on which I speak and it has been upheld by the Supreme Court . . . "whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the United States . . . by force or violence . . . shall be fined not more than $20,000 or imprisoned not more than twenty years, or both. . . ." That is section 2385, Title 18 of the U.S. Criminal Code. A little bit of enforcement of this could go a long way toward protecting those freedoms of which I spoke. And it could stop some of this destructive action by dissidents.

When we get into discussions on the dissident elements across our Nation, I think our Vice President has summed up my feelings, Mr. Agnew's words were, to be exact: "Indeed, as for these deserters, malcontents, radicals, incendiaries, the civil and the uncivil disobedients among our young, S.D.S., P.L.P., Weatherman one and Weatherman two, the revolutionary action movement, the hippies, yippies, yahoos, black panthers, lions and tigers alike—I would swap the whole damn zoo for a single platoon of the kind of young Americans I saw in Vietnam."

It was Vice President Agnew who gave the right answer in responding to a statement of Senate Foreign Relations Committee Chairman J. William Fulbright that if the Vietnam war goes on much longer "the best of our young men" would flee to Canada. The Vice President replies: "The best of our young men are serving their country in Vietnam."

Television should continuously inform the public on Communist and subversive threats from within and without, and give less time to Rap Brown, Eldridge Cleaver, Chicago Sevens and Communist lackeys to spew their venom of hatred and revolutionary, treasonous propaganda against our country. Ditto for other information professions.

Yes, the mass information media—governmental, military, entertainment, journalistic, religious and others providing influence on the general public—this media must make a 180-degree turn.

The question now is how to make this 180-degree turn. I suggest the answer is for action in the national interest. Government officials must act in the public's interest, not party or political interest, businessmen must act in the public's interest, not personal interest. Newspapers must print in the public's interest, not in the publisher's interest. Radio and television must operate in the national interest, not minority interests. Labor must perform in the interest of national unity, not union interest alone. Jurists must judge in the interest of the majority, not of the minority. The entertainment profession must return to moral interests, not financial interests. Churches must return to religion and abandon politics. Teachers must educate in the interest of freedom, not in the interest of freedom's enemies. Parents must close the generation gap in the home, not through juvenile courts. The individual must act in the interest of all, not just himself.

It may seem ironic that I speak before Veterans of Foreign Wars and Rotarians at this moment to bring out these issues. I say it is ironic because you of the V.F.W. and most of you in the Rotary already have served in uniform in the interest of freedom. And I am sure all of you have served as civilians in the same manner. And my text is not directed at you, in a manner of speaking, but for you. If enough of us get together and speak out on issues, maybe we will find it easier to unite and get this country back on the right track.

In a recent Rotary magazine was a history of your mottoes and one, in particular, caught my attention. It says "Rotary is based on the ideal of service and where freedom, justice, truth, sanctity of the pledged word and respect for human rights do not exist, Rotary cannot live nor its ideal prevail." I believe this reflects much of the content of my words today.

This is Armed Forces Week and it is set aside to honor those who are dedicated to the task of defending our nation against the communist threat, to the defense of freedom. Our heritage is rich in heroic deeds of men who have preserved our freedoms. It continues today and to those who have made the supreme sacrifice, I repeat remarks of General Douglas MacArthur:

"His name and fame are the birthright of every American citizen. In his youth and strength, his love and loyalty, he gave all that mortality can give. He needs no eulogy from me, or from any other man. He has written his own history and written it in red on his enemy's breast . . . I do not know the dignity of their birth, but I do know the glory of their death. They died unquestioning, uncomplaining, with faith in their hearts and on their lips the hope that we would go on to victory."

SENATE—*Thursday, July 9, 1970*

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Eternal Father, holy beyond our comprehension, loving beyond all earthly love, good beyond all that is good, help us to pattern our lives after the Great Galilean.

Spare us, O God, from being cruel because we have power, blunt because we have authority, arrogant because we have wealth, or unbrotherly because we have won a victory. Grant that in our differences there may be moral unanimity, in our diversity a spiritual unity which strengthens our labor for the Nation.

Give us stout hearts, O Lord, that having resolved upon the course we believe to be right, we may steadfastly pursue it, serve Thee faithfully, and leave the consequences to Thy providence.

In the Redeemer's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 8, 1970, be dispensed with.

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

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following disposition of the Journal tomorrow, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Georgia (Mr. TALMADGE) is now recognized for 30 minutes.

Mr. SCOTT. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I am happy to yield to the Senator from Pennsylvania.

PROGRESS IN THE WORK OF THE SENATE

Mr. SCOTT. Mr. President, I should like to inquire of the distinguished majority leader whether he thinks we are moving along a little better now, a little more rapidly, and that we may yet catch up with the other body.

Mr. MANSFIELD. Well, may I say that after the Republicans, following their leadership meeting with the President on Tuesday morning last, prodded us, we have been showing reasonably good progress, thanks to the cooperation of the Republicans in this matter, and due to the good attendance on the floor of the Senate, and also due to the fact that the committees are still meeting. The legislation, although it is not pouring out, is coming out, because it has to be given legitimate and due consideration. I would say that the Senate is in very good shape at the moment and we hope to keep it that way in the weeks and months ahead.

Mr. SCOTT. I want to thank the distinguished majority leader. I think it proves the healthy interaction of the two-party system.

Mr. MANSFIELD. It does, indeed.

PRODUCTION OF THE C-5A AIRCRAFT

Mr. TALMADGE. Mr. President, I have been very much concerned about the fate of the C-5A military cargo airplane. I am concerned about the aircraft, the company, and the people of Georgia who build it.

Mr. President, the fact is the very existence of the Lockheed-Georgia Co., is at stake. Congressional debate over funding for the C-5A will determine the future of the company. This in itself is no small responsibility for the Senate and the Congress to shoulder.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Moreover, of tremendous importance, the jobs of more than 20,000 employees of Lockheed-Georgia—and the jobs of another 20,000 people in plants of subcontractors and suppliers all around the Nation—are also at stake. How we vote on the C–5A issue, in the final analysis, will determine whether these 40,000 jobs stand or fall.

These issues are important to me, to the State of Georgia, and to all of us. But, the fate of the C–5A is more important.

It is more important because of the usefulness of this aircraft in U.S. foreign policy. It can dramatically lower the cost of maintaining our treaty commitments. It can permit us to bring some of our soldiers home from farflung stations across the world, at a significant saving to the taxpayers. It can greatly increase our ability to support American fighting men, wherever it may become necessary for them to serve.

These are the issues that I wish to discuss today. I have said that the C–5A program is important to me, and it is. I do not wish to turn my back on the 20,000 people in Georgia, and 20,000 in other States, whose jobs and livelihood depend upon construction of this aircraft. Of course, this is important to me, and it should be to all of us.

However, the most compelling question—that in good conscience we cannot ignore—involves national security and the dollar cost of trying to police the world by maintaining troops in foreign countries. At a time when much of the world is threatened by conflict, national security is a vital issue. When our own economy is in such a state of disarray, it becomes equally important that the Congress endeavor to attain savings in every possible area of Government spending.

I have long maintained that the United States has become woefully overcommitted all over the world, militarily and economically. In my judgment, this has long been a prime target for fiscal housecleaning.

We miss the mark if we allow ourselves to become beguiled by all the publicity that has surrounded the financial plight of the Lockheed Co. Out of this comes a question of how much punishment that company should receive. There is even talk about a "bailout," as though this were some kind of charity case for the company, for its shareholders, and for its employees.

The fact is, there is a legal dispute between Lockheed and the Air Force on the C–5A contract. Lockheed is asking only for those funds which Lockheed lawyers say is owed the company under terms of the contract. Of course, the Lockheed lawyers may be wrong. But it is at least equally possible that the Air Force lawyers are wrong.

In any event, it is hardly appropriate for the U.S. Senate to attempt to determine the legal issue. I do not see how we can decide the degree of punishment for the shareholders and employees of Lockheed.

The legal issue is already before the Armed Forces Board of Contract Appeals. There already have been many meetings between the Government and company officials in an earnest effort to reach a negotiated settlement. I do not know how the legal case will be decided. I do not intend to inject myself into it.

The outcome of this dispute is really extraneous to the central issue now before us. That is the question of funding which will provide for the continued production of the C–5A, so that we may obtain at least the 81 aircraft currently on order. That question in turn is dependent upon the need for the airplanes.

Proposals have been made to deny the $200,000,000 contingency amount, and to stop C–5A funding at the so-called legal limit. This would force a halt in production at about 30 aircraft in January of 1971. It would bring on fiscal chaos.

Let me repeat: Denial of these funds would stop production right in its tracks. Fifty-one airplanes would be left hanging in various stages of completion at the Lockheed-Georgia Co., and in bits and pieces scattered at thousands of subcontractor and supplier plants all over the United States. Such waste would be chaotic and expensive. It is incredible to even think about.

But even more important is the fact that such shortsighted action would deny the Air Force the additional 51 aircraft we so badly need.

There are many valid arguments for a minimum requirement of 81 C–5A aircraft. But perhaps the most important is the one that has been described by the distinguished Senator from Missouri (Mr. SYMINGTON). The Senate will recall debate on the C–5A last September. At that time, Senator SYMINGTON delivered a brilliant exposition on what he called the concept of "remote presence." He gave the Senate a convincing argument on the relationship of this concept—in fact, its very dependence—on the availability of rapid, massive airlift.

Senator SYMINGTON concluded that important speech by declaring:

> It would appear certain, however, that this "remote presence" concept is the best method for fulfilling the present and future international obligations of the United States. Such a concept is much in our interest, from a political and military as well as an economic standpoint; and it could be the one way to handle our security and well-being without having the cost of our defenses creating even more serious problems for our already endangered economy.

Now let me refresh the Senate's memory on the text of Senate Resolution 292, that was introduced last December by the distinguished majority leader. Fifty-one Senators are cosponsoring this resolution, including me. It reads as follows:

> Now, therefore, be it resolved that it is the sense of the Senate that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty.

Of course, the U.S. commitments to NATO and Western Europe are not our only foreign military obligations. We still have some 15 to 17 treaties and commitments to about 42 nations throughout the world.

These commitments require varying degrees of a U.S. response to external aggression or interference with these 42 nations. But regardless of the extent, all of them call for some kind of U.S. assistance or presence, either physically or remotely.

So long as these treaties stand in force, we cannot question their existence. But we can and should appraise the manner in which these obligations are fulfilled.

A year ago we had an overseas military establishment of almost 1½ million troops, 500,000 dependents, and 250,000 foreign employees on 429 major and almost 3,000 minor bases. There has been some reduction of these overseas forces in the past 12 months, but not nearly enough. Consequently, the number continues to remain extremely large and extremely expensive.

It is damaging to our balance-of-payments position and the U.S. gold reserves. It is a cost that the American taxpayers do not want and should not have to bear. Present levels of defense and total Federal spending make any foreign deployment of American troops that is not strictly necessary a luxury that we cannot afford at this time.

The most obvious opportunity for reductions in this area is a phasing-out of U.S. involvement in Vietnam. This policy already has been initiated by President Nixon. Beyond that, however, further troop reductions might appear to be precluded by existing treaty obligations to which our Nation is bound.

Fortunately, there is a technological solution for this political problem. As Senator SYMINGTON said, there is a way out of the dilemma of how to meet proper foreign defense commitments without the necessity of having to station large military forces overseas. I might add, at least in the case of some of our foreign commitments, the presence of American troops not only are not needed, but many of them serve in countries where they are not wanted.

The answer lies to the establishment of a "remote presence" which depends upon improved mobility of troops and heavy equipment. Such mobility is offered by new airlift capabilities of the C–5A heavy logistics transport. Utilization of the C–5A's capability, and again I wish to quote Senator SYMINGTON:

> Would permit a military presence in support of overseas allies to be effected by relatively small—in many cases token—forces which, in emergency, could be rapidly reinforced by massive airlift.

The cost savings that could be realized by bringing troops back home, and by implementing the remote presence concept, are impressive indeed.

It has been estimated by experts that an adequate capabilty for rapid redeployment could safely permit a reduction in U.S. forces in Europe by one-and-one-third armored combat divisions, plus supporting units and air wings, without weakening at all the credibility of our ability to fulfill our NATO obligations. This could come to an annual savings of about $2 billion per year.

The magnitude of $2 billion becomes

understandable when we consider that the average annual rate of pay and allowances used by defense economists is $12,000 per man.

Force reductions already are scheduled for Southeast Asia as U.S. involvement in the war in Vietnam is phased out, as we all hope that it will be. The NATO problem remains difficult. President Nixon has assured our allies that the current U.S. troop level in Europe will be maintained at least through mid-1971.

Nonetheless, eventually some reduction appears inevitable—if for no other reason than to avoid more serious balance-of-payments deficits. Up to now, the gold drain problem has been mitigated by "offset" arrangements under which the cost of maintaining U.S. troops in West Germany, for example, is to a large degree offset by purchases of our military equipment by that country. But this agreement cannot be continued indefinitely. In fact, West Germany's Defense Minister, Helmut Schmidt, warned in April:

> We have reached the end of the buildup phase of our armed forces. There are no longer any large arms orders that we might place in the United States, so further offset arrangements are going to be difficult.

In this context, and considering the warning issued by Defense Minister Schmidt, it is pertinent at this point to take a look at the U.S. balance-of-payments deficit. In the past 20 years, there has been a surplus in our balance of payments on only two occasions, for a total of only $593 million. On the short side of the picture, the United States piled up 18 annual deficits for a total of $44.1 billion.

For the same 20-year period, U.S. gold reserves declined from $22.9 billion to $10.4 billion. Foreign gold reserves almost tripled, increasing from $10.9 billion to $27.3 billion. Foreign short-term dollar claims against the United States—claims that are due now—have risen from $8.6 billion to $42 billion. If a demand for payment should be made, we could not meet it.

This fiscal situation has come about in pursuit of a policy of dollar diplomacy, that has been tremendously costly and, judging from the present state of the world, not very effective after all.

It has come about because the United States has persisted in paying extra military insurance for Europeans and others that they themselves apparently do not believe necessary—as indicated by their own expenditures. We have gone on and on, all over the world, spending and spending and trying to be a universal guardian and policeman.

Now, thanks to increased air mobility and airlift capabilities, we have the technology that can permit us to extricate ourselves from this unpleasant situation.

It is important, however, that for remote presence to be a credible deterrent against aggression, an adequate capability for rapid deployment must be evident and credible itself. The maintenance of a ready and sufficient military land force within the United States is meaningless unless we are both willing and able to provide the kind of transportation that would be required to move these men and their arms and equipment to areas of commitment as they may be needed.

What we mean by "rapid" is clear enough. What we mean is the arrival of men and armored forces at the theater of action within days—not weeks—from the time it was decided to deploy them. This could only be accomplished by heavy airlift. Thus, the importance of an adequate number of C–5A squadrons becomes readily apparent. This is not a matter of skimping on the cost of the C–5A program. It is a matter of providing an airlift capacity that would be required to meet two major objectives.

To allow us to bring troops home—keeping only token forces in some areas—and thereby affecting significant savings in defense spending.

And at the same time preserve our military capacity by providing for rapid and massive deployment of troops and arms in an emergency situation.

In considering the size of the C–5A fleet, it is appropriate to study the report of the Subcommittee on Military Airlifts of the House Armed Services Committee, published just a short time ago, on June 24, after several months of investigation.

The committee recommended procurement of airlift capacity equivalent to at least two additional squadrons of C–5 aircraft—that is, two more beyond the four squadrons presently on order, which constitutes 81 aircraft. The committee did say that if technical or cost problems make the procurement of additional C–5 aircraft unattractive, the deployment concepts must be altered to provide that only outsize cargo and equipment would be airlifted in the C–5A force presently programed.

But the committee also said, after all its investigations and hearings, that even with a six-squadron buy of our C–5's, there would be an airlift deficit. But with the reduction of the order to four C–5 squadrons, or 81 aircraft, there will be a deficit of 46 aircraft. This deficit, the report says, "gives the members of the committee great concern."

Further, the committee noted that congressional strategy requires an airlift force of at least six squadrons of C–5 aircraft—not just the four on order—as well as 14 squadrons of C–141's and a supporting fleet of commercial aircraft. It must also be kept in mind that the six-squadron force of C–5's was unanimously recommended by the Joint Chiefs of Staff in calendar year 1970, both before and after the submission of the President's budget to Congress.

In short, there is suspicion and grave concern about reducing the C–5A force. The committee warned that the heavy logistics airlift capability of the C–5 currently on order, much less stopping at 30, may not be sufficient to constitute a credible remote presence.

There are other doubters as well. President Nixon in February conceded himself that "questions have been raised concerning whether our airlift and sealift capabilities are sufficient to meet the needs of the existing strategy."

The credibility gap between declared U.S. doctrine and demonstrable military capability must be repaired—not made greater. Our ability to respond with conventional military capabilities must be real, and it must be adequate, remote though its presence may be.

It is a real world we live in, and the United States simply is not able, morally or in its own self-interest, to withdraw completely into an isolationist womb, although some people may fervently wish to do so.

We can, however, wish for an avoidance of the potential explosiveness of a face-to-face physical confrontation between aggressor troops and our own soldiers stationed abroad. Even if it were to occur inadvertently, it could set the world on fire.

We can ask that the free world nations henceforth spend more than a small fraction of their own gross national product for their own defense, and that their own troops be substituted for ours.

We can wish for and we can achieve a low U.S. posture abroad, by bringing our troops back home while maintaining the credibility of our treaty commitments and the backup support needed by the free world.

And, even if estimated cost savings are divided in half, we can through remote presence, save far more than the cost of the transports that are needed to implement it.

I have long been interested in this concept—long before the C–5 debate began. I have opposed for many years any unnecessary deployment of our troops abroad.

I am convinced that the C–5 program is in the national interest, and that it provides an answer to the costly dilemma that has plagued our Nation and its economy for more than two decades.

