tests provided students in 1966–67 came from this program (400,000 of this number to non-public school students).

Finally, the program has had a number of other benefits. Minimal and recommended standards for guidance programs have increased; qualifications for State Supervisors of Guidance, Counseling and Testing have been strengthened; certification requirements for counselors have improved, and increased attention has been given to counseling youth in rural areas and the inner city.

These significant achievements and improvements are not sufficient, however. There are many important and serious needs which must be fulfilled. Allow me to mention just a few:

Counselor-student ratios are too high, especially in elementary schools where the ratio is 1:9,600 considering all schools.

In 1975, the secondary schools will need 33,850 more counselors than they now have but will be able to find only ⅔ this number; the elementary schools will need 27,905 more counselors but only ⅛ will be found. These figures are not based on school populations but are practical estimates based on conditions within the States. Stated another way, only 57% of the counselor need in 1975 will be met.

There is a great need for more training programs for counselors (for ghetto, Appalachian and other specialized areas); for training programs for paraprofessionals to fill the counselor gap; for in-service training and supervision of existent counselors; and for broadened experiences in career development concepts, new technology, group work, and human relations training.

Moreover, counselors need more training, practical experience and information in redirecting children and youth to specialty-oriented technical and vocational areas.

Guidance and personnel services are in urgent need of expansion. Guidance services, because of limited funding even though expressly authorized in 1964 for junior colleges and technical institutes, have not been implemented sufficiently.

Finally, more parent programs are needed to lessen the generation gap, to increase the understanding of the parents as to the role of the school in imparting information and discussing controversial subjects.

It is clear that there is good reason to increase the guidance, counseling and testing program. Our amendment for an additional $10 million, $4.5 million of which we hope would be made available for guidance, counseling, and testing, represents a very modest increase in funding.

Section 309(b) of the Elementary and Secondary Education Act Amendments of 1969 provides that each State submitting a plan under new Title III must assure the Commissioner of Education that it will expend for guidance, counseling, and testing, an amount equal to 50% of the amount expended by that State for that purpose in fiscal 1970 from federal funds appropriated pursuant to former Title V–A of the National Defense Education Act. For fiscal 1970, the Commissioner has allocated to all States under former Title V–A of the NDEA, approximately $14 million. Thus, when the States submit their plans under new Title III for fiscal 1971, they must request approximately $7 million for guidance, counseling, and testing.

I have been assured by the Office of Education that if the Committee's recommendation for Title III is accepted, they will view the $20 million dollars recommended by the Committee for guidance, counseling, and testing as including the $7 million dollars mandated by the Act.

As I have indicated, we hope that $4.5 million of the $10 million added by our amendment would be allocated to guidance, counseling, and testing. Thus, the amendment, when taken in conjunction with the additional funds recommended by the Committee, would add only $17.5 million to the $7 million mandated by Title III of the Elementary and Secondary Education Act Amendments of 1969.

Mr. President, the amendment if accepted, would, we hope, make available a total of $24.5 million for guidance, counseling and testing—an amount equivalent to the amount appropriated in FY 1968—and a total of $125,893,000 for Supplementary Services and Centers. The total amount of $150,393,000 represents approximately 29% of the authorization for this consolidated title. I certainly believe that this level of funding is justified.

Mr. CRANSTON. I recently reviewed the impact of the former National Defense Education Act—title V–A in California. A 1969 Office of Education report indicates that guidance and counseling programs have increased substantially in quantity and quality in California in the last few years. This increase is due in considerable part to the "seed money" effect of former NDEA C–A. For example, in fiscal 1959 California expended no funds under NDEA V–A from State or local sources. In the same year, California's share of NDEA V–A funds was $322,601.00. By contrast, in fiscal 1967 expenditures of State funds under NDEA V–A totaled $58,439.00 and $34.6 million from local sources, even though California's share of NDEA V–A funds rose only to $2.2 million. In the same period, the number of full-time public secondary school counselors rose from 2,211 to 4,032.

Former NDEA V–A was recently consolidated with ESEA III under Public Law 91–230, the Elementary and Secondary Education Act Amendments of 1969. Under the provisions of Public Law 91–230, grants for the consolidated programs are to be made by the Commissioner of Education pursuant to approved State plans. To assure continuing Federal support for former NDEA V–A, section 309(b) of the Public Law 91–230 provides that these State plans must include for guidance, testing, and counseling an amount at least equal to 50 percent of the amount which the State received under NDEA V–A in fiscal 1970. Since the fiscal 1970 appropriation for NDEA V–A was $14,450,000.00, the minimum amount which must be included in all State plans for guidance, counseling, and testing services in fiscal 1971 would be $7.25 million.

The Senate Appropriations Committee has recommended $20 for these services. I would hope that of the $10 million we are proposing for ESEA III, the States would use $4½ million of this amount for inclusion in their guidance, counseling, and testing components of their State plans. Such an allocation would bring the funds for these services to the level provided in fiscal 1968 or $24.5 million.

Mr. President, I would like to comment briefly on the testing practices of some California school districts. Some school districts administer placement tests in English to children whose native language is not English. The result is that these children are frequently, and unfairly, placed in classes for the mentally retarded. In some instances, these children have been retested in their native languages. The retesting results have been dramatic. They indicate that these children possess the same potential as their English-speaking peers and that the earlier low test scores can be attributed entirely to their inability to understand English.

I have been advised by HEW that new title VI guidelines recently promulgated prohibit the use of Federal funds for testing programs which are discriminatory. One new guideline states as follows:

(2) School districts must not assign national origin-minority group students to classes for the mentally retarded on basis of criteria which essentially measure or evaluate English language skills.

I am satisfied that the effective enforcement of the new guidelines will eliminate the unfair testing practices which I have described.

This leads me, Mr. President, to another aspect of the consolidated amendment which we are considering. Included in the $25 million provided by this amendment is $5 million for title VII of the Elementary and Secondary Education Act. Title VI established a bilingual education program designed to meet the special educational needs of children 3 to 18 years of age who have limited English-speaking ability and who come from environments where the dominant language is other than English. As was stated in the Senate report accompanying H.R. 514, the concern is for children in this target group to develop greater competence in English, to become more proficient in the use of two languages, and to profit from increased educational opportunity.

Mr. President, I represent a State with one of the largest Spanish-speaking populations. California is also the home of numerous Orientals and Indians. Many children from homes where English is not the dominant language do not have a sufficient command of English when they enter school to understand what is required of them. The initial embarrassment and alienation which these children feel is often permanent, as is tragically evidenced by the incredibly high dropout rate of these children. This loss is incalculable. It is therefore imperative that we fund title VII to the maximum practical level.

I thank the Senator from Minnesota.

Mr. MONDALE. I yield to the Senator from New Mexico, who will discuss briefly the bilingual education aspects.

Mr. MONTOYA. I thank the Senator from Minnesota.

Mr. President, I wish to express my support for this amendment, adding $5 million to the bilingual education program.

As a cosponsor of the original bilingual education legislation, I have a strong interest in seeing that this program receives sufficient funds to operate effectively. Each year since this legislation was enacted I have appeared before the Senate Appropriations Committee, urging increased amounts for bilingual education. The need for a strong bilingual program has been clearly demonstrated.

Spanish-speaking Americans have a higher dropout rate and drop out from school earlier than any other minority group. We have learned that many non-English-speaking students join the ranks of the school dropouts simply because the language barrier becomes insurmount-

able. Statistics show that school enrollment of Spanish-speaking Americans drops significantly beginning with the 14-to-15-age group, at which time only 88 percent of the Spanish-speaking eligible population is in school, compared to 94.3 percent of the total population.

Spanish-speaking persons 14 years and over in the Southwest average 3.9 years less schooling than the Anglos and 1.6 years less than the nonwhite population.

Although Spanish-speaking Americans under the age of 25 constitute 15 percent of all persons under 25 in the five Southwestern States, they constitute only 6.2 percent of the total college enrollment.

These alarming statistics clearly reflect the immense language barriers of the Spanish-speaking population. The bilingual education program could be highly successful in erasing these barriers and helping this second largest minority in the country to become useful and contributing members of our society. But this success is largely dependent on our willingness to provide this program with adequate funding.

Unfortunately, bilingual education has never received the funds it needs and deserves.

The recently enacted ESEA Amendments of 1970 authorize $80 million for bilingual education in fiscal year 1971. Yet the President has requested a mere $21,250,000 for the program in the coming fiscal year.

The Senate committee has proposed $25 million for bilingual education. Mr. President, this amount does not even begin to reflect the true need. This level of funding will do little to prevent most non-English-speaking children from facing a lifetime of functional illiteracy, underemployment, and minimal income

Mr. President, I would like to mention the history of the Bilingual Education Act, which I think has served the great interest of many Spanish-speaking youngsters in this country in the last 2 years.

First, I want to thank the Senator from Washington, who has been most sympathetic to this program. Last year, he increased the appropriation above the budget request, and this year he has done the same, increasing it from $21.5 million to $25 million. But because of the great need for this type of program, and because of the great service it has rendered, HEW reports that there is a need for more funding for this program, because the present funding at the rate of $25 million a year is not even adequate to service the applications that are pending before HEW.

I am informed by the U.S. Department of Health, Education, and Welfare that a total of 56 bilingual proposals will be funded in fiscal year 1970—48 have already been funded, and an additional eight will receive money this week. These 56 projects will exhaust all funds appropriated for bilingual education in this year.

Because of the money shortage, the bilingual education program officials asked that the State departments of education be highly selective about sending in proposals this year and that they keep the number down to a bare minimum. Thus, for example, although the State of Texas had planned to submit 300 applications, they sent only 44 following this request. A total of 195 applications were received after the various education departments throughout the Nation weeded out all but those which they felt to be of critical importance. But enough money was available to fund only 56 of these projects.

I would like to mention briefly what bilingual education is and what it means to the youngsters.

The distinguished Senator from California mentioned the dropout rate. We have a large Spanish-speaking population in the five Southwestern States. The dropout rate among this population is higher than that affecting the other segments of our population in the country, and the reason is this:

When they start in school with an English language deficiency, they lag behind in the class. They get discouraged. They feel isolated. Eventually, they drop out from school. That is what causes the high dropout rate among the Spanish-speaking population in this country. Because of the Bilingual Education Act, we have started projects in which we take these children at the age of 5, before they start kindergarten, and we bring them into the school, and there they learn to speak and to read their own Spanish language. They become proud of it; they are imbued with pride about their heritage; and simultaneously they are taught to read to speak the English language, so that when they start in the first grade they start as equals with other children.

Educators now praise this kind of program. They feel that this beginning for these children is going to bring them up to par with the other children in the school and that the dropout rate will recede, and these children will become part of the mainstream in the educational process.

I wish to say, by way of commendation, that the distinguished Senator from Washington has indeed been most helpful and sympathetic to this program. Five million dollars, which is requested under this amendment, is fine, but it will not be adequate. It will not come close to servicing the actual needs that exist to bring these deprived children into the mainstream of education in the United States.

So I am hopeful that the Senate will look with sympathy and approve this $5 million increase for bilingual education.

The bilingual education office estimates that of the remaining 139 unfunded proposals, half of these would have been funded had the money been available. These will have to be resubmitted in the next fiscal year.

The bilingual education annual report submitted to Congress in January of this year states than an appropriation of $400 million would be required in order to meet all the needs. This estimate is based on present costs and takes into consideration the critical need for teacher training.

Quite obviously, the $25 million passed by the House and reported from the Senate committee is entirely inadequate. Besides the unmet needs cited above, a new element has only recently been added, making the need for increased funds even more crucial. On May 25, 1970, former Secretary of Health, Education, and Welfare Robert Finch notified over 1,000 school districts with 5 percent or more non-English-speaking students that they must set up special programs to eliminate the language barriers. This policy statement would serve to end discrimination against national origin minorities under title VI of the Civil Rights Act of 1964. This title prohibits the use of Federal funds for programs that discriminate on the basis of race, color, or national origin.

Those school districts, containing significant numbers of Spanish-surnamed, Chinese, and other national origin minorities are now required to take positive steps to close the language gap.

In the past, however, the bilingual education program has never funded proposals for school districts containing less than 20 percent children who do not speak English at home. This new policy statement, requiring funds for districts with 5 percent or more non-English-speaking students, would place an even greater stress on this already underfunded program. If we are even to begin to carry out this new Department of Health, Education, and Welfare policy designed to end discrimination against the Spanish-speaking and other national origin minorities—and I believe we must—it is essential that we appropriate more funds for bilingual education.

For the reasons cited above I am strongly in support of the amendment adding $5 million to those funds appropriated for bilingual education, bringing the total to $30 million in fiscal year 1971.

I urge my colleagues in the Senate to join in this effort to raise the funding level for this immensely worthwhile program.

Mr. MONDALE. I thank the Senator.

Mr. President, how much time remains?

The PRESIDING OFFICER. One minute.

Mr. MONDALE. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as a cosponsor of this amendment to add $25 million to the appropriations for the Elementary and Secondary Education Act, I urge its passage.

The $25 million represents a combination and compromise of several individual proposals for additions to ESEA, and I think that we should be very clear on this legislative history so the Commissioner of Education will know exactly how we intend it to be allocated.

The breakdown is as follows: First, $10 million for title III, of which $5.5 million is for supplementary centers and services, and $4.5 million for guidance and counseling. Second, $4 million is for the new part C of title V, authorizing grants to State and local educational agencies for planning and evaluation. Third, $6 million for bilingual education, of which $1 million is specifically for the new section 706, authorizing additional programs for schools on Indian reservations. Fourth,

$5 million for title VIII dropout prevention.

These are all important programs, and I feel that passage of the amendment would be a substantial gain in trying to bring quality education to every American youth.

When we consider that title III was cut back by $34 million in this last fiscal year, the additions are simply a partial step toward restoring the level of funding in earlier years.

Mr. President, I am particularly interested in the $4 million allocated to comprehensive planning and evaluation. For I am the author of the amendment which Congress added to ESEA earlier this year authorizing $10 million in grants to State and local educational agencies for comprehensive planning and evaluation.

With annual expenditures by local school districts now exceeding $35 billion, some solid long-range planning is essential. But administrators and educators have pointed out time and again that with the day-to-day pressures and immediate demands on the school budgets, such planning and evaluation simply is not occurring at present.

Congress is about to pass close to $1.9 billion for elementary and secondary education. If that money is to be effectively used, we must give every assistance to develop careful, overall planning at the State and local levels.

The $29.75 million already is contained in the bill for title V—but that figure was arrived at before Congress passed the new part C, as well as a new part B for assistance to local educational agencies. I would assume that HEW will allocate the $29.75 million to take account of the new authorities.

Mr. President, I also feel that the $6 million addition to bilingual education is critical.

In the Southwest, the median educational level for Anglos is 12.1. But for Mexican-Americans it drops to 7.1, a gap of 5 years. In my own State of Massachusetts, where an estimated 7,800 Puerto Rican children live in Boston, fewer than half were enrolled in school a year ago.

This year the Office of Education has received 195 new proposals—but it has been able to fund only 54. From Massachusetts alone, 12 school districts made applications for new programs—but only one could be funded.

In addition, the problems of bilingual education in Indian schools are severe. Earlier this week, I introduced an amendment to add money to title VII specifically for Indian schools. The amendment presently before us would earmark $1 million—to be added to the amounts that would otherwise go to Indian schools under the regular title VII appropriation.

As chairman of the Special Subcommittee on Indian Education last year, I was appalled at what we have discovered:

Indian dropout rates are twice the national average in both public and Federal schools;

Some school districts have dropout rates approaching 100 percent;

The achievement levels of Indian children are 2 to 3 years below those of white students.

Mr. President, approximately $700,000 to $800,000 are presently going to Indian-related projects and programs under title VII. This amendment would provide an additional $1 million on top of that. The amount is insufficient, but it is a start.

Finally, the amendment would add $5 million to the title VIII dropout program.

Every school dropout is a potential tragedy—for the individual and for the society which failed him. I have seen estimates that 1 out of 3 fifth-graders today will drop out before completing high school. And the dropout rate is going up.

So I support an increase, and I hope that it will be used for a broad range of new approaches to attack this critical problem.

Mr. President, every one of these increases is urgently needed. The programs are sound. The needs are substantial. The potential returns from our Federal effort are great.

I hope that the Senate will adopt the amendment.

Mr. MAGNUSON. Mr. President, these amendments are five in a group?

Mr. MONDALE. Four.

Mr. MAGNUSON. With the amendment of the Senator from Massachusetts, that would be five.

Mr. PASTORE. No. That is included in the four.

Mr. MAGNUSON. That is spread over a great number of programs, particularly in title I of the Elementary and Secondary Education Act. It is hard to evaluate just how much money we can adequately spend in some of these places, although we know that in the bilingual education, for instance—maybe we should have more. Some people say we should have less.

It is hard to pick an absolute figure out of here. But I know that the committee was almost amazed—I never realized it, I am frank about it—as to how many youngsters there were who needed bilingual education in this country. The number runs over 5 million. I think that the Senator from New Hampshire and I would be glad to accept that part of the amendment, but the Senator has sort of got us up against it on the dropouts and the guidance and the counseling.

The House put more money into the bill over the budget and we put more in than the House on guidance and counseling. I know those additions are justified. There is only one counselor for 1,000 high school students and the ratio for the primary grades is deplorable. It should be one for every 200 or 300 primary students to do the right kind of job.

We cannot separate the consequences of dropouts from the guidance and counseling programs that are available. They go together. So we added $2 million over the House for the dropout program and put more in the guidance and counseling program.

The amendment is reasonable which the Senator from Minnesota proposes, but the Senator from New Hampshire and I are in a little bit of a quandary as to where the emphasis should be placed. They are hard to separate, if not impossible. We heard some excellent testimony on this and, we would be willing to accept that part of the amendment if the Senator from New Hampshire will agree.

Mr. COTTON. Before the Senator leaves that, let me say that I am perfectly willing to take this amendment to conference. But we doubled the amount for the dropout program over 1970. We added $2 million on the dropouts and then we added $3 million on the guidance and counseling, for a total of $5 million, and that is over the budget of the House. I want to make that clear. But these are worthy amendments. If we can get away with it and not run into trouble, I agree with the distinguished chairman that we should take them to conference.

Mr. MAGNUSON. Then the amendment of the Senator from Massachusetts would be included in this amendment.

I want to say for the RECORD that I am willing to talk with the House about this question, because it is a small amount compared to the total in the bill, but I do not view with too much enthusiasm these evaluation and planning things, programs down in the Department. All they do down there is appoint a committee on a commission to study and evaluate the obvious, at the same time, they tell the students, and teachers, and educators—stand aside and wait until we complete our study. We have a whole warehouse full of studies down here.

We will have to spend more money to build another warehouse for studies and reports. They should go about their business. Everyone is planning, evaluating, studying, and appointing commissions. There is some merit to this proposal, however, in that this would allow the States to do their own evaluating rather than down at the Department of Health, Education, and Welfare and, therefore, we accept that amendment with that reservation.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GURNEY. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BENNETT). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 11, between lines 19 and 20, insert the following:

SEC. 213. No part of the funds appropriated under this Act shall be paid, as part of a grant, loan, or other financial assistance to any institution of higher education which is closed or classes suspended at any time during the regular academic year for the purpose of allowing students or faculty to engage in nonacademic political activities other than voting.

Mr. COTTON. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. COTTON. I do not wish to usurp the prerogatives of the leadership here, but how does the Senator feel about a limitation of time on his amendment?

Mr. GURNEY. That will be perfectly all right with me. Half an hour, 15 minutes to either side? That would be ample.

Mr. MAGNUSON. Mr. President, I ask unanimous consent—the Senator from New Hampshire and I ask that jointly—that the amendment of the Senator from Florida (Mr. GURNEY) have a time limitation on it of 30 minutes, with 15 minutes to a side, the time to be equally divided between the Senator from Florida (Mr. GURNEY) and the Senator from Washington.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

Mr. GURNEY. Mr. President, this amendment is plain enough. What it does is to prevent any of the moneys in this bill from going to colleges or universities that suspend their classes or close down their institutions during the regular academic session for the purpose of engaging in politics.

Following the Kent State incident and the Cambodian uproar, we saw a great amount of political activity from college campuses. Everyone here I know had visits from students interested especially in the war issue, and they started a movement which has rapidly developed into another kind of thrust; namely, a plan to engage in heavy political activity this fall.

Some very interesting articles have been written on the subject. One was published in yesterday's Washington Evening Star about the whole movement. I will read a few phrases from it. It speaks of scores of such groups now engaging or planning political activity, and I read:

> Another survey by the New Congress Movement indicates that 17 colleges with a total enrollment of 100,000 have agreed to a fall recess allowing students to participate in politics. American University, Brown, City College of New York, Cornell, Haverford, Hollins, MIT, Oberlin, Princeton, Vassar and the University of Pennsylvania are among the 17. Eleven others—Stanford, Notre Dame, University of Chicago, Clark, Duke, Johns Hopkins, Michigan State, Syracuse, Wellesley, Columbia and Sarah Lawrence—are expected to announce such a recess in the future.

Mr. President, so the problem is there. It shows what is intended. It poses a great many serious questions which have been the subject of speculation in many news comments in recent days. I wish I had time—the hour is late and I do not—to go into them at some length. Many editorials have been written. One of the most interesting articles was published in the Washington Post not too long ago. I will not read it all, just cite some of the questions raised by this proposed political activity:

> Are private colleges and universities that appear to lend support to political activities risking challenges to their vital tax-exempt status?
>
> When campus authorities alter or shorten academic calendars, are they inviting demands or even lawsuits from some students or their families for at least partial tuition refunds?
>
> Can students and professors plunge into political work if they are receiving aid from the government or private foundations?

I might point out that in Florida, at the University of Miami, when there was a recent shutdown over the Kent State and Cambodia affair, the president of the university actually did shut down the university and two law students sued in Federal court to have it reopened, and the judge so held. There were many other lawsuits around the country where this happened, so that the lawsuit question is raised as a serious problem, which has already happened.

I continue to read:

> Finally, does the current surge of political activity pose any threats to academic freedom—that cherished right to hold and voice one's individual beliefs without fear of reprisals?

Many papers and editorials have editorialized on that particular point. I think that one of the most interesting I have read was brought to my attention by the Senator from North Dakota (Mr. YOUNG), who had it printed in the RECORD yesterday or today.

This incident involves the University of North Dakota which faced the problem.

I will read the editorial from a North Dakota newspaper. It sums up the whole problem very admirably. This was an action taken by the dean's council, faculty members, and students in dealing with the controversial subject of whether this particular university would shut down this fall.

It reads in part:

> "The University of North Dakota recognizes the importance of, and encourages, participation by individuals in the political, social, and economic affairs of the community, state and nation," the policy statement says. While we respect the deep concern of individual faculty members and students about events and issues which have brought increasing turmoil to our nation and the concomitant desire to participate actively in the fall elections, we must emphasize the distinction between involvement of an individual and involvement of the University as an institution. The University affirms its traditional concern for the well-being of the society; at the same time it must remain outside the political arena. Adjustment of the academic calendar in order to free students, faculty, or other employees to engage in political activity is not consistent with the foregoing affirmation.

In explanation, the statement says, in part:

> In the first place when a student enrolls in the University and pays his tuition and fees, the University is legally committed to a published calendar, with provision for certain kinds of exceptions; there is the implied commitment by the University to deliver certain educational experiences. The calendar does not disallow politically-related programs, e.g., a seminar at Bismarck during the legislative session taught on a non-partisan basis. Other kinds of regular and announced scheduled class and field work programs may be arranged.
>
> The fundamental issue is the corporate involvement of the University and any actions that might involve institutional political commitments. Such actions might create a picture of institutional political unanimity which would not represent the views of all members of the University community.
>
> There is the danger that the University could evolve toward a kind of political orthodoxy, which in certain circumstances might even inhibit and discourage the expression of other opinions.

That is what the editorial or statement said in part regarding this very proposition.

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

Mr. GURNEY. I yield.

Mr. CURTIS. Mr. President, I would like to ask the distinguished Senator from Florida with reference to the language of his amendment, when he refers to, "which is closed or classes suspended at any time" is it the intention of the distinguished Senator to include only that closing or suspension of classes that occurred hereafter?

Mr. GURNEY. The Senator is correct, hereafter.

Mr. CURTIS. I thank the Senator.

Mr. GURNEY. Mr. President, in reading the summary or the statement of purpose of the University of North Dakota, it seems to me that it sums up the problem.

I do not know any Member of the Senate—certainly not this Member—who is opposed to political activity on the part of students. As a matter of fact, I have had college students and high school students in every one of my four campaigns for Congress who worked very actively in my campaign. And I spoke on the college and high school campuses and encouraged the students to engage in political activity.

What I think is wrong and what the editorial comments in many of the leading newspapers of the country and a great many people who have set their minds to this problem think is wrong is that the university itself should commit itself in the political arena, because once it does that it opens cans of all kinds of worms.

It opens up all kinds of hostile feelings against the university. And this is not the sort of a place where we should have official attitudes taken by the universities and academic communities to hurl the institution as such into the political arena.

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

Mr. GURNEY. I yield.

Mr. MILLER. Mr. President, the Senator's amendment refers to the "regular academic year." I take it that would not refer to the summer sessions. The Senator is talking more in terms of what we ordinarily understand as the fall semester, trisemester, starting in September of the school year and generally running on until May or early June?

Mr. GURNEY. In answer to the question of the Senator, I would say that would normally be the case. I think that some universities, of course, are not on the old system of two semesters. They are on the three-semester system. If that is their regular system, and they are in full session during the summer season, of course it would apply to them.

Mr. MILLER. Mr. President, there is some talk on the part of a very few colleges and universities, as I understand it, that there might be an adjustment in the academic year, whereby instead of classes starting in September and running straight through until the end of

the first semester in January or February, the school year might start in September and then along about the middle of October there would not be any school for a couple of weeks for the purposes of enabling the faculty and students to participate in the fall campaign. Then, after the campaign, along about November 5, classses would resume.

I wonder if such an arrangement would constitute a "regular academic year" or if this would be a device for evading the intention of this legislation.

Mr. GURNEY. Mr. President, in answer to the Senator's question, I would say that if that were part of the regularly published academic year, a recess at a particular time, as the Senator has said, then it would not fall within the purview of this amendment.

If, on the other hand, a college or university had an academic year starting October 1, and its Christmas vacation starting December 15, then a cessation of the classes for a period of time to engage in political activity would be a violation of the amendment.

Mr. MILLER. The Senator seems to say that in the situation I described that, if in a publication it was indicated that classes would start for the fall term, let us say, on September 20, and from the period October 20 through November 5 there would be a "recess" and then classes would resume on November 5 and continue on until the end of the semester on February 1—if that is the way it was handled, it would not be violative of his proposed amendment.

Mr. GURNEY. The Senator is correct. As I understand the question of the Senator, if those at the university understood that that recess was part of the academic year, then it would not be a violation.

If I may continue, one most interesting thing that happened in my office during the visits of the many students in the past several weeks, and more particularly 2 or 3 weeks ago, when students who came to my office, was that I had several who complained to me about their particular colleges and universities shuting down and depriving them of an education.

They did not complain about the students who wanted to take off on their own time and come to Washington to talk to their Senators and Representatives. But they did complain bitterly because the college presidents and faculty and a few universities in some instances had simply closed down the college or university arbitrarily.

These students who were complaining were not able to continue their academic curriculum and that was what they wanted.

I think that a great many students feel that way. As a matter of fact, I think that a great majority of them feel that way and that a great many faculty members also feel that way.

It may be that a great majority of those students should be protected. The various lawsuits which have been filed around the country make it appear that way. Having lawsuits filed by students to keep their schools open so that they may continue going to college is indicative of the kind of students I am speaking of.

I would hope that the very serious question which is obviously being raised—tests, tax status, academic standards, the right of students who want to continue their education—and all of these matters have been raised by a lot of very serious-thinking people around the country in the past 2 or 3 weeks in answer to some of the proposals to close down our colleges and universities this fall.

I hope the Senate will agree with me and vote for the amendment.

Mr. MAGNUSON. Mr. President, I yield such time as he may require to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I sympathize with the motives my friend from Florida has in offering the amendment. He was kind enough to discuss it with me. However, Mr. President, I do wish to say this.

In committee the Senator from New Hampshire offered an amendment. That amendment was not pointed in any way, shape, or form to colleges or to students who participate in political campaigns. The thing that bothered me was closing down the colleges and universities before the year was up and not giving instruction. The amendment the Senator from New Hampshire had in mind was simply to provide that those colleges that did not run approximately the same number of total weeks in the year that they ran the year before this, in a normal year, would suffer a correspondingly proportionate decrease in Federal funds. The committee, and I trust its judgment, was against including the provision in the bill. They did consent to a recommendation by the committee in the report against the practice of closing down colleges and not giving instruction.

In the matter of closing colleges and letting students participate in campaigns, I must say frankly to my friend from Florida I would feel that I was a hypocrite if I voted for or supported the amendment, because shortly after the Cambodian incident, when all these students in groups and droves descended on Washington, I resolved to set aside 5 days and sit down and talk with every group that came in, no matter what State they came from. I am glad I did. I was here over that weekend. It was an extremely interesting experience. There were some students who presented difficulties, but many of them presented some extremely challenging, logical and reasonable ideas. I think it was a good thing for them to feel they had come to see me in my office and that they could have their say.