I join with many others, from all political persuasions, in expressing to Senator SYMINGTON my great appreciation for his outstanding contribution when he gave brilliant voice to the remote-presence concept. I commend it to all of my colleagues in the Congress and to the administration as our strategic plans are drawn, and as we ready ourselves to continue to exist in the real world that surrounds us.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

INCREASE OF COMPENSATION FOR DISABLED VETERANS

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3348.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the amendment of the House of Representatives to the bill (S. 3348) to amend title 38, United States Code, to

increase the rates of compensation for disabled veterans, and for other purposes, which was to strike out all the enacting clause, and insert:

That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "$23" in subsection (a) and inserting in lieu thereof "$25";

(2) by striking out "$43" in subsection (b) and inserting in lieu thereof "$46";

(3) by striking out "$65" in subsection (c) and inserting in lieu thereof "$70";

(4) by striking out "$89" in subsection (d) and inserting in lieu thereof "$96";

(5) by striking out "$122" in subsection (e) and inserting in lieu thereof "$135";

(6) by striking out "$147" in subsection (f) and inserting in lieu thereof "$163";

(7) by striking out "$174" in subsection (g) and inserting in lieu thereof "$193";

(8) by striking out "$201" in subsection (h) and inserting in lieu thereof "$223";

(9) by striking out "$226" in subsection (i) and inserting in lieu thereof "$250";

(10) by striking out "$400" in subsection (j) and inserting in lieu thereof "$450";

(11) by striking out "$500" and "$700" in subsection (k) and inserting in lieu thereof "$560" and "$784", respectively.

(12) by striking out "$500" in subsection (l) and inserting in lieu thereof "$560";

(13) by striking out "$550" in subsection (m) and inserting in lieu thereof "$616";

(14) by striking out "$625" in subsection (n) and inserting in lieu thereof "$700";

(15) by striking out "$700" in subsections (o) and (p) and inserting in lieu thereof "$784";

(16) by striking out "$300" in subsection (r) and inserting in lieu thereof "$336"; and

(17) by striking out "$450" in subsection (s) and inserting in lieu thereof "$504".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 2. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$25" in subparagraph (A) and inserting in lieu thereof "$28";

(2) by striking out "$43" in subparagraph (B) and inserting in lieu thereof "$48";

(3) by striking out "$55" in subparagraph (C) and inserting in lieu thereof "$61";

(4) by striking out "$68" and "$13" in subparagraph (D) and inserting in lieu thereof "$75" and "$14", respectively;

(5) by striking out "$17" in subparagraph (E) and inserting in lieu thereof "$19";

(6) by striking out "$30" in subparagraph (F) and inserting in lieu thereof "$33";

(7) by striking out "$43" and "$13" in subparagraph (G) and inserting in lieu thereof "$48" and "$14", respectively;

(8) by striking out "$21" in subparagraph (H) and inserting in lieu thereof "$23"; and

(9) by striking out "$40" in subparagraph (I) and inserting in lieu thereof "$44".

SEC. 3. (a) Section 312 of title 38, United States Code, is amended by striking out "For" at the beginning of such section and inserting in lieu thereof "(a) For"; and by adding the following new subsections:

"(b) For the purposes of subsection (c) of this section, any veteran who, while serving in the active military, naval, or air service, was held as a prisoner of war for not less than six months by the Imperial Japanese Government or the German Government during World War II, by the Government of North Korea, during the Korean conflict, or by the Government of North Korea, the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, shall be deemed to have suffered from dietary deficiencies, forced labor, or inhuman treatment in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949.

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who, while serving in the active military, naval, or air service and while held as a prisoner of war by an enemy government, or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949), the disease of—

"(1) Avitaminosis,

Beriberi (including beriberi heart disease),

Chronic dysentery,

Helminthiasis,

Malnutrition (including optic atrophy associated with malnutrition),

Pellagra, or

Any other nutritional deficiency,

which became manifest to a degree of 10 per centum or more after such service; or

"(2) Psychosis which became manifest to a degree of 10 per centum or more within two years from the date of separation from such service;

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service."

(b) The catchline of section 312 of such title is amended to read as follows:

"§ 312. Presumptions relating to certain diseases and disabilities"

(c) The table of sections at the beginning of chapter 11 of such title is amended by striking out

"312. Presumptions relating to certain diseases."

and inserting in lieu thereof the following:

"312. Presumptions relating to certain diseases and disabilities."

SEC. 4. Subsection (d) of section 103 of title 38, United States Code, is amended by inserting "(1)" immediately after "(d)" and by adding at the end thereof the following:

"(2) The remarriage of the widow of a veteran shall not bar the furnishing of benefits to her as the widow of the veteran if the remarriage has been terminated by death or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by the widow or collusion.

"(3) If a widow ceases living with another man and holding herself out openly to the public as his wife, the bar to granting her benefits as the widow of the veteran shall not apply."

SEC. 5. (a) If a widow terminates a relationship or conduct which resulted in imposition of a prior restriction on payment of benefits, in the nature of inference or presumption of remarriage, or relating to open and notorious adulterous cohabitation or similar conduct, she shall not be denied any benefits by the Veterans' Administration, other than insurance, solely because of such prior relationship or conduct.

(b) The effective date of an award of benefits resulting from enactment of subsection (a) of this section shall not be earlier than the date of receipt of application therefor, filed after termination of the particular relationship or conduct and after December 31, 1970.

SEC. 6. Subsection (b) of section 3104 of title 38, United States Code, is amended by striking out "paragraph (2)" in paragraph (1) thereof and inserting in lieu thereof "paragraphs (2) and (3)", and by adding at the end thereof the following new paragraph:

"(3) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid to any person by reason of the death of more than one person to whom he or she was married; however, the person may elect one or more times to receive benefits by reason of the death of any one spouse."

SEC. 7. Section 3010 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

"(l) The effective date of an award of benefits to a widow based upon termination of a remarriage by death or divorce shall be the date of death or the date the judicial decree or divorce becomes final, if an application therefor is received within one year from such termination.

"(m) The effective date of an award of benefits to a widow based upon termination of actions described in subsection 103(d)(3) of this title shall not be earlier than the date of receipt of application therefor filed after termination of such actions and after December 31, 1970."

SEC. 8. (a) Subsection 211(a) of title 38, United States Code, is amended to read as follows:

"(a) On and after October 17, 1940, except as provided in sections 775, 784, and as to matters arising under chapter 37 of this title, the decisions of the Administrator on any question of law or fact under any law administered by the Veterans' Administration providing benefits for veterans and their dependents or survivors shall be final and conclusive and no other official or any court of the United States shall have power or jurisdiction to review any such decision by an action in the nature of mandamus or otherwise."

(b) Chapter 53 of title 38, United States Code, is amended by adding at the end the following:

"§ 3111. Prohibition of certain benefit payments

"There shall be no payment of dependency and indemnity compensation, death compensation, or death pension which, because of a widow's relationship with another man before enactment of Public Law 87-674, would not have been payable by the Veterans' Administration under the standard for determining remarriage applied by that agency before said enactment."

(c) The analysis of such chapter 53 is amended by adding at the end the following:

"3111. Prohibition of certain benefit payments."

SEC. 9. The Secretary of the Treasury is authorized and directed to redeem at par the United States Treasury bonds numbered 32870L, 68196F, and 68197H in the aggregate face amount of $25,000, maturing June 15, 1983, if such bonds are presented to the Secretary of the Treasury for redemption by the United States Spanish War Veterans within one year after the date of the enactment of this Act.

SEC. 10. The first two sections of this Act take effect July 1, 1970. Sections 4, 5, 6, and 7 take effect January 1, 1971.

Mr. TALMADGE. Mr. President, I move that the Senate concur in the amendments of the House with the following amendments, which I send to the desk.

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

The legislative clerk read the amendments, as follows:

On page 9 of the House engrossed amendment, beginning with line 6, strike out all down through line 12.

On page 9 of the House engrossed amendment, line 13, strike out "Sec. 10" and insert in lieu thereof "Sec. 9".

Mr. TALMADGE. Mr. President, the Subcommittee on Veterans Affairs of the Committee on Finance met on these amendments and we acted thereon, with all parties fully participating.

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

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered en bloc.

Mr. TALMADGE. Mr. President, I would like to describe the provisions of the House amendments that the Senate has just acted on.

On April 27 the Senate passed S. 3348, a bill to increase the rates of compensation for disabled veterans. As passed by the Senate, the bill would provide:

First. A $50 monthly increase, from $400 to $450, in compensation payments to totally disabled veterans whose disability is service-connected;

Second. An 11 percent increase in compensation payments to other veterans with service-connected disabilities;

Third. An 11 percent increase in allowances to dependents of disabled veterans; and

Fourth. A presumption that a disability suffered by a former prisoner of war of Japan, Korea, or Vietnam—or other country, if the former prisoner of war suffered from dietary deficiencies, forced labor, or inhumane treatment—is service connected if the disability is related to malnutrition, or if the veteran became psychotic within 2 years of separation from military service.

The House on June 15 approved a substitute version of the bill, which included a number of modifications. Specifically, the House amendments would:

First. Provide a somewhat smaller increase for veterans rated 20-, 30-, and 40-percent disabled while providing a somewhat higher increase for totally disabled veterans with certain very serious disabilities. The House did not amend the increases provided in the Senate bill for veterans rated 10-percent disabled, for veterans rated between 50- and 100-percent disabled, and for dependents of veterans receiving dependents' allowances;

Second. Make the compensation increases effective July 1970 instead of the January 1971 effective date in the Senate bill;

Third. Modify the prisoner-of-war provision to limit the presumption to veterans who were prisoners of war for at least 6 months, and to extend the presumption to veterans who were prisoners of war of Germany during World War II;

Fourth. Permit a remarried widow to revert to her earlier eligibility for compensation, pension, and education benefits when her second marriage is ended by death or divorce;

Fifth. Strengthen the language of present law to clarify congressional intent that all decisions of the Administrator of Veterans' Affairs on questions of entitlement to veterans' benefits are final and not subject to judicial review; and

Sixth. Direct the Secretary of the Treasury to redeem three bonds held by the United Spanish War Veterans in the total amount of $25,000 which mature June 15, 1983.

The Senate has accepted the first five of these amendments and disapproved the last.

At this point, Mr. President, I ask unanimous consent to insert in the RECORD a table showing a comparison of compensation rates under present law and under the House and Senate versions of S. 3348, and a report submitted by the Treasury Department on a provision of H.R. 372 which is identical to the provision the Senate has not accepted.

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

COMPARISON OF COMPENSATION RATES UNDER PRESENT LAW AND UNDER HOUSE AND SENATE VERSIONS OF S. 3348

Disability	Present law	Senate version	House version	Number of veterans
(a) Rated at 10 percent	$23	$25	$25	816,226
(b) Rated at 20 percent	43	48	46	320,096
(c) Rated at 30 percent	65	72	70	275,964
(d) Rated at 40 percent	89	99	96	168,245
(e) Rated at 50 percent	122	135	135	106,220
(f) Rated at 60 percent	147	163	163	102,920
(g) Rated at 70 percent	174	193	193	60,666
(h) Rated at 80 percent	201	223	223	32,042
(i) Rated at 90 percent	226	250	250	10,640
(j) Rated at total	400	450	450	94,825
Limit for veterans receiving payments under (a) to (j) above	500	550	560	
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	500	550	560	7,439
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, rendering veteran so helpless as to require regular aid and attendance	550	600	616	5,299
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthesis, anatomical loss of both eyes	625	675	700	1,259
Limit for veterans receiving payments under (l) to (n) above	700	750	784	
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or total deafness in combination with total blindness (5/200 visual acuity or less)	$700	$750	$784	
(p) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	700	750	784	
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to whatever he is receiving under (o) or (p)	300	300	336	8,035
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	450	500	504	6,870
Total number of cases affected				2,016,746

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., Oct. 31, 1960.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on H.R. 372, "To modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, and for other purposes."

Section 10 of the bill would authorize and direct the Secretary of the Treasury to redeem at par $25,000 3¼ percent Treasury Bonds of 1978–83 owned by the United Spanish War Veterans, if presented for that purpose within one year of the enactment of the bill.

This section is discriminatory in giving preferential treatment to the United Spanish War Veterans over all other investors in United States securities. Under the terms of the contracts as expressed in the texts appearing on transferable securities, which the 1978–83 bonds are, owners are required to wait out the term to call or maturity, as applicable, in order to obtain payment of their bonds at par from the Department of the Treasury. Before that time, an owner having need for funds must either sell his bonds at current market prices or use them as security for a loan. It would be grossly inequitable to all owners of marketable bonds, particularly those who because of a lack of funds are forced to sell their bonds or borrow, if this bill were enacted.

For the reasons discussed above, the Department of the Treasury recommends against the enactment of section 10.

The first nine sections of the bill deal with (1) remarriage requirements now contained in veterans' benefits laws; (2) mandatory requirements for the reporting of annual income and corpus of estate for certain veterans; (3) exclusion from income, for dependency and indemnity compensation purposes, of certain annuities; and (4) inclusion as beneficiaries those individuals who served on the Mexican border in the period immediately preceding World War I.

The Department has no independent knowledge of the need for these proposals and accordingly, has no comment to make on them.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

PAUL W. EGGERS,
General Counsel.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Georgia that the Senate concur in the House amendment with amendments.

The motion was agreed to.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon Monday next.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New York (Mr. GOODELL), under previous order, for 25 minutes.

THE ECONOMY AND PARTY POLITICS

Mr. GOODELL. Mr. President, this Nation faces certain problems that transcend party politics.

One such problem is Vietnam. A war in which hundreds of Americans die every month is too serious a matter for partisan argument. I am gratified that in the Senate, at least, the debate on the war has been carried on without excessive partisanship.

Another such problem is the economy. It, likewise, is too serious to be used merely as a springboard to propel aspiring politicians to public office.

Inflation now erodes the dollar, and with it, the savings of millions of Americans. Inflation's grim companion, unemployment, dashes the hopes of millions more who never expected to be out of work.

Faced with this economic crisis, the people of this Nation want solutions, not slogans. Families who witness the cheapening of their hard-earned dollars want effective measures to control inflation, not clever catchwords about inflation. Men thrown out of work want action to get their jobs back, not just words by those who seek political jobs.

In these circumstances, the televised remarks of the Democratic national chairman, Mr. Lawrence F. O'Brien, contributed little, indeed, to enlightenment.

Mr. O'Brien's performance exemplified the old politics of the most ancient and tired variety.

He had nothing more to offer than a blindly partisan approach. He sought only to load on a President who has been in office for 1½ years, the accumulated economic ills of the past 7 years. Unconcerned with constructive solutions, he was entirely absorbed in scoring political debating points. Unconcerned with real economics, he coined phrases about "Nixonomics."

Surely the American people deserve better than that.

My record in the Senate demonstrates that I am not one to advocate automatic adherence to the President's economic or other policies.

The President's economic measures deserve, however, to be given a fair assessment and a fair opportunity to work.

A reasonably impartial examination of the present economic situation discloses three obvious points:

First, the inflation was not created by the Nixon administration. It was created by the staggering $40 billion in deficits incurred by the Johnson administration during the years 1965 to 1968 in order to finance the war. These deficits produced a tidal wave of new buying power that engulfed an economy already nearly saturated with demand.

Second, on coming to power, the Nixon administration pressed hard to restore balance to the Federal budget. This was a proper and long-overdue step—for as long as Federal deficits continued to heat up an already overheated economy, there was no hope of bringing inflation under control.

Third, inflation has a powerful momentum of its own. The fact that there will be a delay before the consumer price index responds to the administration's policies of fiscal restraint is no proof that such restraint has failed.

This is not to say I concur with all aspects of the administration's economic policy.

On July 1, I said the President's inflation alert program was not conceived with sufficient "muscle."

At that time, I proposed my own alternative of early warning guideposts. These would perform the function their name implies—of providing advance notice to labor and industry of the levels of wage and price increases that would be regarded as potentially inflationary.

Unlike mandatory price controls, the early warning guideposts would require neither legislation nor the creation of an elaborate bureaucratic machinery—so they could take effect now, when they are needed most.

Unlike the Kennedy-Johnson guidelines, the early warning guideposts would be flexible. They would take into account differences in productivity, profit margins, and other economic factors which relate directly to the industry in question.

The early warning guideposts are not conceived as a Republican or a Democratic plan. They simply represent my conception of what makes the most practical economic sense on the merits.

This is the only way economic issues can rationally be discussed—on the merits, not on the basis of partisan labels.

Mr. O'Brien seems very much interested in assigning blame for the present economic crisis. I doubt this is the most useful task to which we can devote our energies.

If Mr. O'Brien insists on assigning blame, however, there is plenty of it to be found without looking outside his own party.

If Mr. O'Brien is searching for one man to bear the stigma for our present economic plight, let him not forget the President in whose Cabinet he served, Lyndon B. Johnson. It was President Johnson's method of financing the war in Vietnam through Federal deficits that unleashed the inflation. It was he who so long insisted in going forward both with the war and with his ambitious domestic policies, without enacting tax increases to pay the staggering cost of these simultaneous undertakings.

If Mr. O'Brien is looking for more recent actions which fed inflationary expectations, let him also not forget the 90th Congress, which enacted massive tax cuts last year through our action and our inaction.

A tax cut was known to be the worst of economic measures for last year. Fiscal restraint was taking the "pull" of excess demand out of the economy. A tax cut, by injecting substantial quantities of new demand, could be expected to renew the pull of inflation.

To the majority in the Congress, however, tax reduction seemed such good politics for the 1970 elections, that its negative economic consequences were conveniently forgotten.

As originally proposed, Congress was expected to debate and adopt a genuine tax reform bill that closed loopholes and provided greater equity to taxpayers. However, the bill developed into a wholesale tax-cutting measure by the time it passed the House, the Senate, and the House-Senate conference. Elimination of the surtax caused a loss in revenues of $9 billion for 1970 and $12 billion thereafter. An excess of tax relief over tax reform caused an additional net loss of $1.8 billion for 1972, $3.8 billion in 1974, and $2.5 billion over the long run.

Besides its inflationary potential, the bill had the effect of undermining our priority domestic programs—in the fields of housing, manpower training, employment, and education. By eliminating billions from the tax revenues that finance these programs, we made it difficult to proceed responsibly in meeting our obligations.

I opposed the tax reform measure, which was less a tax reform measure in its final form than a tax relief measure. I proposed that we extend the surtax or otherwise increase the revenues of the Federal Government, so that we could have a surplus in our budget for the next fiscal year and at the same time spend more money on the desperate needs of our domestic economy and our people.

Let me conclude with what I said at the outset: the economy is too important an issue to be made the plaything of partisan politics.

When we speak of the livelihood of our citizens, let us do away with Pavlovian responses to party labels.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

on July 7, 1970, the President had approved and signed the following acts:

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.