To every one of those groups that came in I said to them when they talked about our system being wrong and that there has to be a revolution, and that sort of talk, I told them to look at my State of New Hampshire and what happened up there in the presidential primary when the students went out from the colleges in New Hampshire, and probably from colleges outside of New Hampshire, and administered a stunning defeat to the President of the United States, by carrying the primary for EUGENE MCCARTHY in the first primary in the country.

I said to them, "That shows what you can do. If you want to bring your ideals to pass, do it within the system, do it within the framework; you can do it; you can go from door to door and talk to people. No matter whether you are old enough to vote, no matter what your voting age is, you have your influence."

If I were a candidate for office I would hate to have students of the colleges of the State of New Hampshire going up and down the street telling people not to vote for COTTON. I cannot imagine a group I would be more fearful of unless it were the rural mail carriers. I have always had a fear of them. [Laughter.]

Mr. President, this amendment is pointed at the very thing I am compelled to believe it should not be pointed at. I did feel the practice of shutting down the colleges at the end of the year and letting everybody out, promoting them without examinations and refusing instruction to those who might want to stay and receive instruction was wrong. I felt that should be taken into consideration in the grants offered, but that was purely in the discretion of the Secretary of Health, Education, and Welfare.

I will say to the Senator from Florida, while I recognize his complete sincerity, and much can be said for his position, and even though I represent his side of the committee, I cannot possibly support his amendment and I hope that he would not push the amendment to a rollcall vote.

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

Mr. MAGNUSON. I yield.

Mr. PASTORE. Mr. President, as a matter of fact, this matter of limiting funds or denying funds, or obtaining funds was discussed at some length in our committee. While I agree with the Senator from New Hampshire, I sympathize with the Senator from Florida who is proposing the amendment. I am afraid we would be setting a bad precedent here because there is no connection between the spirit which motivates us in making these grants and what we are trying to stop. As a matter of fact, I think we are impinging a little on the administration of the colleges and universities. This could lead to abuses and affect the free flow of education at the community level as well. I do not think we should stop the flow of funds to stifle any activity that might be considered political. In the long run that might come back to haunt us.

I thank the Senator for yielding.

Mr. MAGNUSON. Mr. President, I agree with the Senator from New Hampshire and with the Senator from Rhode Island. I appreciate what the Senator from Florida is trying to do, but cannot support him.

Mr. President, the people he talks about, who do those things on campus or off campus are a small minority. Some call them militants, and they will go their way no matter what. They will just leave classes and leave the schools. What I would like to do is encourage those who are the majority to take an active part in the democratic process. No one ever suggested in all these discussions that we close any school at any time. The taxpayers pay for the education and the students go there for an education, and that is what we all want.

But if someone felt he wanted to get a small amount of time off and the election is on Tuesday, on Wednesday, he would say, "Can I have Friday off if I make it up?" This is all that most of the plans provide from the Princeton plan on.

I think this will be a great program. Then they cannot come back and say, as many of these young people said to us recently, that they have been excluded from the process. Once they have gone out they cannot come back and say they were excluded because they were part and they will take some pride in the part they play. We should encourage that, particularly after the House and the Senate have just voted 18-year-olds the right to vote.

The people who would destroy property or violate the rights of others are not the ones we are talking about. They are a small minority numberwise, believe me. We are trying to reach the vast majority of students so that they might take part in the processes of democracy. When they do, it will be found that they will become excellent citizens.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BENNETT). All time having been used or yielded back, the question is on agreeing to the amendment of the Senator from Florida [putting the question].

The amendment was rejected.

AMENDMENT NO. 654

Mr. NELSON. Mr. President, I call up my amendment, No. 654, which is also sponsored by the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. HART), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG) and the Senator from New Mexico (Mr. MONTOYA).

Mr. MAGNUSON. Mr. President, will the Senator yield for a unanimous-consent request at this time?

Mr. NELSON. I yield.

Mr. MAGNUSON. Mr. President, will the Senator agree to a limitation of 15 minutes on each side?

Mr. NELSON. I have no objection, if the Senator from New York (Mr. GOODELL)——

Mr. MAGNUSON. Or less?

Mr. NELSON. Let us say 15 minutes. The Senator from Massachusetts (Mr. KENNEDY) does not seem to be on the floor. I will take probably 5 minutes.

Mr. MAGNUSON. Is that satisfactory?

Mr. GOODELL. Yes.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that debate on the Nelson amendment be limited to 15 minutes on each side, to be equally divided between the Senator from Wisconsin and the Senator from Washington.

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

Mr. NELSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Will the Senator suspend until we get the amendment reported?

The amendment offered by the Senator from Wisconsin for himself and other Senators will be stated.

The assistant legislative clerk read the amendment (No. 654) as follows:

On page 5, line 16, strike out "$30,800,000" and insert in lieu thereof "$40,800,000".

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield myself 4 minutes. The amendment to the Education Appropriations Act, H.R. 16919, that Senators KENNEDY, GOODELL, and I have introduced—amendment No. 654—would add $10 million to the Teacher Corps appropriations so that we can make a modest start on three new programs authorized by Congress this year: A Student Teacher Corps, a correction program for young offenders and an Indian reservation program.

Each of these programs has been carefully tested through pilot projects and enjoys wide support in the education community.

Congress added these programs and increased the authorization for the Teacher Corps by $44 million—from $56 to $100 million—this year after the President had sent up his budget. The act was not signed into law until April. Therefore the administration had no opportunity to take the new authorizations into consideration when making up their budget. We are grateful that the full administration request for the Teacher Corps has been approved both by the House and Senate Appropriations Committee this year. I want to take this opportunity to thank the chairman of the HEW Appropriations Subcommittee, Senator MAGNUSON, for his strong support for the Teacher Corps over the years and to thank the Appropriations Committee for appropriating the full administration request for the Teacher Corps, $30.8 million. However, we believe that the crisis in education is so serious, and the opportunity that the Teacher Corps offers to us for engaging young Americans in working constructively on this problem is so great, that we should move forward as rapidly as possible in expanding the Teacher Corps to fulfill its promise. Therefore we have proposed this modest $10 million amendment to make a start on these three programs for which Congress authorized an additional $44 million this year.

Let me speak briefly about the Student Teacher Corps program.

THE STUDENT TEACHER CORPS PROGRAM

The concept: We cannot afford to wait another 10 years to provide decent education to the young children of poverty. Yet to do the job now requires finding a vast supply of people able and willing to work in our hardest pressed schools. That supply exists in high schools and colleges where bright and dedicated young Americans are searching for ways to make a genuine contribution. The Teacher Corps has demonstrated that their learning skills can be turned into teaching skills if the course work and service programs are carefully built.

The proposal: We propose a national program to bring carefully selected, trained, and dedicated college and high school and junior high school students to work in tutorial programs in our Nation's poverty schools by establishing a Student Teacher Corps, based on the Teacher Corps' experience and structure.

Background: Studies of existing tutoring programs demonstrate that careful training, a strong program structure within the school system, and close cooperation with parents and community groups are essential if student tutorial programs are to be effective. The Teacher Corps, enacted by Congress in 1965, has won strong local support and the endorsement of the National Education Association and the American Federation of Teachers. It is now carrying out a program with about 2,600 members in 135 school districts in 40 States. It has demonstrated that college students can be trained to be effective tutors in teams led by experienced teachers. The Student Teacher Corps Act builds on both that experience and that reputation.

How it would work: Student Teacher Corps tutors will work with regular Teacher Corps programs. Proposals would be developed at the local level by schools and universities working in cooperation with community members and with the approval of the State department of education. The Federal Government would pay training, administrative costs and 90 percent of compensation. After training, Corps members would serve in the schools in teams under a leader from the school system. Kinds of members would include:

COLLEGE VOLUNTEER TUTORS

College students would volunteer, be trained, and serve in teams in schools under the supervision of team leaders. It is hoped regular course credit at the university could be arranged for their tutorial services.

HIGH SCHOOL AND JUNIOR HIGH SCHOOL TUTORS

Recent programs have had great success using high school students from poverty schools—often high school students with learning problems themselves—to tutor younger children. Results show that both high school students and younger children learn well under the programs.

ADULT VOLUNTEERS

Parents and others from the local community, and people from the larger community would be trained and work either part time or full time in tutorial teams. Those working full time would be eligible for subsistence level pay on the scale of regular Teacher Corps interns. Others would be compensated for expenses as volunteers. High school students would be paid only for work done outside of school hours. Many college students working as tutors would be eligible for college work-study programs.

Before closing, I ask unanimous consent to place in the RECORD two editorials from the Washington Post concerning the Teacher Corps and the appropriations amendment before the Senate.

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

[From the Washington Post, Apr. 28, 1970]

A DOMESTIC PEACE CORPS IN EDUCATION

President Nixon signed into law earlier this month a major new program approved by

Congress to expand and strengthen the work of the Teachers Corps. It would enable that useful and imaginative agency to tap the resources of generosity and good will lying so largely unused among the nation's youth; it would give college graduates, high school and college students and others a chance to help disadvantaged inner city children overcome the handicaps which so often thwart their hopes for education. But the program, now authorized, has still to be funded. Appropriation hearings are currently in progress before a Senate appropriations subcommittee. Unless it deals with the Teacher Corps a great deal more generously than the House has done, the whole promising program will amount to little more than another promise broken.

The Teacher Corps as originally conceived operated to improve educational opportunities for poor children by helping colleges to train teachers and helping schools to improve the way teachers are used. It was a boon at once to young college graduates who wanted to make teaching a career and to the overburdened staffs of inner city schools.

A bipartisan group led by Senator Gaylord Nelson and Rep. William Steiger introduced a Student Teachers Corps bill last year which, now that it has been enacted, enables the agency to attract volunteers to serve during the school year, under the direction of trained teachers, as tutors and instructional aides both in schools and in the communities, many of them without any compensation, some with living allowances in much the manner of the Peace Corps and VISTA. This seems in close accord with a hope expressed by President Nixon during his election campaign for "a national Teacher Corps which would bring carefully selected college and high school students into action as tutors in core-city schools."

The Teacher Corps authorization signed by the President approved the expenditure of $100 million for fiscal year 1971. But before the new authorization had been approved, the administration fixed a budget amount of only $30.8 million for the agency. This is precisely the amount which the House granted. It will suffice at best to finance only the old program—and that on a meager basis. There is a superb opportunity at hand to enlarge the Teacher Corps' contribution to urban life. It would be a shame to let this hope die aborning.

[From the Washington Post, May 24, 1970]

FUNDING THE TEACHER CORPS

The Teacher Corps needs more money if it is to do what Congress has told it to do. The last chance it has to get that money will come tomorrow or the next day when the Senate votes on an appropriation measure for the Office of Education. Senators Nelson, Kennedy and Goodell have proposed an amendment to increase the funds available for Teacher Corps programs by $10 million.

Once a stepchild of the administration, the Teacher Corps now seems to have been made a fullfledged member of the family. The administration proposed to give it an allowance of $30.8 milion for the fiscal year ahead, and the Hopse of Representatives granted this sum without a murmur. The Senate Appropriations Committee approved the same amount in the bill now before the Senate as a whole. But in the meantime—in the period since the budget requests were framed—Congress voted to enlarge the Teacher Corps' responsibilities. Those responsibilities can be discharged only with added money.

Last month Congress passed the Nelson-Steiger bill to create a Student Teacher Corps which would operate to train and supervise college students, high school students and neighborhood people for service in tutorial programs to help inner city children. The idea is a marvelously imaginative and practical one. It would give a big boost to youngsters in culturally deprived and disadvantaged homes—a measure of the head start President Nixon has said is so vital to education. And at the same time it could be immensely valuable in giving the students serving as tutors a chance to put their energies and ideals to constructive use.

Another bill passed by Congress authorizes the Teacher Corps to help universities set up programs aimed at preparing teachers to work with young offenders in reformatories and prisons. This seems another immensely constructive undertaking. So is still another proposal approved by Congress telling the Teacher Corps to provide interns and team leaders for work on Indian reservations.

These programs can produce rich social dividends. Having authorized them, Congress now needs to finance them. The Teacher Corps is ready and eager to get going.

Mr. NELSON. Mr. President, I would like also to place in the RECORD certain excerpts from reports of the Committee on Labor and Public Welfare concerning the Teacher Corps written over the last 2 years, regarding the status of the Teacher Corps.

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

REPORT ON HIGHER EDUCATION AMENDMENTS OF 1968—SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

D.—INDEPENDENT STATUS OF TEACHER CORPS

In drafting the Teacher Corps legislation in 1965, the committee took care to specify that the Director would be equal in pay level to the then current rate for bureau chiefs. It was the committee's intention that the Teacher Corps be independent within the Office of Education reporting directly to the Commissioner.

The committee intended that the Teacher Corps not be an ordinary teacher education program. It recognized that the Teacher Corps needed maximum possible independence and visibility if its full potential as a recruiter of new teachers and an innovator in teacher education was to be reached.

This is the way the program worked until this March when it was placed within the new Bureau of Education personnel development.

During the early years of the program, when funding was uncertain, the Teacher Corps was operated first as a Task Force and then was attached to the Bureau of Elementary and Secondary Education. The committee understands that during this period the Teacher Corps, in effect, reported directly to the Commissioner. Now, however, the committee understands that the Teachers Corps has been made an ordinary division of the new Bureau of Education Personnel Development.

The committee is concerned that with the severely limited independence of a division in a bureau in the Office of Education much of the promise of the Teacher Corps as conceived by this committee may be lost.

REPORT ON ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969—SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

STUDENT TEACHER CORPS

Section 804 of the bill amends title V–B–1 of the Higher Education Act of 1965, which authorizes the Teacher Corps. The amendments—

(1) authorize a now component, the Student Teacher Corps,

(2) adjust the salary rate for members of the Teacher Corps, and

(3) increase the authorization of appropriations for the program.

In recent years college students have volunteered by the tens of thousands for tutorial programs. However, these programs have often lacked the careful training, selection and integration into school programs and community life essential for success in teaching children from poverty homes.

A new movement has also begun that uses high school, junior high school, and in some cases even elementary school pupils from the higher grades in tutoring their younger school mates. Careful research shows that such tutorial programs are very successful, both for tutor and tutee.

These amendments are designed to provide an opportunity to expand these programs at the local level in conjunction with local Teacher Corps projects.

The Teacher Corps is a suitable vehicle because its present structure requires universities, school systems and community groups to work together in designing and operating innovative training and teaching programs under local control.

Already a number of innovative programs involving both adult and young pupil tutors have been developed as part of ongoing Teacher Corps programs. This new legislation will provide the legislative authority necessary to carry on this work in the 80 projects now supported by the Teacher Corps and in the new projects that the increased authorization would make possible.

The amendment also increases the authorized ceiling for the pay of regular Teacher Corps members to $90 a week. The present level of $75 a week has been ruled taxable income by the Internal Revenue Service since Teacher Corps interns are paid by local schools systems (with 90% federal funds) for more than half time work. In several large cities the resulting take-home pay after deductions amounts to $50 to $60 a week. When Congress established the $75 per week rate, the amount was thought to be comparable to the non-taxable stipends under other teacher training programs. It is not mandatory that all Teacher Corps interns should be paid at the higher rate, but in cases where the costs of living are high the Commissioner would have the discretion of reimbursing school systems for compensating teacher-interns at rates up to the higher figure.

With respect to compensation for the student tutors the amendment provides that tutors and instructional assistants shall be compensated at rates consistent with the practice under comparable work study programs.

In commenting on the Teacher Corps in its report on the Higher Education Amendments of 1968 the Committee reasserted its intention that the Teacher Corps be operated in the Office of Education as an independent "Corps" program. In this report the Committee again emphasizes that this was and is the Congressional intention in setting up this special program.

Mr. NELSON. Mr. President, as this report language makes clear, the Teacher Corps was designed to be a Corps, that is to say an independent program on the model of the Peace Corps; a program with a spirit of innovation very hard to achieve in ordinary bureaucratic programs no matter how efficiently run. It was the intent of the committee in drafting this legislation that the Teacher Corps be as independent as possible within the Office of Education, reporting directly to the Commissioner. Two administrations have seen fit not to operate the Teacher Corps as it was intended but rather to place it within a regular bureau within the Office of Education. I want to take this opportunity to state that I believe this to be a mistake. It is not only contrary to the intent of Congress but, more important, detrimental to the concept of the Teacher Corps itself and a great handicap for the program.

Consider, for instance, the question of staff. The Teacher Corps is now a division of a line bureau in the Office of Education. As such it must compete with other divisions for scarce staff positions and administrative expense funds. As a result the Teacher Corps staff has been cut from 61 in 1968 to 47 today, while its program has increased from $17 million to $30.8 million. The story on expense funds is similar. I do not seek to criticize anyone. It is the administrative arrangements that are at fault. The great success of the Teacher Corps despite this organizational handicap is a tribute to the program and to its administrators and especially to the spirit of young Americans who continue to apply for the difficult Teacher Corps service at the rate of nine applications for every position available.

The Teacher Corps has now proven itself to be enormously effective. It has always had the enthusiastic support of the education community, the National Education Association, and the American Federation of Teachers. It has earned the support of local school officials and of university people who were initially somewhat suspicious of the idea. It continues to have very strong support among young college students. I understand that the Teacher Corps and Peace Corps and VISTA each year send a joint mailing to college seniors and that the Teacher Corps gets as many ressponses to the mailing as both VISTA and the Peace Corps combined.

I want to take this opportunity to urge the administration to take full advantage of the opportunity that the Teacher Corps represents. Not only do I suggest that the Teacher Corps be made as independent as possible, but that the administration request for next year the full $100 million authorized by Congress for the Teacher Corps program. No problem that we face is more serious than education for the children of poverty. Nothing is more desperately needed by this Nation than opportunities to involve its young people constructively in dealing with its social problems. At a time when we seek to reach out to young people to provide them with ways of expressing their social concern through avenues of peaceful and constructive change, the Teacher Corps offers a tested and proven opportunity. I hope that the Senators will support the amendment before them this evening, and I hope that the administration will join with us in providing an opportunity for the Teacher Corps to fulfill its promise.

I yield the floor to the Senator from New York (Mr. GOODELL).

The PRESIDING OFFICER. How much time does the Senator wish?

Mr. GOODELL. Two minutes.

Mr. President, I rise to urge that the Senate pass this amendment—coauthored by Senators NELSON, KENNEDY, and myself—to provide an additional $10 million for the Teacher Corps.

I am extremely pleased that the House and the Senate Appropriations Committees have allowed the full budget request of $30.8 million for the Teacher Corps in H.R. 16916. This is certainly a well-deserved vote of confidence in a program which is now a proven success.

However, the original budget request did not include funds for three innovative and vitally needed programs which were newly authorized by the Congress in the Elementary and Secondary Education Act amendments—Public Law 91–230—approved on April 13, 1970, after the budget was submitted. Neither the House nor the Senate Appropriations Committee have provided funds for these programs either. These three new programs are: Corrections education, Student Teacher Corps, and assistance to Indian children. It is our intention that of the $10 million to be provided by this amendment, $4 million would be spent for the corrections education program, $4 million for the Student Teacher Corps, and $2 million for the Indian program.

In addition to their common legislative origin, each of these programs has been proven successful in projects conducted by the Teacher Corps on a pilot basis. Congress has recognized the value of permanently authorizing these three programs; it should now fulfill its responsibility by providing the means for a modest start in implementing them.

Of particular interest to me is the opportunity afforded by this amendment to provide $4 million for the Teacher Corps corrections education program. With the cosponsorship of 10 Senators, I introduced the amendment to the Elementary and Secondary Education Act which established this program on a permanent, nationwide basis a few months ago.

I introduced that amendment because of my deep concern over the need to improve our correctional system. It is a shocking fact that up to 75 percent of the offenders released from confinement in prisons, jails, juvenile training schools, and probation and parole organizations commit new crimes and return to confinement. Our corrections system does not correct. For young offenders particularly, these institutions offer an unparalleled opportunity to obtain a graduate degree in crime.

The Teacher Corps program provides a sound and viable means of changing this shocking situation. Its basic objective is to encourage colleges and universities and local school systems to establish and expand specialized programs of teacher training for assisting in the rehabilitation of juvenile delinquents and youth offenders in penal institutions and community-based correctional facilities. It is designed to encourage young people to make education in the corrections field a permanent career choice—a step we should have taken long ago. It also will complement the efforts of other Federal, State, and local agencies to provide better education programs for juvenile delinquents and youthful offenders.

The Teacher Corps has demonstrated the success of this program in four pilot projects undertaken since 1968 in the States of New York, Illinois, Connecticut, and Georgia. The results of these pilot efforts are clear proof of the Teacher Corps' ability to initiate effective reforms in an area so crucially related to our national well-being. Presently, there are a significant number of corrections education proposals which have been submitted to the Teacher Corps by various organizations and universities in several States and 10 new programs can be started this year. However, unless this amendment is passed, funds will not be available to implement these programs.

The Student Teacher Corps and the Indian program have also clearly demonstrated on a pilot basis their potential for improving neglected groups in our society. The funds to be provided by this amendment will be of critical importance in expanding the success realized thus far. The Student Teacher Corps program will enable the Teacher Corps to train and use volunteer tutors from colleges, schools, and communities as part of regular Teacher Corps teams. This program will give direction to a movement of recent years in which tens of thousands of college students have volunteered for tutorial programs to aid children of poverty homes. High school, junior high school, and even elementary school pupils from higher grades have also established tutorial programs for younger school mates. In its pilot projects the Teacher Corps has tested and proven the beneficial results of these programs to tutor and tutee alike. With this permanent authorization now established, the necessary direction and training can be offered to expand and improve the delivery of these services. The $4 million provided by this amendment is essential to the needed implementation of this program.

The ESEA amendments also provided that up to 5 percent of the members of the Teacher Corps could be assigned to elementary and secondary schools operated for Indian children by the Department of the Interior. The $2 million provided by this amendment will expand the Indian reservation program pioneered on the Navajo and Hopi reservations in Arizona and Sioux reservation in Nebraska. This was set up to improve reservation schools, while training young Indians for careers in education. The Teacher Corps approach, based on the concept of encouraging Indians to train themselves, has shown promise of tremendous success in this area.

Mr. President, I wish to commend the Senate Appropriations Committee for recommending an increase of $390 million over the House passed level. I regret that this amount is not higher. When I wrote to the Appropriations Committee, urging them to increase the Senate funds over the House level, I stated my firm belief that it is not in our national interest to place excessive budgetary restraints on our education programs. I once again reiterate that belief today. There are far too many authorized education programs on the statute books with no funds to operate and too many more which are inadequately funded far below authorized levels. No matter how many programs we pass, unless we appropriate the money to bring them to life, they are merely rhetorical devices.

I believe that these Teacher Corps programs can make a contribution to the betterment of our society in areas which have too long suffered from undue neglect. It is my hope that the Senate will join with us and appropriate the necessary funds.

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

Mr. GOODELL. Mr. President, I ask for 1 additional minute, and I yield to the Senator from Texas.

Mr. TOWER. I understand this was authorized subsequent to the adoption of the budget by the administration.

Mr. GOODELL. That is correct.

Mr. TOWER. Has there been any administration comment on the proposed amendment at all since that time?

Mr. GOODELL. Not to my knowledge. I do not think there is opposition.

Mr. TOWER. There is no administration position?

Mr. GOODELL. There is no administration opposition, to my knowledge. I have talked with administration officials, and I find no opposition to the basic approach authorized. I do not speak in terms of appropriating the funds.

Mr. NELSON. Mr. President, I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. How much time?

Mr. KENNEDY. May I have 3 or 4 minutes?

Mr. NELSON. I yield 4 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would just like to add my voice, as a cosponsor of the amendment, in support of the amendment. I think it is important in the concern of this great body and the administration in the field of education.

One of the most impressive facts about the Teacher Corps is that 86 percent of the Teacher Corps graduates stay in the field of education. One of the great needs in the field of education is still top quality teachers in poverty-area schools. The Teacher Corps has been one of the most impressive recruiters as a source for individuals who remain in the field of education. Seventy percent of those who have been involved in the Teacher Corps have continued to teach in the poverty areas of this country.

Therefore, I think this is the very minimal kind of support if we are to get people who are interested in the education field in these difficult and challenging areas; namely, in the poverty areas.

I think one of the most challenging statistics is that only one in every nine applicants is accepted, even though they qualify for other reasons, and are actually permitted to join the Teacher Corps. In other words, only one out of nine individuals in this country who are interested in participating in the Teacher Corps and in teaching in the poverty areas—and who will undoubtedly continue in the field of education—is allowed to enroll, because of the limitation of the resources for providing training under this program. We know the dimensions of the needs of the Teacher Corps in Indian reservations and among juvenile offenders and other student teachers.

I feel the committee has done an admirable job in trying to allocate the necessary resources for the Teacher Corps. I would hope that additional resources could be made available, because I feel they are essential in terms of educational experience, particularly in attracting young people to the field of education and, second, this attracting young and old alike in the difficult and challenging urban and rural poverty areas of our country in the field of education.

I thank the Senator for yielding to me.

Mr. NELSON. Mr. President, I reserve the remainder of my time.

Mr. COTTON. I yield myself 5 minutes, Mr. President.

Mr. President, on behalf of the committee, I just want to call attention to the fact, first, that we were very much impressed with the testimony on the Teacher Corps. In the early years of this scrapping about the Teacher Corps, I must admit that I was something of a skeptic. I am not any longer. We were all impressed by it. The distinguished Senator from New York said that he had talked with people downtown, or people connected with the administration, who raise no objection. I have talked with those who are charged officially with the budget, and there is some objection by them on this matter, for this reason:

Last year, the Teacher Corps was part of another line item. It had $21,737,000, or about $22 million. This year, the Bureau of the Budget itself, at the request and urging of HEW and of the administration, increased that amount by nearly $10 million to $30,800,000.

The House of Representatives took the budget figure. The Senate took the House and budget figure, and we did this also: We made it a line item, so that, for the first time, the Teacher Corps has been raised to the prestige of a line item, and has been given the full budget estimate, which is a $9 million jump over last year, to start with.

After all, there is much merit in the suggested amendment. I think if a rollcall had not been demanded, with this amount involved, we might well have taken it to conference, and perhaps obtained a little more from the House; but we are getting to the point where, if we are going to be frozen into positions by rollcalls, I simply have to remind the Senate of one thing:

The Senate bill is now over the budget $850,597,000—almost a billion dollars more than the budget estimate. It is over the House figure by $540,367,000; and it is over fiscal 1970 by $703 million, without counting the last couple of amendments that have been added to it.

Mr. President, this is not in the nature of a threat, because I have no knowledge and do not represent in any sense the administration, and have no knowledge from anyone within 10 miles of the President of the United States, but we know what happened last year, and Senators will remember that the distinguished Senator from Washington, who I think should be credited as being one of the most diligent and dedicated supporters of these humanitarian programs, said in his opening remarks that our committee increased the budget, increased the House figure, and gave to this education appropriation every cent that we felt we could give it in safety, without incurring serious risk of going to another veto, another delay, going until November or December before the school districts know what money they are going to get, and traveling the pathway that we traveled last year. I am not justifying the President's veto, because I supported the bill; I am simply talking facts.

If we keep on increasing it—we have increased it $150 million by the amendment of the Senator from New York; we have increased it some more by adding other additional amounts and if, by a series of rollcalls, the Senate chooses to pad this up farther, I am afraid, Mr. President, we will run into trouble, because your committee has been very, very generous, in going almost a billion dollars over the budget.

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

Mr. HOLLAND. Mr. President, will the Senator yield me 4 minutes?

Mr. COTTON. Certainly.

Mr. HOLLAND. Mr. President, I thoroughly support the statement just made by the distinguished Senator from New Hampshire. Our committee is not a unit in supporting this program through the years, but this year the two leaders of the committee, the Senator from Washington and the Senator from New Hampshire, strongly insisted that we support the entire budget estimate, which was over $9 million more than the appropriation for last year. By looking at page 13 of the report, Senators will see that as a result of this increase in appropriations, 2,200 new corps teachers would be able to be trained and put to work.

Furthermore, Senators will see that in order to make this program stand by itself, our two leaders recommended that this be made a line item and taken away from general teachers' instruction matters, which involved a great many other matters which sometimes ate into this program.

We followed those two recommendations; we put in the more than $9 million addition to what the Bureau of the Budget had put in, and for the first time in this program, we supported the full budget request. We are going along, in good faith, to support this program, and to enable it to serve this 2,200 new teacher training effort. That may not be wise, but the committee decided to do that, and laid aside any personal doubts we had had in order to do it.

I respect the good motives of those who offer this additional increase, but I do not think it is wise. I do not think it gives credit to the two leaders of this committee, who went into this matter very strongly, and were able to sell these two very great changes to the committee as a whole, one stepping up the program by between $9 million and $10 million, the second providing for the training of 2,200 new teachers; and the third thing, which I think is a matter of great importance also, making this a line item, so that it will stand by itself and will have a greater prestige, and give greater promise than it ever has before.

I hope very strongly that the argument of the Senator from New Hampshire will be upheld, and this amendment will be rejected.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes. The Senator from Washington has 6 minutes.