REORGANIZATION PLAN NO. 3 OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-364)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Government Operations:

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code and providing for an Environmental Protection Agency. My reasons for transmitting this plan are stated in a more extended accompanying message.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 3 of 1970 is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business"; and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in section 1 of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

Section 907 of title 5 of the United States Code will operate to preserve administrative proceedings, including any public hearing proceedings, related to the transferred functions, which are pending immediately prior to the taking effect of the reorganization plan.

The reorganization plan should result in the more efficient operation of the Government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

RICHARD NIXON.

THE WHITE HOUSE, *July 9, 1970.*

REORGANIZATION PLAN NO. 4 OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-365)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Government Operations:

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 4 of 1970, prepared in accordance with chapter 9 of title 5 of the United States Code. The plan would transfer to the Secretary of Commerce various functions relating to the oceans and atmosphere, including commercial fishery functions, and would establish a National Oceanic and Atmospheric Administration in the Department of Commerce. My reasons for transmitting this plan are stated in a more extended accompanying message.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 4 of 1970 is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code. In particular, the plan is responsive to section 901(a)(1), "to promote the better execution of the laws, the more effective management of the executive branch and of its agencies and functions, and the expeditious administration of the public business;" and section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in the plan make necessary the appointment and compensation of new officers as specified in section 2 of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the executive branch who have similar responsibilities.

The reorganization plan should result in the more efficient operation of the Government. It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action.

RICHARD NIXON.

THE WHITE HOUSE, *July 9, 1970.*

ENVIRONMENTAL PROTECTION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-366)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

As concern with the condition of our physical environment has intensified, it has become increasingly clear that we need to know more about the total environment—land, water and air. It also has become increasingly clear that only by reorganizing our Federal efforts can we develop that knowledge, and effectively ensure the protection, development and enhancement of the total environment itself.

The Government's environmentally related activities have grown up piecemeal over the years. The time has come to organize them rationally and systematically. As a major step in this direction, I am transmitting today two reorganization plans: one to establish an Environmental Protection Agency, and one to establish, within the Department of Commerce, a National Oceanic and Atmospheric Administration.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Our national government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action.

Despite its complexity, for pollution control purposes the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness.

Many agency missions, for example, are designed primarily along media lines—air, water, and land. Yet the sources of air, water, and land pollution are interrelated and often interchangeable. A single source may pollute the air with smoke and chemicals, the land with solid wastes, and a river or lake with chemical and other wastes. Control of the air pollution may produce more solid wastes, which then pollute the land or water. Control of the water-polluting effluent may convert it into solid wastes, which must be disposed of on land.

Similarly, some pollutants—chemicals, radiation, pesticides—appear in all media. Successful control of them at present requires the coordinated efforts of a variety of separate agencies and departments. The results are not always successful.

A far more effective approach to pollution control would:

—Identify pollutants.

—Trace them through the entire ecological chain, observing and recording changes in form as they occur.

—Determine the total exposure of man and his environment.

—Examine interactions among forms of pollution.

—Identify where in the ecological chain interdiction would be most appropriate.

In organizational terms, this requires pulling together into one agency a variety of research, monitoring, standard-setting and enforcement activities now scattered through several departments and agencies. It also requires that the new agency include sufficient support elements—in research and in aids to State and local anti-pollution programs, for example—to give it the needed strength and potential for carrying out its mission. The new agency would also, of course, draw upon the results of research conducted by other agencies.

COMPONENTS OF THE EPA

Under the terms of Reorganization Plan No. 3, the following would be moved to the new Environmental Protection Agency:

—The functions carried out by the Federal Water Quality Administration (from the Department of the Interior).

—Functions with respect to pesticides studies now vested in the Department of the Interior.

—The functions carried out by the National Air Pollution Control Administration (from the Department of Health, Education, and Welfare).

—The functions carried out by the Bureau of Solid Waste Management and the Bureau of Water Hygiene, and portions of the functions carried out by the Bureau of Radiological Health of the Environmental Control Administration (from the Department of Health, Education and Welfare).

—Certain functions with respect to pesticides carried out by the Food and Drug Administration (from the Department of Health, Education and Welfare).

—Authority to perform studies relating to ecological systems now vested in the Council on Environmental Quality.

—Certain functions respecting radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.

—Functions respecting pesticides registration and related activities now carried out by the Agricultural Research Service (from the Department of Agriculture).

With its broad mandate, EPA would also develop competence in areas of environmental protection that have not previously been given enough attention, such, for example, as the problem of noise, and it would provide an organization to which new programs in these areas could be added.

In brief, these are the principal functions to be transferred:

Federal Water Quality Administration. Charged with the control of pollutants which impair water quality, it is broadly concerned with the impact of degraded water quality. It performs a wide variety of functions, including research, standard-setting and enforcement, and provides construction grants and technical assistance.

Certain pesticides research authority from the Department of the Interior. Authority for research on the effects of pesticides on fish and wildlife would be provided to the EPA through transfer of the specialized research authority of the pesticides act enacted in 1958. Interior would retain its responsibility to do research on all factors affecting fish and wildlife. Under this provision, only one laboratory would be transferred to the EPA—the Gulf Breeze Biological Laboratory of the Bureau of Commercial Fisheries. The EPA would work closely with the fish and wildlife laboratories remaining with the Bureau of Sport Fisheries and Wildlife.

National Air Pollution Control Administration. As the principal Federal agency concerned with air pollution, it conducts research on the effects of air pollution, operates a monitoring network, and promulgates criteria which serve as the basis for setting air quality standards. Its regulatory functions are similar to those of the Federal Water Quality Administration. NAPCA is responsible for administering the Clean Air Act, which involves designating air quality regions, approving State standards, and providing financial and technical assistance to State Control agencies to enable them to comply with the Act's provisions. It also sets and enforces Federal automotive emission standards.

Elements of the Environmental Control Administration. ECA is the focal point within HEW for evaluation and control of a broad range of environmental health problems, including water quality, solid wastes, and radiation. Programs in the ECA involve research, development of criteria and standards, and the administration of planning and demonstration grants. From the ECA, the activities of the Bureaus of Water Hygiene and Solid Waste Management and portions of the activities of the Bureau of Radiological Health would be transferred. Other functions of the ECA including those related to the regulation of radiation from consumer products and occupational safety and health would remain in HEW.

Pesticides research and standard-setting programs of the Food and Drug Administration. FDA's pesticides program consists of setting and enforcing standards which limit pesticide residues in food. EPA would have the authority to set pesticide standards and to monitor compliance with them, as well as to conduct related research. However, as an integral part of its food protection activities, FDA would retain its authority to remove from the market food with excess pesticide residues.

General ecological research from the Council on Environmental Quality. This authority to perform studies and research relating to ecological systems would be in addition to EPA's other specific research authorities, and it would help EPA to measure the impact of pollutants. The Council on Environmental Quality would retain its authority to conduct studies and research relating to environmental quality.

Environmental radiation standards programs. The Atomic Energy Commission is now responsible for establishing environmental radiation standards and emission limits for radioactivity. Those standards have been based largely on broad guidelines recommended by the Federal Radiation Council. The Atomic Energy Commission's authority to set standards for the protection of the general environment from radioactive material would be transferred to the Environmental Protection Agency. The functions of the Federal Radiation Council would also be transferred. AEC would retain responsibility for the implementation and enforcement of radiation standards through its licensing authority.

Pesticides registration program of the Agricultural Research Service. The Department of Agriculture is currently responsible for several distinct functions related to pesticides use. It conducts research on the efficacy of various pesticides as related to other pest control methods and on the effects of pesticides on non-target plants, livestock, and poultry. It registers pesticides, monitors their persistence and carries out an educational program on pesticide use through the extension service. It conducts extensive pest control programs which utilize pesticides.

By transferring the Department of Agriculture's pesticides registration and monitoring function to the EPA and merging it with the pesticides programs being transferred from HEW and Interior, the new agency would be given a broad capability for control over the introduction of pesticides into the environment.

The Department of Agriculture would continue to conduct research on the effectiveness of pesticides. The Department would furnish this information to the EPA, which would have the responsibility for actually licensing pesticides for use after considering environmental and health effects. Thus the new agency would be able to make use of the expertise of the Department.

ADVANTAGES OF REORGANIZATION

This reorganization would permit response to environmental problems in a manner beyond the previous capability of our pollution control programs. The EPA would have the capacity to do research on important pollutants irrespective of the media in which they appear, and on the impact of these pollutants on the total environment. Both by itself and together with other agencies, the EPA would monitor the condition of the environment—biological as well as physical. With these data, the EPA would be able to establish quantitative "environmental baselines"—critical if we are to measure adequately the success or failure of our pollution abatement efforts.

As no disjointed array of separate programs can, the EPA would be able—in concert with the States—to set and enforce standards for air and water quality and for individual pollutants. This consolidation of pollution control authorities would help assure that we do not create new environmental problems in the process of controlling existing ones. Industries seeking to minimize the adverse impact of their activities on the environment would be assured of consistent standards covering the full range of their waste disposal problems. As the States develop and expand their own pollution control programs, they would be able to look to one agency to support their efforts with financial and technical assistance and training.

In proposing that the Environmental Protection Agency be set up as a separate new agency, I am making an exception to one of my own principles: that, as a matter of effective and orderly administration, additional new independent agencies normally should not be created. In this case, however, the arguments against placing environmental protection activities under the jurisdiction of one or another of the existing departments and agencies are compelling.

In the first place, almost every part of government is concerned with the environment in some way, and affects it in some way. Yet each department also has its own primary mission—such as resource development, transportation, health, defense, urban growth or agriculture—which necessarily affects its own view of environmental questions.

In the second place, if the critical standard-setting functions were centralized within any one existing department, it would require that department constantly to make decisions affecting other departments—in which, whether fairly or unfairly, its own objectivity as an impartial arbiter could be called into question.

Because environmental protection cuts across so many jurisdictions, and because arresting environmental deterioration is

of great importance to the quality of life in our country and the world, I believe that in this case a strong, independent agency is needed. That agency would, of course, work closely with and draw upon the expertise and assistance of other agencies having experience in the environmental area.

ROLES AND FUNCTIONS OF EPA

The principal roles and functions of the EPA would include:

—The establishment and enforcement of environmental protection standards consistent with national environmental goals.

—The conduct of research on the adverse effects of pollution and on methods and equipment for controlling it, the gathering of information on pollution, and the use of this information in strengthening environmental protection programs and recommending policy changes.

—Assisting others, through grants, technical assistance and other means in arresting pollution of the environment.

—Assisting the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

One natural question concerns the relationship between the EPA and the Council on Environmental Quality, recently established by Act of Congress.

It is my intention and expectation that the two will work in close harmony, reinforcing each other's mission. Essentially, the Council is a top-level advisory group (which might be compared with the Council of Economic Advisers), while the EPA would be an operating, "line" organization. The Council will continue to be a part of the Executive Office of the President and will perform its overall coordinating and advisory roles with respect to all Federal programs related to environmental quality.

The Council, then, is concerned with all aspects of environmental quality—wildlife preservation, parklands, land use, and population growth, as well as pollution. The EPA would be charged with protecting the environment by abating pollution. In short, the Council focuses on what our broad policies in the environmental field should be; the EPA would focus on setting and enforcing pollution control standards. The two are not competing, but complementary—and taken together, they should give us, for the first time, the means to mount an effectively coordinated campaign against environmental degradation in all of its many forms.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The oceans and the atmosphere are interacting parts of the total environmental system upon which we depend not only for the quality of our lives, but for life itself.

We face immediate and compelling needs for better protection of life and property from natural hazards, and for a better understanding of the total environment—an understanding which will enable us more effectively to monitor and predict its actions, and ultimately, perhaps to exercise some degree of control over them.

We also face a compelling need for exploration and development leading to the intelligent use of our marine resources. The global oceans, which constitute nearly three-fourths of the surface of our planet, are today the least-understood, the least-developed, and the least-protected part of our earth. Food from the oceans will increasingly be a key element in the world's fight against hunger. The mineral resources of the ocean beds and of the oceans themselves, are being increasingly tapped to meet the growing world demand. We must understand the nature of these resources, and assure their development without either contaminating the marine environment or upsetting its balance.

Establishment of the National Oceanic and Atmospheric Administration—NOAA—within the Department of Commerce would enable us to approach these tasks in a coordinated way. By employing a unified approach to the problems of the oceans and atmosphere, we can increase our knowledge and expand our opportunities not only in those areas, but in the third major component of our environment, the solid earth, as well.

Scattered through various Federal departments and agencies, we already have the scientific, technological and administrative resources to make an effective, unified approach possible. What we need is to bring them together. Establishment of NOAA would do so.

By far the largest of the components being merged would be the Commerce Department's Environmental Science Services Administration (ESSA), with some 10,000 employees (70 percent of NOAA's total personnel strength) and estimated Fiscal 1970 expenditures of almost $200 million. Placing NOAA within the Department of Commerce therefore entails the least dislocation, while also placing it within a Department which has traditionally been a center for service activities in the scientific and technological area.

COMPONENTS OF NOAA

Under terms of Reorganization Plan No. 4, the programs of the following organizations would be moved into NOAA:

—The Environmental Science Services Administration (from within the Department of Commerce).

—Elements of the Bureau of Commercial Fisheries (from the Department of the Interior).

—The marine sport fish program of the Bureau of Sport Fisheries and Wildlife (from the Department of the Interior).

—The Marine Minerals Technology Center of the Bureau of Mines (from the Department of the Interior).

—The Office of Sea Grant Programs (from the National Science Foundation).

—Elements of the United States Lake Survey (from the Department of the Army).

In addition, by executive action, the programs of the following organizations would be transferred to NOAA:

—The National Oceanographic Data Center (from the Department of the Navy).

—The National Oceanographic Instrumentation Center (from the Department of the Navy).

—The National Data Buoy Project (from the Department of Transportation).

In brief, these are the principal functions of the programs and agencies to be combined:

The Environmental Science Services Administration (ESSA) comprises the following components:

—The Weather Bureau (weather, marine, river, and flood forecasting and warning).

—The Coast and Geodetic Survey (earth and marine description, mapping and charting).

—The Environmental Data Service (storage and retrieval of environmental data).

—The National Environmental Satellite Center (observation of the global environment from earth-orbiting satellites).

—The ESSA Research Laboratories (research on physical environmental problems).

ESSA's activities include observing and predicting the state of the oceans, the state of the lower and upper atmosphere, and the size and shape of the earth. It maintains the nation's warning systems for such natural hazards as hurricanes, tornadoes, floods, earthquakes and seismic sea waves. It provides information for national defense, agriculture, transportation and industry.

ESSA monitors atmospheric, oceanic and geophysical phenomena on a global basis, through an unparalleled complex of air, ocean, earth and space facilities. It also prepares aeronautical and marine maps and charts.

Bureau of Commercial Fisheries and marine sport fish activities. Those fishery activities of the Department of the Interior's U.S. Fish and Wildlife Service which are ocean related and those which are directed toward commercial fishing would be transferred. The Fish and Wildlife Service's Bureau of Commercial Fisheries has the dual function of strengthening the fishing industry and promoting conservation of fishery stocks. It conducts research on important marine species and on fundamental oceanography, and operates a fleet of oceanographic vessels and a number of laboratories. Most of its activities would be transferred. From the Fish and Wildlife Service's Bureau of Sport Fisheries and Wildlife, the marine sport fishing program would be transferred. This involves five supporting laboratories and three ships engaged in activities to enhance marine sport fishing opportunities.

The Marine Minerals Technology Center is concerned with the development of marine mining technology.

Office of Sea Grant Programs. The Sea Grant Program was authorized in 1966 to permit the Federal Government to assist the academic and industrial communities in developing marine resources and technology. It aims at strengthening education and training of marine specialists, supporting applied research in the recovery and use of marine resources, and developing extension and advisory services. The Office carries out these objectives by making grants to selected academic institutions.

The U.S. Lake Survey has two pri-

mary missions. It prepares and publishes navigation charts of the Great Lakes and tributary waters and conducts research on a variety of hydraulic and hydrologic phenomena of the Great Lakes' waters. Its activities are very similar to those conducted along the Atlantic and Pacific coasts by ESSA's Coast and Geodetic Survey.

The National Oceanographic Data Center is responsible for the collection and dissemination of oceanographic data accumulated by all Federal agencies.

The National Oceanographic Instrumentation Center provides a central Federal service for the calibration and testing of oceanographic instruments.

The National Data Buoy Development Project was established to determine the feasibility of deploying a system of automatic ocean buoys to obtain oceanic and atmospheric data.

Role of NOAA

Drawing these activities together into a single agency would make possible a balanced Federal program to improve our understanding of the resources of the sea, and permit their development and use while guarding against the sort of thoughtless exploitation that in the past laid waste to so many of our precious natural assets. It would make possible a consolidated program for achieving a more comprehensive understanding of oceanic and atmospheric phenomena, which so greatly affect our lives and activities. It would facilitate the cooperation between public and private interests that can best serve the interests of all.

I expect that NOAA would exercise leadership in developing a national oceanic and atmospheric program of research and development. It would coordinate its own scientific and technical resources with the technical and operational capabilities of other government agencies and private institutions. As important, NOAA would continue to provide those services to other agencies of government, industry and private individuals which have become essential to the efficient operation of our transportation systems, our agriculture and our national security. I expect it to maintain continuing and close liaison with the new Environmental Protection Agency and the Council on Environmental Quality as part of an effort to ensure that environmental questions are dealt with in their totality and that they benefit from the full range of the government's technical and human resources.

Authorities who have studied this matter, including the Commission on Marine Science, Engineering and Resources, strongly recommend the creation of a National Advisory Committee for the Oceans. I agree. Consequently, I will request, upon approval of the plan, that the Secretary of Commerce establish a National Advisory Committee for the Oceans and the Atmosphere to advise him on the progress of governmental and private programs in achieving the nation's oceanic and atmospheric objectives.

AN ON-GOING PROCESS

The reorganizations which I am here proposing afford both the Congress and the Executive Branch an opportunity to re-evaluate the adequacy of existing program authorities involved in these consolidations. As these two new organizations come into being, we may well find that supplementary legislation to perfect their authorities will be necessary. I look forward to working with the Congress in this task.