Mr. NELSON. Mr. President, let me say again as I say in my prepared re-

marks, how grateful I am for the great support that has been given to this program by the Appropriations Committee. I am well aware of the support which the Senator from New Hampshire has given it.

Moreover, the Appropriations Committee funded the total amount of the administration request, about $9 million more than it was last year.

My only point was that we authored these three additions to the program after it was too late for the administration to take a position on funding them.

Mr. President, I would be prepared to ask, if the Senator from Washington would take the amendment, unanimous consent to withdraw the request for a rollcall.

Mr. MAGNUSON. Mr. President, I ask the Chair to put the question on the amendment.

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

Mr. DOMINICK. Mr. President, I object.

Mr. MAGNUSON. I am ready to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield back the remainder of his time?

Mr. NELSON. The unanimous consent request for the withdrawal of the rollcall has been objected to.

Mr. COTTON. Then let us not yield back our time.

Mr. MAGNUSON. Who objected to it?

The PRESIDING OFFICER. The Senator from Colorado (Mr. DOMINICK).

Mr. MAGNUSON. How much time do I have, then?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. MAGNUSON. Six minutes; I yield to the Senator from New Hampshire whatever time he needs.

Mr. COTTON. I just want to add one thing. Among other things, we restored the impacted area funds which mean so much to so many districts in this country. We restored them completely. The House put some of them back in. We increased over the House by $248.8 million, a quarter of a billion dollars. If we keep chipping away on programs on which we have tried to be as generous as possible, somewhere along the line this has to be cut down. I sincerely hope—knowing how my school districts feel, and I think the school districts of many others Senators—that we will not have to cut it down by yielding to the House and cutting down the impacted area funds, which are the only funds the districts can take and spend as they desire, without strings on them from Washington. That is why I think it is so important.

I am sorry about the objection to the roll call vote, because I think we might have gotten a little more from the House. This is a good program, and we are going to do the best we can. But if we have to have the roll call vote, I sincerely hope the Senate will not force us into a situation which will cause us to run into trouble somewhere along the line and go through what we went through last year.

Mr. MAGNUSON. Mr. President, I yield myself one-half minute.

These are good programs, but here, again, they are programs that did not show up in any recommendations. I think that they should be funded. Perhaps it is wise to try it now and see whether the House will go along with it in conference, because there may not be another chance this year. It is difficult to know just which is the right amount, because the programs that have been discussed are not literally Teacher Corps programs in the sense that we first began the Teacher Corps.

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

Mr. NELSON. I yield time to the Senator.

Mr. MAGNUSON. They have been authorized by the Congress and the President. So I am hopeful that the Senate will vote its will on this, and the Senator from New Hampshire and I will see what we can do.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. NELSON. I yield myself 2 minutes.

I want to emphasize once more that this $10 million appropriation is for three programs that we discussed and approved in both Houses of Congress this year. One of them involves Indian education, an opportunity for training Indians so that they can do the work on the reservations, where help is desperately needed. One is for education work with juvenile offenders who are sentenced to jail for less than a year. Another one is to train high school kids so that they can participate in tutoring those who are in school with them.

All three programs have been tested; all three have been successful. It is a tremendously important investment. I think this is the kind of investment that we ought to make, in helping people who are unfortunate, in providing opportunity for young Americans to serve their country. In helping local schools and prisons do a better job.

I yield to the Senator from New York (Mr. GOODELL) whatever time he may desire.

SEVERAL SENATORS. Vote! Vote!

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Kansas (Mr. PEARSON) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 46, nays 37, as follows:

[No. 175 Leg.]

YEAS—46

Aiken	Hatfield	Moss
Brooke	Hollings	Muskie
Burdick	Hughes	Nelson
Byrd, W. Va.	Inouye	Pastore
Cannon	Jackson	Pell
Case	Javits	Prouty
Church	Jordan, N.C.	Proxmire
Cranston	Kennedy	Randolph
Eagleton	Magnuson	Ribicoff
Fong	Mansfield	Schweiker
Fulbright	McGee	Scott
Goodell	McGovern	Stevens
Gore	McIntyre	Symington
Gravel	Metcalf	Tydings
Harris	Mondale	
Hart	Montoya	

NAYS—37

Allen	Dominick	Packwood
Allott	Ellender	Percy
Baker	Ervin	Smith, Maine
Bellmon	Fannin	Sparkman
Bennett	Griffin	Spong
Bible	Gurney	Stennis
Boggs	Hansen	Talmadge
Byrd, Va.	Holland	Thurmond
Cook	Hruska	Tower
Cooper	Jordan, Idaho	Williams, Del.
Cotton	Long	Young, N. Dak.
Curtis	McClellan	
Dole	Miller	

NOT VOTING—17

Anderson	Mathias	Saxbe
Bayh	McCarthy	Smith, Ill.
Dodd	Mundt	Williams, N.J.
Eastland	Murphy	Yarborough
Goldwater	Pearson	Young, Ohio
Hartke	Russell	

So Mr. NELSON'S amendment was agreed to.

DISPOSITION OF CERTAIN FUNDS AWARDED TO THE TLINGIT AND HAIDA INDIANS OF ALASKA BY A JUDGMENT ENTERED BY THE COURT OF CLAIMS AGAINST THE UNITED STATES—CONFERENCE REPORT

Mr. McGOVERN. Mr. President, I submit a report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 12858, to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BENNETT). The report will be read for the information of the Senate.

The assistant legislative clerk read the report as follows:

CONFERENCE REPORT (H. REPT. NO. ——)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from it amendment.

GEORGE MCGOVERN,
LEE METCALF,
MIKE GRAVEL,
PAUL J. FANNIN,
THEODORE F. STEVENS,
Managers on the Part of the Senate.

JAMES A. HALEY,
ED EDMONDSON,
ROY A. TAYLOR,
JOHN P. SAYLOR,
E. Y. BERRY,
Managers on the Part of the House.

Mr. STEVENS. Mr. President, it is important to note that although the Senate has receded from its amendments, we did so only after receiving from the conferees acting on behalf of the House a commitment that the question of further supervision of all Alaskan natives, including the Indians who are the beneficiaries of this bill, by the Department of the Interior, will be given thorough consideration by the Congress when the Alaskan Native Land Claims bill is before us.

I commend my colleague, Senator GRAVEL for having raised the question and even more for his willingness to postpone consideration of this important issue in connection with this bill so that the Tlinget and Harda Indians may have the money to which they are entitled. The Senate conferees have graciously yielded in this instance but I am assured that we will all work together on this serious issue in the future so that our native people may guide their own destiny.

Mr. MCGOVERN. Mr. President, as passed by the House, H.R. 12858 authorized the Tlingit and Haida Indians of Alaska to use funds awarded these Indians by the Court of Claims for any purpose and in any manner authorized by the Central Council of the Tlingit and Haida Indians as approved by the Secretary of the Interior. The tribe was awarded approximately $7 million for lands taken by the United States in southeastern Alaska.

The Central Council has submitted a plan for using the judgment money for educational assistance, special aids to the elderly, housing, community and industrial development, and a revolving loan fund. Some $3 million is to be held in reserve.

The Senate Interior Committee held hearings on H.R. 12858, and it was the opinion of the committee that the Tlingit and Haida Indians were competent to administer these programs without supervision by the Secretary of the Interior and the bill was appropriately amended to reflect our confidence in their ability to do so.

The House objected to the Senate amendment and requested a conference, which was held on June 24. After a full and free discussion, the Senate conferees have receded from the position of the Senate in order that Tlingit and Haida Indians may proceed to carry out their program. I regret that the Senate language could not be preserved because I strongly believe that these Indians could successfully operate their program without secretarial control. However, they have waited many years for the settlement of this claim and there should be no further delay in putting into effect their well thought out plan to assist their membership.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER (Mr. BENNETT). The question is on agreeing to the conference report.

The report was agreed to.

FIRST SPECIAL SESSION OF THE ORGANIZATION OF AMERICAN STATES—APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BENNETT). The Chair, on behalf of the Vice President appoints the Senator from Idaho (Mr. CHURCH) and the Senator from New Jersey (Mr. CASE) to attend the First Special Session of the General Assembly of the Organization of American States, Washington, D.C., beginning June 25, 1970.

THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BENNETT). The Chair, on behalf of the Vice President and in accordance with Senate Resolution 281, 90th Congress, second session, appoints the Senator from Oklahoma (Mr. BELLMON) to the Select Committee on Nutrition and Human Needs.

OFFICE OF EDUCATION APPROPRIATIONS, 1971

The Senate resumed the consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

AMENDMENT NO. 656

Mr. CASE. Mr. President, I call up my amendment No. 656 and ask that it be stated.

The PRESIDING OFFICER (Mr. BENNETT). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 4, line 16, in lieu of "$970,720,000" insert "$998,770,000".

On page 4, line 22, after "technical institutes" insert a comma and "and $28,050,000 for grants for construction of other institutions of higher education,".

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. Let me make two requests for cosponsors and a technical one and then I shall be glad to yield to the Senator from Montana.

Mr. President, I ask unanimous consent that the names of the Senator from New York (Mr. GOODELL) and the Senator from Idaho (Mr. CHURCH) be added as cosponsors of this amendment.

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

Mr. CASE. Mr. President, I ask unanimous consent further, that the adoption of this amendment shall not preclude further amendment of this same section to the bill during its further consideration.

Mr. HOLLAND. Mr. President, I object.

Mr. KENNEDY. Mr. President——

Mr. CASE. Mr. President——

Mr. KENNEDY. Mr. President, I would certainly hope that we would not have an objection here. We all know the rules—that there can be only one amendment, one increase in any line item of funds. There are a series of amendments here which would increase higher education funds—one amendment of the Senator from New Jersey on construction, and an amendment which I have on student assistance. If there is objection, then we will have to take the amounts in combination in a single amendment, and it will take a long period of time. Now, hopefully, as I understand the request of the Senator from New Jersey, he wanted to consider each amendment one by one so that we could evaluate each amendment on the basis of its merits. If not, we can combine them, which will take a much longer period of time. We can go on into the evening [laughter] and be prepared to talk further—I do not see any reason why we should——

Mr. WILLIAMS of Delaware. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 718

Mr. CASE. Well, Mr. President, then I ask unanimous consent to withdraw amendment No. 656 temporarily and I call up my amendment No. 718 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. On page 7, strike out lines 22 through 25 and insert in lieu thereof the following:

That loans may be made during the current fiscal year from the fund to the extent that amounts are available from commitments withdrawn prior to July 1, 1971, by the Commissioner of Education.

Mr. MANSFIELD. Mr. President, will the Senator from New Jersey yield to me now?

Mr. Case. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, may I ask the Senator a question? Just what does this amendment mean?

Mr. CASE. The amendment has for its purpose permission to use the revolving fund for Federal loans to institutions for higher education for construction of facilities. The chief beneficiary of this—this is to say, the use of these unused funds, which will not add any more money to the bill, will be the smaller colleges which cannot take advantage of the program, which is the chief result on reliance this year—that is to say, the interest subsidy program.

The bigger colleges and universities can do that. They do not need this assistance. But the smaller ones very much need it. This is a revolving fund.

Mr. HOLLAND. Mr. President, could the Senator state how much is involved?

Mr. CASE. Mr. President, it is not really possible to state that. It depends on how much will be unused by the end of the fiscal year. I cannot tell the Senator. However, it does not involve any more new money. The amount recaptured during 1970 has not yet reached the anticipated $25 million. Still, the Office of Education expects the total of $35 million which was envisioned for the fiscal years 1970 and 1971 to be captured by the end of fiscal year 1971.

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

Mr. CASE. I yield.

Mr. COTTON. Mr. President, I personally feel that this is an excellent amendment. I would like to see it taken to conference. I, for one, would be very sincere in supporting it.

Mr. CASE. Mr. President, I appreciate the support of the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection?

Mr. MAGNUSON. Mr. President, if the Senator would yield for a minute, I ask unanimous consent to have printed in the RECORD a complete analysis of amendment 718.

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

EFFECT OF AMENDMENT NO. 718 TO H.R. 16916, RECOMMENDED BY SENATOR CASE

This Amendment would allow the Commissioner of Education to make direct Federal loans from the Higher Education Facilities Loan Fund to the extent that funds are available from amounts obligated prior to July 1, 1970 but not used. The effect of this Amendment in program terms will be to make sums available for direct loans to small colleges that are unable to negotiate loans from non-Federal sources on acceptable terms and, thus, are unable to participate effectively in the Office of Education's interest-subsidy construction program. It is estimated that approximately $20 million will become available from direct loan commitments withdrawn prior to July 1, 1970. Thus, approximately 25 loans would be supported under the Amendment, compared with about 12 under the Senate Committee bill.

The appropriation language for this Fund provides that Federal loans will be made only to the extent that funds can be made available by withdrawing earlier Federal loan commitments. It is anticipated that some institutions for which direct Federal loans have been committed, but not disbursed, will elect instead to take Federally subsidized, private loans, which are replacing direct construction loans and grants in the Office of Education budget. (Appropriations for Federal interest subsidies are included under the "Higher Education" appropriation.) Since direct loans will be made only to the extent that earlier commitments are withdrawn, these loans will not result in any net increase in Federal obligations or expenditures.

Mr. MAGNUSON. Mr. President, personally I think it is a very good amendment. We would have put it in the bill if it had been discussed in full. It does not add anything to the bill. It merely allows them to recommit loans that they have already made to other colleges, which are usually smaller colleges, and which may be returned. I am sure that the Senator from New Hampshire and I would be pleased to take it to conference.

Mr. RANDOLPH. Mr. President, I would like to be included as a cosponsor of the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of my amendment.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. CASE. Mr. President, beginning this year there has been a substantial change in the method of financing academic construction under the Higher Education Facilities Act.

Grants and direct loans have been curtailed in favor of using a new annual interest grant program.

For some of our larger colleges and universities, this new interest subsidy program can be a boon. It is expected to be a preferred method for many of them to obtain the funds which all of our institutions of higher education desperately need to build the classrooms and other facilities for rapidly increasing enrollments.

Under the interest subsidy program, a college or a university can finance as much as 90 percent of a project by a subsidized loan while under the older program of direct Government loans the institution can finance only 75 percent of the cost of a project.

But many other deserving colleges, particularly the smaller and poorer ones, are unable to take advantage of the interest subsidy program because private lenders are unwilling to make loans to them at interest rates and over a long enough period to make such loans feasible. That is especially true at this time of soaring interest rates. And it applies particularly to requests for loans to construct buildings which produce no income, such as classrooms and libraries.

In November of 1969, Office of Education officials testified before the Senate Appropriations Committee that they expected wealthier colleges and universities which already had direct Government loans to switch over to the interest subsidy program once that new program got underway. They said they expected to have $25 million in direct loan funds returned to the Office of Education in this manner during fiscal 1970 and another $10 million to be recaptured through unused direct loans in fiscal 1971.

Based on this testimony, the Senate included in the 1970 appropriations bill a provision which authorized the Office of Education to use this returned money to make new direct loans to poor deserving colleges which could not get a loan from any other source.

Because the 1970 appropriations were not approved until earlier this year, however, the amount recaptured during fiscal 1970 has not reached the anticipated $25 million. Still the Office of Education expects the total of $35 million which was envisioned for the fiscal years 1970 and 1971 to be recaptured by the end of fiscal 1971.

Unfortunately, the House, acting on the original premise that only $10 million would be recaptured during fiscal 1971, wrote into the bill pending before us a limitation of $10 million on the amount of recaptured direct loans which could be recommitted during fiscal 1971.

It was the intent of the Senate, I believe, that the Office of Education should be allowed to recommit all of the $35 million expected to be recaptured by July 1, 1971. This is reflected in the fact that the Senate did not put any limit on the amount which could be recommitted in the provision it included in the 1970 appropriation.

My amendment merely applies to the 1971 appropriations the same language which we included in the 1970 bill.

Approval of my amendment would not add anything to the total of the appropriations. It would merely permit the Office of Education to redirect to poor and deserving institutions funds recaptured from loans which other colleges and universities decided not to use. These funds were appropriated in 1968 and 1969 and, I am told, would merely lie fallow in a loan fund if we did not include authority for them to be recommitted.

I urge approval of this amendment.

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

Mr. CASE. I yield.

Mr. DOMINICK. May I ask why the amount of $10 million was put in if we vote to take it out?

Mr. CASE. Mr. President, that was the figure that was expected would be all that would be left. It is now apparent that there will be at least $25 million and probably by the end of fiscal year 1971, $35 million.

Mr. MAGNUSON. Mr. President, that was the best figure we could get when we held our hearings.

The PRESIDING OFFICER (Mr. BENNETT). The question is on agreeing to the agreement of the Senator from New Jersey.

The amendment was agreed to.

Mr. CASE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 645

Mr. KENNEDY. Mr. President, I call up my amendment No. 645 and ask that it be stated.

The PRESIDING OFFICER (Mr. BENNETT). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 16, strike out "$970,720,000" and insert in lieu thereof "$1,046,670,000".

On page 4, line 23, strike out "$167,700,000" and insert in lieu thereof "$185,600,000".

Mr. KENNEDY. Mr. President, the amendment would basically include my amendment to that provision and it would also include the Case amendment to it.

I would hope that my distinguished colleague, the Senator from New Jersey, would explain his part of the amendment and thereby fulfill the requirement of the rules of the Senate.

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

Mr. KENNEDY. I yield.

Mr. HOLLAND. Mr. President, if I understood the amount, it would add $76 million to the bill?

Mr. KENNEDY. The Senator is approximately correct. That would be the total of the two amendments.

Mr. President, I would hope not to delay the Senate this evening for any period of time. But I would hope I would have an opportunity to explain this amendment which is offered by me and also the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Mexico (Mr. MONTOYA), the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Ohio (Mr. YOUNG).

This amendment on which I speak now, would increase this appropriation by $47.9 million.

The thrust of the amendment would increase three student loan programs—the Educational Opportunity Grant program, the Work Study program, and the National Defense Student Loan program.

This would increase the program over 1968, for example, by approximately 28 percent, in spite of the fact that there are increases in student enrollment and inflation which add up to more than 31 percent over 1968.

All we are really attempting to do by the amendment is to aid the current enrollment of students at approximately the same proportion which was initiated during the mid-sixties and carried through to 1968, but which was then cut back in 1969 and then in 1970 through the veto message.

Mr. President, I think this amendment is extremely worthwhile for a number of reasons.

Mr. President, could we have order?

The PRESIDING OFFICER (Mr. BENNETT). There will be order in the Senate.

The Senator from Massachusetts may continue.

Mr. KENNEDY. Mr. President, this is worthwhile for a variety of reasons. First of all, because of the cutbacks we have seen caused by the veto of the HEW budget last year, we found less funds going to colleges and universities. The result of that has been that there has been a cutback in their scholarship programs.

Second, there has been an increase in the unemployment rate throughout this Nation. It has been accordingly difficult for students to obtain the kind of resources to being or continue their higher education.

The guaranteed student loan program has for the most part been effective only for those families who have had some relationship with banks and who have already had some kind of family association with banks. This has been a cause of considerable distress to the Education Subcommittee. What we are finding today is that those students who are being given the guaranteed bank loans are those with families who are already doing business with a parent bank. Because of this apparent problem, the HEW conducted a study. And the study shows that 85 percent of the individuals who are today covered in the guaranteed student loan programs are individuals whose families have some relationship with the banks that they are receiving loans from.

As a result, a number of extremely needy students today are unable to acquire the kind of loans they need.

I would hope that this amendment would be passed, providing an opportunity for students in the work study program, the education apportunity grants, and the national defense student loan program to go to colleges and universities of their choice.

I think it is important to realize that for every dollar that the Senate of the United States and the House of Representatives appropriate to students in this country, more than $14 is actually returned to the Federal Government in terms of taxes paid by those students over a period of years.

I think that economically it is sound. I think there is an extraordinary need for this in all schools and colleges and universities of this country.

Under the bill at present, an estimated 300,000 students with valid requests approved by regional panels of the Department of Health, Education, and Welfare would be denied aid. My amendment would give assistance to an additional 65,300 of these needy students—young people who might otherwise be unable to begin or continue their higher education.

As my colleagues know, National Defense Student Loans are given through institutions to students who evidence a need for financial assistance—with a limit of $1,000 a year for undergraduates and $2,500 a year for graduate students. Loans are repaid at a rate of 3 percent interest, commencing upon completion of college or graduate school.

Educational opportunity grants of not more than $1,000 nor less than $200 a year are made to the most economically disadvantaged students—those whom the college determines would be unable to attend without the grant.

The college work-study supports part-time employment for needy students in the college or in public or private nonprofit institution. The average rate of pay is $1.85 an hour.

Mr. President, the funds sought in this amendment are critically needed. Total estimated requests approved by HEW's own regional panels are $796 million. Yet even with this amendment total appropriations would be only $604 million—or $192 million less than is required. For in an attempt to economize, I have asked for only 20 percent of the difference between the figures in the bill as reported by committee and the actual demand approved by HEW.

The current economic crisis has reduced the ability of families, students, and institutions to finance higher education.

First, with inflation over 6 percent, the increase in other costs leaves families with less for school. Yet at the same time, rises in tuition, fees, and room and board have raised the price tag of college.

In my own State of Massachusetts, for example, Boston College has just announced a tuition increase of $240 effective this coming September. This comes on top of a $400 tuition increase just last year. In addition, room and board costs at Boston College will be raised by $300 at the opening of the fall term.

This is no isolated example. Across the country, tuition and costs are rising at a rate of about 7 percent a year. And the end is not in sight.

I am sure that every single one of my colleagues has received many moving letters from parents and students who cannot find aid, and in many cases have been forced to drop out or not even start college or vocational school.

Second, guaranteed student loans from banks are increasingly difficult to obtain. And they are only a small help to low-income students anyway. Only about one quarter of such loans in fiscal 1970 went to students from families with adjusted incomes below $6,000 a year.

Third, rising unemployment and shortage of jobs reduces outside work for students. Unemployment of 18- and 19-year-olds rose from 11.5 percent in April 1969 to 11.6 percent in January and 13.8 percent this last April. For 20- to 24-year-olds over the same periods it rose from 5.7 to 5.8 to 7.7 percent.

Fourth, with growing deficits, colleges themselves have less money available for scholarships. Since 1962, the debt level for all private institutions of higher education in Massachusetts has more than tripled, to $191.8 million in 1969. Non-Federal sources have simply not been able to keep pace with rising enrollments and costs.

As the dean of the Rhode Island School of Design has written to me:

> The amounts of money needed are far beyond the capacities of college endowments, contributions from foundations and industry, and the proceeds from fund-raising drives. Only the federal government has the vast resources needed to attack this problem.

Without some increases, colleges and universities will simply have to cut off aid to needy and deserving students and let them drop out of school.

Mr. President, in the midst of this financial crisis, the Federal Government has recently fallen behind in its responsibility. In fiscal 1970, the Department of Health, Education, and Welfare did not even spend $33 million of the funds we appropriated for national defense student loans. And we are a long way from the same relative position we were in a few years back.

In 1967, for example, we funded 91 percent of HEW-approved requests, and 83 percent in 1968. This amendment

would still fund only 76 percent of the HEW-approved requests for 1971.

As I indicated earlier, in the last 3 years, enrollment has increased by 12.7 percent and tuition and costs by over 18 percent. But compared to this combined increase of 31 percent, even under my amendment we will have achieved a 3-year increase in student aid of only 28 percent. So we end up helping a smaller proportion of students and/or meeting a smaller proportion of their costs. This has occured at the very same time that more and more economically disadvantaged students are being encouraged to enter college.

Mr. President, I have received correspondence from over 100 college presidents and financial aid officers from over 30 States and territories supporting my amendment.

It is further supported by virtually all of the higher education organizations. I think that two telegrams from national organizations perhaps summarize as briefly and clearly as possible the vital need for the increased aid. I shall just read these two—copies of which I believe have been distributed to each Senator's desk:

The American Council on Education strongly supports your amendment 645 to increase student assistance by $47.9 million. Because of growing economic pressure, our institutions have fewer resources for scholarships at the very time that increased enrollment and costs are driving up the demand. Moreover, many financial aid officers indicate that guaranteed student loans are becoming more difficult to get and rising unemployment is reducing the availability of outside jobs for students. Passage of amendment 645 would greatly aid many students by making available money that can come from no other source.

LOGAN WILSON,
President, American Council on Education.

And the second telegram reads:

On behalf of the 900 member colleges of the Association of American Colleges we strongly support your effort to increase appropriations for financial aid to students. Without such an increase many college will be forced to draw upon their already too meager resources or borrow funds at current interest rates to make good on commitments to their students in September. Rising college costs and current inflation of all costs will make it impossible for many students from poor and middle class families to attend college this year unless increased funds for NDSL loans and EOG and work study grants are appropriated.

FREDERIC W. NESS,
President Association of American Colleges.

Mr. President, last August this body voted 56 to 38 in favor of an amendment to increase fiscal 1971 authorizations for these three programs by $170 million. Passage of the amendment presently before us would be a partial fulfillment of that earlier commitment.

It would help low-income students who so desperately need assistance. For the Carnegie Commission on Higher Education reports that while 48 percent of undergraduates come from the top quarter income bracket, only 7 percent come from the lowest income quartile.

And it would help middle-income students as well, both through more national defense student loans and by freeing up institutional scholarships which in the absence of Federal aid would be needed for low-income students.

I think there is a considerable need. I think the amendment which we suggest is only really following along and meeting the problems of inflation and increased enrollment.

I hope the Senate agrees to the amendment.

Mr. CASE. Mr. President, at this time I would like to set out my part of the amendment, as a joint amendment.

The part of the amendment I had originally introduced as my amendment No. 656, would add $28,050,000 to the bill for grants for construction of higher educational physical facilities at 4-year institutions.

This amount was included by our subcommittee, along with a figure of some $43 million for direct grants for construction at 2-year colleges.

In the full committee the latter amount was retained, but the $28,050,000 for 4-year colleges was not retained. It is that amount that my part of this joint amendment would add to the bill.

The reason for the proposal is the same as my concern to have the full amount of the revolving fund available for loans for this general purpose. These grants will go chiefly to the smaller colleges, to those institutions which although as important as any others to our educational system, nevertheless will not be able to take advantage of this new interest subsidy program and, therefore, will fall between two stools, as far as these educational facilities are concerned.

I believe the subcommittee was right. I hope the Senate will take the same point of view and restore this figure to the bill.

Skyrocketing college expenses are threatening to make a higher education once again the exclusive privilege of the wealthy in this country.

We are long past the time when anyone has to be reminded that we can ill afford to waste the talent of our youth in this manner today.

The education appropriations bill we are considering contains several efforts to offset this trend through various forms of student assistance.

But these efforts to provide financial assistance to put a college education within the reach of everyone capable of benefiting from it are being eroded by steadily increasing tuition and other student charges.

The student charges, in turn, reflect efforts by our institutions of higher education to obtain the funds they need to build the facilities needed to meet anticipated increases in enrollments.

Congress long ago recognized that college construction would not be able to keep pace with demands of increasing enrollments without Federal assistance. In 1963, we passed the Higher Education Facilities Act which authorized loans and grants to our colleges and universities to help them meet the demand for new facilities without pricing a higher education out of the reach of many of our worthy students.

For the current fiscal year, $936 million is authorized under title I of that act.

But beginning this year there has been a substantial change in the method of financing academic construction under the Higher Education Facilities Act. Grants and direct loans have been curtailed in favor of using a new annual interest grant program.

An Office of Education task force endorsed the interest subsidies program in a report issued July 10, 1969. But the task force warned that the program "should be tried out in practice and proved to be broadly feasible before consideration is given to eliminating funds for the direct assistance programs."

Despite this warning, the budget request and the House bill this year place complete reliance on the subsidy program.

The Appropriations Subcommittee which heard the testimony on this bill noted that very little activity has taken place in the interest subsidy program and recognized that it was not completely workable in the current financial market. Many institutions most in need have been unable to take advantage of it.

In the casee of private colleges and universities, the current interest rates are so high that it would take an extremely high subsidy differential to make up the difference between 3 percent and the rate imposed by the bank lender. Many private colleges will not be able to borrow at all from private banking sources, irrespective of interest rates, because many of the buildings, such as library and classroom buildings, are not income-producing and, without a loan guarantee, lenders consider it too risky to grant the loans.

The loan span of 20 to 25 years makes the repayment schedule more than small institutions can afford. It has been estimated, based on surveys, that only about 25 percent of the private institutions of higher education in this country could obtain loans under the interest subsidy program in the present market.

For these reasons, the subcommittee agreed with the Office of Education task force that the interest subsidy program should, at the present at least, supplement, rather than replace, the direct grant and loan programs for academic facilities.

The subcommittee approved my motion to add $71 million to the bill to provide the same funding for direct grants as was provided in the 1970 appropriation—$43 million for 2-year institutions and $28 million for 4-year schools.

Unfortunately, the portion of this assistance provided for 4-year institutions is no longer in the bill as it is now before us.

In answer to an inquiry about the amount of funds available for grants under the 1970 appropriation for title I of the Higher Education Facilities Act, an Office of Education official told the Senate Appropriations Committee than only $9 million had been obligated, out of the total of $71 million.

At the time the report was made, it was correct. Processing applications from State commissions had been held up because of the delay in obtaining final approval of the 1970 appropriations.