In formulating these reorganization plans, I have been greatly aided by the work of the President's Advisory Council on Executive Organization (the Ash Council), the Commission on Marine Science, Engineering and Resources (the Stratton Commission, appointed by President Johnson), my special task force on oceanography headed by Dr. James Wakelin, and by the information developed during both House and Senate hearings on proposed NOAA legislation.

Many of those who have advised me have proposed additional reorganizations, and it may well be that in the future I shall recommend further changes. For the present, however, I think the two reorganizations transmitted today represent a sound and significant beginning. I also think that in practical terms, in this sensitive and rapidly developing area, it is better to proceed one step at a time—and thus to be sure that we are not caught up in a form of organizational indigestion from trying to rearrange too much at once. As we see how these changes work out, we will gain a better understanding of what further changes—in addition to these—might be desirable.

Ultimately, our objective should be to insure that the nation's environmental and resource protection activities are so organized as to maximize both the effective coordination of all and the effective functioning of each.

The Congress, the Administration and the public all share a profound commitment to the rescue of our natural environment, and the preservation of the Earth as a place both habitable by and hospitable to man. With its acceptance of these reorganization plans, the Congress will help us fulfill that commitment.

RICHARD NIXON.

THE WHITE HOUSE, *July 9, 1970.*

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the President's message on environmental protection at the desk be jointly referred to the Committees on Public Works, Agriculture and Forestry, Commerce, Interior and Insular Affairs, and Government Operations.

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1520) to exempt from the antitrust laws certain combinations and arrangements necessary for the survival of failing newspapers, with an amendment, in which it requested the concurrence of the Senate.

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. METCALF):

H.R. 5106. An act for the relief of Rogelio Tabhan; and

H.J. Res. 1284. Joint resolution authorizing the President's Commission on Campus Unrest to compel the attendance and testimony of witness and the production of evidence, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED AMENDMENT OF TITLE 10, UNITED STATES CODE

A letter from the Acting Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the Secretary of a military department to adjust the legislative jurisdiction exercised by the United States over lands or interests under his control (with accompanying papers); to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the first quarter of 1970 (with an accompanying report); to the Committee on Banking and Currency.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on impaired combat readiness of the Navy's Atlantic and 6th Fleets, Department of the Navy (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Armed Services, with an amendment:

S. 583. A bill to provide for the flying of the American flag over the remains of the U.S. ship *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941 (Rept. No. 91-1010).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 2565. A bill to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions (Rept. No. 91-1011).

By Mr. FONG for Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 3959. A bill to provide certain retirement benefits under title 5, United States Code, for air traffic controllers (Rept. No. 91-1012).

EXECUTIVE REPORTS OF A COMMITTEE

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

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

Louis M. Rousselot, of New Jersey, to be an Assistant Secretary of Defense.

Mr. ERVIN. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 14 general and flag officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

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

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

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

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

William C. Turville, Oscar Gray, Jr., Charles L. Waite, Charles Becker, Philip Crosby, Kenneth L. Woodfin, Foster M. Lalor, Jr., and Vernon L. Anderson, U.S. Navy officers, for temporary promotion to the grade of rear admiral;

Comdr. John W. Young, and Comdr. Eugene A. Cernan, U.S. Navy, for permanent promotion to the grade of captain;

Lt. Gen. (retired) David Wade, Louisiana Air National Guard, and Brig. Gen. Edwin Warfield III, Maryland Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, in the grade of majors general;

Col. Clinton M. Miller, Iowa Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force, in the grade of brigadier general; and

Rear Adm. Sam H. Moore, U.S. Navy, for appointment as Director of Budget and Reports in the Department of the Navy.

Mr. ERVIN. Mr. President, in addition, I report favorable 2,143 appointments and promotions in the Army in the grade of major and below, two promotions in the Navy in the grade of captain, and 567 promotions in the Air Force in the grade of colonel. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Thomas Abercrombie, and sundry other officers, for promotion in the Regular Army of the United States;

Edward J. Ainsley, and sundry other officers, for promotion in the Regular Air Force;

Daniel A. Addiss, and sundry other persons, for appointment in the Regular Army of the United States; and

Dennis Szymanski, scholarship student, for appointment in the Regular Army of the United States.

BILLS INTRODUCED

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

By Mr. TYDINGS:

S. 4070. A bill for the relief of Mr. David Lawton; to the Committee on the Judiciary.

By Mr. MANSFIELD:

S. 4071. A bill for the relief of Anthony E. Keane; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 4072. A bill for the relief of Renate Specht; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 4073. A bill for the relief of Hyun Joo Lee and Myung Joo Lee; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. MONTOYA, and Mr. YARBOROUGH):

S. 4074. A bill to authorize special appropriations for training teachers for bilingual education programs; to the Committee on Labor and Public Welfare.

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

S. 4074—INTRODUCTION OF A BILL TO AUTHORIZE SPECIAL APPROPRIATIONS FOR TRAINING TEACHERS FOR BILINGUAL EDUCATION PROGRAMS

Mr. CRANSTON. Mr. President, in passing the Bilingual Education Act of 1968, Congress recognized the importance of meeting the specialized 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.

By authorizing a program of grants to support bilingual education projects and training for bilingual education teachers, Congress sought to assist these children to develop greater competence in English, to become more proficient in the use of English and their mother tongue, and to profit from increased educational opportunity. Implicit in the act is the recognition that failure to meet the special educational needs of children with limited English-speaking ability will condemn them to academic oblivion. And, as is often the tragic case, Mr. President, those unable to complete their education stand little chance to compete for a fair share of the material benefits available to those of us who had the benefit of a more adequate education.

Mr. President, the Congress has maintained its interest in the special educational needs of children with limited English-speaking abilities. This is amply evidenced by both the increased authorizations and appropriations voted for the bilingual education program. The fiscal year 1971 Senate appropriation for this program is almost four times as great as the fiscal year 1969 appropriation, the first year the authorization was funded. And the authorization has risen from $15 million in fiscal year 1968 to $135 million in fiscal year 1973.

Despite these advances, Mr. President, much remains to be done before children with limited English-speaking ability can enjoy a truly responsive education. Certainly, to assure maximum effective use of the funds which have been appropriated, teachers who are qualified to teach bilingually will have to be provided. This need is partially recognized in section 704(b) of the Elementary and Secondary Education Act which authorizes grants for preservice training to prepare persons engaged in bilingual education. It is also taken into account in section 531(b)(8) of the Higher Education Act of 1965. That section authorizes the Commissioner of Education to make grants for programs or projects to train or retrain persons engaged in special educational programs for children of limited English-speaking ability.

However, neither act provides for a separate authorization for the teacher training programs. Under existing law, funds for these programs are lumped together with funds for other programs, and, consequently, it is not possible to focus on the critical need for bilingual teachers by earmarking funds for badly needed bilingual training programs.

Mr. President, in order for Congress to focus on this need, it is necessary to provide separate funding for bilingual teacher training programs. The bill, which I introduce today, would accomplish this by amending title VII of the Elementary and Secondary Education Act to provide a separate authorization for such programs. It would, for the moment, leave untouched the training programs authorized under section 531(b)(8) of Higher Education Act of 1965 and, until further information becomes available, would call for an open-ended authorization.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD at this point.

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

The bill (S. 4074) to authorize special appropriations for training teachers for bilingual education programs, introduced by Mr. CRANSTON (for himself, Mr. MONTOYA, and Mr. YARBOROUGH), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of title VII of the Elementary and Secondary Education Act of 1965 is amended by redesignating subsection (b), and all references thereto, as subsection (c), and inserting after subsection (a) the following new subsection:

"(b) In addition to the sum appropriated pursuant to subsection (a), there is hereby authorized to be appropriated, not subject to clauses (7) and (8) of section 705(a) and clauses (2) and (3) of section 705(b), such sums as the Congress determines to be necessary for carrying out programs and projects for the purposes set forth in section 704(b).".

ADDITIONAL COSPONSOR OF A BILL

S. 3752

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next

printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of the bill (S. 3752) to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities, and for other purposes.

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

SENATE RESOLUTION 426—SUBMISSION OF A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE TO INVESTIGATE ECONOMIC AND FINANCIAL CONCENTRATION

Mr. METCALF. Mr. President, concentration of economic power and financial control among major U.S. industries and financial institutions has, in my opinion, reached the stage where a special investigation by the Senate is a number one priority.

The 1969 Federal Trade Commission staff study summarized the breadth of the situation:

> In unprecedented fashion the current merger movement is centralizing and consolidating corporate control and decision-making among a relatively few vast companies. By the end of 1968, the 200 largest industrial corporations controlled over 60 percent of the total assets held by all manufacturing corporations.
>
> These developments in manufacturing are part of a broader picture of concentration and centralization in the American economy. Firms engaged in retail distribution, insurance, broadcasting, newspapers, and the utilities have also been caught up in this movement. Many railroads have not only merged with one another in recent years, but have increasingly created holding companies as vehicles for expanding into manufacturing and other sectors of the economy. Banks have created one-bank holding corporations for the purpose of enlarging the scope of their operations beyond their traditional areas of activity. Large petroleum companies have not only consummated a long series of mergers within various branches of the energy industries, but, through additional mergers, have become widely diversified conglomerates.

The FTC study concludes:

> These developments pose a serious threat to America's democratic and social institutions by creating a degree of centralized private decision-making that is incompatible with a free enterprise system, a system relying upon market forces to discipline private economic power.

A staff report for the Subcommittee on Domestic Finance of the House Banking and Currency Committee, 1968, concludes:

> The problem of concentration of economic wealth has been a concern to Congress and the public for many years. On occasion this concern has led to the enactment of import legislation, particularly between 1890 and 1914, and again during the New Deal Era.
>
> Since World War II the nature of the problem has changed considerably, in large part because of the dramatic growth of institutionally managed funds, including mutual funds, insurance funds, employee benefit funds, and private trust funds held by bank trust departments. It appears that the trend identified in the 1930's, of major corporations in the United States being controlled by corporate management because of the wide dispersal of stock ownership among large segments of the public, may now be giving way to a new trend toward control of these vital elements of our economy through control of the voting of large blocks of stocks in these corporations held for beneficiaries by a relatively few giant financial institutions.

The staff report, which concentrated on the role of commercial banks as potentials for economic control, presented a survey of 49 major banks in 10 cities. It found that these banks held a total of 768 interlocking directorships with 286 of the Nation's top 500 industrial companies; 146 such interlocks with 29 of the 50 largest insurance companies; and 86 interlocks with 22 of the 50 largest utilities. In addition, there were 176 situations where the surveyed banks held 5 percent or more of the common stock among the 500 largest industrials.

For years, Fortune magazine has been compiling annually corporate information on the country's largest companies in all major fields. There is an extraordinary pattern in this information whether it be industrials, transportation, utilities, banks, or insurance companies. There is always a top one or two or three that tower over the rest of the crowd.

In industrials, General Motors, No. 1, is nearly twice the size of its next competitor Ford, No. 3. Ford is twice the size of Chrysler, No. 6.

Standard Oil of New Jersey, No. 2, is twice the size of its next competitor Mobile Oil, No. 7.

General Electric, No. 4, is about three times the size of its next competitor, Westinghouse, No. 17.

Among life insurance companies, Prudential and Metropolitan, Nos. 1 and 2, are twice the size of Equitable, No. 3. Equitable is 50 percent larger than New York Life and John Hancock, Nos. 4 and 5. In commercial banks, Bank of America, First National City, and Chase Manhattan, each is more than twice the size of the next competitors, Manufacturers Hanover and J. P. Morgan.

All these companies are interlocked either through directors, banks, stock ownership, or other financial institutions. However, the degree of such interrelationship is not now known to the Congress, the executive branch, the courts, or the public. Nor is the true control over the respective areas of commerce by these companies known. One thing is obvious from the Fortune survey: the imbalance between the top and everybody else is awesome.

We have begun to learn about this modern form of business concentration in bits and pieces from limited congressional inquiry, staff studies, and scholarly articles. But we have not looked, since the reports of the Temporary National Economic Committee in the late thirties, at the total picture—the interrelationships between private financial institutions, public utilities, and private industry and the actual and potential impact of this situation on the American economy and progress, nationally and regionally.

The recent Penn Central bankruptcy has brought the questions out into the open, however obscured the facts will remain.

It has lifted the academic veil from the operations of big business, and driven some hard points home to millions of stockholders, bondholders, employees, and shippers who only a few years ago were assured—along with the Supreme Court of the United States—that a merger between the Nation's two largest railroads would result in a strengthened and profitable rail system to all.

It was the financial managers on Wall Street who literally rammed that merger down the throat of the U.S. Government. For as James Symes, president of the Pennsylvania, told the Kefauver Antitrust Subcommittee in 1962, you either buy the Penn Central as part of an eastern rail package, or you do not get any mergers. Despite the fact that the majority of that Senate subcommittee put the financial managers on notice that, in fact, diseconomies and a slowup in return on capital could result from increasing the density of traffic and the size of the rail company, they went ahead.

It was the private financial community that determined the rules of this rail merger game, and neither the Congress, nor the ICC, nor the courts were strong enough to say no. Yet, here we are in Congress being asked to take good taxpayers' money to bail out the Penn Central without even the suggestion of adequate security and management control, and without any real knowledge of the corporate monster which the financial managers have put together. Neither the ICC, nor the Supreme Court, nor the Congress, nor anyone except the Wall Street bankers really know who owns and controls this railroad.

But aside from a weakness in Federal policy and regulation, the Penn Central debacle sheds light on some other fast-moving events on the big business scene. Most people did not know that as soon as the merger was approved, a giant holding company would be formed to move into other more lucrative ventures quite apart from railroading. The Penn Central transportation company, with $7 billion assets, became just a subsidiary of Penn Central. But the opportunity for the holding company to use those assets as security for new money or for sale, for milking the railroad's profits, raiding its best personnel, or using its equipment, and for directing rail operations for the overall benefit of the holding company rather than for shippers and passengers, became very real indeed.

Over a year ago, the ICC began investigating "financial manipulations" where assets and earnings were being dissipated to noncarried companies "detrimental to the national transportation needs of the public and national defense." The following are alleged abuses being looked into by the ICC:

Special dividends or other transactions in which the railroad transfers assets at book value to the holding company, with the latter realizing the benefits of their appreciated market value.

Loans from the holding company so that the railroad can pay dividends unwarranted by its earnings performance.

Loans from the railroad to the parent company at no interest or below prevailing rates.

Sales of railroad-owned real estate, air

rights, and other assets to finance further acquisitions by the holding company—often without adequate compensation to the railroad.

The use of the railroad's operating losses, accelerated depreciation, or investment credits to cut the tax bill of other affiliates in consolidated returns without properly sharing these benefits with the railroad.

Requiring that the carrier lease property from the holding company at greater cost than if the carrier owned the property outright.

Charging salaries and expenses of holding company executives to the railroads.

What is happening to transportation is happening in the energy field as well. Oil companies have acquired the major coal companies. Regarding electricity and gas, the quasi-governmental utility apparatus brings together financial, business, and political muscle throughout the territory served by the utility. The directors and retainers come from the banking community, other industries, the universities, and the leading law firms. Often they include legislators as well. Through interlocking directorates and good will purchased through contributions and regular substantial donations to chambers of commerce and other organizations—the cost of which is passed on to the utility consumers—this hierarchy is ideally suited for business ventures beyond the scope of the original franchises, which, if still existing, are difficult to find. Through control of proxies and the industry orientation of State public service commissions, utilities are amending their charters to allow themselves to engage in—Philadelphia Electric, for example—"manufacturing, processing, owning, using, and dealing in personal property of every class and description" including "acquiring, owning, using, and disposing of real property of every nature whatsoever." Gas utilities are entering the housing field in a big way, too. Pacific Lighting directors have approved plans for the $19 million acquisition of two real estate development companies in California. UGI Corp. has agreed conditionally to acquire all the capital stock of five Pennsylvania real estate development companies.

More than half of this Nation's utilities are now in or considering entry into the housing and real estate business, according to Electrical World.

Utilities appear to have gone into housing because they can make even more money in it than they can selling utility services. They make more in housing than housing corporations do. Niagara Mohawk Power claims its housing will produce an annual average return on equity over a 10-year period in excess of 20 percent. This high return of the utility is at the expense of the Federal taxpayer. Property of the utility's housing subsidiary is depreciated in its entirety over a 10-year period, producing a tax loss for consolidation with the parent company's return. At the end of the depreciation period the property can be sold at cost or even given away.

Meanwhile, the utility has pocketed its high earnings and may have locked out competing businesses such as oil heat from its subsidiary's houses and provided fodder for reams of press releases about its compelling sense of social concern.

The holding company which owns the electric or gas utility may look like a different breed of cat today than those in the days of Sam Insull, but it looks like the development of the same game. Only it could be worse—where basic electric service may be downgraded and profits obtained from consumers squeezed to benefit other ventures having nothing to do with the public service.

Whether the present utility law, State or Federal, is sufficient to protect the citizen is an issue for investigation.

Our communications systems is dominated by one system which provides nearly 85 percent of all telephone service. The Bell System, the world's largest private enterprise with assets of $45 billion, has competition-free control in its service areas over telephone operations all the way from production by its wholly owned subsidiary to maintenance and repair. Oligopoly reigns among television and radio networks and news services.

In addition—and this could be the most serious phase of the trend—banks, big banks, have created holding companies, reducing their banking services to that of a subsidiary, and expanding operations into all sorts and sizes of nonbanking, even nonfinancial, fields. The extent of the holdings and ownership of such giants as Bank of America, First National City Corp., the Chase Manhattan Corp., Manufacturers Hanover Corp., and J. P. Morgan—now full scale businesses—should be of immediate concern to the Congress. But more importantly, what will be the policy of the future? Are banks to become appendices to large financial empires—captives of higher levels of investment and corporate management? And at what point—if we can determine it—will they fail to serve and protect the people who use them?

When one examines the role of commercial banks in their totality, the true magnitude of their power and concentration is revealed. The staff report of the Domestic Finance Committee of the House Banking and Currency Committee in 1968 says this:

> Of the total of slightly over $1 trillion in assets held by all institutional investors in the United States in 1967, $607 billion, or approximately 60 percent, is held by commercial banks.
>
> There are many factors to be considered in judging the potential for influence and control that banks and other financial institutions may have over other corporations. These include the supply of capital, the holding and voting of large blocks of stock of companies and extensive interlocking directorships between financial institutions and other corporations. All of these factors, as well as many others, appear to exist to an extensive degree at the present time. One of the problems of detecting this situation in the case of commercial banks has been their favored position as contrasted with other institutional investors in being able to conceal the extent to which they hold and control investments of other corporations.
>
> Some of the consequences of bank influence over major corporations involve potential restraint of competition, both among financial institutions, and between competing nonfinancial corporations which may be linked together through a single banking institution. Mergers, which would not otherwise take place, may also be fostered by the influential position of banks with one or more companies involved. The ties between banks and other corporations may also unduly restrict the sources of credit available to competing businesses which do not have the same links with banks.

The pattern of lateral ownership and concentration in the "nonregulated" industrial area of the economy has been ably documented by the Senate Antitrust and Monopoly Subcommittee and the Federal Trade Commission.

Specifically, the share of manufacturing assets held by the 100 largest corporations in 1968 was greater than the share of manufacturing assets held by the 200 largest corporations in 1950, the year Congress enacted the Celler-Kefauver amendment to section 7 of the Clayton Act. The 200 largest manufacturing corporations in 1968 controlled a share of assets equal to that held by the 1,000 largest in 1941, when the Temporary National Economic Committee submitted to Congress its final report and recommendations.

But as in the case of utilities and banks, the problems of bigness and potential abuse for the future lie in the conglomerate whether it be an operating company with separate divisions, or a holding company with various types of subsidiaries and controlling interests. Says the FTC:

> Power is inherent in the firm's anatomy. In markets where it lacks the traditional type of market power, it may temporarily exercise its conglomerate power to the disadvantage of rivals, and not necessarily to the immediate disadvantage of consumers. Although the conglomerate's rivals are the only immediate losers, ultimately the economy and the consumers may share in the losses.
>
> The use of conglomerate power may weaken or repress rivals, induce them to make defensive modifications in their behavior, and discourage entry. Business conglomeration may contribute to industrial concentration—in a direct manner by drawing together hitherto independent business firms and indirectly by establishing the basis for enhancing the growth of the combination at the expense of smaller rivals. The nature and extent of a conglomerate's initial power depend on the relationship between the new firm's structure—its relative size, diversification, and profit capabilities in any or all of its individual markets—and that of rivals, customers, and suppliers. The immediate effect of a conglomerate merger is to create options in conduct not open to smaller, less diversified rivals.
>
> Specifically, business conglomeration, whether achieved by internal growth or acquisition, enlarges two lines of conduct unavailable to single-market firms—the practices of reciprocity and cross subsidization. It also widens the scope of mutual interdependence and leads to greater forebearance among large business concerns. Conglomeration by merger accelerates the development of conglomerate options and mutual interdependence, as well as allowing such conduct characteristics to become significantly more pervasive than they would be if conglomeration could be achieved by internal growth alone.

This emphasis on banks, utilities, and industrials should by no means overshadow the growing impact of the mutual funds, pension funds, foundations

and other forms of financial resources on the scene of economic concentration. They also are entities using other people's money. They are subject to the same problems of concentration and conflicts of interest as are other financial institutions.

Recent investigations and studies by the Securities and Exchange Commission shed enormous light on the anticompetitive and manipulating effect which these other kinds of institutional investors may have on the American economy in the future.

The critical point that weaves its way through all of this is the role of financial managers—banks, insurance companies, pension funds, mutual funds and others. In case after case—the Penn Central situation outstanding—persons responsible for the maneuvers which affect the operating company's value and earnings are, by stock, directorate, or otherwise, tied to the institutions which hold the company's debt.

When the creditor becomes an owner or manager of the debtor, responsible for the debtor's mistakes or shenanigans, he may not be so quick to protect the interests of those whose money he has invested in the company. Likewise, his inside role in the workings and decision-making of the company in which he has invested may give him valuable information not available to others who are competing with him for investment in the market.

The greater the noose of asset concentration and financial control, the greater the conflicts of interest, the more closed the arena of knowledge to the outside world.

A second critical point involves the effect on the people of an economy which is concentrated in managerial power and financial control. When giants like the Penn Central go down, there may be a domino economic effect over the 113,000 employees, the thousands of shippers, the connecting lines, the cities, towns, and States that have relied both on its service and economic development.

What more giants are about to fall? According to the New York Times of July 7, Manufacturer's Hanover during the week of June 29 put together a consortium of banks in New York, Boston, and other cities on a crash basis to loan Chrysler—the Nation's sixth largest industrial—$400 million in order to avoid "a serious financial panic." If the room at the top is getting that filled with smoke, when is the fire going to break out?

A third critical point in the relationship between concentration and the corporate policies for developing modern, technical, and progressive utility systems, and industrial capacity, particularly with regard to product and distribution quality, fair prices, environmental protection, and other social issues.

To what extent is the public interest protected either by real competition or by effective regulation? To what extent is the level of prices in this country, and the pricing policies in individual markets, affected by financial and managerial controls in the hands of a few? Finally, how does the apparent pattern of concentrated ownership and control affect the exploitation and consumption of our resources—and what governmental policies are needed to protect the public interest?

Finally, what are the implications of the stock market tomorrow, next week, next month, next year? Are we beginning to learn the effects of market power by the institutional investors before we can even begin our overall investigation?

Many experienced observers agree that what we have today on the stock market, in the bond market, and in other key investment arenas, is a concentration of few sellers and few buyers, each with enormous power—without a conspiracy—to determine the price. The little man is out of it. Even brokerage houses are folding. It is an oligopoly they say, the perfect competition has broken down, there is a destabilizing force. The big holders have the power to withdraw, the power to dump, the power to threaten, and the power to mislead.

As the stock and bond markets have remained such a bellweather of the Nation's economy, then the question of whether they are in fact administered, or still competitive, is a crucial one.

A market which does not represent the people, but rather the machinations and imaginations of a few investors should be shown for what it is—not an economic indicator, but rather an example of encroaching economic concentration.

The area for investigation is of course much broader than the examples above, but for the moment this statement will suffice.

Mr. President, in order for the Congress and the public to obtain the information upon which public policy in these fields can be based, I submit a resolution which proposes the establishment of a Special Committee to Investigate Economic and Financial Concentration. My resolution provides that it consist of 11 Members of the Senate. They shall include a majority and minority member of each of the following five committees—Banking and Currency, Commerce, Government Operations, Finance and Judiciary. They and the chairman shall be designated by the President of the Senate. It shall be the duty of the committee to make a full and complete study of the extent and causes of concentration of economic power and financial control, the effect of this concentration and control on competition, prices, employment, profits, consumption, resource use and Federal and State laws and their administration.

It shall further be the duty of that committee to recommend legislation, guidelines, standards and improvements in administration of existing laws, regulation and procedures. The committee shall submit a final report of its study and recommendations by January 31, 1973, and may precede that final report, as it deems advisable, by interim reports to the standing committees of the Senate.

Mr. President, the Senate this year has asserted itself in the field of foreign affairs. It is time for the Senate to assert itself in domestic affairs. Our gaze is fixed on distant shores as we drift toward the shoals. It is time to determine who owns America and who controls it, and then to proceed to reshape our institutions so that they will be responsive to the needs of our times.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the resolution to establish a Special Committee to Investigate Economic and Financial Concentration.

The PRESIDING OFFICER (Mr. ALLEN). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 426), which reads as follows, was referred to the Committee on the Judiciary:

S. RES. 426

Resolved, That (a) there is hereby established a special committee of the Senate which shall be known as the Special Committee To Investigate Economic and Financial Concentration (hereinafter referred to as the "committee") consisting of eleven Members of the Senate to be designated by the President of the Senate, as follows:

(1) one Senator from the majority party who shall serve as chairman;

(2) two Senators who are members of the Committee on Banking and Currency;

(3) two Senators who are members of the Committee on Commerce;

(4) two Senators who are members of the Committee on Government Operations;

(5) two Senators who are members of the Committee on Finance; and

(6) two Senators who are members of the Committee on the Judiciary.

One Senator appointed from each such committee under clauses (2)-(6) of this subsection shall be a member of the majority party and one shall be a member of the minority party.

(b) Vacancies in the membership of the committee shall not affect the authority of the remaining members to execute the functions of the committee. Vacancies shall be filled in the same manner as original appointments are made.

(c) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The committee may establish such subcommittees as it deems necessary and appropriate to carry out the purpose of this resolution.

(d) The committee shall keep a complete record of all committee actions, including a record of the votes on any question on which a record vote is demanded. All committee records, data, charts, and files shall be the property of the committee and shall be kept in the offices of the committee or such other places as the committee may direct. The committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(e) No legislative measure shall be referred to the committee, and it shall have no authority to report any such measure to the Senate.

(f) The committee shall cease to exist on January 31, 1973.

SEC. 2. It shall be the duty of the committee—

(a) To make a full and complete study and investigation of the extent of concentration of economic power in and financial control over the production and distribution of goods and services in the commerce of the United States, and to hear and receive evidence thereon with a view to determining, without limitation, (1) the causes of such concentration and control and their effect on

competition, the level of prices and pricing policies of industry, employment, profits, consumption and the use of resources; and (2) the effect of existing Federal and State laws and policies and the administration thereof upon such concentration and control, including, but not limited to, tax, patent, purchasing, investment and other such laws and policies.

(b) To make recommendations with respect to the foregoing, including proposed legislation, improvements in the administration of existing laws, regulations and procedures, and the establishment of national guidelines and standards for enterprises engaged in commerce of the United States.

(c) On or before January 31, 1973, the committee shall submit to the Senate for reference to the standing committees a final report of its study and investigation together with its recommendations. The committee may make such interim reports to the standing committees of the Senate prior to such final report as it deems advisable.

SEC. 3. (a) For the purposes of this resolution, the committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed under chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) The committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the committee determines that such action is necessary and appropriate.

(c) Subpoenas may be issued by the committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the committee under this resolution, which shall not exceed $1,500,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 427—SUBMISSION OF A RESOLUTION TO PRINT AS A SENATE DOCUMENT THE REPORT OF THE SECRETARY OF TRANSPORTATION "THE 1970 ANNUAL REPORT ON URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS"

Mr. BYRD of West Virginia (for Mr. RANDOLPH) submitted the following resolution (S. Res. 427); which was referred to the Committee on Rules and Administration:

S. RES. 427

Resolved, That there be printed, with illustrations, as a Senate document, the report of the Secretary of Transportation, entitled, "The 1970 Annual Report on Urban Area Traffic Operations Improvement Programs (TOPICS)", submitted to the Congress in accordance with Section 10 of the Federal-Aid Highway Act of 1968, Public Law 90-495, and that there be printed two thousand five hundred additional copies for the use of the Committee on Public Works.

LIMITATION OF MEMBERSHIP ON THE NATIONAL SECURITIES EXCHANGES—AMENDMENT

AMENDMENT NO. 769

Mr. SPARKMAN submitted an amendment, intended to be proposed by him, to the bill (S. 4004) to limit membership on national securities exchanges, which was referred to the Committee on Banking and Currency and ordered to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 728

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that, at the next printing of my amendment to exempt gunpowder for sporting purposes, the names of the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. CANNON), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arizona (Mr. FANNIN), the Senator from Tennessee (Mr. GORE), the Senator from Wyoming (Mr. HANSEN), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. YOUNG), be added as cosponsors of amendment No. 728 to S. 3650, a bill to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

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

NOTICE OF HEARINGS ON GEOTHERMAL STEAM BILL

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs, I announce that public hearings have been scheduled for Friday, July 17, on S. 368. This bill is the latest of a long series of measures sponsored by our distinguished colleague, the senior Senator from Nevada, Senator BIBLE, to develop the geothermal steam resources of the public lands of the United States. I joined with Senator BIBLE in sponsoring this bill, as did Senators BENNETT, CHURCH, HANSEN, JORDAN of Idaho, and MCGEE.

Geothermal steam is potentially an important source of energy, particularly in the West. It has been used for generation of electricity for more than half a century in Italy; New Zealand and Iceland, among other countries, are utilizing geothermal steam on a substantial scale.

In our country, some geothermal steam development has taken place on private lands in California, and it is producing needed electrical energy there today.

In addition to its energy potential, geothermal steam resources in many areas will be a source for minerals and usable water.

Development of this valuable, and needed, natural resource on the public lands has been held up by disagreement over the terms of such development. It will be recalled that in the 89th Congress a geothermal steam development measure, S. 1674, was the subject of a Presidential pocket veto. The accompanying memorandum of disapproval showed clearly that the President's advisers had not read the bill as it was finally approved by both Houses of Congress.

The hearings on S. 368 on July 17 will be in the Interior Committee hearing room, room 3110 of the New Senate Office Building, and will open at 10 a.m. All interested Members of Congress as well as private citizens who wish to offer views will be welcome to participate.

It is requested that the Interior Committee staff be notified by those wishing to be heard.

ADDITIONAL STATEMENTS OF SENATORS

TIME DRAGS ON FOR PRISONERS AND THEIR FAMILIES

Mr. MATHIAS. Mr. President, month after month, and for some those months have stretched into years, a small and devoted group of Americans has waited, desperately seeking information about loved ones being held by the North Vietnamese. For many of them there still is no news because the Communist leadership of Hanoi has flatly refused to provide a complete list of prisoners being held.

We cannot ignore the plight of these families nor shirk our duty to the men for whom they wait. We cannot allow the world to ease off on the pressure of public opinion that is one of our great hopes to force the Communist leadership to act in a more humane manner. We cannot abandon a vital link in the chain of international law. It must be ever our task to support these principles, relieve the anxiety of these families, and to work for the release of the prisoners.

THE DISTRICT OF COLUMBIA CRIME BILL, H.R. 16196

Mr. HART. Mr. President, last weekend we witnessed nationwide tribute to the experiment in freedom and constitutional rights begun in America almost 300 years ago. Shortly, in this Chamber, our commitment to the basic tenets of that experiment again will be tested.

The people of this city, and the Nation,

are watching to see if the Senate will meet this challenge when the District of Columbia crime bill comes before it again.

Many reforms of the District's criminal justice system, passed by the Senate in a series of bills last year, are desperately needed—court reorganization, expansion of the bail agency and the public defender office. The House-passed version, H.R. 16196, now before the Senate-House conferees, combines these reforms with a grab bag of dangerous provisions which would be ineffective, bad policy, unconstitutional or—in many cases—all three.

Moreover, the bill's proponents appear willing to hold the vital court reform provisions hostage to force passage of the bill's repressive measures.

The senior Senator from North Carolina (Mr. ERVIN) has painstakingly presented one after another evil of H.R. 16196—from its seemingly inexhaustible supply.

As I indicated when the bill was sent to conference, I support the Senator's determination to have the Senate pass a strong crime bill for the District which is, nonetheless, free of these vices.

The most unacceptable portions of the House bill are those authorizing preventive detention, expanded wiretapping, and "no knock" searches; those imposing mandatory minimum sentences and those weakening the jurisdiction and procedures of the juvenile courts.

PREVENTIVE DETENTION

Stripped of euphemism, the administration proposal for preventive detention in H.R. 16196 means imprisonment for crimes a person has not and might never commit.

Preventive detention has been billed as a reasonable and highly effective solution to the crime problem. Neither claim bears scrutiny. It would be of very limited usefulness, would aggravate the very problem it addresses, and, most important, would be repugnant to fundamental constitutional precepts.

Even on the dubious assumption of completely perfect prophecy, the courts would only be able to prevent a very small portion of the serious crime in the District. The Justice Department's own study, in line with earlier analyses, shows that less than 7 percent of those arrested for felonies in the District are charged with a second felony while on bail. In the violent crime category used in H.R. 16196, the figure is only 5 percent.

This marginal impact cannot possibly justify accepting the numerous constitutional difficulties with the administration proposal. It raises the gravest questions regarding the eighth amendment guarantee of reasonable bail in noncapital cases; right to counsel; the defendant's presumption of innocence, and other requirements of due process.

The right to bail is designed to protect the accused from jail until he is convicted, not to keep him in jail until it is convenient to try him. Nor is the presumption of innocence a mere evidentiary rule. It, too, is a pivotal principle in our scheme of ordered liberty.

Mr. President, even if fair-minded men may differ about these constitutional issues, preventive detention at least requires full adversary hearing on objectively reviewable evidence and other safeguards to satisfy by due process, and sufficient time for the court's predictive evaluation to be more than a charade. This would nullify its even limited usefulness by increasing the very trial delays which have caused concern about pretrial crime in the first place.

The senior Senator from North Carolina (Mr. ERVIN) and I have introduced an effective, and constitutional, alternative to preventive detention which could be implemented in the District of Columbia. Our bill would provide for speedy trial of the accused and prompt punishment of the guilty—with top priority given trial of violent crimes. It also expands pre-trial services to permit imposition of more stringent conditions of pretrial release and supervision, including, where appropriate, submission to alcohol or narcotics treatment, and nightly reporting to supervisory facilities such as halfway houses, and prescribes additional sentences for committing a crime while on release.

JUVENILE PROCEEDINGS

Two trends have marked recent developments throughout the country in juvenile criminal justice: First, enlarging the procedural rights of accused juveniles; and, second, diverting youth from the traditional prison system to specialized juvenile facilities, whenever possible, to head off careers as hardened criminals.

The House bill constitutes a giant step backward on both counts. A first offender who is 16 and charged with a felony must be tried as an adult, regardless of his rehabilitative prospects in the juvenile system or the weight of evidence against him.

A 15-year-old juvenile charged with any felony would also be removed from the juvenile court's jurisdiction, unless he overcame a presumption of waiver to the adult criminal court. Moreover, such a waiver would prevent him from ever being tried as a juvenile on a subsequent charge, no matter how trivial—even if the original charge is not upheld.

It is patently unfair to base initial waiver on the nature of the charge—without reference to rehabilitation—but to categorize him thereafter as generally unsuitable for juvenile treatment—without reference to the nature of subsequent charges.

In some instances the bill would permit transfer of juveniles to adult penal institutions without even affording the procedural safeguards given adults.

A group of over 50 Washington lawyers including many of the city's leading experts on juvenile law and the juvenile courts have criticized these and other defects in the House bill. They argue that the bill codifies outmoded procedures, fails to provide minimal procedural safeguards, and tries "to label juveniles as adults and assume that this is a solution to juvenile crime."