But Office of Education officials have since reported that the entire $71 million will be obligated by the end of this month and applications now on hand total more than $200 million.

My amendment would add $28,050,000 to the pending bill to provide funds for grants for 4-year institutions. It would bring the total available for grants for construction at all institutions of higher education to slightly over $71 million, the same level provided for the current fiscal year.

This would only be enough to meet about 35 percent of the requests now on hand in the Office of Education. It would still be far below the $133 million recommended for the 1971 fiscal year in the Office of Education task force report. It falls short of the $91 million appropriated for grants in fiscal 1969.

But it would provide a minimum amount of funding for grants for both 2-year and 4-year institutions which are unable to take advantage of either the direct loan or the loan subsidy programs.

While I share the concern of Senators about the need to hold down Federal expenditures in order to control inflation, my amendment proposes only a modest investment in the future of the Nation, and I urge that we consider the long-range loss to our economy if we fail to invest in the future.

Mr. MAGNUSON. Mr. President, specifically I wish to refer to the portion of the amendment of the Senator from New Jersey (Mr. CASE) and others, and I wish to state the position of the committee.

We found that further additions to total construction support are necessary. In fiscal year 1971, it is estimated that over $500 million in private construction loans will be available under the Federal interest subsidy program—a lending level exceeded only by totals of $618 million in 1966 and $713 million in 1967.

In addition, the committee added $43 million to the House bill and budget request for grants for community college construction. Grants were approved in this case because many of these schools are new institutions and have more difficulty borrowing than established, 4-year colleges and universities.

For the small number of colleges unable to obtain private loans, the committee has approved an HEW request to replace up to $10 million in existing direct loans with subsidized loans. The funds thus freed will be available for direct loans to colleges in special need.

Mr. President, this is the reason the committee arrived at the figure it did. We think it is adequate and this is what we recommended. Of course, we are all depending upon the success of the highly questionable interest subsidy program. I think there are sufficient funds to do what the Senator from New Jersey is trying to do in his amendment. It is a laudable amendment, but there is no use appropriating more than is necessary or more than the President will allow to be expended. That is the committee position.

Now, on the amendment of the Senator from Massachusetts (Mr. KENNEDY), which would add $47,900,000 to the bill, it gets down to a question of basic policy.

The NDSL student loan program suffered the greatest cut by the administration. Relatively both scholarships and fellowships are down also. The effect is to have fewer scholarships and fellowships and to have people go to the bank for loans, as the Senator from Massachusetts pointed out. Personally, the Senator from Washington thinks this is a bad policy. I am not talking about the money.

Then, there is a tendency to dry up the program within the student loan program, in which the educational institution would make the loan. Apparently what they are trying to do is to have everybody go to a bank. I know some banks that suggest to parents when they go there, that they open up an account and do business with them, and if they do not open up an account, at least they get a credit card. Then they will be in debt all the more.

As a matter of policy I thoroughly agree with the Senator from Massachusetts, and the Senator from New Hampshire and I have discussed this matter. On the House side we find a complete brick wall on this policy, and its worse downtown.

I am going to somewhat reluctantly suggest that the Senate not add this money. With all due respect to the Senator from Massachusetts, we did not add anything to the House figure and we kept it their level.

I think the Senator from Massachusetts and his committee should take up this matter and find out if Congress is going to approve what they are doing, as a matter of basic policy.

Scholarships and fellowships are moneys that reach the lower income people, the same people where there is talent and where people cannot afford to go to undergraduate or graduate school because the cost is too high. We are losing all that reservoir of talent by not giving scholarships and fellowships where conditions are so stringent. In many cases that is the only way the student can go to college. In that case he is not about to get the loan from the bank.

The Senator from New Hampshire can relate to the Senate the argument we have had with the House of Representatives on this matter many times.

Mr. COTTON. Mr. President, I refer to page 884 of the hearings when I asked Mr. Muirhead the following question:

> Senator COTTON. Have you any rough estimate of how much repayment money you have in loans for fiscal 1971?
>
> Mr. MUIRHEAD. Yes, In fact, I think we have rather precise estimates on the amount of repayments. Interestingly enough, the NDEA loan program has been operating long enough now so that the repayments are coming back in rather substantial amounts. And our best estimate is that in the college year coming up that there will be about $130 million in repayments to the colleges which they then will have in their revolving fund and will be added, of course, to the Federal capital contribution.
>
> Senator COTTON. The institutions will have that?
>
> Mr. MUIRHEAD. Yes, sir.
>
> Senator MAGNUSON. The banks wouldn't have this revolving fund?
>
> Mr. MUIRHEAD. No, the bank is not at all involved in the NDEA loan program.

This is coming in addition to all we gave.

Mr. KENNEDY. Mr. President, I would like to mention just a couple of facts and statistics with regard to the student loan program.

As I understand—and I would like to be corrected by the chairman of the committee if this is not correct—only 27 percent of the guaranteed student loans go to those in families with an income of less than $6,000.

Mr. MAGNUSON. I do not know the exact figure.

Mr. KENNEDY. Unquestionably that is correct. The statistics are extremely clear. They are found in the budget justification report of HEW. The findings of the various commissions reporting on the problems of higher education show quite clearly that guaranteed student loans are not aiding students in the lower and middle income families who should be able to participate in these opportunities.

I would like to ask my very good friend if in the last year the administration did not actually cut back in terms of the direct student loan programs, the national defense student loans, by some $33 million.

Mr. MAGNUSON. That is right.

Mr. KENNEDY. In the expenditure of these programs.

Mr. MAGNUSON. I think I mentioned that. The Senator from New Hampshire and I really think we ought to have the money. I do not like this policy and I reject their arguments. The Senator is correct.

Under the loan program, most of these people cannot get loans even if they go down to the banks.

Mr. KENNEDY. We have seen some increases as a result of the Appropriations Committee findings, but if we take the base figures from 1968 to 1969, when this whole program was operating more as intended, in terms of inflation and in terms of student enrollments, from the resources of the budget—and we know the tremendous pressures on it, and I am sympathetic to those factors—we find actually a smaller proportion participating in terms of relative students and costs than there were in 1968.

Finally, I would like to point out and remind my colleagues, if they have had a chance to review the CONGRESSIONAL RECORD of 2 days ago, that in that RECORD I placed letters from administrators and presidents of universities. We find that the students in these work-study and opportunity programs and national defense education program are those who are really trying to "keep it cool" in the colleges and universities.

The record is replete with evidence from college administrators and presidents of the universities that if it were not for those students in the colleges and universities, things might be different. They are the ones who are working in the total university structure, and who realize they are to benefit from a university education, and they are "talking things down."

I would hope that we could show at least some additional kind of understandings as to their plight.

Mr. CASE. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HOLLAND. Mr. President, I would like to address a question to the Senator from Washington.

Mr. MAGNUSON. I yield.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. CASE. Mr. President, I should like to make a couple of points in rebuttal. The chairman of the subcommittee and the ranking minority member have been extremely considerate to our concerns for these programs. I am most grateful, as evidenced by my appreciation of the action they took on my previous amendment. But the same principle is involved here. The smaller colleges will not be able to take advantage, under present conditions, of the interest subsidy program, so they must have loans and grants. The 4-year small colleges need them just as much as the community colleges and technical institutions do.

The $43 million we gave for community colleges and technical institutes I think represents admirable action on the part of the committee for that particular purpose, but for the fiscal year ending the end of this month, 1970, we appropriated $71 million for those programs.

That is what my amendment would bring that appropriation to this year—the same amount. That is $20 million less than the amount which was appropriated in fiscal 1969.

There is one reason why I think the Office of Education led the committee to feel that this was unnecessary. When they were up here they said only $9 million had been obligated out of the total of $71 million appropriated. That was, of course, a correct figure at the time, but that was early in the spring. Since then, the fact is that they have reported to us that the entire $71 million appropriated for 1970 will be obligated by the end of this month.

The applications now on hand, in addition to all previous appropriations, total more than $200 million.

I hope that the Senate will consider this a worthy amendment.

Mr. HOLLAND. Mr. President, I would like to address a question to the Senator from Washington, if he will yield to me for that purpose.

Mr. MAGNUSON. Yes. I do not have the floor.

Mr. HOLLAND. Am I correct that the principal part of these student loans is in the direct loan figure?

Mr. MAGNUSON. In NDEA.

Mr. HOLLAND. In NDEA direct loans?

Mr. MAGNUSON. Yes.

Mr. HOLLAND. Am I correct in my understanding, as shown in the report, on page 24, the top line, to that effect, that the budget estimates were $176,925,000 and that the committee, under the able leadership of the Senator from Washington and the Senator from New Hampshire, raised that amount by $52,075,000?

Mr. MAGNUSON. That is correct.

Mr. HOLLAND. I thank the Senator. It seemed to the Senator from Florida that that was extremely generous, and the committee was glad to go along with that recommendation.

Mr. MAGNUSON. That figure is a little deceiving. I may say, because with respect to a direct loan for which, when one has to go to a bank, we did take away from the other type of loans, because the new policy is to have someone go to the bank. But this is the figure, because that is the policy they are going to pursue, and there is not much we can do about it. We cannot change that. We increased the amount, I may say to the Senator from Florida.

Mr. HOLLAND. More than $52 million?

Mr. MAGNUSON. Yes.

Mr. KENNEDY. Mr. President, may I say, in conclusion, the communications I have read, whether from the Association of American Colleges, or other college associations, and various education associations, land grant colleges, and so forth, all indicate that they are in support of the amendment.

Let me make one point, and I will rest my case. Because of the gradual reduction in the student loan programs and the resources to which the students may turn under education opportunity and work study programs, those who are affected most dramatically are the sons and daughters of middle-income families. Because the colleges and universities have felt that, if they are going to continue their scholarship programs, with the limited resources available to them, they should allocate them where the need is greatest, to students from lower income groups. Therefore, as we read into the RECORD some days ago, those suffering most in the last 2 or 3 years are those from middle-income groups.

Mr. MAGNUSON. I just want to take half a second. The Senator from Massachusetts and the Senator from Florida are both right, because the House did drop $17,900,000 from the educational opportunity grants. We did agree to add the $52-some odd million to the direct loans.

So this becomes a question, I think, for the Senate to decide. I wish I knew some way to put an amendment on here to change the policy downtown, but I do not know how we can do it without being subject to a point of order.

Mr. RANDOLPH. Mr. President, will the able Senator from Washington yield?

Mr. MAGNUSON. Yes, I yield, and the Senator has the floor in his own time.

Mr. RANDOLPH. I ask for the attention of the diligent chairman of our Subcommittee on Education of the Committee on Labor and Public Welfare (Mr. PELL).

We have discussed from time to time the guaranteed loan program which is available to students but which requires the participation of our financial institutions; namely, the banks. We have received conflicting information. In some States, the banks have been very cooperative; however, in other States, they have been less than cooperative showing preference for certain types of borrowers. I trust the Senator will give, for the record, what he recalls of the most convincing testimony on this matter, presented to the Subcommittee on Education.

Mr. PELL. In my own State of Rhode Island, and I believe in the Senator's own State of West Virginia, the record was a good one. In the rest of the country, however from all the evidence that came in, it appears that the young people going into the banks received very short shrift unless they had some kind of family connections.

It is for that reason that we support most strongly the NDSL program.

Mr. RANDOLPH. Mr. President, as a member of the Subcommittee on Education, and as a Senator eager to help needy students, that was also my understanding. In West Virginia our record was not bad, as the record in Rhode Island was not bad. And I believe that in some other States the record was also good. But generally, as we carefully considered this subject, we came to the conclusion that it was necessary to do what many of us believe should be done, and that is to help, through means other than direct bank loan, the most needy students.

Mr. KENNEDY. Frankly, Mr. President, I remind the Senate that last year, by a vote of 56 to 38, we actually increased authorizations for these three programs by $170 million. Even if we add this amendment to the increases over last year reported by the committee, we still would only be increasing these programs by just about half what the Senate has already gone on record for.

Several Senators addressed the Chair.

Mr. WILLIAMS of Delaware. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of Virginia. Is the Senator from Virginia correct in his assumption that the amendment before the Senate would add $76 million to the bill?

The PRESIDING OFFICER. The clerk will report the amendment again.

Mr. BYRD of Virginia. Mr. President, I withdraw that parliamentary inquiry. As I understand from the chairman of the committee, the amendment—this one amendment—will add $76 million to the bill now under consideration.

I ask the Senator from Washington, am I not correct?

Mr. MAGNUSON. That is correct. The combined amendment.

Mr. BYRD of Virginia. The Senate will vote on it as one amendment.

Mr. MAGNUSON. Yes.

Mr. BYRD of Virginia. Which will add $76 million.

Mr. MAGNUSON. That is right.

Mr. BYRD of Virginia. Mr. President, I have read the committee report. The committee bill, as reported by the committee, is $703 million, or almost three-quarters of a billion dollars, over the appropriation for 1970. This amendment would add $76 million more.

The Senate has agreed to the amendment offered by the Senator from New York (Mr. JAVITS), and that amendment added $150 million more. Not only that, but that amendment brought in an entirely new program, that is estimated to cost $1.5 billion.

I happen to favor the scholarship pro-

grams. I think the scholarship programs are important. But we have heard statements by the distinguished Senator from Florida and the distinguished Senator from Washington that the scholarship programs have been increased, that the committee has gone into this thoroughly, and that the committee has allocated, according to the chairman of the committee, the Senator from Washington, adequate money for this program; and yet we are called upon to vote for an amendment now which would add $76 million to a bill which is already $703 million over last year, and which already has been amended by the addition of $150 million by the adoption of the Javits amendment.

It seems to me, Mr. President, that with the financial condition that faces our Nation, before we continue to vote more and more amendments, and more and more money, on these appropriation bills, we should give some consideration to our overall financial situation. The Secretary of the Treasury and the Director of the Budget have been testifying in the last several weeks as to the condition of the Treasury. There will be a deficit, for the fiscal year ending next week, of $11 billion. They predict another deficit for the following year of $10 billion—and in my judgment, that prediction is way low. Particularly with the way the money is being added to the appropriation bills tonight it will be way low.

So, although I favor the scholarship programs, I shall vote against this amendment, because I just do not believe we can justify adding $76 million more to this bill after we have already added $150 million to it by the Javits amendment, which in itself creates an entirely new program.

ADDITIONAL FUNDING IS NEEDED FOR EDUCATIONAL OPPORTUNITY GRANTS, STUDENT LOANS, STUDENT WORK-STUDY PROGRAMS, AND HIGHER EDUCATION FACILITIES IN IDAHO

Mr. CHURCH. Mr. President, as a cosponsor of amendments Nos. 645 and 656 which have now been joined by the distinguished Senator from Massachusetts (Mr. KENNEDY), and the distinguished Senator from New Jersey (Mr. CASE), I would like to take a few moments to comment on the need for these additional funds for the student work-study program, the student loan program, the educational opportunity grant program, and 4-year institution facilities construction.

First of all, I would like to point out how the work study, student loan, and educational opportunity grant programs operate:

First. The work-study program: Under the college work-study program, a student is given an opportunity to obtain part-time work, either with the college or university or with a private nonprofit organization. Costs of the employment are paid through the program with the college in which the student is enrolled acting as administrator of the funds. Students in this way can work up to 15 hours a week during the school year and up to 40 hours a week during the summer months.

Second. The student loan program: Under the student loan program, a student is allowed to borrow, for up to 10 years, as much as $1,000 per year to pursue undergraduate education and up to $2,500 per year to pursue graduate education programs. These loans are also administered by the college involved. The interest rate is 3 percent and repayment begins upon graduation.

Third. The education opportunity grant program: Under this program a qualified undergraduate student may receive a grant ranging from $200 to $1,000 to pursue his education. Exceptional financial need must be demonstrated and the grant is renewable for up to 4 years of college work. The grant must be matched by other assistance.

Last year, in my State of Idaho, over $2 million was expended under these three programs to aid students.

Amendment No. 645 would add a total of $47.9 million to the appropriation approved by the committee for these three programs. Specifically, it would allot an additional $16 million for the college work-study program, an additional $14 million to the student loan program, and $17.9 million for the educational opportunity grant program. This change would allow these three programs to aid an additional 65,300 students to achieve a quality education.

I have received telegrams from the financial aid officers of two of Idaho's colleges and the head of the Idaho Association of School Aid Administrators in support of these increased funds. I consider these funds vital to allowing our Nation to make good on its promise of quality higher education to all those students in our Nation who seek it. I ask unanimous consent that the three telegrams I received on this subject appear at this point in the RECORD.

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

POCATELLO, IDAHO,
May 26, 1970.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.:

Large increases in enrollment are putting tremendous strain on the resources of the Federal Financial Aid Program. Senator Kennedy has introduced an amendment to education appropriations bill increasing the appropriations of the education opportunity grants, student loans, and the college work-study program. We urge your support of this amendment which will enable us to better serve the needs of the students of Idaho.

DAVID C. BLACKWELL,
Director of Financial Aids,
Idaho State University.

CALDWELL, IDAHO,
May 22, 1970.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.:

We encourage you to support the amendment to the HEW appropriation bill for fiscal year 1971 which has been proposed by Senator Kennedy. The additional funding would enable the college of Idaho and other Idaho institutions to assist many students who will be denied aid under current funding levels. For example, we have over 40 eligible students for college work study for whom we have no funds for employment. The jobs are waiting in seven public service agencies and could be confirmed immediately. This would require additional funds in the amount of approximately $30,000.00.

RICHARD H. WINDER,
Financial Aid Office,
The College of Idaho.

POCATELLO, IDAHO, *May 23, 1970.*

SENATOR FRANK CHURCH,
Washington, D.C.:

Idaho Association of Financial Aid Administrators urges your support of Kennedy Amendment No. 645, HEW appropriation bill for next year, increasing amounts for NDSL, EOG and workstudy programs.

RICHARD A. MINOR,
President, Idaho Assn. of Financial Air Administrators.

Mr. CHURCH. Mr. President, we simply cannot allow our national commitment to education to fall by the wayside. These increases amount to less money than we expend in one-half of a day for this Nation's military operations in Vietnam. Even with the increases, only 76 percent of approved requests for student aid this year will be met, compared to 90 percent in 1967 and 83 percent in 1968.

These programs have helped hundreds of young Idahoans obtain a college education. By allowing the student to obtain a grant or a low-interest loan—or by providing the means whereby the student can work part time to pay his way—we make higher education possible for many who could not otherwise afford it. The long-range damage that would result if we cut back on these self-help programs would be immeasurable. Cuts in education are the worst form of false economy.

The second part of this amendment would provide funds for construction grants for 4-year colleges and universities. I should like to point out the crying need in my State for funds to aid construction programs at 4-year colleges and universities.

The Office of Higher Education in Idaho has informed me that there currently exists, in my State, a need for over $6 million in funds to meet immediate construction needs at 4-year institutions. This estimate does not even include long-range needs of Idaho's 4-year colleges and universities. The funding needs expressed to me were broken down in the following manner. Again, I stress these are immediate needs, not long-range needs in Idaho.

University of Idaho—Moscow, Idaho: A need for $4 million for construction of a new law school, agricultural education building, and general classroom building.

Idaho State University—Pocatello, Idaho: A need for $1,150,000 for the renovation of the Swanson Hall classroom building, construction of a new welding shop and a new vocational arts building.

Boise State College—Boise, Idaho: $446,000 for a new music building and a new addition to the science building.

Lewis and Clark Normal—Lewiston, Idaho: $500,000 for a new classroom building.

Northwest Nazarene College—Nampa, Idaho: $400,000 for a new physical education building.

This comes to a total of $6,496,000 in Idaho alone.

The appropriations bill as it is now written contains absolutely no funds for the higher education facilities construction grant program for 4-year colleges and universities. Amendment No. 656 would result in the funding of this program at a level of $28,050,000. This is

about the same level of funding which was allowed for the present fiscal year.

There can be no doubt that our needs in the area of higher education facilities construction are great. Schools are increasingly hard-pressed for space and facilities in the wake of rising attendance in colleges and increasing interest rates which make borrowing money to meet burgeoning needs prohibitive in many cases.

Even with the adoption of this amendment my State will only receive $113,000. That is quite literally only a drop in the bucket when placed beside Idaho's immediate needs of over $6 million.

I consider this amendment to be the bare minimum which should be granted to continue the construction grant program in 4-year institutions. I urge favorable consideration and passage of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I further announce that, if present and voting, the Senator from Wisconsin (Mr. NELSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. JAVITS), the Senator from Kansas (Mr. PEARSON), and the Senator from Illinois (Mr. PERCY) are detained on official business.

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 44, nays 36, as follows:

[No. 176 Leg.]

YEAS—44

Brooke	Hatfield	Montoya
Burdick	Hollings	Moss
Byrd, W. Va.	Hughes	Muskie
Cannon	Inouye	Pastore
Case	Jackson	Pell
Church	Jordan, N.C.	Prouty
Cranston	Kennedy	Randolph
Eagleton	Mansfield	Ribicoff
Fong	Mathias	Schweiker
Fulbright	McGee	Scott
Goodell	McGovern	Spong
Gore	McIntyre	Stevens
Gravel	Metcalf	Symington
Harris	Miller	Tydings
Hart	Mondale	

NAYS—36

Aiken	Curtis	Long
Allen	Dole	Magnuson
Allott	Dominick	McClellan
Baker	Ellender	Packwood
Bellmon	Ervin	Proxmire
Bennett	Fannin	Smith, Maine
Bible	Griffin	Sparkman
Boggs	Gurney	Talmadge
Byrd, Va.	Hansen	Thurmond
Cook	Holland	Tower
Cooper	Hruska	Williams, Del.
Cotton	Jordan, Idaho	Young, N. Dak.

NOT VOTING—20

Anderson	McCarthy	Saxbe
Bayh	Mundt	Smith, Ill.
Dodd	Murphy	Stennis
Eastland	Nelson	Williams, N.J.
Goldwater	Pearson	Yarborough
Hartke	Percy	Young, Ohio
Javits	Russell	

So the Kennedy-Case amendment was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 642

Mr. EAGLETON. Mr. President, I call up amendment No. 642 and ask that it be stated. Also, I ask unanimous consent that both amendments contained therein be considered en bloc.

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

The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

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

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

The amendments are as follows:

On page 2, line 1, strike out "$673,800,000" and substitute in lieu thereof "$272,480,000".

On page 2, line 6, insert before the colon the following: "and $53,680,000 shall be for payments based on entitlements determined by the Commissioner under clause (A) of paragraph (1) of section 203(c) of said Act of September 30, 1950".

UNANIMOUS-CONSENT REQUEST

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

Mr. EAGLETON. I yield.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object, what is the purpose of the amendment?

Mr. EAGLETON. The purpose of the amendment is to fund clause (C) of impacted aid—that is, public housing students, who now qualify for funding under impacted aid.

Mr. HOLLAND. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. EAGLETON. Mr. President, amendment No. 642 to H.R. 16916 provides $53,680,000 to fund entitlements under the impacted areas program, Public Law 874, for children living in low-rent public housing projects.

This amendment was originally offered with the cosponsorship of Senators CASE, JAVITS, MONDALE, WILLIAMS of New Jersey, and YARBOROUGH. I now ask unanimous consent that the names of the following Senators be added as cosponsors: Senators HATFIELD, SCHWEIKER, PASTORE, HOLLINGS, HART, SAXBE, YOUNG of Ohio, CRANSTON, SMITH of Illinois, PELL, HARTKE, and MCGOVERN.

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

Mr. EAGLETON. I yield.

Mr. MCGEE. Will the Senator add my name as a cosponsor?

Mr. EAGLETON. And Senator MCGEE.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, the elementary and secondary education amendments enacted earlier this year—Public Law 91-230—amended Public Law 874, the impacted areas aid program, to include pupils living in low-rent public housing as federally connected children for the purpose of providing assistance to local school agencies. The amendment also provided for the separate appropriation of funds for payment of entitlements based on public housing children.

No funds for impacted areas assistance for public housing children are provided in H.R. 16916, the Office of Education appropriations bill for fiscal 1971. As stated, amendment No. 642 would provide approximately $53.6 million for this program.

Mr. President, on each Senator's desk is a brief memorandum which explains this amendment, and attached thereto are tables showing the estimated allocation of the funds that would be appropriated by this amendment to each State as well as to a number of major cities for which figures are available. Table A, which is about three pages in length, lists each State and the amount to which each State would be entitled under the Eagleton-Case amendment. Table B contains certain large cities in each State where the figures are available and gives an indication as to how much money will go to each one of those cities.

The enactment of the authorizing legislation for this program marked a recognition by Congress of the burden imposed on local school agencies by the construction of federally funded public housing projects. Like military bases, these proj-

ects pay no taxes for the support of schools, and the small payments made in lieu of taxes by housing authorities average only $11.61 per child, a small fraction of the cost of education. Moreover, public housing has contributed to attracting the rural poor to cities large and small. Surveys have revealed that school enrollment in some areas doubled because of immigration resulting from the construction of public housing.

Children from nonpublic housing in the school district suffer from this impact as well. Many attend the same crowded and financially pressed schools as public housing students. All of the taxpayers in the district are forced to bear a heavier tax burden for education and receive less for their money.

The amount requested in our amendment is not great in relation to the need—it would provide funding of only 20 percent of public housing entitlement—but it is a beginning. Because funds to pay entitlements for public housing children are separately appropriated, the funds proposed under our amendment will in no way lessen or dilute payments under other parts of the impact aid program. Indeed, by broadening the base of this program, its constituency will be enlarged.

Mr. President, we saw very recently an illustration of the broadening effect that the inclusion of public housing children has on the entire impacted areas program. The Nation's cities have not been noted as leading supporters of the impact aid program, simply because only a very few cities benefited by it in any substantial degree. However, the U.S. Conference of Mayors, at their national meeting in Denver last week, passed a resolution in which the mayors of the Nation's cities commended Congress for its inclusion of public housing children in the impact aid program and urged that support be given to full funding for the program.

Of course the larger cities are not the only beneficiaries of this amendment. In recent years we have seen the spread of public housing projects to all parts of the country and in towns and cities of all sizes. An examination of the tables on your desks will show that a substantial portion of each State's entitlement is derived from areas outside of the major cities.

While the amount we are seeking in this amendment is not small, it is but one-fifth of the total entitlement for public housing children and only about one-thirteenth of the amount that the Senate Appropriations Committee has recommended for "A" and "B" children under Public Law 874.

I should add that this program was first authorized this year by the Elementary and Secondary Education Amendments signed by the President on April 13—1 day before the House passed this appropriation bill. Therefore, it is a new program, enacted after the budget estimates were sent to Congress.

Mr. CASE. Mr. President, Congress, in 1950, recognized that Federal activities could impose a special burden on certain school districts because Federal property is exempt from local property taxes but children living on this property often are educated in local public schools.

To compensate these school districts for the loss of revenue in the face of increased enrollments resulting from Federal activities, Congress approved a law which has become popularly known as the impacted areas aid program. This program provides special Federal financial aid to any district which is affected by Federal activities.

Recently, this program has been subjected to increasing criticism on grounds that it provided assistance to school districts without regard to need. It has been rightly pointed out that some of the richest school districts in the Nation receive the largest amounts of Federal aid under this program.

Earlier this year, we incorporated in the Elementary and Secondary Education Act a provision designed to give greater balance to the impacted areas aid program. This provision authorized the payment of impacted areas aid to school districts based on the number of pupils who lived in low-rent public housing projects which, like Federal facilities, do not pay local property taxes. The small payments made in lieu of taxes by housing authorities average only $11.61 per child, a small fraction of the cost of educating the children who live in these projects.

Indeed, in several areas of my State, local officials specifically rejected low-income public housing projects on grounds that such projects would impose too much of a burden on the local schools.

Amendment 642, which I have joined the Senator from Missouri in sponsoring, would provide $53.6 million to begin in a small way the program we authorized earlier this year. It would provide funding of only 20 percent of the full entitlement for each pupil living in public housing.

It would bring a greater degree of equity to the impacted areas aid program while it would in no way diminish payments under other parts of the program.

I urge adoption of the amendment.

Mr. President, I shall be glad to answer any questions Senators may have which may arise later on.

Mr. JAVITS. Mr. President, the Senator from Missouri (Mr. EAGLETON) and I have sponsored this amendment before the Committee on Labor and Public Welfare and saw it through a conference. I feel exactly as he does about what it symbolizes, that it represents the fact we have become heavily urbanized, that federally impacted areas are no longer confined to Army camps, stations, or similar installations in relatively sparsely settled areas of the country. This is in response to a very real need and I hope very much, especially those interested in impacted aid, that Senators will see the fairness of inclusion of this highly desirable and equitable provision.

I thank my colleague for yielding to me. I, too, am a cosponsor of this amendment.

Mr. EAGLETON. Mr. President, I should like to point out that the mimeographed copies of the tables on each Senator's desk were also included in the CONGRESSIONAL RECORD yesterday. They are thus available in printed form as well as mimeographed.

Mr. ELLENDER. Mr. President, I rise to oppose the amendment.

There are many inequities now in the impacted area law. For instance, in Montgomery County, Md., we are told that the children of Senators and Representatives who live there are entitled to relief.

Here is a program that has been on the statute books for 25 or 30 years—that is the public housing program and the Federal Government appropriates each year around $500 million in order to pay its share for public housing.