Signers include Charles T. Duncan, former corporation counsel; Mrs. Patricia M. Wald, a member of the President's Commission on Crime in the District of Columbia; Prof. Samuel Dash, director of the Georgetown Institute on Criminal Law and Procedure and chairman-elect of the section of criminal law of the American Bar Association; and some of the city's most prominent juvenile court practitioners.

Mr. President, because of their familiarity with and deep commitment to reform of juvenile procedures in the District, the critique by these experts bears our particular attention. Therefore, I ask unanimous consent that their statement be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

MANDATORY SENTENCES

Mr. HART. Mr. President, mandating stiff minimum sentences makes good headlines—but bad criminal law. Such restriction on a court's ability to fit the punishment to the crime—and the criminal—has been rejected by the American Bar Association Report on Sentencing Standards, and by the Advisory Panel Against Armed Violence to the Senate Committee on the District of Columbia.

Yet the House bill, without any evidence that it will deter crime, imposes numerous provisions for mandatory minimum sentences.

It is argued that mandatory sentences at least remove offenders from the streets for substantial periods. But do they? Where the punishment seems disproportionate to the circumstances, the net results may be less protection for society, not more: prosecutors will not prosecute; juries will not convict. And defendants who are convicted will have far less incentive to partake of rehabilitation in prison.

Moreover, most prisoners leave prison eventually. We must consider not only how long they are imprisoned, but what kind of men come out. Study upon study has warned that long incarceration may produce more hardened criminals then the men who entered prison.

WIRETAPPING

H.R. 19196 contains wiretap provisions which exceed the national guidelines set in the Omnibus Crime Control and Safe Streets Act of 1968. Among other vices, the House bill permits untrammeled wiretapping and electronic surveillance of customarily privileged communications such as those to physicians and clergy. Generally, it would expand the use of wiretapping in circumstances where its need has not been justified and without providing minimally adequate safeguards.

NO KNOCK

H.R. 16196 grants so-called no-knock authority for police to break and enter which is subject to greater abuse than the no-knock provisions of the Dangerous Substances Act (S. 3246), which provision I opposed.

Under H.R. 16196, a warrant could be obtained permitting unannounced entry, based only upon what the officer thinks is likely to occur. He need not even demonstrate afterward to the court that it was, in fact, reasonably necessary to enter without warning. Such broad authority is also given nonofficial persons aiding an officer. And, of course, its use is not

limited to drug offense, but includes all type of charges.

This dangerous expansion of no-knock entry poses a direct challenge to the basic premise of the fourth amendment's guarantee of the privacy of the home. It also would unnecessarily increase the danger to the entering officer, and, by heightening community tensions, could produce needless shoot-outs between police and citizens each acting on the facts as they saw them.

CONCLUSION

Mr. President, these are only the most glaring vices of the administration proposals embodied in H.R. 16196. There are many other obnoxious provisions which have been ably detailed by the senior Senator from North Carolina. I am confident that they will be debated as fully as necessary if the Senate is asked to pass on them.

In addition, it has become clear that passage of the House bill would undermine the fragile police-community relations in the District which are so essential to effective law enforcement.

We all recognize that crime—and the fear of crime—is an urgent problem. It must be fought vigorously and effectively, but also constitutionally. Those committed to the struggle can offer the necessary resources, instead of rhetoric, and reasoned solutions instead of repressive means which will not be effective.

Therefore, while I have recently proposed amendments to the Safe Streets Act designed to insure adequate crime-fighting funds and programs for Washington and other large cities, I will oppose the shortsighted, dangerous provisions of H.R. 16196.

Mr. President, it is easy to conclude, through frustration or fear, that we must adopt whatever anticrime proposals are offered—and the sooner the better. Attempts to encroach upon the Bill of Rights always invoke the claim of necessity. But I suggest that those in the administration pressing for passage of the House bill might pause to consider President Nixon's recent caution to Congress—on the Voting Rights Act—which is even more pertinent here:

> A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. . . . No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision because we are impatient to achieve our purposes.

Mr. President, criminals on the fringe of society may seem less worthy of the Constitution's protection. Yet the peril to each of us lies in the precedent of eroding the rights of any of us.

EXHIBIT 1

STATEMENT OF LAWYERS CONCERNED WITH THE JUVENILE COURT ON THE JUVENILE CODE PROVISIONS OF THE D.C. CRIME BILL

We are practitioners knowledgeable in the field of juvenile law. We have either practiced in or studied the problems of the Juvenile Court of the District of Columbia, and are acquainted with the needs of that court. Most of us are familiar with developments in juvenile law both in the District of Columbia and in other jurisdictions.

We are united in our opposition to certain of the Juvenile Code provisions of the House bill presently pending before this Conference Committee. It is our opinion that the proposed code does not do the job that is needed to improve the processing of juvenile cases in the courts of the District of Columbia and to deal with the serious problem of offenses committed by juveniles. Many of the House provisions for a proposed juvenile code can only be considered a step backward to an earlier age. The bill does not provide even minimum procedural safeguards for juveniles coming before the court; it does not recognize or deal with the major problems facing the court; and it codifies many outmoded procedures.

The House bill is directly inconsistent in several key areas with the Model Family and Juvenile Court Act proposed by the Children's Bureau of the Department of Health, Education and Welfare in 1969, and with the Uniform Juvenile Court Act adopted by the National Conference of Commissioners on Uniform State Laws in 1968.

We would specifically like to address our comments to the following issues, which we consider of primary importance:

1. The absence of statutory time limits

It is impossible to overstate the need for speedy processing of cases in a juvenile court. We are faced with a drastic rise in juvenile crime, yet there are delays of many months before children come to court for their initial appearance before a judge, and even longer delays before those children are ever brought to trial. Disposition months or years after the crime means that the legal process has little if any deterrent or rehabilitative effect.

The House bill does nothing to alleviate this situation. It requires only that a petition be filed within 10 days of a complaint and that a detention hearing be held the next court day after taking a child into custody. These are insufficient to assure the community of prompt processing of cases and effectuate the right to a speedy trial.

The Senate bill contains reasonable and workable time limits throughout the various stages of a juvenile case. These would establish standards of performance to which the court must adhere. Similar time limitations have proven effective in speeding case processing in other jurisdictions, such as New York, Illinois, and California. They have been recommended by the HEW Model Family and Juvenile Court Act; the ABA Project on Standards for Criminal Justice; the Mayor's Committee on the New Juvenile Facility; the D.C. Court Management Study of the Committee on the Administration of Justice; and the D.C. Crime Commission. We urge you to enact them for the District of Columbia.

2. Right to counsel

Probably the single most important right for any juvenile is the right to counsel. All other rights depend on counsel to assert them. It is doubtful whether a child should ever be considered legally competent to waive counsel.

The right to counsel section in both the House and Senate bills is both unclear and too restricted.

These sections both provide that a child is "entitled to be represented by counsel" at "all critical stages", but do not provide for mandatory appointment of counsel; nor do they define what constitutes a "critical stage." Thus, the present uncertainty and resulting delay in the appointment of counsel would be perpetuated under statutory sanction.

A well drafted code could go far toward eliminating present administrative delays in the appointment of counsel process as well as unnecessary litigation over the meaning of "critical stage" by articulating a mandatory, non-waivable right to counsel at the outset of the case, prior to the intake officer's first interview with the child. Such a solution has been endorsed by the National Crime Commission and the Judicial Council's Committee on the Administration of Justice.

3. Trial of juveniles in adult courts

The House bill provides for automatic transfer of all juveniles 16 or over accused of certain serious felonies to the adult courts, without a hearing on probable cause as to whether the juvenile committed the alleged offense, and without any hearing on his potential for rehabilitation. In addition, for juveniles accused of other felonies, the waiver age is lowered to 15. The bill puts the burden on a juvenile at a waiver hearing to prove he should not be transferred. No juvenile waived to adult court would ever again come within the juvenile court's jurisdiction, even if acquitted of the charge.

The Senate bill provides that a 16 or 17 year old shall be automatically tried in adult court only if he has once been adjudicated a delinquent and is charged with a second serious offense. It permits waiver of 15 year olds, but it leaves the burden on the prosecutor to establish the need for waiver.

There has been no showing that the adult courts and adult court judges will be better equipped than the juvenile court and judges to handle these cases; that adult correctional institutions are better equipped than juvenile institutions; or that juveniles of this age will be more amenable to ultimate rehabilitation by being incarcerated with adult criminals in adult penal institutions.

On the contrary, the adult courts are backlogged and the adult penal facilities at D.C. Jail and Lorton are overcrowded, while the District of Columbia now has an effective and secure facility for serious juvenile offenders.

In contrast to both the House and Senate bills, the HEW model act is essentially the same as present District law—16 and 17 year olds shall be tried by the juvenile court unless waived after hearing, 15 year olds cannot be waived, and waiver is only permitted when the court finds no reasonable basis to believe that the child can be rehabilitated before he becomes 21. While the HEW model act is preferable to both the House and Senate versions, the Senate bill is far superior to the House version.

The Juvenile Court is supposed to be primarily concerned with supervision, care and rehabilitation of juveniles. While juvenile court and juvenile correctional agencies have not succeeded in adequately carrying out these purposes, the proper remedy for these failures is to strengthen and improve the courts and correctional institutions. This will have to be done eventually if we ever hope to rehabilitate offenders; and we should concentrate our efforts and our resources toward these ends, rather than to label juveniles as adults and assume that this is a solution to juvenile crime.

4. Right to trial by jury

Both bills abolish the existing right to a trial by jury in the Juvenile Court. Jury trial may not be infallible, but the jury is the best fact-finding mechanism our system of justice has been able to devise. In factual disputes as to whether or not a child actually committed an alleged offense he, like an adult, should be entitled to its safeguards.

Retaining the jury right would be consistent with the basic philosophy of juvenile law by giving as much flexibility as possible in juvenile court procedures. The jury right would not always be exercised, even as it is

not always exercised now. But at least this option should remain open so that the child, his family, and his lawyer can decide the best procedure for the child in the individual case.

Numerous other aspects of the House bill are also objectionable. Among these are the provisions authorizing the transfer of a delinquent from a juvenile to an adult penal institution without first providing him with the full procedural rights accorded adults; and those provisions authorizing the comingling of juveniles "in need of supervision" with juveniles found to have committed criminal acts.

We therefore urge this conference committee to reject these backward-looking provisions, which are no substitute for dealing realistically with the serious problems of juvenile crime.

Lynn D. Allan, Washington Building, Washington, D.C.

John Bartlett, 1776 K Street NW., Washington, D.C.

Addison M. Bowman, 424 5th Street NW., Washington, D.C.

Sarah Brown, 1520 Locust Road NW., Washington, D.C.

Joan Burt, 1822 11th Street NW., Washington, D.C.

Marilyn Cohen, Assistant Dean, Catholic University School of Law.

Charles Wesley Daniels, 424 5th Street NW., Washington, D.C.

Samuel Dash, Professor, Georgetown University Law Center.

James E. Duggan, 518 Independence Ave. SE., Washington, D.C.

Charles T. Duncan, 1001 Connecticut Ave. NW., Washington, D.C.

Elizabeth Dyson, 3412 30th Street NW., Washington, D.C.

Frederick H. Evans, 666 11th Street NW., Washington, D.C.

Mathea Falco, 639 E Street SE., Washington, D.C.

Laurence B. Finegold, 424 5th Street NW., Washington, D.C.

Beatrice Fuchs, 5315 Connecticut Ave. NW., Washington, D.C.

John Greacen, 1776 K Street NW., Washington, D.C.

Theodore R. Groom, 1001 Connecticut Ave. NW., Washington, D.C.

John H. Harmon III, 609 Pennsylvania Ave., SE., Washington, D.C.

Alexander B. Hawes, 815 Connecticut Ave., NW., Washington, D.C.

J. Patrick Hickey, 910 17th Street NW., Washington, D.C.

Laurence J. Hoffman, 1250 Connecticut Ave. NW., Washington, D.C.

Zona F. Hostetler, 3011 Albemarle St. NW., Washington, D.C.

Elaine S. Kahn, 1730 Rhode Island Ave. NW., Washington, D.C.

Sarel M. Kandell, 925 25th Street NW., Washington, D.C.

John Keats, 1200 18th Street NW., Washington, D.C.

Peter Kolker, 649 E Street SE., Washington, D.C.

Jane Lamb, 4600 South Four Mile Run, Arlington, Va.,

John D. Lane, 1001 Connecticut Ave. NW., Washington, D.C.

Nettie M. Lewis, 4714 Linnean Ave. NW., Washington, D.C.

Irene Lichtman, 3001 Davenport St. NW., Washington, D.C.

Richard J. Medalie, 1001 Connecticut Ave. NW., Washington, D.C.

Martin Mendelsohn, 917 E Street SE., Washington, D.C.

Paul E. Miller, Dean, Howard University School of Law, Washington, D.C.

John J. Murphy, Jr., 424 5th Street NW., Washington, D.C.

David Niblack, 1633 Connecticut Ave. NW., Washington, D.C.

Joseph Paull, 1730 Rhode Island Ave. NW., Washington, D.C.

John H. Pickering, 900 17th Street NW., Washington, D.C.

Alice Popkin, 412 5th Street NW., Washington, D.C.

David Povich, 1000 Hill Building, Washington, D.C.

James Respess, 1028 Connecticut Ave. NW., Washington, D.C.

Daniel A. Rezneck, 1229 19th Street NW., Washington, D.C.

John Roney, 7704 Homes Run Drive, Falls Church, Va.

Sandra Rothenberg, 424 5th Street NW., Washington, D.C.

Dovey Roundtree, 1822 11th Street NW., Washington, D.C.

Lawrence H. Schwartz, 630 G Street SE., Washington, D.C.

Edith Snethen, 1940 Biltmore Street NW., Washington, D.C.

James E. Starr, 720 20th Street NW., Washington, D.C.

Stuart Stiller, 2016 P Street NW., Washington, D.C.

Robert Raymond Twohig, 424 5th Street NW., Washington, D.C.

Patricia M. Wald, 107 Quincy Street, Chevy Chase, Md.

A. J. Whalen, 1633 Connecticut Avenue, NW., Washington, D.C.

Mary Wiggers, 412 5th Street NW., Washington, D.C.

Howard P. Willens, 900 17th Street NW., Washington, D.C.

Peter H. Wolf, 412 5th Street NW., Washington, D.C.

Richard B. Wolf, 36 N Street SE., Washington, D.C.

Roger C. Wolf, 511 4th Street SE., Washington, D.C.

Leona Yurdin, 2515 K Street NW., Washington, D.C.

THE MILITARY-INDUSTRIAL COMPLEX

Mr. CHURCH. Mr. President, the distinguished Senator from Wisconsin (Mr. PROXMIRE) has recently had published his book entitled "Report from Wasteland: America's Military-Industrial Complex," which is an informed insight into the policies and operations of this huge money-wasting Goliath. A distinguished former colleague, Joseph S. Clark, has written a review of the book, which is to be published this fall, in "The Annals" of the American Academy of Political and Social Science.

Both men are diligent, plain-speaking proponents of the public good. Senator PROXMIRE's book reflects this, as does former Senator Clark's book review.

Mr. President, I ask unanimous consent that the book review by former Senator Clark be printed in the RECORD.

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

"REPORT FROM WASTELAND: AMERICA'S MILITARY-INDUSTRIAL COMPLEX," REVIEWED BY JOSEPH S. CLARK

This review should be discounted for bias. Bill Proxmire, Democrat from Wisconsin, and his delightful wife, Ellen, named their youngest child Douglas Clark Proxmire. We have been warm friends since he first came to the Senate in 1957. Together, we fought many battles for what we thought was right.

Paul Douglas starts his introduction: "Everyone interested in public affairs should read this book." I agree. Senator Proxmire has exposed, with a devastating array of irrefutable facts, how an incredibly arrogant, but equally stupid military-industrial complex, with little regard for integrity, has diverted the major part of our federal tax resources into a wasteful and utterly unnecessary arms race to the great damage of our domestic economy. As Chairman of the Sub-Committee on Economy in Government of the Joint Economic Committee of the Congress, of which he has also been Chairman, Proxmire conducted hearings, in depth, on defense expenditures. This book summarizes those hearings.

He concludes: (1) "The frightening truth is that one can search in vain for a weapon that was produced on time, worked according to specifications, and did not exceed the estimated costs." (2) "The attacks on the patriotism of those who criticize the performance of the Department of Defense is the most underhanded of all the psychological weapons in the Pentagon arsenal." A. E. Fitzgerald and John McGee are two of the fine citizens who were dismissed for telling the truth. Lies, deception, and revenge are standard operating procedures in the conduct of Pentagon affairs. (3) "Military spending in the United States is out of control." This is due to the unchecked power of the military-industrial complex, composed of high-ranking officers and civilians in the Department of Defense, senior members of both Houses of Congress, executives of aero-space and military hardware corporations, 2,124 of them retired military personnel, public relations experts in and out of government, labor unions, the civil service bureaucracy "which combines lethargy with servility in a feudalistic system," military service and trade associations, professional lobbyists, the scientific research departments of many a university, and "civilian think tanks" on the Pentagon payroll through contract. I would add "trained seals" among the syndicated columnists. (4) The normal controls on this "wild-eyed spending" within the Defense Department, at the Bureau of the Budget, in the Council of Economic Advisors, and on the White House staff, have broken down. Because the ranking members of the Armed Services and Appropriations Committees have, for years, been part of the complex, the Congress has been a push-over. I would add that these conditions could not exist had we not had two Presidents in a row who felt that the Joint Chiefs of Staff could do no wrong. (5) The resulting waste runs annually into tens of billions of dollars. Yet, says Proxmire, these are not evil men who do all this. They are good men who have become unwittingly foils of an evil system based on an obsolete cold war view of international politics. (6) For, compared to our adversaries, "if we are six feet tall, the Russians are three feet tall, and the Chinese six inches tall." Our military expenditures could be drastically curtailed without threat to our national security.

In his final chapter, the author sets forth a sensible program for bringing military expenditures back under control. One can only hope that as a result of his penetrating analysis, the American people will force the American government to curb the military-industrial complex. Only if this is done, can we hope to meet the higher priorities of our increasingly critical unsolved domestic problems.

EMERGENCY HOME FINANCE ACT OF 1970

Mr. SCOTT. Mr. President, the Emergency Home Finance Act of 1970 is now being considered by a joint conference committee. This important piece of legislation is designed to encourage and expedite construction and financing of a substantial number of new and existing homes. When we took up the bill in April, the Committee on Banking and Currency indicated that a primary emphasis was being placed on the expansion of existing mortgage credit facilities and the crea-

tion of new secondary market facilities to broaden the availability of mortgage credit.

I say to Senators that had this vital measure been acted on promptly, it is my belief that $6 billion would have been pumped into the sagging housing market. But the bill is 8 months late, and people who could otherwise be buying new homes now have been forced out of the market by lacking adequate mortgage money which this bill provides.

The goals of the proposed Emergency Home Finance Act are clear. It authorizes $250 million to be appropriated to the home loan bank system to reduce interest charges on advances by the Federal home loan banks to savings and loan associations and other members. It makes further adjustments and reorganizations within the Federal Government to compensate for the current tight money situation. In short, the bill is responsive to a great need, and Congress has unfortunately not shown the same responsiveness.

When the bill is finally passed, the $250 million authorized would push the anticipated $6 billion into the economy. The money is there. There is no question that the new law would help. The banking community is doing its share by making about $2 billion available for housing. It is time for Congress to act.

Mr. President, let us not cast blame, but get down to business. Let us work together and send a conference report to the floor of the Senate. I voted for this bill. We all did. Our thousands of citizens who want to purchase houses, but cannot, deserve final action on this legislation. I urge Congress to give it early and favorable consideration.

MEAT WORKERS' UNION FIGHTS NATIONAL DIVISION

Mr. MUSKIE. Mr. President, the executive board of the Amalgamated Meat Cutters and Butcher Workmen—AFL-CIO—has adopted an important statement of policy concerning our Nation's "increasing division and mutual hostility." This union, with more than 500,000 members, has diagnosed some of the most distressing of our current national problems, and it has suggested some courses of action to counter the present division—including one which the union itself intends to take.

I am particularly impressed by the responsibility shown by the executive board in stating:

> We are particularly concerned about the antagonisms in which workers are involved. We consider the hostility which some white and some black workers feel against each other to be most dangerous. We are dedicated as individuals and as a group to combat this trend. We consider the fear that the gains of one group of workers might hurt the welfare of another group to be outrageous and ridiculous. This fear can only aid the enemies of the welfare of all workers.

Turning to another current controversy, the board said:

> We also deplore and intend to combat the increasing conflict between workers, on the one side, and some liberals, intellectuals, and students on the other. This hostility stems from a lack of understanding on both sides. It is dangerous for both groups and for the nation, as a whole. This trend must be ended and we intend to play a part in that effort.

Mr. President, President Thomas J. Lloyd and Secretary-Treasurer Patrick E. Gorman, as well as the executive board of the Amalgamated Meat Cutters and Butcher Workmen, are to be congratulated for this forthright statement.

I ask unanimous consent that "One Nation Under God, Indivisible, With Liberty and Justice for All" be printed in the RECORD.

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

ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL

The most tragic and potentially the most dangerous of the many critical problems now facing the United States is the increasing division and mutual hostility among the American people. The nation appears to be losing not only its senses but also its confidence and faith in itself. The people are being fragmented into antagonistic groups which are increasingly willing to resort to or condone violence in competing with each other.

Competition between groups in American society is certainly not new and it is healthy. But the new attitude of individuals and groups in carrying out this competition poses extreme national dangers. Discussion, compromise, a belief in common standards and trust in the goodwill of others seem to be increasingly disregarded.

Instead, some parts of the American people see other parts as absolute enemies with whom no accommodation can be reached. Groups fear for their very existence unless their point of view prevails completely. Each antagonistic faction sees itself outnumbered and misunderstood by all the rest of the nation and it believes it can assert itself only through fighting.

And so it happens that American battles American; human life is increasingly lost; international violence is mirrored in our cities and towns. As men and women die, most Americans are shocked. They bemoan the tragedy. But the horror continues. In fact, hatred becomes a little more firmly implanted. And fear grows a little deeper and more widespread.

NATIONAL LEADERSHIP

National leadership to fight this disastrous trend has been lacking. Even worse, the President and his Administration have actually accelerated and fed the process of national disintegration.

Although this Union did not support Mr. Nixon in the elections, we—along with the rest of the nation—took great hope in what he said immediately before and during the Presidential Inauguration. We did look forward to his bringing the nation together. We did hope that voices would be lowered. We did think he would quickly attempt to take the United States out of the miserable Vietnam morass.

These hopes were not realized. On the contrary, two of the Administration's foremost political efforts—the southern strategy and the silent majority approach—are causing further national hatred, fear and division. The President does occasionally attempt to calm, but he is more than offset by the hostile cries of the Vice President. A shifting Administration policy of retrenchment and escalation in Indochina causes bitterness and disbelief in the nation. And the President's strange moves in economic policy are causing still more national insecurity.

UNION RESPONSIBILITY

But the President and the Administration are not the only ones who bear a heavy responsibility. All Americans do—especially those who occupy any sort of leadership positions.

As the elected representatives of more than a half million workers, we, the Executive Board of the Amalgamated Meat Cutters and Butcher Workmen (AFL-CIO), realize that we have a job to do to help achieve national unity. We are particularly concerned about the antagonisms in which workers are involved.

We consider the hostility which some white and some black workers feel against each other to be most dangerous. We are dedicated as individuals and as a group to combat this trend. We consider the fear that the gains of one group of workers might hurt the welfare of another group to be outrageous and ridiculous. This fear can only aid the enemies of the welfare of all workers.

Our Union was founded more than 70 years ago to bring together and to improve the conditions of all workers in our jurisdictions regardless of race, creed, color, religion or national origin. The motto was, "A hurt to one is a hurt to all." The same goal still prevails today.

We also deplore and intend to combat the increasing conflict between workers, on the one side, and some liberals, intellectuals and students on the other. This hostility stems from a lack of understanding on both sides. It is dangerous for both groups and for the nation, as a whole. This trend must be ended and we intend to play a part in that effort.

UNION ACTION

This Union will explain even more than before its point of view to other groups. In return, we shall listen to the outlook of others and bring their opinions before our membership. We shall consider their goals with understanding and ask our members to act similarly.

We shall above all stress in our actions, in our speeches and in our publications that the nation must be united. We do not urge or seek that everyone agree with everyone else. Disagreement, dissent and protest are healthy. But we do urge reason, compromise, and faith in the goodwill of others be a part of all efforts by either the establishment or the dissenters.

To warring groups in American society, we highly recommend the use of various labor-management relations techniques, particularly collective bargaining, arbitration and the grievance machinery. While these are not perfect tools nor have they been perfectly used, they have proved immensely valuable in the resolution of countless conflicts between unions and employers.

We especially want to point out that these processes both require and help to build a willingness to understand and deal with each other's problems. Also, they should be used repeatedly and often when conflicts threaten. They work better, in fact, the more often they are used to end quarrels.

GOVERNMENTAL EFFORTS

Finally, we call on the President, the Congress and other national, state and local government leaders to facilitate the attainment of national unity. We urge them to use their leadership positions to calm fears and to resolve differences.

Because of their paramount positions, the President and his Administration have particularly important tasks. We urge that all members of the Nixon Administration actually practice what the President has preached. We ask that they—particularly the Vice President—become unifiers instead of dividers. We urge that they forego the shrill and terrifying partisanship which has marked their activities in the past nine months. No political gain can be worth the disintegration of the Nation.

Hate is contagious. It spreads quickly.

Mutual trust and understanding are the antidotes to hate. Hopefully, they can be equally contagious.

THE PRESIDENT'S PLAN TO CREATE A NEW ENVIRONMENTAL PROTECTION AGENCY

Mr. CASE. Mr. President, the President's plan to reorganize Government agencies to create a new Environmental Protection Agency is a much needed step in the right direction.

I am particularly pleased that the President's reorganization plan calls for giving the Environmental Protection Agency control over the environmental radiation protection functions currently held by the Atomic Energy Commission and the authority to register pesticides which currently is held by the Agriculture Department along with other transfers of environmental functions.

But I am concerned that the new agency would stop short of providing the type of coordination and increased authority for the protection of our environment which is provided in my bill to create a new Department of Conservation and the Environment.

Although the plan covers much the same area as my bill would cover, it does not include all of the agencies which have environmental functions and would be incorporated into a single department by my bill. Nor does it provide the additional authority to halt projects which the agency finds to be detrimental to our environment, such as my bill would provide. Because these additional provisions are needed, I will continue to work for enactment of my bill to provide for more complete protection of our environment.

ACTION FOLLOWS UNIVERSITY OF MICHIGAN TEACH-IN ON THE ENVIRONMENT

Mr. HART. Mr. President, there has been some concern expressed that the environmental teach-ins, Earth Day, and recent public interest might have no real and lasting impact on the state of the American environment.

It gives me great hope, therefore, to point to the real impact and example set by students at the University of Michigan.

It was in Ann Arbor that the idea of Earth Day first caught fire in a big way. Out of that idea emerged ENACT (Environmental Action for Survival), a group of university students and community leaders determined to bring the crisis of the environment home to the people and to lead in the cleanup effort.

Last March, ENACT sponsored the biggest of the teach-ins, what Barry Commoner called the largest seminar ever assembled to learn about ecology. For 5 days, the campus and the community focused their attention together not only on all aspects of the environmental crisis, but on the interconnections between this and our other social problems. Foremost in the discussions, which included virtually every national leader in this field and many Members of Congress, was an emphasis on problem-solving and followthrough.

And so, despite predictions that this was a passing fad, ENACT has continued in its efforts. It has published an outstanding guidebook for citizens enlisting in the environmental campaign. It has sponsored cleanup efforts, local seminars and a host of activities. It has joined effectively with other Michigan groups to work in the State legislature to achieve strong new laws, such as the recently passed Environmental Protection Act. In a demonstration of community involvement and long-term resolve, ENACT has managed to finance and staff a permanent, full-time ENACT Ecology Center in downtown Ann Arbor as a focal point for continuing community interest and activities. Through this center we can expect new programs and innovations, and I salute the students and the community for an outstanding demonstration of joining together to challenge constructively this massive problem of education and restoration.

Now most recently, ENACT, cooperating with the Owens-Illinois Glass Co., has conducted an important experiment in the recycling of materials. A glass collection center was set up at a convenient shopping center. In 2 days, the people of Ann Arbor brought in 65 tons of bottles which will be recycled into new glass products.

That is 65 tons of glass that will not lie forever fallow along Michigan roadsides and in Michigan's open spaces. Instead, it becomes a resource, recycled and reused in industry, taking pressures off the supply of raw materials and hence off the environment. I am delighted to note that ENACT is following up on the experiment by establishing a permanent recycling center, and that the industry is following up by establishing recycling as a permanent practice, through collection centers around the country. I ask unanimous consent that an article on this project, which appeared recently in the Detroit News, be printed in the RECORD.

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

GLASS MAKERS PLAN NATIONWIDE RECYCLING

Environmentalists won a major battle against the bottles yesterday when the nation's glass manufacturers announced a program to buy back nonreturnable bottles from the consumer.

The nationwide program, announced in New York by Franklin B. Pollock, president of the Glass Container Manufacturers Institute, is the result of experiments in Ann Arbor, Los Angeles, and a few other cities.

Between 75 and 100 collection centers in 21 states will be opened by the manufacturers, who will pay a penny a pound for any glass returned.

However, no plans have been made to establish a center in the near future in the Detroit area.

The glass will then be ground into crushed glass, or "cullet," and reused for making new glass containers as well as other industrial uses.

Pollock estimated that 11 billion bottles a year can be recycled into productive uses by the new program. If the program weren't established, the bottles would end up on the nation's junk piles.

Environmentalists have been concerned that the country is burying itself in the tons of nonreturnable bottles since the introduction of the convenient throw-away several years ago.

The Ann Arbor experiment was conducted two weeks ago by a University of Michigan student group called ENACT (Environmental Action for Survival), and Owens-Illinois Glass Co., of Toledo.

In two days, Ann Arbor residents brought 65 tons of bottles to the Arborland Shopping Center. Owens paid a penny a pound for the glass and shipped it to its plant in Charlotte.

After the experiment, ENACT announced it was establishing a permanent recycling center in Ann Arbor.

The Los Angeles experiment has been going on since April, where eight collection centers have been established. About 500,000 bottles a week are returned to the centers.

DO NOT STEAL MY FLAG

Mr. TALMADGE. Mr. President, in this day and time, we sometimes are not very much surprised at newsstories that appear in the daily press, regardless of how strange or shocking they may be.

It is almost as if nothing is sacred any more. Millions of Americans, on Flag Day and on other national holidays such as the Fourth of July, display the American flag at their homes in recognition of respect for the flag and as a demonstration of their patriotism and love of country.

Robert T. Henderson and his family, of Savannah, Ga., are such Americans. Mr. Henderson for the past several years has made it a practice to display the flag during Flag Week. However, his experience this year was not a happy one. Someone, apparently with total disrespect for the flag and private property, stole Mr. Henderson's flag. I personally find such a theft as this difficult to understand. I would like to think that perhaps the thief desired to have an American flag for his own personal patriotic use, but, judging from some of the things we have been seeing and hearing lately, I doubt that is the case.

Mr. Henderson wrote a letter to the editor of the Savannah Morning News that was published in that newspaper on July 3. I can certainly share and understand his feelings. I ask unanimous consent that his letter be printed in the RECORD.

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

A FLAG IS STOLEN

"Don't Tread on Me," was a famous battle cry in American history.

Around our house now, it is, "Don't Steal My Flag."

Our daughter and our three little sons have been learning a little about patriotism for some years now. Recently they have been putting the flag out for "Flag Week." The other day a man came up on the porch to ask directions and when the oldest child went to check with his mother, the man grabbed the flag, jumped into his red Volkswagen and sped off down the street.

That flag was a symbol to our family.

That flag was meaningful to each of us.

To most Americans the 4th of July is a meaningful day. It reminds us, as the flag does, of the sacrifices of our forefathers, who fought and died for the freedom and independence that everyone living in the United States of America enjoys.

Most Savannahians are peace loving citizens who take pride in their city, with its glorious past and its prospects for a tremendous future, but many would willingly fight again, as they did in W.W. I, W. W. II, Korea and Vietnam to protect this country from its enemies.

We pray to God that our sons never have to go to war, but we also pray, that if they are called upon to protect our democracy that they will go proudly.

And, oh yes, there will be another flag on our porch on July 4th, and if it is stolen, we'll get another and another and another. For it is our flag, we are proud of it and we thank God for the right and privilege to fly it in a free country.

Robert T. Henderson,
Savannah.

FRED J. WEILER—CONSERVATIONIST

Mr. FANNIN. Mr. President, all too seldom in our busy lives do we take time to acknowledge the constructive contributions so many of our fellow citizens make to man's well being.

Fred Weiler who was the Arizona State director for the Bureau of Land Management until his sudden death is one of those persons whose contributions were legion.

I knew Fred when I was Governor of Arizona and continued to work with him as a Senator.

He died May 12 of a heart attack in Nairobi, where he was on vacation and visiting a daughter, Susan. He also was visiting there with Dr. Wendell Swank, former director of the Arizona Game and Fish Department, who now is on U.N. assignment.

He won the American Motors Conservation Award in 1963 along with Holiday magazine's Beautiful America Award. The Arizona Wildlife Federation presented him with the Thomas E. McCullough Memorial Award as Arizona's leading professional conservationist in 1966.

In 1968 the Department of the Interior granted him its Distinguished Service Award. In 1969 he won the Arizona Conservationist of the Year Award made by the Arizona Wildlife Federation and the Sears Roebuck Foundation.

This impressive series of awards shows a career that was active and broad and a degree of energy that was boundless.

Nothing I might say today about Fred Weiler would add to the esteem he knew I had for him as a person and as a fellow worker for good, effective public administration.

Carl Schurz, an earlier Secretary of the Interior, sums up Fred Weiler's philosophy:

Ideals are like stars. You will not succeed in touching them with your hands. But like the sea faring men on the desert of waters, you will choose them as your guides, and following them you will reach your destiny.

Fred Weiler left this legacy to his widow, Caroline Weiler, and their three children—two sons, Hunter and Marion, both attending college, and Susan.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD an editorial from the May 15, 1970, Phoenix Gazette; and an article by DeWayne Smith, columnist, published in the same issue.

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

ARIZONA LOSES A GOOD FRIEND

To the sorrow of every Arizonan interested in the preservation and proper use of Arizona's vast public land resources, Fred J. Weiler will walk among us no more, doing his good works.

The Arizona director of the U.S. Bureau of Land Management is dead, stricken by a heart attack while on a vacation trip in Kenya, Africa. His death is a great loss to this state, and it will be difficult indeed to find someone to carry on in his place.

Perhaps the greatest tribute that can be paid to Mr. Weiler—and he is due many—is that he was a bureaucrat who deserved to be described by some title with a far more noble ring to it. He was by far one of the most efficient and dedicated public servants on the federal payroll anywhere.

He leaves Arizona quite a legacy. During the eight years he was in his post, he helped Maricopa County establish the largest parks system in the country, just one of his many efforts to put the lands under his jurisdiction to maximum beneficial use, for now and for years to come.

A fervent conservationist, he protected some of Arizona's most spectacular scenery—Paria Canyon, Aravaipa Canyon and Vermillion Cliffs—by establishing them as primitive areas. Not content merely to conserve, he worked to restore ravaged lands. Thanks to him, the San Simon River Valley, virtually destroyed by overgrazing, is looking much better, and offers now a safe habitat for the rare Mexican Black Duck.

Always attuned to Arizona's needs, Mr. Weiler was instrumental in putting public lands into private hands, thereby offering a state with so much public domain some room for private growth. To him, the land was a treasure, to be used wisely for all.

Arizona owes the late Fred Weiler a great deal of gratitude for his contributions to the state.

FRED WEILER CONSERVATIONIST

Fred Weiler saw things much clearer than most of us.

He saw the worth of preserving in public ownership the majority of the 13 million Bureau of Land Management-managed acres he directed in Arizona.

And his record as BLM director for Arizona has shown it for nine years.

The "last frontier" is the way Fred liked to refer to the vast expanse of public land in the West. He wanted to be sure the Eastern mistakes of land abuse didn't take place out here.

His conservation efforts and accomplishments were known far and wide and he was often recognized and cited for them.