We also have on the statute books low-rent housing, aside from public housing, as the Senator from Missouri just stated, and that takes care of 20 percent of the funding. That will amount to, as he stated, $53,460,000.

That, Mr. President, is only a beginning.

Mr. MAGNUSON. Mr. President, may I ask the Senator from Louisiana, did anyone yield him time?

Mr. ELLENDER. There is no time limit now. A time limitation was objected to by the Senator from Florida (Mr. HOLLAND).

Mr. MAGNUSON. Oh, I did not realize that.

Mr. ELLENDER. There is no limit on time right now.

Mr. MAGNUSON. I am sorry. I did not wish to interrupt the Senator.

Mr. ELLENDER. Mr. President, this will mean that the next step that will be taken will be full funding. If that takes place, and there is public housing, full funding will amount to $267,301,285.

If we take in the public housing, we will have to take in the low-rent housing, too, because they are in a similar category.

My guess is that the cost of the impacted areas bill will exceed $1 billion per year.

I just think it is shameful for us at this time to consider a proposal of this kind, considering the many inequities that now prevail in the impacted aid program, which will only be augmented if we add funds for public housing at this time.

I, therefore, hope that the amendment will be rejected.

Mr. MAGNUSON. Mr. President, I apologize to the distinguished Senator from Louisiana.

Mr. ELLENDER. The Senator does not have to do that.

Mr. MAGNUSON. I did not hear the Senator from Florida object. I thought we had only 10 minutes time on this.

I want to suggest that what the Senator from Louisiana had to say just about expresses the sentiments of the committee in this matter. We are having nothing but trouble with the impacted areas program, and this merely adds something else.

Mr. ELLENDER. A new program.

Mr. MAGNUSON. The rent supplement people will come along next, I guess. So that this will finally fall of its own weight, until the time comes when we will probably just write out a check and send it to the school district and say,

"Here you are, use it for anything you want to"—which they now can do under impacted aid, anyway.

The inequities have been well publicized. This will add another one.

I think that if we need to help out the children in the public housing projects, it ought to be an appropriation to add to the bill for public housing buildings and not impacted aid. It is not impacted aid at all. So, the committee went over this at some length.

I think the vote was practically unanimous. At any rate, there was an overwhelming vote in favor of it. Perhaps one or two Senators did not vote for it.

I would like to add this, but I am afraid it is the one thing that would be put on top of the program that would break the whole program.

I can tell the Senator what the House would do if the Senate were to do this. They would say, "That is fine. If you want to add public housing people, that is OK with us. We will just take and subtract it from the regular impacted aid program. That amount comes off it." That is what they will suggest.

So, I hope that the amendment will be defeated.

Mr. COTTON. Mr. President, I will not take much time.

This amendment would add $53,680,000 to the impact aid appropriation for the education of children residing in low-rent public housing. This program—presently unfunded—was recently authorized as part of the Elementary and Secondary Education Amendments of 1969, Public Law 91–230, signed into law on April 13, 1970.

The amount provided by the amendment would be sufficient to fund about 19 percent of the $289,100,000 estimated as full entitlement for the new program. All eligible applicants under this new authority would receive the same 19 percent prorated share of their individual entitlement.

There are several reasons why the amendment should not be adopted:

First. The extension of the concept of Federal impact to low-rent public housing is tenuous and weak. A recent study of the impact aid program, conducted by the Battelle Memorial Institute, of Columbus, Ohio, concluded that public housing should not be blanketed into the impacted aid program. The study found that "payments for public housing pupils under the current impact aid formula would exceed by a wide margin any revenues lost by school districts because the public housing units are not taxable." In other words, the funding of this new provision would just add to the program's well-publicized inequities.

Second. The Congress is now considering administration legislation to reform the impact aid program and eliminate its inequities. To fund a new provision before this legislation is considered will make reform more difficult.

Third. The amendment would add funds for a new provision while the bill before the Senate does not fully fund existing provisions of the law. The Senate bill provides 90 percent of entitlement for both A and B children, except where A children constitute 25 percent or more of school enrollment, where 100 percent is provided.

Mr. President, in this bill we gave impacted area funds of $659 million, which took care of the A and B children, and those extreme cases.

The chairman of the committee, the Senator from Washington (Mr. MAGNUSON), is exactly right. The House had only put in $425 million in impacted areas, and the administration did not want to put in anything. They were going to send it along in a supplemental. We would have had long white beards before that supplemental ever got here. The administration did not intend that we should have the funds.

I am not talking administration talk now.

If this is agreed to, incidentally, this will take care of 19 percent of it.

A study indicates that in the low quality housing, the cities and communities would derive a considerable profit if that were put in on the scale of impacted area funds.

We cannot have it both ways. We cannot possibly have it both ways, because when we get to the House, knowing that the House is going to cut down on impacted area funds, if we take this, they will cut them down further.

The President does not want impacted area funds. So this is a good way to lose the impacted area funds that every superintendent and every school board and every school official throughout this country really is asking for. It is the only money they get that they can spend where they most need it and not be told down in the Office of Federal Education how to spend it.

I feel more strongly on this than on any other amendment that has been offered.

It opens the doors to all kinds of inequities. This would cost us what we fought for so hard last year and this year. It would cost us a large portion of our impacted area funds.

Mr. EAGLETON. Mr. President, I would like briefly to respond to the commentary of the Senator from Louisiana (Mr. ELLENDER), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. COTTON).

First of all, with respect to the Senator from Louisiana (Mr. ELLENDER), amongst his remarks he said that the Federal Government pays for public housing. He is precisely correct. That is precisely the need for the amendment.

It is under the aegis of the Federal Government that whole areas of inner cities are cleared and taken off the tax rolls. There are superimposed upon that landscape low-rise and high-rise giant edifices, crammed with people, crammed with children. The school districts must educate these children, for which they receive no payment—they receive $11 per child, almost no payment, to educate these children.

The land is taken off the tax rolls under the authority of the Federal Government.

It is because of this colossus originally created by the Federal Government that the need exists.

Second, with respect to the comments of the Senator from Washington (Mr. MAGNUSON)——

Mr. COOK. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. In a moment, when I finish.

The Senator from Washington (Mr. MAGNUSON) said that we have enough trouble with impacted areas and that the inequities have been well publicized.

I say that is precisely correct. That is precisely the problem. The aid goes to counties under A and B where no economic need is demonstrated.

The President of the United States, in his veto of the HEW bill, went on nationwide television and cited as one of the reasons for the veto, the old-fashioned impact aid, A and B aid.

He singled out Montgomery County, Md. Montgomery County is one of the richest and most prosperous counties in the United States. It is receiving A and B aid.

The President said that this was unfair. There is no need existing there with reference to impacted aid.

The inclusion of C students introduces a need for aid. There can be no doubt that low-income children in public housing are the ones who have the greatest economic, social, and financial need.

The Senator from Washington said that the President does not want impacted aid. I repeat that he does not want it because of the facts previously mentioned. It is unrelated to social, economic, and educational need. But the inclusion of C students—the poor, the poorest of the poor—does introduce for the first time the concept of need for impact aid.

I think it makes it not only palatable to the President of the United States, but it also makes it palatable to the Congress of the United States which would appropriate money based on tangible and identifiable needs.

I now yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I asked the Senator to yield because he said this was done on the absolute authority of the Federal Government.

I ask the Senator if it is not true that it is not by the authority of the Federal Government. It is by reason of the fact that the city makes application for urban renewal funds to get rid of the slums. It then asks for funds from the Federal Government so that it can build these facilities.

The other day I voted for an increase in urban renewal funds. I suppose by reason of that we are asking for another increase, because we will realize that we have done a halfway job and have to make up for the other inequities we have created by reason of the fact that we have given the money to the cities.

Mr. EAGLETON. Mr. President, I think that what I said was that this was done under the aegis of the Federal Government. But for the law passed by Congress and signed by the President of the United States, there would not have been any public housing in this country. Publice housing is not the creature of the State or of Louisville or St. Louis. It is

the Federal Government that created the basis for public housing.

The more public housing we create, the more we authorize and the more land we take off the tax base of the communities and the cities, the more educational need we cause.

Mr. COOK. Mr. President, may I ask who is taking the land off the rolls? It is not the Federal Government. It is the city of Louisville and the city of St. Louis.

Might I ask the Senator one other question. I am perplexed as to whether I should vote for the amendment, because we have already increased the bill by $1,032,900,000 over the budget.

Are we proposing to do this with the idea that we are supposed to accomplish this, or in increasing this over the budget by more than $1 billion, are we trying to give the impression that it is going to stay there or that we are trying to get something done in Congress?

Mr. EAGLETON. Mr. President, was the question whether I think this will remain in the ultimate bill?

Mr. COOK. Mr. President, I merely asked the Senator—if I can put it as bluntly as I can——

Mr. EAGLETON. I wish the Senator would.

Mr. COOK. Mr. President, are we setting this up for a veto or are we not?

Mr. EAGLETON. The Senator would be in a far better position than I to know whether it is being set up for a veto. All I can state is what the President said when he vetoed the last bill, that impacted aid was not a tremendous need. He referred to Montgomery County, and many other counties. I have a child in school in Montgomery County, and that school district is receiving impacted aid because of my presence there, and we all know that I make $42,500 a year.

The reason the President criticized impacted aid—and it was rescued by the Senator from New Hampshire—was because it was unrelated to economic or educational need. The inclusion the Senate made in the Elementary and Secondary Education Act of group C, public housing students, responds to that question of need. There can be no denying that people who live in public housing and the children of people who live in public housing, many without a father in the home, are in the greatest need of educational and cultural assistance.

Also we are talking about which government entity did what to whom. One question is whether the St. Louis and the Louisville school districts had anything to say about where public housing would be located. All they were told, I may say to the Senator, was that once it is built, "Here are the kids; you educate them; but you will not be paid for it because it is on tax-free land."

Mr. COOK. The Senator is wrong when he speaks of my community. I noticed not too long ago Montgomery County was seeking a reduction in taxes while asking the Federal Government to contribute more funds.

Mr. EAGLETON. Montgomery County will never reduce its request for impacted aid. I guarantee that.

Mr. COOK. If the Senator looks at Louisville he will see that it has an occupational tax and everybody pays for the school system in relation to his earnings.

Mr. EAGLETON. I would underscore "in relation to earnings."

Mr. COOK. That is correct.

Mr. EAGLETON. How much public school assistance is received by reason of public housing residents in Louisville, Ky.?

Mr. COOK. Under urban renewal there was an effort to get rid of the slums.

Mr. EAGLETON. It created a financial burden on the city.

Mr. COOK. It also created a better living for the people.

Mr. EAGLETON. And a burden on the budget.

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

Mr. EAGLETON. I yield.

Mr. ELLENDER. Mr. President, I suggest the Senator from Missouri correct the record because he is stating as fact something that is not correct. I happen to have fathered the public housing program back in 1937 and again in 1949. The Senator stated that the city of Louisville was imposed upon by the Federal Government in building public housing. Public housing is not put in by the Federal Government. It is put in by an authority at the local level.

Mr. EAGLETON. The Senator is correct.

Mr. ELLENDER. The city of Louisville, which has public housing, made a request for funds from the Federal Government.

Mr. EAGLETON. The Senator is eminently correct.

Mr. ELLENDER. The Senator did not state that a while ago. I suggest he look at his remarks as they probably need correction. The authority collects subsidy from the Federal Government and it equals about 20 or 25 percent of the rent. That, in itself, on public housing so far constructed, amounts to about $500 million. Aside from that the Federal Government contributes to the taxes that have been taken out by virtue of——

Mr. EAGLETON. $11 per child.

Mr. ELLENDER. I do not know what it amounts to but it is in addition to the subsidy I just mentioned.

Mr. EAGLETON. It averages $11 per child.

Mr. ELLENDER. Whatever it is, it is in lieu of taxes paid by the Federal Government, in addition to the subsidy I mentioned.

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

Mr. EAGLETON. I shall yield in just a moment. I wish to say to the Senator from Louisiana that if I misspoke myself I did not intend to.

What I meant to say and now reiterate is that public housing comes about by reason of the fact that it was authorized by Federal law in the first place. As the Senator from Louisiana pointed out, he was the father of the act. It also comes about when a city requests it. The Senator from Louisiana is correct. St. Louis must have requested it as we unfortunately did in connection with the Pruett-Igoe housing project in St. Louis, to our shame.

The St. Louis school district, on the other hand, never asked but it received the burden of thousands of children for which they receive $11 a child, which is pretty meager financing in these days of high cost of education.

Mr. COTTON. Mr. President, there are more things I would like to say and that the eloquent Senator from Missouri could say. He has made a fine presentation.

It is my understanding this is the last amendment, the last contested amendment, tonight. There may be one more that the committee is ready to accept and then we can vote on final passage.

Will the Senator agree with me that if I conclude my discussion he will conclude his discussion?

Mr. EAGLETON. Mr. President, I would say to the Senator, as the Senator from Kansas has said, we are both newcomers and maybe this is the time for me to sit down.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BURDICK). The question is on agreeing to the amendment of the Senator from Missouri (Mr. EAGLETON). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are detained on official business.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from New York would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from Illinois (Mr. SMITH) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Illinois would vote "yea" and the Senator from South Dakota would vote "nay."

The result was announced—yeas 28, nays 51, as follows:

[No. 177 Leg.]

YEAS—28

Brooke	Hatfield	Montoya
Cannon	Hollings	Muskie
Case	Hughes	Pastore
Cranston	Inouye	Pell
Eagleton	Javits	Ribicoff
Fulbright	Kennedy	Schweiker
Gore	Mathias	Scott
Gravel	McGee	Symington
Harris	McGovern	
Hart	Mondale	

NAYS—51

Aiken	Dominick	McIntyre
Allen	Ellender	Metcalf
Allott	Ervin	Miller
Baker	Fannin	Moss
Bellmon	Fong	Packwood
Bennett	Griffin	Percy
Bible	Gurney	Prouty
Boggs	Hansen	Proxmire
Burdick	Holland	Randolph
Byrd, Va.	Hruska	Smith, Maine
Byrd, W. Va.	Jackson	Sparkman
Church	Jordan, N.C.	Spong
Cook	Jordan, Idaho	Stevens
Cooper	Long	Talmadge
Cotton	Magnuson	Thurmond
Curtis	Mansfield	Williams, Del.
Dole	McClellan	Young, N. Dak.

NOT VOTING—21

Anderson	McCarthy	Smith, Ill.
Bayh	Mundt	Stennis
Dodd	Murphy	Tower
Eastland	Nelson	Tydings
Goldwater	Pearson	Williams, N.J.
Goodell	Russell	Yarborough
Hartke	Saxbe	Young, Ohio

So Mr. EAGLETON's amendment was rejected.

Mr. COTTON. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 730

Mr. PELL. Mr. President, I call up my amendment No. 730, and ask unanimous consent to dispense with the reading of the amendment.

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

Amendment No. 730 is as follows:

On page 5, after line 6, insert the following:

"INITIAL FUNDING OF PROGRAMS

"For carrying out titles VIII, IX, X, and XI of the Higher Education Act of 1965, the International Education Act of 1966, and section 808 of the Elementary and Secondary Education Act of 1965, as amended, $4,500,000, of which $500,000 shall be for said title VIII of the Higher Education Act of 1965, $500,000 shall be for said title IX of the Higher Education Act of 1965, $500,000 for said title X of the Higher Education Act of 1965, $500,000 shall be for said title IX of the Higher Education Act of 1965, $500,000 shall be for said International Education Act of 1966, and $2,000,000 shall be for said section 808 of the Elementary and Secondary Education Act of 1965."

Mr. PELL. Mr. President, in my previous general statement on the pending business I spoke of the many authorized education programs for which no funding has been recommended by the Committee on Appropriations.

To me, this nonfunding is an annulment of the legislative process. Indeed, to my mind, not funding an already authorized program is in effect saying to the American public that we do not support the concept embodied in this program and calls into question the judgment of the Congress when it adopted the various pieces of legislation establishing these nonfunded programs.

Amendment No. 730 would provide for an initial funding of six authorized education programs for which no funding is recommended. Copies of the amendment are available.

The total amount of funds called for by this amendment is $4.5 million and breaks down as follows:

The networks for knowledge program under title VIII of the Higher Education Act of 1965, which provides for grants to encourage colleges to share administrative and technical resources and which has an authorization of $15 million, would be funded at $500,000.

Title IX of the Higher Education Act of 1965, which provides for grants to improve programs of education and fellowships for public service and which has an authorization of $13 million, would be funded at $500,000.

Title X of the Higher Education Act of 1965, which provides for grants to strengthen and improve the quality of graduate programs leading to a doctoral or professional degree and which has an authorization of $10,000,000, would be funded at $500,000.

Law school clinical experience program under title XI of the Higher Education Act of 1965, which provides for contracts with law schools for clinical experience in the practice of law and which has an authorization of $7.5 million, would be funded at $500,000.

The International Education Act of 1966, which provides for grants to establish and support graduate centers as national and international resources for research and education in international studies and which has an authorization of $90,000,000, would be funded at $500,000.

School health and demonstration projects, authorized under the Elementary and Secondary Education Act Amendments of 1969 at a $10,000,000 level to provide for projects to demonstrate model approaches in coordinating Federal, State, and local resources to provide health and nutrition services to children from low-income families would be funded at $2,000,000.

Mr. President, as can be seen from the breakdown of the amendment, except for the health and nutrition figure, the amounts I am asking for are miniscule. Indeed, they are less than 5 percent of the total authorization for each program and in the case of the International Education Act less than 1 percent of the total authorization.

The project grants as envisioned by the authorizing legislation for the six programs could not be funded except in the case of the health and nutrition demonstration projects, at the funding level I am proposing. However, 500,000 for each program would allow for some basic groundwork by the agency in the way of studies and recommendations for future activities in the hope that funds will become more available.

The small grants would also demonstrate to the education community of the Nation the good faith of the Senate, with a commitment to implement legislation on the books. I urge adoption of the amendment.

Mr. MAGNUSON. Mr. President, the Senator from New Hampshire and the Senator from Washington have gone over the amendment very carefully. We came to the conclusion that we will be glad to take it to conference.

Mr. PELL. In view of the wisdom of the Senate, and my faith in the veracity of the manager of the bill, I shall not ask for a rollcall.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. MAGNUSON. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

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

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

The bill (H.R. 16916) was read the third time.

Mr. SCOTT. Mr. President, the education of our children is of paramount importance to all Americans. There is no school board in the country which has escaped the close scrutiny of the parents of the children whom it serves. I am proud of the Federal Government's continuing role in this effort and wish, at this time, to express my unqualified support for the pending bill, H.R. 16916, the fiscal 1971 Office of Education appropriations bill. For Pennsylvania, this Senate Appropriations Committee version will provide an additional $20.5 million over last year's total of $130 million.

The U.S. Office of Education operates several different programs in Pennsylvania. Money to educate our elementary and secondary school children will total $93.7 million, an increase of $15 million. Education for the handicapped is increased over fiscal year 1970 spending by $200,000 to $1.9 million. For vocational and adult education programs, Pennsylvania will be receiving an additional $4 million, up from last year's total of $21.9 million, thus providing $25.9 million. Our institutions of higher education are slated to receive $1 million more than last year, bringing it to a level of $26.2 million. Community education programs will be provided $2.8 million, an increase of $400,000 over last year.

Mr. President, the Nixon administration will be living up to its goal of universal education with the approval of this bill. The commitment is there. The money must follow. Pennsylvania stands to gain, in this Senate version of the Office of Education appropriation bill, an additional $20.5 million over last year's total, and I urge my colleagues to pledge their further support to education by voting to provide the necessary funds.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I wish to address a question to the distinguished majority leader. I do not think I need to begin by asking what time it is, but I would like to inquire what time we meet

tomorrow, and what is the next order of business.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is anticipated that, following the disposal of the pending business, the leadership will lay before the Senate Calendar No. 913, S. 3842, a bill to improve and modernize the postal service, and to establish a U.S. Postal Service. I hope we will not spend too many days on that.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of coming in at 9 o'clock tomorrow, in view of the length of this day, that we come in at 10 o'clock instead. [Laughter.]

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. At that time, we will take up the 17 conference reports on the stockpile bills, and go back over on the pending business, and, at that time, I hope that the Senator from Indiana (Mr. HARTKE) will propose his amendment. The Senator from Washington will propose his amendment if he intends to do so, then the Senator from Iowa (Mr. MILLER), and others will have their amendments ready.

Whether or not we will meet on Saturday is still an open question, but if Senators have any engagements, keep your options open both ways.

Mr. PASTORE. How about Sunday?

Mr. MANSFIELD. Off.

OFFICE OF EDUCATION APPROPRIATIONS 1971

The Senate resumed the consideration of the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), the Senator from Ohio (Mr. YOUNG), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 74, nays 4, as follows:

[No. 178 Leg.]

YEAS—74

Aiken	Fong	McIntyre
Allen	Fulbright	Metcalf
Allott	Gore	Miller
Baker	Gravel	Mondale
Bellmon	Griffin	Montoya
Bennett	Gurney	Moss
Bible	Hansen	Muskie
Boggs	Harris	Packwood
Brooke	Hart	Pastore
Burdick	Hatfield	Pell
Byrd, Va.	Hollings	Percy
Byrd, W. Va.	Hruska	Prouty
Cannon	Hughes	Proxmire
Case	Inouye	Randolph
Church	Jackson	Ribicoff
Cook	Javits	Schweiker
Cooper	Jordan, N.C.	Scott
Cranston	Jordan, Idaho	Smith, Maine
Curtis	Kennedy	Sparkman
Dole	Long	Spong
Dominick	Magnuson	Stevens
Eagleton	Mansfield	Symington
Ellender	Mathias	Talmadge
Ervin	McGee	Young, N. Dak.
Fannin	McGovern	

NAYS—4

Cotton	Thurmond	Williams, Del.
Holland		

NOT VOTING—22

Anderson	McClellan	Smith, Ill.
Bayh	Mundt	Stennis
Dodd	Murphy	Tower
Eastland	Nelson	Tydings
Goldwater	Pearson	Williams, N.J.
Goodell	Russell	Yarborough
Hartke	Saxbe	Young, Ohio
McCarthy		

So the bill (H.R. 16916) was passed.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the total floor increases, the total of the Senate bill, the budget estimates, and the House bill, and the figures involved.

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

Total floor increases	$265,450,000
Total of Senate bill	4,782,871,000
Under Budget estimate (budget estimate including advance funding)	−373,003,000
Over House	+655,757,000
Over 1970	+969,093,350

Mr. MAGNUSON. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. RUSSELL, Mr. STENNIS, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. HOLLAND, Mr. COTTON, Mr. CASE, Mr. FONG, Mr. BOGGS, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the hour is so late I hesitate taking any additional time of the Senate. However, I cannot let the Senate adjourn before extending to the distinguished senior Senator from Washington (Mr. MAGNUSON), the deepest thanks of a grateful Senate.

There is no question that WARREN MAGNUSON is unexcelled as a legislator of the greatest skill and ability. Time and again he has proven that simple fact. On this matter, the Nation's education programs were at stake. What could be more vital for the country? Yet, from the standpoint of finding Senator MAGNUSON carefully and with the greatest skill just steered through the Senate one of the strongest education programs in history.

But, of course, the cooperation of the entire Senate was needed for this achievement. That such cooperation was obtained was most evident. I personally am deeply grateful.

I am grateful especially to the distinguished Senator from New Hampshire (Mr. COTTON). As the ranking minority member of the subcommittee he assisted as always with the strong and deep support that assured this magnificent success.

Again, to Senator MAGNUSON, to Senator COTTON and to the entire Senate let me say that I appreciate your cooperation, your indulgence and your patience.

THE POSTAL REORGANIZATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 912, S. 3842. I do this so that the bill will become the pending business on the "second shift," under the same stipulations as those in relation to the "first shift" bill.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 3842) to improve and modernize the postal service and to establish the United States Postal Service.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service, with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Postal Reorganization Act".

UNITED STATES POSTAL SERVICE

SEC. 2. Title 39, United States Code, is amended to read as follows:

"TITLE 39—POSTAL SERVICE

"Part Sec.
"I. General 101
"II. Personnel 1101
"III. Modernization and fiscal administration 2101
"IV. Mail Matter 3101
"V. Transportation of Mail 5101

"PART I—GENERAL

"Chapter Sec.
"1. Postal Policy; Definitions; Application 101
"3. Organization 301
"5. General Authority 501
"7. Private Carriage of Letters 701

"Chapter 1.—POSTAL POLICY; DEFINITIONS; APPLICATION

"Sec.
"101. Postal policy.
"102. Public service cost.
"103. Definitions.
"104. Application.

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

"(b) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancement of all officers and employees and the achievement of a worthwhile and satisfying career in the service of the United States.

"(c) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

"(d) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

"(e) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

"(f) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

"§ 102. Public service cost

"To provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining, and to prevent either reductions in services or unreasonable increases in postal rates, there shall be appropriated to the Postal Service each year an amount of money which shall represent the public service cost of operating the Postal Service.

"§ 103. Definitions

"As used in this title—

"(1) 'Postal Service' means the United States Postal Service established by section 301 of this title; and

"(2) 'Board of Governors', unless the context otherwise requires, means the 'Postal Service'.

"§ 104. Application

"This title has the same force and effect within Guam as within other possessions of the United States.

"Chapter 3.—ORGANIZATION

"Sec.
"301. United States Postal Service.
"302. Board of Governors.
"303. Members of Congress serving on the Board of Governors.
"304. Assistant Postmasters General and the General Counsel.
"305. Procedures of the Board of Governors.
"306. Advisory Council.
"307. Seal.
"308. Judicial Officer.

"§ 301. United States Postal Service

"There is hereby established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

"§ 302. Board of Governors

"(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 15 members appointed in accordance with this section and section 303 of this title. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. One of the Governors shall be designated as Chairman who shall serve in such capacity at the pleasure of the President. The Governors shall be chosen to represent the public interest generally, and not as representatives of specific interests connected with the Postal Service, and may be removed only for cause. The Governors shall receive a salary of $10,000 a year plus $300 a day for each meeting, and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board.

"(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of the appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The Governors shall appoint and shall have discretionary power to remove the Postmaster General, who shall be the chief executive officer of the Postal Service and shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

"(d) The Governors and the Postmaster General shall appoint and shall have discretionary power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

"§ 303. Members of Congress serving on the Board of Governors

"(a) Four nonvoting members of the Board of Governors shall be appointed as follows:

"(1) 2 from the United States House of Representatives, 1 of whom shall be appointed by the Speaker of the House and the second by the Minority Leader of the House; and

"(2) 2 from the United States Senate, 1 of whom shall be appointed by the President pro tempore of the Senate and the second by the Minority Leader of the Senate.

"(b) The Congressional members so appointed shall participate fully in the deliberations of the Board, but shall have no executive responsibilities or functions. They shall take whatever action they consider appropriate to insure that—

"(1) the other members of the Board are apprised of Congressional attitudes on the various matters before the Board; and

"(2) Congress is apprised of the progress of the Postal Service, and of problems that might exist in the Postal Service;

to the ends that Congressional oversight of the Nation's postal system shall be fully preserved, as shall the service characteristics of the postal system.

"§ 304. Assistant Postmasters General and the General Counsel.

"There shall be within the Postal Service a General Counsel and such number of Assistant Postmasters General as the Board of Governors shall consider appropriate. The General Counsel and the Assistant Postmasters General shall be appointed by, and serve at the pleasure of, the Board and shall perform such duties as the Board may prescribe.

"§ 305. Procedures of the Board of Governors

"(a) The Board of Governors shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

"(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

"(c) The Board shall act upon majority vote of those voting members who are present, and any 6 voting members present shall constitute a quorum for the transaction of business by the Board, except—

"(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

"(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

"(3) as otherwise provided in this title.

"(d) No officer or employee of the United States may serve concurrently as a Governor. The Governors may hold any other office or employment not inconsistent or in conflict with their duties, responsibilities, and powers as officers of the Government of the United States in the Postal Service.

"§ 306. Advisory Council

"(a) There shall be a Postal Service Advisory Council, of which the Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(b) The Board of Governors shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

"(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

"§ 307. Seal

"The seal of the Postal Service, filed by the Board of Governors in the Office of the Secretary of State, which shall be judicially noticed, shall be affixed to all commissions of officers of the Postal Service and used to authenticate records of the Postal Service.

"§ 308. Judicial Officer

"A Judicial Officer, appointed by the Board of Governors, shall perform such quasi-judicial duties, not inconsistent with chapter 37 of this title, as the Board may designate. He shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Board.

"Chapter 5.—GENERAL AUTHORITY

"Sec.
"501. General powers of the Postal Service.
"502. Delegation of authority.
"503. General duties.
"504. Specific powers.
"505. Printing of illustrations of United States postage stamps.
"506. Postal services at Armed Forces installations.
"507. International postal arrangements.
"508. International money-order exchanges.
"509. Suits by and against the Postal Service.
"510. Application of other laws.
"511. Cooperation with other Government agencies.
"512. Nondisclosure of lists of names and addresses.

"§ 501. General powers of the Postal Service

"The Postal Service shall have the following general powers:

"(1) to sue and be sued in its official name;

"(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

"(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

"(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

"(5) to acquire in any lawful manner such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charge therefor;

"(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2102 of this title;

"(7) to accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business;

"(8) to settle and compromise claims by or against it;

"(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

"(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

"§ 502. Delegation of authority

"Except for those powers, duties, or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General or to any other officer or employee of the Postal Service under such terms, conditions, and limitations—including the power of redelegation—as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to officers, employees, or committees shall not be inconsistent with other provisions of this title; such delegations shall not relieve the Board of full responsibility for the carrying out of its duties and functions; and any such delegations shall be revocable by the Board in its exclusive judgment.

"§ 503. General duties

"(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 506–508 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. It shall serve as nearly as practicable the entire population of the United States.

"(b) It shall be the responsibility of the Postal Service—

"(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

"(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

"(3) to establish and maintain postal facilities of such character and in such locations that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

"(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

"§ 504. Specific powers

"Without limitation of the generality of its powers, Postal Service shall have the following specific powers, among others:

"(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

"(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

"(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

"(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

"(5) to provide philatelic services;

"(6) to provide, establish, change, or abolish special, nonpostal, or similar services;

"(7) to investigate postal offenses and civil matters relating to the Postal Service; and

"(8) to offer and pay rewards for information and services in connection with violations of the postal laws.

"§ 505. Printing of illustrations of United States postage stamps

"(a) When requested by the Board of Governors, the Public Printer shall print as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Board deems suitable.

"(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

"§ 506. Postal services at Armed Forces installations

"(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

"(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

"§ 507. International postal arrangements

"(a) The Board of Governors, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Board construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

"(b) The Board shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.

"§ 508. International money-order exchanges

"The Board of Governors may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

"§ 509. Suits by and against the Postal Service

"(a) The United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

"(b) The provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

"(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

"(d) The Department of Justice shall furnish the Postal Service such legal representation as it may require pursuant to section 511 of this title, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers

or employees in matters affecting the Postal Service.

"§ 510. Application of other laws

"(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public, United States or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

"(b) The following provisions shall apply to the Postal Service:

"(1) section 552 (public information), section 3333 and chapters 71 (employee policies) and 73 (suitability, security, and conduct of employees), and section 5532 (dual pay) of title 5, except that no regulation issued pursuant to such chapters or sections shall apply to the Postal Service unless expressly made so applicable;

"(2) all provisions of title 18 dealing with the Postal Service, the mails and officers or employees of the Government of the United States;

"(3) the following provisions of title 40:

"(A) sections 258a–258e (relating to condemnation proceedings);

"(B) sections 270a–270e (known as the Miller Act, relating to performance bonds);

"(C) sections 276a—276a–7 (known as the Davis-Bacon Act, relating to prevailing wages);

"(D) section 276c (relating to wage payments of certain contractors);

"(E) chapter 5 (the Contract Work Hours Standards Act); and

"(F) chapter 15 (the Government Losses in Shipment Act);

"(4) the following provisions of title 41:

"(A) sections 35–45 (known as the Walsh-Healey Act, relating to wages and hours); and

"(B) chapter 6 (the Service Contract Act of 1965); and

"(5) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964).

"(c) Subsection (b)(1) of this section shall not require the disclosure of—

"(1) the name or address, past or present, of any postal patron;

"(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

"(3) information prepared for use in connection with the negotiation of collective-bargaining agreements pursuant to part II of this title or minutes of, or notes kept during, negotiating sessions conducted pursuant to such part;

"(4) information prepared for use in connection with proceedings under chapter 37 of this title;

"(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

"(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

"(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the buildings or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.

"(2) The Postal Service and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan Numbered 14 of 1950, title 5, appendix, and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under paragraph (1) of this subsection.

"(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

"§ 511. Cooperation with other Government agencies

"Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish goods, property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish such goods, property, and services to them. The furnishing of goods, property, and services pursuant to this section shall be under such terms and conditions, including reimbursability, as the Board of Governors and the head of the agency concerned shall deem appropriate.

"§ 512. Nondisclosure of lists of names and addresses

"Notwithstanding any provision of subchapter II of chapter 5 of title 5, section 510 (b) of this title, or any other provision of law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

"Chapter 7.—Private Carriage of Letters

"Sec.
"701. Letters carried out of the mail.
"702. Foreign letters out of the mails.
"703. Searches authorized.
"704. Seizing and detaining letters.
"705. Searching vessels for letters.
"706. Disposition of seized mail.

"§ 701. Letters carried out of the mail

"(a) A letter may be carried out of the mails when—

"(1) it is enclosed in an envelope;

"(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

"(3) the envelope is properly addressed;

"(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

"(5) any stamps on the envelope are canceled in ink by the sender; and

"(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

"(b) The Board of Governors may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

"§ 702. Foreign letters out of the mails

"(a) Except as provided in section 701 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

"(1) has not been regularly received from a United States post office; or

"(2) does not relate to the cargo of the vessel.

"(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport any letter contrary to the provisions of this section.

"(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

"§ 703. Searches authorized

"The Board of Governors, by letter of authority filed in the Postal Service, may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reasons to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

"(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

"(2) article being, or having lately been, in the vehicle; or

"(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

"§ 704. Seizing and detaining letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Board of Governors or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

"§ 705. Searching vessels for letters

"An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Board of Governors to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

"§ 706. Disposition of seized mail

"Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

"PART II—PERSONNEL

"Chapter Sec.
"11. Employment Within the Postal Service ---------- 1101
"13. Employee-Management Agreements ---------- 1301

"Chapter 11.—EMPLOYMENT WITHIN THE POSTAL SERVICE

"Sec.
"1101. Appointment and status.
"1102. Right of transfer.
"1103. Nonpartisan nature of appointments.
"1104. Officers and employees of the Post Office Department.
"1105. Terms of employment.
"1106. Retirement rights.
"1107. Seniority for employees in rural service.
"1108. Personnel not to receive fees.
"1109. Administration of oaths related to postal inspection matters.
"1110. Oath of office.

"§ 1101. Appointment and status

"(a) Except as otherwise provided in this title, the Board of Governors shall appoint all officers and employees of the Postal Service.

"(b) Officers and employees of the Postal Service shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures subject to section 1104 and chapter 13 of this title, to assure its officers and employees meaningful opportunities for promotion and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing. Subject to subsection (c) of this section, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with—

"(1) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or

"(2) procedures established by the Postal Service and approved by the Civil Service Commission.

"(c) The Postal Service may hire individuals on long-term employment contracts when necessary, as executive officers and employees. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any executive officer or employee. Removal, however, shall be without prejudice to the contract rights of the individual removed.

"(d)(1) Those provisions of title 5 which were formerly known as the Veterans' Preference Act shall apply to the Postal Service. The provisions of section 459 of title 50, appendix (concerning reemployment rights of former military personnel), shall apply to the Postal Service in the same manner and to the same extent as to private employers. Without compromising its basic mission, the Postal Service shall pursue an employment policy designed to extend opportunity to the disadvantaged and the handicapped.

"(2) Officers and employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries, as that subchapter may from time to time be amended.

"(3) Section 5941 of title 5 shall apply to the Postal Service. For purposes of such section, the pay of officers and employees of the Postal Service shall be considered to be fixed by statute, and the basic pay of an employee shall be the pay (but not any allowance or benefit) of that officer or employee established in accordance with the provisions of this title.

"(e) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board) and as any officer or employee of any other department, agency, or establishment of the Government of the United States.

"§ 1102. Right of transfer

"Officers and employees in the postal career service of the Postal Service shall be eligible for promotion or transfer to any other position in the Postal Service or the executive branch of the Government of the United States for which they are qualified. The authority given by this section shall be used to provide a maximum degree of career promotion opportunities for officers and employees and to insure continued improvement of postal services.

"§ 1103. Nonpartisan nature of appointments

"Except as otherwise provided in this title, political recommendations, tests, or qualifications for the appointment of any person to any position in the Postal Service, including postmasters, shall not be taken into account by the President, the Board of Governors, or any person to whom the Board has delegated the authority to make appointments. All appointments, promotions, and transfers shall be made only on the basis of the merit, qualifications, and fitness for duty of the person involved, and with the principal objective of improving postal services. The President and the Board shall have the power to take any action they determine necessary and proper, including suspension, removal from office, or permanent disqualification from the Postal Service, to enforce the provisions of this section.

"§ 1104. Officers and employees of the Post Office Department

"(a) Officers and employees of the Post Office Department on the effective date of this section shall remain officers and employees of the Postal Service under the terms of this title. The provisions of this section shall be inapplicable to the Postmaster General, the Deputy Postmaster General, the Assistant Postmaster General and General Counsel of the Post Office Department, but nothing in this section shall make such persons ineligible for employment by the Postal Service.

"(b) Sick and annual leave, and compensatory time of such officers and employees, whether accrued prior to or after commencement of operations of the Postal Service, shall be obligations of the Postal Service under the provisions of this chapter.

"(c) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 13 of this title. Subject to the provisions of this chapter and chapter 13 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

"§ 1105. Terms of employment

"(a) Except as provided under chapters 3 and 13 of this title or other provision of law, the Board of Governors shall classify and fix the compensation and benefits of all officers and employees in the Postal Service. It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy, but no officer or employee shall be paid compensation at a rate in excess of the rate of level I of the Executive Schedule under section 5312 of title 5.

"(b) In exercising its authority under this section, the Board shall provide a program for consultation with recognized organizations of officers and employees of the Postal Service other than those subject to collective-bargaining agreements under chapter 13 of this title. Such organizations, upon presentation of evidence satisfactory to the Board that their membership constitutes a substantial percentage of all officers and employees in their occupations or positions, shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to officers and employees in such occupations. Organizations recognized under this subsection shall be entitled to the provisions of section 1305 of this title relating to deductions of assessments.

"(c) The Postal Service shall have the right, consistent with chapter 13 of this title and applicable laws, regulations, and collective-bargaining agreements—

"(1) to direct officers and employees of the Postal Service in the performance of official duties;

"(2) to hire, promote, transfer, assign, and retrain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

"(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

"(4) to maintain the efficiency of the operations entrusted to it;

"(5) to determine the methods, means, and personnel by which such operations are to be conducted; and

"(6) to take whatever actions may be necessary to carry out its mission in situations of emergency.

"(d) No individual who is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization, may be required to join or financially support any labor organization as a condition of employment if such individual pays to the Treasurer of the United States a sum equal to the initiation fees, dues, and assessments uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the individual unless the individual and labor organization mutually agree upon some other condition of employment.

"§ 1106. Retirement rights

"Officers and employees of the Postal Service shall be covered by chapter 83 of title 5 relating to the civil service retirement program, as that chapter may from time to time be amended. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in such chapter. The Postal Service, upon request of the Civil Service Commission, but not less frequently than annually, shall pay to the Civil Service Commission the costs reasonably related to administration or fund activities for officers and employees of the Postal Service.

"§ 1107. Seniority for employees in rural service

"Subject to agreements made under chapter 13 of this title, the seniority of an employee of the Postal Service occupying a position whose regular duty involves the collection and delivery of mail on a rural route shall be preserved. Seniority for such employee shall commence on the first day of his service in such a position, or, in the event such an employee transfers to another such position, on the day he enters duty in the other position. Upon initial assignment, such an employee shall be assigned to the least desirable route and shall attain assignment to more desirable routes by seniority. Promotions and assignments for such an employee in such position shall be based on seniority and ability. If ability be sufficient, seniority shall govern.

"§ 1108. Personnel not to receive fees

"An officer or employee of the Postal Service may not receive any fee or prerequisite from a patron of the Postal Service on account of

the duties performed by virtue of his appointment, except as authorized by law.

"§ 1109. Administration of oaths related to postal inspection matters

"Officers and employees of the Postal Service performing duties related to the inspection of postal matters may administer oaths required or authorized by law or regulation with respect to any matter coming before them in the performance of their official duties.

"§ 1110. Oath of office

"Before entering upon their duties and before receiving any salary, all officers and employees of the Postal Service shall take and subscribe the following oath or affirmation:

"'I, ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.'

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States or any officer or employee of the Postal Service designated by the Board of Governors may administer and certify the oath or affirmation.

"Chapter 13.—EMPLOYEE-MANAGEMENT AGREEMENTS

"Sec.
"1301. Definition.
"1302. Bargaining units.
"1303. Recognition of labor organizations.
"1304. Elections.
"1305. Deductions of assessments.
"1306. Collective-bargaining agreements.
"1307. Labor disputes.
"1308. Suits.
"1309. Applicability of Federal labor laws.

"§ 1301. Definition

"As used in this chapter, 'guards' means—

"(1) maintenance guards, who are on the effective date of this chapter in key position KP-5, under the provisions of section 3514 of title 39, as such section existed on the day prior to the effective date of this chapter; and

"(2) security guards, who may be employed in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises.

"§ 1302. Bargaining units

"The National Labor Relations Board shall decide in each case the national unit appropriate for collective bargaining in the Postal Service. Such units shall be national craft units such as those previously recognized under Executive Order 10988. The National Labor Relations Board shall not include in any bargaining unit—

"(1) any management official or supervisor;

"(2) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

"(3) both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or

"(4) together with other employees, any individual employed as a security guard to enforce against employees and other persons, rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

"§ 1303. Recognition of labor organizations

"(a) The Postal Service shall accord national exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

"(b) Existing national exclusive recognition and national agreements and supplements entered into by the former Post Office Department pursuant to Executive Order 10988 or Executive Order 11491 shall continue to be recognized until altered or amended pursuant to law.

"(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

"(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

"(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

"(d) A petition filed under subsection (c)(1) of this section shall be accompanied by a statement signed by at least 30 percent of the employees in the appropriate unit stating they desire that an election be conducted for the purpose set forth in such subsection.

"(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

"§ 1304. Elections

"(a) All elections authorized under this chapter shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or 'no union'.

"(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the 2 choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

"(c) No election shall be held in any bargaining unit within which, in the preceding 12-month period, a valid election has been held.

"§ 1305. Deductions of assessments

"If a labor organization holds national exclusive recognition, or if a labor organization was accorded national formal recognition on or before January 1, 1970 by the former Post Office Department, the Postal Service shall deduct the regular and periodic initiation fees, dues, and assessments of the organization from the pay of all members of the organization in the unit of recognition, if the Postal Service has received from each employee on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than 1 year.

"§ 1306. Collective-bargaining agreements

"(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1303 of this title shall be effective for not less than 2 years.

"(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1303 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

"(c) The Postal Service and bargaining representatives recognized under section 1303 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"§ 1307. Labor disputes

"(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, nor not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, if no agreement has been reached by that time.

"(b) In the event the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel which shall consist of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select 1 person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall after due investigation issue a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names is submitted.

"(c)(1) In the event no agreement is reached within 90 days after the expiration or termination of the agreement or date on which the agreement became subject to modification under subsection (b) of this section, or if the parties decided upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. In the event the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the

issues and submit them to the arbitration board.

"(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

"(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

"(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement with 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.

"§ 1308. Suits.

"(a) The courts of the United States shall have jurisdiction in respect to actions brought by the National Labor Relations Board under this chapter to the same extent that they have jurisdiction in respect to actions under title 29.

"(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

"(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

"(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

"(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

"§ 1309. Applicability of Federal labor laws

"(a) Employee-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 of title 29.

"(b) The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 1303 of this title, and to such organizations' officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29. In addition to the authority conferred on him under section 438 of title 29, the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Board of Governors, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"PART III—MODERNIZATION AND FISCAL ADMINISTRATION

"Chapter Sec.
"21. FINANCE ---------- 2101
"23. CONVICT LABOR ---------- 2301
"25. APPROPRIATIONS AND ANNUAL REPORT ---------- 2501
"27. DEBTS AND COLLECTION ---------- 2701

"Chapter 21.—FINANCE

"Sec.
"2101. Definitions.
"2102. Capital of the Postal Service.
"2103. The Postal Service Fund.
"2104. Transitional appropriations.
"2105. Obligations.
"2106. Relationship between the Treasury and the Postal Service.
"2107. Public debt character of the obligations of the Postal Service.
"2108. Audit and expenditures.
"2109. Annual budget.

"§ 2101. Definitions

"As used in this chapter—

"(1) 'Fund' means the Postal Service Fund established by section 2103 of this chapter; and

"(2) 'obligations', when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

"§ 2102. Capital of the Postal Service

"(a) The initial capital of the Postal Service shall consist of the equity, as reflected in the budget of the President, of the Government of the United States in the former Post Office Department. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Board of Governors subject to the approval of the Comptroller General, in accordance with the following guidelines:

"(1) Assets shall be valued on the basis of original cost, less depreciation, to the extent that this can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

"(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the Government of the United States, except that upon commencement of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

"(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

"(c) The Board, and the Administrator of General Services where properties under the jurisdiction of the Administrator are involved, with the approval of the Director of the Office of Management and Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain under the jurisdiction of any other department, agency, or establishment of the Government of the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

"(1) the mail equipment shops located in Washington, District of Columbia;

"(2) all machinery, equipment, and appurtenances of the former Post Office Department;

"(3) all real property whose ownership was acquired by the Postmaster General under former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date, is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

"(4) all real property of which 55 percent or more is occupied by and under control of the former Post Office Department immediately prior to the effective date of this section;

"(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

"(6) all other property and assets of the former Post Office Department.

"(d) After the commencement of operations of the Postal Service, the President is authorized to transfer to the Postal Service, and the Board is authorized to transfer to other departments, agencies, or establishments of the Government of the United States, with or without reimbursement, any property of that department, agency, or establishment and the Postal Service, respectively, when the public interest would be served by such transfer.

"§ 2103. The Postal Service Fund

"(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Board of Governors without fiscal-year limitation to carry out the purposes, functions, and powers authorized by this title.

"(b) There shall be deposited in the Fund, subject to withdrawal by check by the Board—

"(1) revenues from postal and nonpostal services rendered by the Postal Service;

"(2) amounts received from obligations issued by the Board;

"(3) amounts appropriated for the use of the Postal Service;

"(4) interest which may be earned on investments of the Fund;

"(5) any other receipts of the Postal Service; and

"(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

"(c) If the Board determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

"(d) With the approval of the Secretary of the Treasury, the Board may deposit moneys of the Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Board and the Secretary may mutually agree.

"(e) The Fund shall be available for the payment of all expenses incurred by the Board in carrying out its functions under this title. Neither the Fund nor any of the funds credited to it shall be subject to ap-

portionment under the provisions of section 665 of title 31.

"§ 2104. Transitional appropriations

"Such as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with chapter 37 of this title are hereby authorized to be appropriated to the Fund without regard to fiscal-year limitation.

"§ 2105. Obligations

"(a) The Board of Governors is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

"(b) The Board may pledge the assets of the Postal Service and pledge and use its revenues and receipts for the payment of the principal of or interest on such obligations, for the purchase of redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable. The Board is authorized to enter into binding covenants with the holders of such obligations, and with the trustee, if any, under any agreement entered into in connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Board may deem necessary or desirable to enhance the marketability of such obligations.

"(c) Obligations issued by the Board under this section—

"(1) shall be in such forms and denominations;

"(2) shall be sold at such times and in such amounts;

"(3) shall mature at such time or times;

"(4) shall be sold at such prices;

"(5) shall bear such rates of interest;

"(6) may be redeemable before maturity at the option of the Board in such manner and at such times and redemption premiums;

"(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

"(8) shall be subject to such other terms and conditions;

as the Board determines.

"(d) Obligations issued by the Board under this section shall—

"(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

"(2) contain a recital that they are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

"(3) be unlawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired by them under this section;

"(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

"(5) not be obligations of, nor shall payment of the principal thereof or interest thereon bee guaranteed by, the United States, except as provided in subseection (c) of section 2106 of this title.

"§ 2106. Relationship between the Treasury and the Postal Service

"(a) At least 15 days before selling any issue of obligations under section 2105 of this title, the Board of Governors shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Board may agreee, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Board may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

"(b) Subject to the conditions of subsection (a) of this section, the Board may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

"(c) Notwithstanding subsection (d)(5) of section 2105 of this title, obligations issued by the Board shall be obligations of the Government of the United States, and payment of principal and interest thereon shall be fully guaranteed by the Government of the United States, such guaranty being expressed on the face thereof, if and to the extent that—

"(1) the Board requests the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest thereon; and

"(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

"§ 2107. Public debt character of the obligations of the Postal Service

"For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

"§ 2108. Audit and expenditures

"(a) The accounts of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

"(b) The Board of Governors shall maintain an adequate internal audit of the financial transactions of the Postal Service.

"(c) Subject only to the provisions of this chapter, the Board is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

"(d) Nothing in this section shall be construed as denying to the Board the power to obtain audits of the accounts of the Postal Service and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

"(e) The Board shall obtain, not less than once each year, a certification from an independent, certified public accounting firm, of the accuracy of any financial statements of the Postal Service used in determining and establishing postal rates.

"§ 2109. Annual budget

"The Board of Governors shall cause to be prepared annually a business-type budget which shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings.

"CHAPTER 23.—CONVICT LABOR

"Sec.

"2301. No postal equipment or supplies manufactured by convict labor.

"§ 2301. No postal equipment or supplies manufactured by convict labor

"Except as provided in chapter 307 of title 18, the Board of Governors may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

"CHAPTER 25.—APPROPRIATION AND ANNUAL REPORT

"Sec.

"2501. Appropriations.

"2502. Annual report.

"§ 2501. Appropriations.

"(a) There is appropriated to the Postal Service all revenues received by the Postal Service.

"(b) There are authorized to be appropriated to the Postal Service each year out of moneys in the Treasury not otherwise appropriated—

"(1) in order to provide a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, an amount equal to the public service cost for that year determined by the Board of Governors under section 3703 of this title;

"(2) an amount equal to the lesser of 10 percent of the annual debt service includ-

ing interest, amortization or other provision for payment of principal, and amortization of debt discount and expense) on obligations issued under chapter 21 of this title or $100,000,000; and

"(3) a sum for each year determined by the Board to be equal to the difference between the revenues the Postal Service would have received if sections 3302, 3704(1), and 3709 and chapter 35 of this title had not been enacted and the estimated revenues to be received on mail carried under such sections and chapter.

"(c) In its request for funds to be appropriated under subsection (b)(1) of this section, the Board shall present to the appropriate committees of the Congress a comprehensive statement of its compliance with the public service policy established under section 102 of this title.

"(d) Each year after 1975, the Board shall present to the Congress a comprehensive statement on the necessity and desirability of maintaining the amount of public service appropriation specified under section 2501 (b)(1) of this title. The Board may recommend the enactment of legislation providing for a reduction or a graduated elimination of the percentage of public service appropriation if in its judgment such a reduction or graduated elimination will not unreasonably reduce the existing levels of postal service or require significant increases in postal rates and fees.

"§ 2502. Annual report

"The Board of Governors shall report annually to the President and the Congress on the operations and financial status of the Postal Service.

"Chapter 27.—DEBTS AND COLLECTION

"Sec.
"2701. Collection and adjustments of debts.
"2702. Transportation of international mail by air carriers of the United States.
"2703. Settlement of claims for damages caused by the Postal Service.
"2704. Delivery of stolen money to owner.
"2705. Suits to recover wrongful or fraudulent payments.

"§ 2701. Collection and adjustments of debts

"(a) The Board of Governors—

"(1) shall collect debts due to the Postal Service;

"(2) shall collect and remit fines, penalties, and forfeitures arising out of matter affecting the Postal Service;

"(3) may adjust, pay, or credit the account of a postmaster or of an enlisted person of an Armed Force performing postal duties, for any loss of Postal Service funds, papers, postage, or other stamped stock or accountable paper; and

"(4) may prescribe penalties for failure to render accounts.

The Board may refer any matter, which is uncollectable through administrative action, to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

"(b) In all cases of disability or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, the Board shall determine whether the interests of the Postal Service probably require the exercise of its powers over the same. Upon the determination, the Board on such terms as it deems just and expedient, may—

"(1) remove the disability; or

"(2) compromise, release, or discharge the claim for such sum of money and damages.

"§ 2702. Transportation of international mail by air carriers of the United States

"(a) The Board of Governors may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

"(1) the Board puts into effect rates of compensation to be charged another country for transportation; and

"(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

"(b) When the Board has proceeded under authority of subsection (a) of this section, it shall—

"(1) give appropriate credit to the country involved;

"(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

"(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

"(c) The Board, from time to time may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by the Board to be due from another country to an air carrier for the transportation of its mails when—

"(1) collections are to be made by the United States for the account of air carriers; and

"(2) the Board determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the appropriation from which the advance is made shall be reimbursed by the collections made by the United States.

"(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within 12 months after payment or advance has been made, the United States may deduct the uncollected amount from any sums owed by it to the air carrier.

"(e) The Board shall adopt such accounting procedures as may be necessary to conform to and effect the purposes of this section.

"§ 2703. Settlement of claims for damages caused by the Postal Service

"When the Board of Governors finds a claim for damage to persons or property resulting from the operation of the Postal Service to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, it may adjust and settle the claim.

"§ 2704. Delivery of stolen money to owner

"When the Board of Governors is satisfied that money or property in the possession of the Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

"§ 2705. Suits to recover wrongful or fraudulent payments

"The Board of Governors shall request the Attorney General to bring a suit to recover with interest any payment made from moneys of, or credit granted by, the Postal Service as a result of—

"(1) mistake;

"(2) fraudulent representations;

"(3) collusion; or

"(4) misconduct of an officer or employee of the Postal Service.

"PART IV—MAIL MATTER

"Chapter	Sec.
"31. Nonmailable Matter	3101
"33. Penalty and Franked Mail	3301
"35. Free Postage	3501
"37. Establishing Postal Classes and Rates	3701

"Chapter 31.—Nonmailable Matter

"Sec.
"3101. Nonmailable matter.
"3102. Nonmailable motor vehicle master keys.
"3103. Mail bearing a fictitious name or address.
"3104. Delivery of mail to persons not residents of the place of address.
"3105. False representations; lotteries.
"3106. Unlawful matter.
"3107. Detention of mail for temporary periods.
"3108. Prohibition of pandering advertisements.

"§ 3101. Nonmailable matter

"(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717, or 1718 of title 18, is nonmailable.

"(b) Except as provided in subsection (c) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Board of Governors shall direct.

"(c)(1) Matter which—

"(A) exceeds the size and weight limits prescribed for the particular class of mail; or

"(B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

"(2) Matter made nonmailable by this subsection which reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender.

"(d) Matter otherwise legally acceptable in the mails which—

"(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

"(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried, or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

"(A) the following notice: 'This is a solicitation for the order of goods and/or services and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer.'; or

"(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

"(e) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

"§ 3102. Nonmailable motor vehicle master keys

"(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter and shall not be carried or delivered by mail.

"(b) The Board of Governors is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

"(c) For the purposes of this section, 'motor vehicle master key' means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or any exact duplicate of such keys) designed to operate 2 or more motor vehicle ignition,

door, or trunk locks of different combinations.

"§ 3103. Mail bearing a fictitious name or address

"(a) Upon evidence satisfactory to the Board of Governors that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal service of the United States, an activity in violation of sections 1302, 1341, and 1342 of title 18, it may—

"(1) withhold mail so addressed from delivery; and

"(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

"(b) The Board may issue an order directing that mail, covered by subsection (a) of this section, be forwarded to a dead letter office as fictitious matter, or be returned to the sender when the—

"(1) party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

"(2) the Board determines that the mail is addressed to a fictitious, false, or assumed name, title, or address.

"§ 3104. Delivery of mail to persons not residents of the place of address

"Whenever the Board of Governors determines that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, the Postal Service may deliver the mail only upon identification of the person so addressed.

"§ 3105. False representations; lotteries

"(a) Upon evidence satisfactory to the Board of Governors that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Board may issue an order which—

"(1) directs the postmaster of the post office at which mail arrives, addressed to such a person or to his representative, to return such mail to the sender appropriately marked as in violation of this section, if the person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey the mail before the postmaster returns the mail to the sender; and

"(2) forbids the payment by a postmaster to the person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitters of the sum named in the money order or postal note.

"(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Board may ascertain the existence of the agency in any other legal way satisfactory to it.

"(a) As used in this section and section 3106 of this title, the term 'representative' includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

"§ 3106. Unlawful matter

"Upon evidence satisfactory to the Board of Governors that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile thing or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such a thing may be obtained, the Board may—

"(1) direct any postmaster at an office at which mail arrives, addressed to such a person or to his representative, to return the mail to the sender marked 'Unlawful'; and

"(2) forbid the payment by a postmaster money orders or postal notes.

order of either and provide for the return to the remitters of the sums named in the money order or postal note drawn to the to such a person or his representative of any

"§ 3107. Detention of mail for temporary periods

"(a) In preparation for or during the pendency of proceedings under sections 3105 and 3106 of this title, the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Board of Governors and upon a showing of probable cause to believe either section is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide in the order that the detained mail be open to examination by the defendant and such mail be delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court hereunder does not affect or determine any fact at issue in the statutory proceedings.

"(b) This section does not apply to mail addressed to publishers of newspapers and other periodical publications entitled to a periodical publication rate or to mail addressed to the agents of those publishers.

"§ 3108. Prohibition of pandering advertisements

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Board of Governors to refrain from further mailings of such materials to designated addressees thereof.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Board shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assigns to refrain from further mailings to the named addressees.

"(c) The order of the Board shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirtieth calendar day after receipt of the order. The order shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transactions involving mailing lists bearing the names of the designated addressees.

"(d) Whenever the Board believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Board within 15 days after the date of such service. If the Board, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"(f) Receipt of mail matter 30 days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Board shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of title 5, shall not apply to any provisions of this section.

"(i) For the purposes of this section—

"(1) mail matter, directed to a specific address, covered in the order of the Board, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Board's order; and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

"CHAPTER 33.—PENALTY AND FRANKED MAIL

"Sec.

"3301. Definitions.
"3302. Penalty mail.
"3303. Endorsements on penalty covers.
"3304. Restrictions on use of penalty mail.
"3305. Accounting for penalty covers.
"3306. Reimbursement for penalty mail service.
"3307. Limit of weight of penalty mail; postage on overweight matter.
"3308. Shipment by most economical means.
"3309. Executive departments to supply information.
"3310. Official correspondence of Vice President and Members of Congress.
"3311. Public documents.
"3312. Congressional Record under frank of Members of Congress.
"3313. Seeds and reports from Department of Agriculture.
"3314. Mailing privilege of former Presidents.
"3315. Lending or permitting use of frank unlawful.
"3316. Reimbursement for franked mailings.
"3317. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain.
"3318. Franked mail for surviving spouses of Congress.

"§ 3301. Definitions

"As used in this chapter—

"(1) 'penalty mail' means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

"(2) 'penalty cover' means envelopes, wrappers, labels, or cards used to transmit penalty mail;

"(3) 'frank' means the autographic or facsimile signature of persons authorized by sections 3310–3316 and 3318 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

"(4) 'franked mail' means mail which is transmitted in the mail under a frank; and

"(5) 'Members of Congress' includes Senators, Representatives, Delegates, and Resident Commissioners.

"§ 3302. Penalty mail

"(a) Subject to the limitations imposed by sections 3304 and 3307 of this title, there may be transmitted as penalty mail—

"(1) official mail of—

"(A) officers of the Government of the United States other than Members of Congress;

"(B) the Smithsonian Institution;

"(C) the Pan American Union;

"(D) the Pan American Sanitary Bureau;

"(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49–49c, 49d, 49e–49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

"(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Department to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341–343, 344–348 of title 7;

"(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

"(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

"(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

"(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

"(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

"(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage.

"§ 3303. Endorsements on penalty covers

"(a) Except as otherwise provided in this section, penalty covers shall bear, over the words 'Official Business' an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

"(b) The Board of Governors shall prescribe the endorsement to be placed on covers mailed under paragraphs (1)(E), (2), and (3) of section 3302(a) of this title.

"§ 3304. Restrictions on use of penalty mail

"(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

"(1) a request therefor has been previously received by the department or establishment; or

"(2) its mailing is required by law.

"(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

"(1) enclosures reasonably related to the subject matter of official correspondence;

"(2) informational releases relating to the census of the United States and authorized by title 13;

"(3) matter concerning the sale of Government securities;

"(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

"(5) agricultural bulletins;

"(6) lists of public documents offered for sale by the Superintendent of Documents;

"(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

"(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

"§ 3305. Accounting for penalty covers

"Executive departments and agencies, independent establishments of the Government of the United States, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Board of Governors.

"§ 3306. Reimbursement for penalty mail service

"(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned shall transfer to the Board of Governors as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Board, for matter sent in the mails by or to them as penalty mail under authority of section 3302 of this title.

"(b) The Department of Agriculture shall transfer to the Board as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Board, for penalty mailings under paragraphs (1)(F) and (4) of section 3302(a) of this title.

"(c) The Library of Congress shall transfer to the Board as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Board, for penalty mailings under paragraph (5) of section 3302(a) of this title.

"§ 3307. Limit of weight of penalty mail; postage on overweight matter

"(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

"(1) stamped paper and supplies sold or used by the Postal Service; and

"(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

"(b) A penalty mail article which is—

"(1) over 4 pounds in weight;

"(2) not in excess of the weight and size prescribed for mail matter; and

"(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

"§ 3308. Shipment by most economical means

"Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Board of Governors may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express, whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

"§ 3309. Executive departments to supply information

"Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Board of Governors necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

"§ 3310. Official correspondence of Vice President and Members of Congress

"The Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, and the Sergeant at Arms of the Senate, until the thirtieth day of June following the expiration of their respective terms of office, may send as franked mail—

"(1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official; and

"(2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

In the event of a vacancy in the office of the Secretary of the Senate or Sergeant at Arms of the Senate, any authorized person may exercise this privilege in the officer's name during the period of the vacancy.

"§ 3311. Public documents

"The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, until the thirtieth day of June following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

"§ 3312. Congressional Record under frank of Members of Congress

"Members of Congress may send as franked mail the Congressional Record, or any part thereof, or speeches or reports therein contained.

"§ 3313. Seeds and reports from Department of Agriculture

"Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

"(1) as penalty mail by the Secretary of Agriculture; and

"(2) until the thirtieth day of June following the expiration of their terms of office, as franked mail by Members of Congress.

"§ 3314. Mailing privilege of former Presidents

"A former President may send all his mail within the United States and its territories and possessions as franked mail.

"§ 3315. Lending or permitting use of frank unlawful

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

"§ 3316. Reimbursement for franked mailings

"(a) The postage on mail matter sent and received through the mails under the franking privilege by the Vice President, Members, and Members-elect of Congress, the Secretary of the Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives, including registry fees if registration is required, and postage on correspondence sent by the surviving spouse of a Member under section 3318 of this title, shall be paid by a lump-sum appropriation to the legislative branch for that purpose, and then paid to the Board of Governors as postal revenue.

"(b) The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter.

"§ 3317. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

"Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

"§ 3318. Franked mail for surviving spouses of Members of Congress

"Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed 180 days after his death, as franked mail, correspondence relating to the death of the Member.

"Chapter 35.—FREE POSTAGE

"Sec.
"3501. Mailing privilege of members of United States Armed Forces and of friendly foreign nations.
"3502. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone.
"3503. Matter for blind and other handicapped persons.
"3504. Unsealed letters sent by blind or physically handicapped persons.
"3505. Markings.

"§ 3501. Mailing privilege of members of United States Armed Forces and of friendly foreign nations

"(a) Letter mail or sound-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in a manner determined by the Board of Governors, when mailed by—

"(1) a member of the Armed Forces of the United States on active duty, as defined in section 101 (4) and (22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

"(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A) of this paragraph; or

"(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

"(A) the member is accorded free mailing privileges by his own government;

"(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

"(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

"(D) such letter mail or sound-recorded communication is mailed by the member—

"(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

"(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D) (i) of this paragraph; and

"(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

"(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States, between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands or the Canal Zone, on a space available basis, on certificated, scheduled air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, the following categories of mail matter:

"(1) (A) letter mail or sound-recorded communications having the character of personal correspondence; and

"(B) parcels not exceeding 5 pounds in weight and 60 inches in length and girth combined;

which are mailed at or addressed to any such Armed Forces post office;

"(2) publications (entitled to a periodical publication rate, published once each week or more frequently, and featuring principally current news of interest to members of the Armed Forces and the general public) which are mailed at or addressed to any such Armed Forces post office (A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available; and

"(3) parcels exceeding 5 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available. Whenever adequate service by certificated, scheduled air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than certificated, scheduled air carriers.

"(c) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Board of Governors, for matter sent in the mails under authority of subsection (a) of this section.

"(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 506 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation, or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

"(e) This section shall be administered under such conditions, and under such regulations, as the Board and the Secretary of Defense jointly may prescribe.

"§ 3502. Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone

"(a) For the purpose of section 3501 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the United States Armed Forces and of friendly foreign nations, shall be considered to be an Armed Forces post office established in an overseas area.

"(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under such section.

"§ 3503. Matter for blind and other handicapped persons

"(a) The matter described in subsection (b) of this section (other than matter mailed under section 3504 of this title) may be mailed free of postage, if—

"(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material in accordance with the provisions of the first section of the Act of July 30, 1966 (Public Law 89–522; 80 Stat. 330);

"(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

"(3) the matter may be opened by the Board of Governors for inspection; and

"(4) the matter contains no advertising.

"(b) The free mailing privilege provided by subsection (a) of this section is extended to—

"(1) reading matter and musical scores;

"(2) sound reproductions;

"(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

"(4) reproducers or parts thereof, for sound reproductions; and

"(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a) (1) of this section.

"§ 3504. Unsealed letters sent by blind or physically handicapped persons

"Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 3503(a) (1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

"§ 3505. Markings

"All matter relating to blind or other handicapped persons mailed under section 3503 or 3504 of this title, shall bear the words 'Free Matter for the Blind or Handicapped', or words to that effect specified by the Board of Governors, in the upper-right-hand corner of the address area.

"Chapter 37.—ESTABLISHING POSTAL CLASSES AND RATES

"Sec.
"3701. Authority.
"3702. Postal Rate Commission.
"3703. Calculation of public service cost.
"3704. Rates and classes of mail.
"3705. Temporary changes in rates and classes.
"3706. Postal services.
"3707. Rate and services complaints.
"3708. Size and weight limits.
"3709. Limitations.

"§ 3701. Authority

"Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal service in accordance with the provisions of this chapter.

"§ 3702. Postal Rate Commission

"(a) There is established as an independent expert body within the Postal Service a Postal Rate Commission composed of 5 Commissioners appointed by the President, by and with the advice and consent of the Senate, not more than 3 of whom may be adherents of the same political party and 1 of whom shall be designated as Chairman and shall serve in the position of Chairman at the pleasure of the President. The Commissioners shall be chosen only on the basis of their professional qualifications, shall be covered into the competitive service under title 5 without examination, and may be removed only in accordance with the procedures established under section 7521 of such title.

"(b) The Commissioners shall serve for terms of 6 years except that—

"(1) the terms of the Commissioners first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following their appointment; and

"(2) any such Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

"(c) The Commissioners may obtain such facilities and supplies, and appoint and fix the compensation of such officers and employees, as may be necessary to permit the Commission to carry out its functions. The officers and employees so appointed (1) shall be paid at rates of compensation and shall be entitled to programs offering employee benefits, established under chapter 11 or 13 of this title, as appropriate, and (2) shall be responsible solely to the Commissioners. The cost of the facilities and supplies, compensation, and employee benefits shall be paid out of general funds available for the operation of the Postal Service. The Commissioners shall consult with the Governors from time to time to insure that appointments and expenses made and incurred by the Commission are necessary and in the public interest.

"(d) The Commissioners shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Board of Governors.

"(e) The Chairman of the Commission shall have the administrative responsibility for assigning the business of the Commission to the other Commissioners and to the officers and employees of the Commission. All final acts of the Commissioners shall be by a vote of an absolute majority thereof.

"§ 3703. Calculation of public service cost

"Each year the Board of Governors shall estimate—

"(1) the total costs (other than any amount authorized to be appropriated under section 2501(b)(2) of this title) including a reasonable reserve for contingencies and depreciation on capital assets that the Postal Service will incur during the next fiscal year; and

"(2) the total income and appropriations (other than amounts appropriated under section 2501(b) (1) and (2) of this title) to be received by or accrued to the Postal Service during the same fiscal year.

The Board shall then reduce its estimate of total costs determined under clause (1) of this subsection by an amount equal to the lesser of 10 percent of such total costs or 10 percent of the sum appropriated to the Post Office Department by Act of Congress for its use in fiscal year 1971 (other than the sum so appropriated for capital improvements), which amount shall be considered the public service cost of operating the Postal Service to be defrayed from funds appropriated under section 2501(b)(1) of this title.

"§ 3704. Rates and classes of mail

"(a) Within 2 years after the effective date of this chapter, the Governors shall establish a mail classification schedule in accordance with the provisions of this section.

"(b) The Postal Rate Commission shall make a recommended decision on establishing or changing the schedule in accordance with the postal policy in section 101(a) of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable classification system for all mail;

"(2) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

"(3) the importance of providing classifications with extremely high degrees of reliability and speed of delivery;

"(4) the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery;

"(5) the desirability of special classifications from the point of view of both the user and of the Postal Service; and

"(6) such other factors as the Commission may deem appropriate.

"(c) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of domestic origin sealed against postal inspection which has not been delivered in accordance with the address thereon or in accordance with the instructions of the addressee shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter or parcel can be delivered, or pursuant to the authorization of the addressee.

"(d) Following the establishment of a mail classification schedule under subsection (a) of this section, the Board of Governors may from time to time request that the Commission submit a recommended decision on changes in the mail classification schedule.

"(e) From time to time but not less than once every 2 years, the Board shall request that the Commission submit a recommended decision on changes in postal rates and fees if the estimated income and appropriations, determined under clause (2) of section 3703 of this title, are significantly different from the estimated costs reduced by the amount of the public service cost, as determined under such section or if the Board determines that such change would be in the public interest and in accordance with the policy objectives of this title. The Board shall notify the Commission of the amount of the difference, if any, and request that the Commission prepare and recommend a decision to it on such changes in rates of postage, and such changes in rates and fees for postal services, as it may determine to be required to yield estimated income and appropriations as determined under such clause which will equal as nearly as possible the total estimated costs as reduced. To the extent that Congress may fail to make available to the Postal Service all of the funds authorized to be appropriated under section 2501(b) of this title, the Commission shall be requested to prepare and recommend a decision on such changes in rates of postage and rates and fees for postal services as it may determine to be required to yield estimated income which will, as nearly as possible, equal the deficiency. The Board may submit suggestions for rate adjustments which it deems suitable.

"(f) The Commission shall promptly consider a request to establish a mail classification schedule or a request made under subsection (d) or (e), except that the Commission shall not recommend a decision until the opportunity for a hearing on the record pursuant to sections 556 and 557 of title 5 has been accorded to the Board, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public. In order to conduct their proceedings with utmost expedition consistent with procedural fairness to the parties, the Commission may (without limitation) adopt rules which provide for—

"(1) the advance submission of written direct testimony;

"(2) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

"(3) discovery both from the Postal Service and the parties to the proceedings;

"(4) limitation of testimony; and

"(5) the conduct of the entire proceedings off the record with the consent of the parties.

"(g) The Commission shall recommend a decision to the Board on changes in rates of postage and fees for postal services to provide sufficient revenue so that total estimated income and appropriations will equal as nearly as possible estimated total costs. The Commission shall make a recommended decision for changes in rates or fees in each class of mail or type of service, other than those for which appropriations are provided in section 2501(b)(3) of this title, in accordance with the postal policy contained in section 101 (a) and (c) of this title and the following factors:

"(1) the establishment and maintenance of a fair and equitable schedule;

"(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

"(3) operating costs, the amount of overhead, and other institutional costs of the Postal Service properly assignable to each class of mail or type of mail service;

"(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

"(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

"(6) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

"(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates of fees charged the

various classes of mail for postal services; and

"(8) such other factors as the Commission deems appropriate.

"(h)(1) The Commission shall transmit its recommended decision in a rate, fee, or classification matter to the Governors, who may approve, modify, or reject the recommendation in accordance with the provisions of this section. The recommended decision shall include a statement specifically responsive to the criteria established under subsection (b) or (g) of this section as appropriate.

"(2) If the Governors reject the recommended decision of the Commission, the Board may resubmit its request to the Commission for reconsideration. Upon resubmission the request shall be considered, and a further recommended decision of the Commission shall be acted upon and subject to review in accordance with the provisions of this subsection relating to original requests for recommended decisions of the Commission, except that, with the unanimous written concurrence of all of the Governors then holding office, the Governors may modify any such further recommended decision of the Commission if the Governors expressly find that (A) such modification is in accord with the record and the policies of this chapter, and (B) the rates recommended by the Commission are not adequate to provide sufficient total revenues as described under subsection (g) of this section.

"(3) The Governors may, under protest, allow a recommendation of the Commission to take effect and (A) seek judicial review thereof under paragraph (5) of this subsection, or (B) return the recommended decision to the Commission for reconsideration and a further recommended decision, which shall be acted upon subject to review in accordance with this subsection relating to original requests for recommended decisions of the Commission.

"(4) The decision of the Governors to approve, modify, or reject a recommended decision of the Commission shall be in writing, and shall include an estimate of anticipated revenue and a statement of explanation and justification. The decision, the record of the Commission's hearings, and the Commission's recommended decision shall be made generally available at the time the decision is issued and shall be printed and made available for sale by the Public Printer within 10 days following the day the decision is issued.

"(5) A decision of the Governors to approve or modify the recommended decision may be appealed within 15 days of its publication by an aggrieved party who appeared in the proceedings pursuant to subsection (b) of this section to the United States Court of Appeals for the District of Columbia Circuit. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission and the Governors. The court may affirm the decision or order that the entire matter be returned to the Commission for further consideration, but the court may not modify the decision. The court shall make the matter a preferred cause and shall expedite judgment in every way. The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Commission or Board under this chapter except as provided in this subsection.

"(6) The Board shall determine the date on which the new rates, fees, the mail classification schedule, and changes in such schedule shall become effective.

"(i) If the rates of postage for the classes of mail or kinds of mailers under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this section are on the effective date of the first rate decision by the Governors less than the rate established by their decision, they shall, notwithstanding the provisions of this chapter, adopt a separate schedule of rates for each class of mail or mailers effective each time rates are established or changed under this chapter, with annual increases as nearly equal as practicable, so that—

"(1) the rates for mail under former sections 4358, 4452(b), and 4554(b) and (c) shall be equal, beginning on the first day of the tenth year following such effective date, to the regular rates that would have been in effect for such mail if this subsection had not been enacted; and

"(2) the rates for mail under sections 4359, 4421, 4422, 4452(a), and 4554(a) shall be equal, beginning on the first day of the fifth year following such effective date, to the regular rates that would have been in effect for such mail if this subsection had not been enacted.

"§ 3705. Temporary changes in rates and classes

"(a) If the Postal Rate Commission does not transmit to the Governors within 90 days after the Board of Governors has submitted or within 30 days after the Board has resubmitted to the Commission a request for a recommended decision on a change in rates of postage or in rates or fees for postal services, or on a change in the mail classification schedule (after such schedule is established under section 3704 of this title), the Board, upon 10 days' notice in the Federal Register, may place into effect temporarily changes in rates of postage, in rates or fees for postal service, or in the mail classification schedule it considers appropriate to carry out the provisions of this title. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Board.

"(b) If, pursuant to section 3704(h) of this title, a court orders a matter returned to the Commission for further consideration the Board, with the consent of the Commission, may place into effect temporary changes in rates of postage or in rates and fees for postal services or in the mail classification schedule.

"§ 3706. Postal services

"(a) When the Board of Governors determines that there should be a change in the nature of postal services which will have a general effect of reducing service on a nationwide or substantially nationwide basis, it shall submit a proposal for such changes to the Postal Rate Commission for its decision.

"(b) The Commission shall not make or issue its decision on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Board, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public. The decision shall be in writing and shall include a certification by each Commissioner agreeing with the decision that in his judgment the decision conforms to the policy established under section 101(a) of this title.

"(c) The decision of the Commission shall be binding on the Postal Service for a period of 2 years.

"(d) Whenever the Board finds that an emergency exists which does not permit sufficient time for the procedures prescribed in subsections (a) and (b) of this section, it may contemporaneously with or subsequent to submitting the proposed change to the Commission, put such change in effect. A change adopted under this subsection shall conform to the policy of section 101(a) of this title and shall remain in effect until proceedings under subsections (a) and (b) of this section have been completed or for such shorter period as the Board may fix.

"(e) Interested parties who believe the Postal Service is not conforming to the policies of this title may file a complaint with the Commission. If the Commission determines that the complaint is valid, it shall recommend that the Board make an appropriate change.

"§ 3707. Rate and service complaints

"Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Postal Rate Commission in such form and in such manner as it may prescribe. The Commission may in its discretion hold hearings on such complaint. If the Commission, in a matter covered by section 3704 of this title, determines the complaint to be justified it shall, after proceedings in conformity with section 3704(f) of this title, issue a recommended decision which shall be acted upon and subject to review in accordance with the provisions of section 3704(h) of this title relating to original requests for recommended decisions of the Commission. If a matter not covered by section 3704 of this title is involved, and the Commission after hearing finds the complaint to be justified, it shall render a public report thereon to the Board of Governors which shall take such action as it deems appropriate.

"§ 3708. Size and weight limits

"(a) Except as provided in subsection (b) of this section—

"(1) the maximum weight of mail other than letter mail is 40 pounds; and

"(2) the maximum size is—

"(A) 78 inches in girth and length combined before July 1, 1971; and

"(B) 84 inches in girth and length combined on or after July 1, 1971.

"(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

"(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determinated by the Board of Governors;

"(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

"(3) was mailed under section 4554 of this title, as such section existed on the day prior to the effective date of this section;

"(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; and

"(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

"(c) The Board may establish size and weight limitations for letter mail in the same manner as prescribed for changes in classification under section 3704 of this title.

"§ 3709. Limitations

"No provision of this chapter shall be construed to give authority to the Governors to make any change in any provision of section 3707 or chapter 31, 33, or 35 of this title, or of the Federal Voting Assistance Act of 1955.

"PART V—TRANSPORTATION OF MAIL

"Chapter	Sec.
"51. General	5101
"53. Transportation of Mail by Surface Carrier	5301
"55. Transportation of Mail by Air	5501
"57. Transportation of Mail by Vessel	5701

"Chapter 51.—GENERAL

"Sec.
"5101. Provisions for carrying mail.
"5102. Transportation of mail of adjoining countries through the United States.
"5103. Establishment of post roads.
"5104. Discontinuance of service on post roads.
"5105. Mail transportation.
"5106. Lien on compensation of contractor.
"5107. Free transportation of postal employees.

"§ 5101. Provisions for carrying mail

"The Board of Governors shall provide for the transportation of mail in accordance with the policy established under section 101 (d) and (e) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Board may make arrangements on a temporary basis for the transportation of mail when, as determined by the Board, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Board is promptly able to secure transportation services under other provisions of this title.

"§ 5102. Transportation of mail of adjoining countries through the United States

"The Board of Governors, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

"§ 5103. Establishment of post roads

"The following are post roads:

"(1) the waters of the United States, during the time the mail is carried thereon;

"(2) railroads or parts of railroads and air routes in operation;

"(3) canals, during the time the mail is carried thereon;

"(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

"(5) letter-carrier routes established for the collection and delivery of mail.

"§ 5104. Discontinuance of service on post roads

"The Board of Governors may discontinue service on a post road or part thereof when, in its opinion, the public interest so requires.

"§ 5105. Mail transportation

"(a) The Board of Governors may obtain mail transportation service—

"(1) from common carriers by rail and motor vehicle as provided in chapter 53 of this title;

"(2) from air carriers as provided in chapter 55 of this title;

"(3) from water carriers as provided in chapter 57 of this title; and

"(4) by contract from any person (as defined in section 5301(6) of this title) or carrier for surface transportation under such terms and conditions as he deems appropriate, subject to the provisions of this section.

"(b) Contracts for the transportation of mail procured under subsection (a)(4) of this section shall be for periods not in excess of 4 years (or where the Board determines that special conditions or the use of special equipment warrants, not in excess of 6 years) and shall be entered into only after advertising a sufficient time previously for proposals.

"(c) A contract under this section may be renewed once at the existing rate by mutual agreement between the holder and the Board. No contract for any specified transportation of the mail may be renewed more than once under this subsection. Procurement of such transportation after the expiration of the renewed contract shall be made only after advertisement for bids.

"(d) The Board, with the consent of the contractor, may adjust the compensation of such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term.

"(e) Any contract between the Board and any carrier or person for the transportation of mail shall be available for inspection in the office of the Board and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, and in post offices on the post roads involved, as determined by the Postmaster General, at least 15 days prior to the effective date of the contract.

"§ 5106. Lien on compensation of contractor

"(a) A person who—

"(1) performs service for a contractor or subcontractor in the transportation of mail;

"(2) files his contract for service with the Board of Governors; and

"(3) files satisfactory evidence of performance with the Board;

shall have a lien on money due the contractor or subcontractor for the service.

"(b) The Board may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

"§ 5107. Free transportation of postal employees

"Anyone engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons traveling on duty in charge of the mails.

"Chapter 53.—TRANSPORTATION OF MAIL BY SURFACE CARRIER

"Sec.
"5301. Definitions.
"5302. Applicability.
"5303 Authorization of service by carrier.
"5304. Changes in service; placement of equipment.
"5305. Evidence of service.
"5306. Fines and deductions.
"5307. Interstate Commerce Commission to fix rates.
"5308. Procedures.
"5309. Special rates.
"5310. Intermodal transportation.
"5311. Statistical studies.
"5312. Special contracts.
"5313. Carrier operations, receipts, and expenditures.
"5314. Agreements with passenger common carriers by motor vehicle.

"§ 5301. Definitions

"As used in this chapter—

"(1) 'Commission' means the Interstate Commerce Commission;

"(2) 'carrier' and 'regulated surface carrier' mean a railroad, a freight forwarder, a motor carrier, or an express company;

"(3) 'railroad' means a railway common carrier, including an electric urban and interurban railway common carrier;

"(4) 'freight forwarder' means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Commission;

"(5) 'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission;

"(6) 'express company' means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49;

"(7) 'person' includes any person other than a carrier holding a certificate of public convenience and necessity issued by the Commission; and

"(8) 'mail' includes equipment and supplies of the Postal Service.

"§ 5302. Applicability

"This chapter applies to mail transportation performed by any person or carrier or carrier combination regardless of the mode of transportation actually used to provide the service.

"§ 5303. Authorization of service by carrier

"(a) The Board of Governors may establish mail routes and authorize mail transportation service thereon.

"(b) A carrier shall transport mail offered for transportation by the Board in the manner, under the conditions, and with the service prescribed by the Board. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

"(c) The Board shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

"(d) A carrier shall transport with due speed such mail as the Board directs under this section.

"(e) The Board is authorized to make use of the services of any motor carrier for the transportation of mail and the services connected therewith only in the territory the motor carrier is authorized to serve and (1) only after such carrier has submitted a general tender of availability offering its services on all post roads within the territory, and (2) if such carrier operates equipment suitable for the transportation of mail.

"(f) The Board may grant the request of any motor carrier to withdraw a tender of availability.

"§ 5304. Changes in service; placement of equipment

"(a) The Board of Governors may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed pursuant to this chapter. It may reduce or discontinue service with pro rata reductions in compensation and indemnity for the loss of reasonable investment in equipment used exclusively for mail.

"(b) A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Board directs.

"§ 5305. Evidence of service

"A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Board of Governors requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

"§ 5306. Fines and deductions

"(a) The Board of Governors may fine any carrier an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this chapter.

"(b) The Board may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 5303 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding twice the compensation applying to such service. Such deductions shall not be made prior to the expiration of 60 days following service upon the carrier by the Board

of notice of intention of assessing a fine or making a deduction and of the basis therefor.

"§ 5307. Interstate Commerce Commission to fix rates

"(a) The Commission shall determine and fix, from time to time, the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice of hearing.

"(b) For the purpose of determining and fixing rates or compensation under this section, the Commission may make just and reasonable classifications of carriers and where just and equitable, fix general rates applicable to carriers in the same classification.

"(c) In determining and fixing fair and reasonable rates or compensation under this section, the Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

"(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Board of Governors and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Commission fixes the rates or compensation under subsection (a) of this section.

"§ 5308. Procedures

"(a) At any time after 6 months from the entry of an order stating the Commission's determination under section 5307 of this title, the Board of Governors or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates or compensation for services covered by the application. At the conclusion of the hearing the Commission shall enter an order stating its determination.

"(b) Except as authorized by sections 5307 (d), 5309, 5310, and 5312 of this title, the Board shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

"(c) The Board may file with the Commission a comprehensive plan, stating—

"(1) its requirements for the transportation of mail by carrier;

"(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

"(3) the service, both terminal and en route, which carriers are to render;

"(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

"(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Commission.

"(d) When a comprehensive plan is filed, the Commission shall give notice of not less than 30 days to each carrier required by the Board to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Commission, but not later than 30 days after the expiration date fixed by the Commission in the notice, and the Commission shall proceed with the hearing.

"§ 5309. Special rates

"Upon petition by the Board of Governors, the Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Board.

§ 5310. Intermodal transportation

"The Board of Governors may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or compensation not exceeding those allowable for similar service by the designated form of transportation.

"§ 5311. Statistical studies

"The Board of Governors may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

"§ 5312. Special contracts

"Whenever the Board of Governors determines that it is in the public interest to waive the advertising requirements of section 5105(b) of this title, it may enter into special contracts with any person, without advertising, for bids and for periods not in excess of 4 years to provide for the transportation of mail on surface mail routes. Such contracts may be negotiated only after reasonable notice has been posted in advance in post offices on the post roads to be served, and other persons have been given an opportunity to offer to negotiate for the transportation of mail.

"§ 5313. Carrier operations, receipts, and expenditures

"The Board of Governors shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

"§ 5314. Agreements with passenger common carriers by motor vehicle

"The Board of Governors may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers, or by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

"Chapter 55.—TRANSPORTATION OF MAIL BY AIR

"Sec.

"5501. Authorization.

"5502. Contracts for transportation of mail by air.

"5503. Fines.

"§ 5501. Authorization

"(a) The Board of Governors is authorized to provide for the safe and expeditious transportation of mail by aircraft.

"(b) Except as otherwise provided in section 5502 of this title, the Board of Governors may make such rules, regulations, and orders consistent with sections 1301–1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for such transportation.

"§ 5502. Contracts for transportation of mail by air

"(a) The Board of Governors may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which the carrier is authorized by the Civil Aeronautics Board to engage in the transportation of mail. Such contracts shall be for the transportation of at least 1,000 pounds of mail per flight, and no more than 10 percent, based on weight, of the domestic mail transported under any such contract or 5 percent of the international mail transported under any such contract shall consist of letter mail. Any such contract shall be filed with the Civil Aeronautics Board no later than 90 days before its effective date. Unless the Civil Aeronautics Board shall determine otherwise (under criteria prescribed by section 1302 of title 49) not later than 10 days prior to the effective date of the contract, such contract shall become effective.

"(b) When the Board of Governors deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail, it may contract with any air carrier in such manner and under such terms and conditions as it may deem appropriate for the transportation of any class or classes of mail. The transportation of mail under contracts entered into under this subsection is not, except for sections 1371(k) and 1386(b) of title 49, air transportation within the provisions of sections 1301–1542 or title 49. The Board of Governors shall cancel such contract, in whole or in respect to certain points as the certificate shall require, upon the issuance by the Civil Aeronautics Board of an authorization under sections 1371–1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

"(c) If the Board of Governors determines that service by certified air carriers or combination of air carriers between any pair or pairs of points is not adequate for its purposes, it may contract for a period of not more than 4 years, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air taxi operator or combination thereof of such air transportation service. Contracts made under this subsection may be renewed at the existing rate by mutual agreement between the holder and the Board of Governors. The Board of Governors, with the consent of the air taxi operator, may adjust the compensation under such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term. The Board of Governors shall cancel such a contract when the Civil Aeronautics Board authorizes an additional certificated carrier or carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules adequate for its purposes.

"§ 5503. Fines

"The Board of Governors may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to mail; and

"(2) other delinquencies in the transportation of the mail.

"Chapter 57.

"TRANSPORTATION OF MAIL BY VESSEL

"Sec.

"5701. Sea post service.

"5702. Termination of contracts for foreign transportation.

"5703. Transportation of mail by vessel as freight or express.

"5704. Fines on ocean carriers.

"5705. Contracts for transportation of mail by vessel.

"§5701. Sea post service

"The Board of Governors may maintain sea post service on ocean vessels conveying mail to and from the United States.

"§ 5702. Termination of contracts for foreign transportation

"Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Board of Governors or the Congress.

"§ 5703. Transportation of mail by vessel as freight or express

"The Board of Governors may require that mail be transported by freight or express when—

"(1) there is no competition on a water

route and the rate or compensation asked is excessive; or

"(2) no proposal is received.

A common carrier by water that fails or refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

"§ 5704. Fines on ocean carriers

"The Board of Governors may impose or limit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

"(1) unreasonable or unnecessary delay to the mail; and

"(2) other delinquencies in the transportation of mail.

"§ 5705. Contracts for transportation of mail by vessel

"The Board of Governors may contract for the transportation of mail by vessel without advertising for bids for periods of not in excess of 4 years."

CONTINUATION OF EXISTING RATES AND FEES

SEC. 3. The classes of mail, the rates of postage, and fees for postal services prescribed by law or regulation made or adopted prior to the effective date of section 3704 of title 39, United States Code, as added by this Act, shall be in effect according to the terms of such law or regulation until changed in accordance with such section 3704.

TRANSITIONAL PROVISIONS

SEC. 4. (a) There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.

(b) The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, and allocations of, and other funds employed, held, and used by, arising from, available to, or to be made available to, the Post Office Department are hereby transferred to the Postal Service.

(c) Postal revenues and fees collected on and after the effective date of this section shall be considered assets of the Postal Service.

SAVING PROVISIONS

SEC. 5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective—

(A) under any provision of law amended by this Act; or

(B) in the exercise of duties, powers, or functions which are transferred under this Act;

by (i) any department or agency, any functions of which are transferred by this Act, or (ii) any court of competent jurisdiction; and

(2) which are in effect at the time the United States Postal Service commences operations, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Board of Governors of the United States Postal Service (in the exercise of any authority respectively vested in it by this Act), by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), the functions of which are transferred by this Act; but such proceedings shall be continued before the Postal Service. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Board of Governors of the Postal Service (in the exercise of any authority respectively vested in it by this Act), by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2) of this subsection—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act has not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which any provision of this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency is transferred to the Postal Service; or

(B) any function of such department, agency, or officer is transferred to the Postal Service;

such suit shall be continued by the Postal Service.

(d) The amendment of any statute by this Act shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

(e) With respect to any function, power, or duty transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act, shall remain in force as rules or regulations of Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

TECHNICAL AMENDMENTS

SEC. 6. (a) Section 225(f) of the Act of December 16, 1967 (81 Stat. 643; 2 U.S.C. 356), is amended—

(1) by striking out the word "and" at the end of paragraph (C);

(2) by striking out the period at the end of paragraph (D) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (D) a new paragraph (E) as follows:

"(E) the Governors of the Board of Governors appointed pursuant to section 302 of title 39, United States Code."

(b) Subsection (d)(1) of section 19 of title 3, United States Code, is amended by striking out "Postmaster General,".

(c) Title 5, United States Code, is amended as follows:

(1) Section 101 is amended by striking out "The Post Office Department.".

(2) Section 3304a(a) is amended by striking out "postal field service" and inserting in lieu thereof "United States Postal Service".

(3)(A) Section 3327 is repealed.

(B) The analysis of subchapter I of chapter 33 is amended by striking out item 3327.

(4) Section 4301(1)(ii) is amended to read as follows:

"(ii) the United States Postal Service;".

(5) Section 5102(c)(1) is amended to read as follows:

"(1) employees in the United States Postal Service;".

(6) Section 5303(a)(2) is repealed.

(7) The first sentence of section 5304 is amended by striking out "the provisions of part III of title 39 relating to employees in the postal field service;".

(8) Clause (5) of section 5312 is repealed.

(9) Section 5314 is amended—

(A) by striking out clause (3); and

(B) by inserting at the end thereof the following:

"(55) Chairman, Postal Rate Commission, United States Postal Service."

(10) Section 5315 is amended—

(A) by striking out clauses (21) and (45); and

(B) by inserting at the end thereof the following:

"(93) Members, Postal Rate Commission, United States Postal Service (4)."

(11) Clauses (37), (60), and (123) of section 5316 are repealed.

(12) Section 5541(2)(vi) is amended to read as follows:

"(vi) an employee in the United States Postal Service;".

(13) Section 6301(2) is amended—

(A) by striking out of clause (ii) the first comma thereof and the phrase "except an hourly employee in the postal field service,";

(B) by striking out the final "or" in clause (xi);

(C) by striking out the period at the end of clause (xii) and inserting in lieu thereof a semicolon and "or"; and

(D) by adding at the end thereof the following new clause:

"(xiii) an employee of the United States Postal Service."

(14) Section 6323 is amended—

(A) by striking out of subsections (a) and (c) the phrase "a substitute employee in the postal field service" wherever it appears and inserting in lieu thereof the phrase "an employee of the United States Postal Service"; and

(B) by striking out subsections (b) and (d).

(15) Section 7101 is amended by striking out "postal service" and inserting in lieu thereof "United States Postal Service".

(d) Paragraph seven of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24 seventh), is amended by inserting after "nor to bonds, notes, and other obligations issued by the Tennessee Valley Authority" the words "or by the United States Postal Service".

(e) Title 18, United States Code, is amended as follows:

(1) The analysis of chapter 1 is amended by inserting in item 12, before "Postal" the words "United States".

(2) Section 12 is amended to read as follows:

"§ 12. United States Postal Service defined

"As used in this title, the term 'Postal Service' means the United States Postal Service established under title 39, and every officer and employee of that Service, whether he has taken the oath of office."

(3) Section 440 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(4) Section 441 is amended by striking out "Post Office Department or the".

(5) The first 2 paragraphs of section 500 are amended to read as follows:

"Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a money order issued by the Post Office Department or Postal Service, or by any officer or employee thereof; or

"Whoever forges or counterfeits the signature of any officer or employee of the Postal Service, upon or to any money order, postal note, or blank therefor provided or issued by or under the direction of the Post Office Department or the Postal Service, or post office department or corporation of any foreign country, and payable in the United States, or any material signature or endorsement thereon, or any material signature to any receipt or certificate of identification thereof; or".

(6) The last three paragraphs of section 501 thereof are amended to read as follows:

"Whoever makes or prints, or authorizes to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post Office Department, or by the Postal Service, without the special authority and direction of said Department or Postal Service; or

"Whoever after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, delivers the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster General and the seal of the Post Office Department or the Postal Service, to receive it—

"Shall be fined not more than $500 or imprisoned not more than five years, or both."

(7) Sections 612 and 876 are amended by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service".

(8) Section 877 is amended by striking out the phrase "Post Office Department of the United States" wherever it appears and inserting in lieu thereof "Postal Service".

(9) Section 1114 is amended by striking out "postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department" and inserting in lieu thereof "officer or employee of the Postal Service".

(10) Section 1303 is amended by striking out "a postmaster or other person employed in" and inserting in lieu thereof "an officer or employee of".

(11) Section 1341 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(12) Section 1342 is amended by striking out "Post Office Department of the United States" and inserting in lieu thereof "Postal Service".

(13) Section 1463 is amended by striking out "Postmaster General" in section 1463 and inserting in lieu thereof the "Postal Service".

(14) Section 1696(c) is amended by striking out "section 500 of title 39" and inserting in lieu thereof "section 701 of title 39".

(15) Section 1699 is amended by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "the Postal Service".

(16)(A) Subsection (a) of section 1703 is amended to read as follows:

"(a) Whoever, being a Postal Service officer or employee, unlawfully detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal Service; or secretes, or destroys any such letter, postal card, package, bag, or mail, shall be fined not more than $500 or imprisoned not more than five years, or both."

(B) Subsection (b) of section 1703 is amended by striking out the phrase "postmaster or Postal Service employee" wherever it appears and inserting in lieu thereof "Postal Service officer or employee".

(17) Section 1704 is amended by inserting "or the Postal Service" after the words "Post Office Department" wherever they appear.

(18) Section 1707 is amended by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(19)(A) Section 1709 is amended to read as follows:

"§ 1709. Theft of mail matter by officer or employee

"Whoever, being a Postal Service officer or employee, embezzles any letter, postal card, package, bag, or mail, or any article or thing contained therein entrusted to him or which comes into his possession intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or of the United States Postal Service; or steals, abstracts, or removes from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $2,000 or imprisoned not more than five years, or both."

(B) The analysis of chapter 83 is amended by striking out—

"1709. Theft of mail matter by postmaster or employee."

and inserting in lieu thereof—

"1709. Theft of mail matter by officer or employee."

(20) Section 1710 is amended by striking out "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee".

(21) Section 1711 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee";

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service"; and

(C) by striking out "Postmaster General" wherever appearing therein in section 1711, and inserting in lieu thereof "Board of Governors".

(22) Section 1712 is amended—

(A) by striking out the phrase "postmaster or Postal Service employee" and inserting in lieu thereof "Postal Service officer or employee"; and

(B) by striking out "Post Office Department" and inserting in lieu thereof "Postal Service".

(23) Section 1713 is amended by striking out "a postmaster or other person employed in any branch of the Postal Service" and inserting in lieu thereof "an officer or employee of the Postal Service".

(24) Section 1715 is amended by striking out "Postmaster General" wherever appearing therein and inserting in lieu thereof "Postal Service".

(25)(A) The second, third, and fourth paragraphs of section 1716 are amended thereof to read as follows:

"The Postal Service may permit the transmission in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force, dangerous or injurious to life, health, or property.

"The Postal Service is authorized and directed to permit the transmission in the mails, under regulations to be prescribed by it, of live scorpions, which are to be used for purposes of medical research or for the manufacture of antivenom. Such regulations shall include such provisions with respect to the packaging of such live scorpions for transmission in the mails as the Postal Service deems necessary or desirable for the protection of Postal Service personnel and of the public generally and for ease of handling by such personnel and by any individual connected with such research or manufacture. Nothing contained in this paragraph shall be construed to authorize the transmission in the mails of live scorpions by means of aircraft engaged in the carriage of passengers for compensation or hire.

"The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, druggists, cosmetologists, barbers, and veterinarians under such rules and regulations as it shall prescribe."; and

(B) Section 1716 is amended by striking out "Postmaster General" wherever else appearing therein and inserting in lieu thereof "Postal Service".

(26) Section 1716A is amended by striking out "section 4010" and inserting in lieu thereof "section 3102".

(27) Section 1717(b) is amended by striking out "of the United States".

(28) Section 1718 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service";

(29) Section 1721 is amended—

(A) by striking out "postmaster or postal service employee" and inserting in lieu thereof "Postal Service officer or employee"; and

(B) by striking out the phrase "Post Office Department" wherever it appears and inserting in lieu thereof "Postal Service".

(30) Section 1722 is amended by striking out "any postmaster or to the Post Office Department or any officer of the Postal Service" and inserting in lieu thereof "the Postal Service".

(31) Section 1723 is amended by striking out "the Postmaster General" and inserting in lieu thereof "a duly authorized officer of the Postal Service".

(32) Section 1724 is amended to read as follows:

"§ 1724. Postage on mail delivered by foreign vessels

"Except as otherwise provided by treaty or convention the Postal Service may require the transportation by any steamship of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postal Service or its representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance, until the collector or other officer of the port is informed by the Postal Service or its representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postal Service".

(33) Section 1725 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(34) Section 1729 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(35) Section 1730 is amended by striking out "Postmaster General" and inserting in lieu thereof "Postal Service".

(36)(A) Section 1733 is amended to read as follows:

"§ 1733. Mailing periodical publications without prepayment of postage

"Whoever, except as permitted by law, knowingly mails any periodical publication without the prepayment of postage, or, being an officer or employee of the Postal Service, knowingly permits any periodical publication to be mailed without prepayment of postage, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

(B) The analysis of chapter 83 is amended by striking out—

"1733. Affidavits relating to second class mail."

and inserting in lieu thereof—

"1733. Mailing periodical publications without prepayment of postage."

(37) Section 3061 is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"§ 3061. Powers of postal personnel";

(B) by striking out of subsection (a) the words "postal inspectors may, to the extent authorized by the Postmaster General—" and inserting in lieu thereof "officers and employees of the Postal Service performing duties related to the inspection of postal matters to the extent authorized by the Board of Governors—";

(C) by striking out of subsection (b) the words "postal service" and inserting in lieu thereof "Postal Service".

(f) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered a reference to the United States Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

(g) Whenever reference is made in any provision of law (other than this Act or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

(h) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section, that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein.

STUDY OF PRIVATE CARRIAGE OF MAIL

SEC. 7. The Congress finds that advances in communications technology, data processing, and the needs of mail users require a complete study and thorough reevaluation of the restrictions on the private carriage of letters and packets contained in chapter 7 of title 39, United States Code (as amended by section 2 of this Act), and sections 1694–1696 of title 18, United States Code, and the regulations established and administered under these laws. The Board of Governors of the Postal Service shall submit to the President and the Congress within 2 years after the effective date of this section a report and recommendation for the modernization of these provisions of law, and such regulations and administrative practices.

COMPENSATION OF EMPLOYEES

SEC. 8. The Postmaster General, under regulations made by him, shall increase the rates of basic compensation or basic pay of employees subject to sections 3542 and 3543 of title 39, United States Code (as such sections existed on the day prior to the date of enactment of this Act), so that such rates will equal, as nearly as practicable, 108 percent of the rates of basic compensation in effect immediately prior to the effective date of this section.

LABOR AGREEMENTS

SEC. 9. (a) As soon as practicable after the enactment of this Act, the Postmaster General and the labor organizations which as of the effective date of this section hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than 30 days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster General to a labor organization. Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 13 of title 39, United States Code.

(b) Any agreement negotiated under this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

(c) An agreement made under this section shall become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made under this section notwithstanding the provisos of any law other than title 39.

(d) If the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a fact-finding panel will be established in accordance with the terms of section 1307(b) of title 39, United States Code, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 1307(c) of such title.

(e) Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

(f) For the purposes of this section, references to title 39 and section of title 39 are references to title 39, United States Code, as amended by section 2 of this Act.

SEPARABILITY

SEC. 10. If a part of title 39, United States Code, as amended by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act is held to be invalid the remainder of the Act shall not be affected thereby.

TRANSITIONAL EXPENSES

SEC. 11. Expenses of the United States Postal Service, established under section 2 of this Act, from the date of enactment of this Act until the date of commencement of operations of the Postal Service, shall be deemed to be necessary expenses of the administration of the Post Office Department as now constituted.

APPOINTMENT OF POSTMASTERS

SEC. 12. (a) Between the date of enactment of this Act and the date on which section 3311 of title 39, United States Code, is repealed by section 2 of this Act, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service. Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act.

(b)(1) In the selection, appointment, and promotion of employees of the Post Office Department after the enactment of this Act and before the effective date of section 2 of this Act, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Post Office Department who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment.

EFFECTIVE DATES

SEC. 13. This section and sections 8 through 12 of this Act, and sections 302, 303, 305 (b) and (c), 306, 501(2), and 3702 of title 39, United States Code, as enacted by section 2 of this Act, shall become effective on the date of enactment of this Act. Except as otherwise provided in this Act, the other provisions of this Act shall become effective within 1 year after the enactment of this Act on the date or dates established therefor by the Board of Governors and published by it in the Federal Register.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted.

BILLS INTRODUCED

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

By Mr. MOSS:

S. 4028. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture; to the Committee on Interior and Insular Affairs.

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

By Mr. RIBICOFF:

S. 4029. A bill for the relief of Soon Ae Kwalk; to the Committee on the Judiciary.

S. 4028—INTRODUCTION OF A BILL TO ACQUIRE CERTAIN LANDS WITHIN THE WASATCH NATIONAL FOREST IN THE STATE OF UTAH

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to authorize the U.S. Forest Service to purchase up to 3,000 acres of private lands to be added to the Wasatch National Forest in Utah.

The land is located in Mill Creek Canyon above the diversion point for the proposed Little Dell Reservoir, and in Little Cottonwood and Big Cottonwood Canyons.

I first introduced this bill in January 1967 because of my growing concern that proposed private development in the areas in question would create serious sanitary and stream pollution problems and would prevent the use of the land for public recreation purposes. My concern was and is shared by the Salt Lake City Commission, which originally asked me to introduce this bill, and by Utah conservationists anxious to act before the land is damaged beyond repair.

At present there are plans for residential subdivisions or other developments on the lands, all of which are close by the major sources of water for Salt Lake City and other populated areas. Both Little Cottonwood and Big Cottonwood Creeks presently are a major water supply source for Salt Lake City, and the waters of Mill Creek are under consideration for use as an additional source of supply through construction of the Little Dell Reservoir.

The Forest Service cannot purchase these private lands—although they recognize the urgency of doing so—because they must give highest priority to holdings at higher elevation. On their war-reduced budget, purchase of even these elevated lands is impossible. Nor can the Salt Lake City Corp. afford to make the necessary investment. Admittedly it would be preferable if the city were able to assume some of the financial burden of purchase, particularly since failure to act will cause a pollution problem which will directly affect Salt Lake County. Nonetheless, since the city cannot, it remains for the Federal Government to take the necessary steps to protect the watershed. The preservation of the vegetation on the Wasatch Front range is essential for flood control, for the prevention of erosion and pollution, and is essential to the stability and continuity of water supplies. This can be accomplished only if the land is not turned over to private developers.

I think this year, as never before, we are aware of the serious problems which have arisen and can still arise because we have not paid proper attention to our environment. The President has recognized the need for a concerted attack on the totality of environmental problems and made clear in his state of the Union address that high priority would be given to alleviating those problems.

I hope Congress will equally be willing to share responsibility for action. I recognize that the problem of watershed protection in the Wasatch Forest is only one small part of the national problem but it is urgent that we begin, step by step, to act now before the damage is irreversible.

Mr. President, I ask unanimous consent that the bill which I introduced today, to acquire certain lands within the boundaries of the Wasatch National Forest, be printed in the RECORD.

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

The bill (S. 4028) to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture, introduced by Mr. MOSS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 4028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote in a timely and adequate manner control of floods, the reduction of soil erosion and stream pollution through the maintenance of adequate vegetative cover, and the conservation of their scenic beauty and the natural environment, and to provide for their management, protection, and public use as national forest lands under programs of multiple use, the Secretary of Agriculture is authorized and directed to acquire, at not to exceed the fair market value as determined by him, such of the nonfederally owned land, not to exceed three thousand acres, in the area described in section 2 hereof as he finds suitable to accomplish the purposes of this Act.

SEC. 2. This Act shall be applicable to lands within the boundary of the Wasatch National Forest in the watersheds of Mill Creek, Big Cottonwood Creek, and Little Cottonwood Creek, being portions of townships 1, 2, and 3 south, ranges 1, 2, and 3 east, Salt Lake Base and Meridian.

SEC. 3. There is hereby authorized to be appropriated for the purpose of this Act not to exceed , to remain available until expended.

ADDITIONAL COSPONSORS OF BILLS

S. 3941

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER), I ask unanimous consent that, at the next printing, the name of the Senator from South Dakota (Mr. MCGOVERN) be added as a cosponsor of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

S. 4000

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of S. 4000, to compensate certain growers, manufacturers, packers, and distributors for damages sustained by them as a result of their good faith reliance on the official listing of cyclamates as generally recognized as safe for use in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 671

Mr. GRAVEL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Oregon (Mr. HATFIELD), the Senator from Minnesota (Mr. MONDALE), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of amendment No. 671 to H.R. 15628, the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

SLANTED NEWS REPORT IN BIRMINGHAM, ALA.

Mr. SPARKMAN. Mr. President, a criminal case in Birmingham, Ala., some time ago evoked considerable interest and criticism from different parts of the country. My good friend, Earl M. Morgan, who is the district attorney for Jefferson County, where the trial was held, has written me and has furnished me with a statement dealing with the facts in this case; also, a news item from the Birmingham News of June 14, 1970, telling of Solicitor Morgan's concern over slanted news. He writes me that he has filed a protest with Mr. Wes Gallager, the general manager of the Associated Press.

I ask unanimous consent that there be printed in the RECORD the statement issued by Mr. Morgan, a very able district attorney; and also the news item from the Birmingham News.

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

STATEMENT BY EARL C. MORGAN

On a Saturday afternoon last fall, a seventeen year old girl named Rose Marie Campisi was reported missing and was last seen at a local hospital where she had taken her brother for emergency treatment. Late that afternoon search parties were organized and throughout the following day search continued for this young girl. On Sunday morning, the members of her church, mostly young teenagers, organized a search party under the direction of the church priest and approximately 4 o'clock that afternoon, while searching an isolated and remote rural area, found a charred envelope with the young lady's name on it. An intensive search of the area revealed her automobile at the bottom of a 100 foot ravine over which it had been driven. Upon searching the automobile this young girl was found locked in the trunk compartment, disrobed, beaten and very seriously injured. She was taken to a hospital where she remained for several weeks and suffered permanent injuries from internal infections which developed in her body. Law enforcement agencies of state, county and several municipalities spent days and weeks searching out every possible lead in an attempt to find the culprit. In addition to having been beaten and run over by an automobile, there was every indication that she had been raped.

For months the case went unsolved until

on January 1, 1970, a young Negro woman made a complaint to the Birmingham Police Department that she had been raped on the previous night. Similarities of description and mannerisms of the culprit in that case resulted in the arrest of John Henry Jones, Jr., and charges being placed against him arising out of offenses committed against both women. Rose Marie Campisi's wrist watch, which had been forcibly taken from her at or about the time of the rape, was recovered from a local pawn shop and John Henry Jones was identified by the operator as being the person who pawned the watch. When arrested, John Henry Jones had the pawn ticket for the watch on his person. Rose Campisi made a positive identification of this defendant from photographs and from personally viewing him among a large group of persons. Additionally, with full constitutional guarantees and the Miranda procedure followed, Jones made and signed a written statement admitting having forced the young girl into her automobile and leaving the hospital area with her but claimed not to remember subsequent events partly because of a high degree of intoxication.

Rose Marie Campisi testified that after the defendant abducted her at the hospital, he drove her to an isolated area in a rural community, where he stopped the car, drug her from it, beat her with his fists, kicked her, stomped her, dragged her seventy feet into the woods, stripped her clothing from her and shot over her head as she struggled to try to prevent him from removing her panties. She further testified that he raped her, drug her back on to the roadway where he tied her hands and feet together, placed her in front of the car and ran the car over her arm and leg, she having succeeded in squirming out of the path of the wheels as they passed over a part of her body. She further testified that the defendant then put her in the trunk of the car in this bound condition, laughed at her, slammed the trunk door on her and she then knew the car was being driven into the ravine because of the crashing and bumping. She remained in the trunk of this automobile for approximately twenty-four hours, being conscious most of the time.

When the car was found it was substantiated that the defendant had obtained all available paper material in the car and set it on fire prior to running the car into the ravine.

John Henry Jones, Jr. was indicted in four separate cases for the offenses of Kidnaping, Assault With Intent To Murder, Rape and Robbery. Under Alabama law the offenses of Rape and Robbery are capital offenses, either one of which carry a penalty from ten years to a maximum penalty of death. Only one case can be tried at a time and the state elected to go to trial on the Robbery case first. Upon a trial of this case on the Robbery charge, the state was permitted to show all the acts of the defendant as set out herein.

[From the Birmingham (Ala.) News, June 14, 1970]

CAMPISI CASE: SLANTED NEWS ITEM ANGERS MORGAN

A Michigan woman wrote to the district attorney in Birmingham about the death sentence given John Henry Jones Jr. in the Campisi case.

"As one human being to another, could you please explain to me the justice in this decision?" Mary Begaert wrote. "Please tell me about why a jury should condemn a man to death for such a crime as robbery."

Mrs. Bagaert enclosed a clipping from her local paper.

The brief wire service story was headlined "$30 Robbery Brings Negro Death Penalty."

Following the head, it said: "Birmingham, Ala. (AP)—An all-white jury has decreed the death penalty for a Negro convicted of robbing a white girl of $30 and a wrist watch.

"The seven women and five men of the Circuit Court jury deliberated less than three hours Thursday night before returning the verdict against John Henry Jones Jr., 23."

The letter and clipping from Mrs. Begaert is just one of many from all over the United States, Canada and one from Italy. Some letters were more accusing or critical than concerned about justice. Stories clipped from other newspapers were much the same.

Jefferson County Dist. Atty. Earl C. Morgan's office is responding individually to the letters with return addresses and giving a short outline of the brutal circumstances of the robbery.

Morgan also wrote Associated Press General Manager Wes Gallager and enclosed a summary of testimony heard by the jury which fixed the death penalty.

The case involved the kidnaping of young Rose Marie Campisi at gun point on a Saturday afternoon last fall; the vicious attack, beating, stomping of the slender girl and the obvious intent to murder her by tying her hand and foot, running the car over her, locking her in the car trunk and starting a fire in the car before rolling it into a remote ravine. These were the circumstances in which the girl was robbed of $30 and her watch.

The victim was found, miraculously alive, and was rescued from the car more than 24 hours later.

Morgan included in his summary to Gallager some of the evidence which tied Jones to the crime.

In his letter to the AP general manager, Morgan wrote:

"I firmly believe that if the full facts had been reported in the press, we would not have been subjected to the unfounded criticisms which we have received.

"It would appear to me that a sense of fair play and good journalism would impel you to disseminate the full facts in this case to your reading public. This type of inaccurate reporting has been responsible for much of the turmoil throughout the country and largely responsible for the misunderstanding which exists about our Southern states."

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 11 o'clock and 51 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 26, 1970, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate June 25, 1970:

U.S. REPRESENTATIVE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

T. Keith Glennan, of Virginia, to be the representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

HOUSE OF REPRESENTATIVES—*Thursday, June 25, 1970*

The House met at 12 o'clock noon.

Rev. Thomas L. Guinn, King of Glory Lutheran Church, Arvada, Colo., offered the following prayer:

Your goodness, Lord, never ends.
Great is Your faithfulness.

We wish we could, but we cannot, say that of ourselves with a straight face and get away with it, for there are too many around with good memories, even if for a moment we conveniently forget.

So, humbly we ask to be forgiven, trusting Your never-ending goodness and faithfulness to make what is wrong right between us.

And knowing that You are never content to let it go at that, we ask that You would help us to be much better at being good and faithful people upon whom others can depend, whether riding high or when the bottom is falling out, and through whom You might teach us what we yet may be. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 3908. An act for the relief of Elizabeth B. Borgnino;

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa; and

H.J. Res. 1264. Joint resolution making continuing appropriations for the fiscal year 1971, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17138) entitled "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes."

APPRECIATION TO REV. THOMAS L. GUINN

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROTZMAN. Mr. Speaker, I would like to take this opportunity to express our deep appreciation to Rev. Thomas L. Guinn for offering the prayer today in the House of Representatives.

Reverend Guinn is the minister of the King of Glory Lutheran Church in Arvada, Colo., one of the fine cities in the Second District which I have the privilege of representing in Congress. Prior to