Whether in heated discussion at a public meeting or joshing around a campfire near a trout lake, Weiler was a gentleman and sportsman.

Weiler and his wife were visiting their daughter, an exchange student, in Africa and were on a picture taking expedition with Dr. Wendell Swank, former director of the Arizona Game and Fish Department and personal friend who is on a United Nations assignment. Weiler fell from a truck in which he was riding, breaking an arm. He suffered a heart attack shortly after arriving at a hospital for treatment of his arm.

Fred Weiler was a true conservationist. We need so many more like him.

OIL POLLUTION AND HUMAN RIGHTS—III

Mr. PROXMIRE. Mr. President, during the last 2 days I have discussed the problems presented by oil pollution and the need for ratification of two new treaties designed to curb international oil spills. At one time such treaties were unneeded. The amount of crude oil which was being shipped overseas was so small that an occasional accident presented no real threat to the environment. Any small amount of oil spilled quickly dispersed and relatively little damage was done. Now, however, the situation is very different. Each day tremendous quantities of crude oil are shipped in tankers bigger than the *Torrey Canyon*. When one of these breaks up, the resulting oil slick may not disperse for weeks and if the wind is right can drift toward shore to despoil miles of clean beach. The damage to wildlife alone is staggering. Aquatic birds, their bodies saturated with the deadly slime, cannot fly and many starve to death. The loss in wildlife is only half the story, however. Commercial losses in terms of destroyed recreational areas, polluted fishing waters and unsightly beaches can be staggering.

Clearly we must emphasize prevention if we are to avoid future disasters. The two new treaties presented by President Nixon to the Senate will provide the needed economic incentives to guarantee that every precaution is taken against spills. Let us move quickly and ratify these two very important treaties.

SENATOR TYDINGS AND GUN CONTROL

Mr. MUSKIE. Mr. President, in the June 27 issue of the New Republic, Alex Campbell has written a perceptive article about the political situation in which the Senator from Maryland (Mr. TYDINGS) presently finds himself being the object of attack from both the left and right. I think this short piece clearly demonstrates what happens to a public figure when he takes on the tough issues without ducking. 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:

TYDINGS OF NO JOY

While not susceptible of proof, a plausible hypothesis is that the unhappiest person in a lunatic asylum would be the one sane man. It is a tribute to his strength of mind that Senator Joseph Davies Tydings resists what must sometimes be considered temptation to see himself in that role. His efforts as chairman of the Senate Committee on the District of Columbia to restrain crime and to foster family planning have led some blacks to call him a fascist pig bent on genocide. And, because Tydings is also pushing for saner gun laws, lavish displays of posters and bumper stickers paid for by you-know-who tell Maryland voters, "If Tydings wins, you lose." What? Their guns; therefore, they seem to fear, their manhood. Both fears are groundless; nevertheless Tydings, a self-confessed liberal, is now being depicted as a castrator as well. Tydings is Maryland's senior senator and faces in September a primary fight with George P. Mahoney, a Democrat who is an eight-times loser and is so far from being a liberal that in 1966 Spiro T. Agnew won the governorship from him largely by appearing to be by contrast a moderate. Mahoney is counting confidently on gun lobby backing. Should Mahoney lose a ninth time, the gun lobby doubtless will back Republican J. Glenn Beall Jr. against Tydings in November.

Unregistered guns killed two of Tydings close friends, John and Robert F. Kennedy. The 1968 Gun Control Act is a flop; only three states require gun licenses and in 35 states, lunatics may legally own guns. Tydings wants guns registered *and* licensed. His assurances, to hunters that this will not interfere with sport and to collectors of antique guns that these won't count, have failed to abate the trumped-up hysteria against Tydings' modest proposals; so have

Tydings' terrible statistics—99,000 armed robberies annually, more than doubled since 1964, and 9,000 Americans shot to death each year.

As a former United States Attorney, Tydings knows about crime statistics. He knows for instance that the chance is eight to one against the person committing a serious crime being arrested, and 16 to one against conviction. Last year in the District of Columbia, 56,419 felonies were reported (and many more committed) but the ratio of convictions was only 2.5 percent. Most of the D.C. victims are poor blacks. Their chance of being robbed is five times greater than other people's, and four times greater of being raped. Tydings in 1966 co-sponsored the Bail Reform Act, hoping to rescue poor suspects from the extortions of the professional bondsmen who soak them. He now says the reform failed. Some poor people accused of crime are held in jail, before trial, by judges who set bond high. At the same time, of every eleven persons released on bail one is rearrested and charged with a new crime, while still awaiting trial on the earlier charge. Tydings proposes that in certain cases arrested persons with criminal records may be held in jail without bail up to 30 days, but then be brought to trial. A man accused of brutal rape would not be able to go straight back and try to bash the woman's head in for telling, as has happened. Tydings would like top organized criminals, the Mafia and especially narcotics wholesalers, to get life sentences. On the other hand, he wants probation for first offenders caught with drugs, and treatment and cure for addicts. To pay for their habit, addicts either steal or they push dope. Thefts by addicts add up to about $400 million yearly in the Washington, D.C. area alone. Putting addicts on methadone would cost less than 10 cents per head a day. Tydings feels the Nixon Administration is stingy about funding treatment and cure of drug addicts and alcoholics.

Tydings' crime proposals have undammed floods of criticism, especially as the senator also supports a form of "no-knock" authority for police to enter premises, in quest of drugs or other crime. Not everyone calls Tydings a racist. Rational critics concede that his no-knock provision is more circumspect than current practice—police do now enter without knocking, largely at their own discretion; Tydings would compel them to seek a judge's specific sanction. But the critics say that instead of asking for pre-trial detention, Tydings should work for speedier trials. Tydings replies that he is doing that too, but the courts are hopelessly clogged and won't unclog soon.

The senator has written a book, *Born to Starve*, to expose his views on population control. He says that 5.4 million American women who are poor don't want large families and do want family planning assistance, but fewer than 800,000 get it. The Nixon Administration has adopted elimination of unwanted births as a national goal, but Tydings is urging larger financial provision, $984,000 over five years. His less rational accusers blow up over his family planning stand. Some blacks say he's a rich white who aims to sterilize the black poor; others profess shock at his proposal to leave abortion "to individual conscience." If he politically survives the attacks generated by what seems to be everyone else's castration syndrome, Tydings may look good in 1972, when he will be only 44. Many of his liberal ideas match with those of Senator McGovern—and of Senator Ted Kennedy. Tydings would also fit a Muskie ticket, or a Hughes ticket. But sometimes, reading his hate mail, Tydings becomes a bit glum. The storm that is being worked up against him in his state is contrived by the gun lobby in part because he is a liberal, and people who fear and hate liberal views readily believe that Tydings is plotting to disarm them so as to leave them helpless prey of vaguely glimpsed powers of evil. But, meanwhile, Tydings' efforts to protect poor and black people from the criminals who prey on them are rudely rebuffed.

COMMENT ON THE WAR IN SOUTHEAST ASIA

Mr. GOLDWATER. Mr. President, many Members of Congress have placed in the RECORD letters from GI's serving in Southeast Asia protesting against the war and particularly our entry into Cambodia.

It comes as a breath of fresh air, then, to read in the Regional News of Lake Geneva, Wis., a letter received by the parents of a young man serving in Vietnam who cannot stomach the attacks made on President Nixon by a handful of GI's serving in the same area.

I ask unanimous consent that the letter from Mr. and Mrs. Chase Hess and the one received from their son be printed in the RECORD.

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

FROM VIETNAM HESS WRITES ABOUT WAR, DEMONSTRATORS

"God bless Nixon for having the sheer guts to do what he knows is right and stand by his beliefs." This was not written by a government or administration official in reply to some recent criticism of the President's policies, but by a soldier in Vietnam. In it he explains his views on the war, the demonstrations, the protestors, and the incident at Kent State.

REGIONAL NEWS,
Lake Geneva, Wis.

GENTLEMEN: Attached is excerpts from a letter we received May 25th from our son stationed in Vietnam. This expresses his and our feelings on the Cambodia Campaign and the unpatriotic protests taking place here in the country at colleges and other places.

In publishing this you may use our name.

Sincerely,

Mr. and Mrs. CHASE N. HESS.

"Everybody is following the Cambodia push in the newspapers and on radio. We all are cheering Nixon on and the troops as well. It is really the best thing that has ever been done over here. The Dinks are really in a world of hurt. The Cambodian troops and Vietnamese troops are combining their forces and efforts against a common enemy. The Dinks won't be able to fight or resupply for a long time due to the Monsoon season in the south. It is just so great to know the war is really not in vain. It really makes me sick about all the demonstrations and protesters and Congress trying to cut off the funds. I can't believe that the country can't see and understand the tremendous significance of the Cambodian Invasion. It seems that they all would have us stand up and say, "Peace, Brother" to Charlie while he blows your head off. It truly scares me that my Countrymen are trying to get me killed by giving aid to the N.V.A. and V.C. I am almost afraid to come home for fear of being confronted by some long haired ass who carries a V.C. flag or tears down the Stars and Stripes. I think I'd become involved in a situation that would only turn out bad.

Honest to God, it is too bad that the N.G.'s at Kent or Madison didn't have a mini gun like is used over here. They would have gotten about 400 instead of only 4 b---------

How dare one of those punks think they are so right and headstrong that they can sit 9000 miles away, read a newspaper, hear a speech, or imagine what the world is all about, and then demand the world be run as they dictate.

God Bless Nixon for having the sheer guts to do what he knows is right and stand by his beliefs. I believe all the service men in Viet Nam are behind him and wish that somehow the country they fight for would come to its senses. I find it hard to believe that the majority of the country is so sick that it can't control the demonstrators. Is the whole country against winning this war or is the majority being led around by the nose? I am astonished that you and others like you would allow the demonstrators to go unchecked. If my kid was part of a demonstration I'd jerk him out of school so fast his head would swim. The bum could then try to make a go of life without the one big thing the country offers—education. When they take life so much for granted, then maybe the loss of that life means very little. Their only justification for existence is the mere fact that they exist. They offer nothing, give nothing, and take all.

Another thing, taking for granted that the U.S. is still run on a Democratic system, that Congress represents the people, and does what the public majority want, I must assume that the majority of the public is against providing funds for the Cambodian Offensive. I realize that it hasn't passed yet, but, if it does, am I to assume that you, the majority, don't support Nixon and us in Viet Nam, or is it that the Congressmen and Senators just never got the word? I think it is most likely the latter, and, if so, damn everyone of the "silent majority" for being so complacent if the funds are cut off.

I really get worked up over this thing but I mean exactly what I say. I don't mean to vent my anger on you but at the United States that I knew back in the mid-sixties which you happen to represent and be a part of. They say that your generation gave us the world such as the mid-sixties and it was good. Who the Hell gave us this world we have now. I think my generation. Makes me sick.

I'll write a nice friendly letter another day. Have a nice Memorial Day and keep that flag out in the front yard.

SAN ANTONIO FEDERAL BUILDING

Mr. TOWER. Mr. President, I am pleased to inform Senators that the General Services Administration has cleared the way for the construction of the San Antonio Federal Building complex by approving the usage of the HemisFair Confluence Theater building as a courthouse. The uncertainty in this matter had influenced the Senate Appropriations Committee to recommend the delay of this whole project and to reprogram its funds to other uses. The House, however, has kept the funds for the San Antonio project in its independent offices appropriation, and I am hopeful that the Senate conferees will concur in the approval of these funds now that the uncertainty relating to the readiness of the project to enter the construction phase is resolved favorably.

THE PLIGHT OF THE PENN CENTRAL

Mr. BROOKE. Mr. President, the Penn Central railroad is a vital link in the economy of the entire Nation. This huge transportation network employs more than 94,000 people. It is a major source of revenue for innumerable cities and towns. It affects, directly and indirectly,

the liquidity and progress of entire industries.

The problems which have beset the Penn Central, therefore, should not be viewed simply as the misfortune of a single company struggling through a period of internal difficulties. And it should be a matter of great concern to all of us that in the opinion of many experts, other lines could face many of the same problems that have brought this great railroad to its knees.

Several proposals for assisting this line have already been offered, and it is likely that still more will be forthcoming. Many of these proposals involve the use of Federal funds to "bail out" the railroad, and put it back on its financial feet. I cannot support such proposals, for I believe that the problems of the transportation industry are serious enough to merit the development of a new and comprehensive policy toward this beleaguered industry. Bailing out individual corporations is no better than putting the proverbial bandaid on a deep and open wound. In addition, I am not convinced that the railroads have done enough to put their own house in order. If the Penn Central, and all who depend upon it, is to be kept from further decline a program of relief must be effected which is not simply a veiled patchwork of government loans and guarantees. A one way program of financial support is not the answer. Such programs can do little but exacerbate the long term problems of this vital industry. While it is presented with the dilemma of the condition of the Penn Central, the industry is also offered the opportunity to make fundamental changes which can greatly enhance its future and restore the confidence that it now lacks. The railroads of this country must seize this opportunity and take upon themselves the role of working and thinking together in a spirit of responsibility and cooperation. They must demonstrate that the industry is committed to the maximum extent possible to using its own management and technical resources in order to solve its own problems.

If the railroad industry, or any segment of it, is to come to Congress asking for assistance, it must first show that it really wants to help itself. Government assistance can and should only be made available on a businesslike basis, and not as charity. Until such time as the industry can take some action to reinstate confidence in its own ability to deal with its problems, conditions will continue to deteriorate. If the industry can act prudently and decisively, it can emerge from the current peril both stronger and healthier. In so doing, it can mitigate the already telling effects of the Penn Central's demise on the whole of American business.

THE PRESIDENT'S INDIAN PROGRAM

Mr. FANNIN. Mr. President, as outlined in President Nixon's message to Congress yesterday, the administration's Indian progam is commendable in freeing the Indian to run his own affairs.

Arizona tribal groups can take pride in the fact that their experiences have led the way in Government efforts to place Federal funds in the hands of Indian communities for their own administration of Federal programs.

President Nixon specifically mentioned two Indian tribes—the Salt River Tribe of Arizona and the Zuni Tribe—that have recently extended this principle of local control to virtually all of the programs which the Bureau of Indian Affairs has traditionally administered for them.

Economic development is another area in which administration efforts will be extended, and President Nixon cited the comprehensive economic development plans that had been created by the Pima-Maricopa Indians in Arizona and the Zuni Tribe, as outstanding examples of interagency cooperation in fostering Indian economic growth.

As an example of the tremendous impact of economic development projects on reservations, he cited the Gila River Reservation in Arizona. There, over the last 3 years, unemployment has been lowered from 56 to 18 percent, while welfare has been cut by 50 percent and the median family income increased by 150 percent. The President also cited the Navajo irrigation project.

Mr. President, I am happy that the administration's recommendations have incorporated some of the findings of the subcommittee on Indian education that was created at my insistence.

His message referred also to establishment of the Navajo Community College, the first college in America planned, developed, and operated by and for Indians.

Mr. President, I am proud that the record of Arizona Indian tribal groups is helping others to self-determination.

THE PRESIDENT'S STATEMENT ON THE AMERICAN INDIANS

Mr. GOLDWATER. Mr. President, on July 8, President Nixon made a landmark declaration relative to the plight of our American Indians and what his administration intends to do about it.

My State of Arizona has nearly 40 percent of all of the Indians living in the United States, and I have spent a lifetime living and working with them. They represent fifteen different tribes, speaking three different basic languages, and they occupy 27 per cent of the 114,000 square miles of Arizona.

Finally, the President is working through a Commissioner of Indian Affairs who, himself, is an Indian and with Indian leaders from all over America. They have recognized some fundamental problems and have made encouraging suggestions as to how to meet them. It might be interesting to Senators to know that two Indian tribes, the Salt River Pimas in Southern Arizona and the Zunis in New Mexico have for a good time now exercised complete control over the programs which the Bureau of Indian Affairs has traditionally administered for them. Most of the Federal officials on these two reservations have been replaced by Indians and from personal observation, I can report that these tribes are doing a wonderful job. There is no reason why the Indians cannot handle their own problems, run their own schools, supervise law enforcement and the operation of courts, operate hospitals, and all of the other functions of Government if only given a chance.

Most of the problems in our relationships with the Indians have been people in the Federal Government who have been more interested in the plight of other minorities and also people who would like to see Indians remain forever just Indians. What the Nixon doctrine on Indian Affairs has aimed at is allowing and encouraging the Indians to assume the responsibilities of their own tribes, tribal governments, and tribal lands with the help of Federal money. Frankly, I think he is asking for too little money, but I am willing to let time tell whether or not this is true.

Let me give an example or two of what the Nixon doctrine is really aimed at.

On the Colorado River near the town of Parker, Ariz., is the Colorado River Indian Reservation occupied by the Mohaves and Chemehuevis. Many, many years ago a dam was constructed on the reservation to provide electrical power for the Indians and whites alike. For years, I have been asking the Bureau of Indian Affairs for roughly $5 million to reconstruct this project so that the Indians could operate it and, from the sale of the power to the greatly increased population in the vicinity, become self-sustaining. This money has never been forthcoming and I am still seeking it.

The White Mountain Apaches borrowed money from Arizona banks to construct several manmade lakes of elevations of over 7,500 feet in the largest uncut ponderosa pine country in the world and the revenues from land around these lakes by people desiring summer homes has put this tribe well along the road to self-sufficiency.

Legislation has finally been passed which has enabled the Hopi Tribe to lease land to factories interested in a good, dependable source of labor, which these Hopis are, and this is pushing them along.

At the present time there seems to be an impasse by the Bureau of Indian Affairs and the Papago Tribe on the approval of leases to mining companies which could put 40 percent of the Papago males to work and at this time this tribe is probably per capitawise the poorest group of people we have in the United States.

What the Nixon doctrine is getting at is to awaken Congress to the fact that the Indians' problem is not a politically emotional one. It consists of a number of real problems and the President believes, and I have long concurred, that if the Indians were given the chance, we could eventually abolish the Bureau of Indian Affairs and allow the Indians to become more closely associated with the American way of life without ever losing their cultural and religious background.

I ask unanimous consent that the contents of the White House statement on American Indians be printed in the RECORD.

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

THE WHITE HOUSE STATEMENT ON AMERICAN INDIANS

To the Congress of the United States:

The first Americans—the Indians—are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people ranks at the bottom.

This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the Federal programs which are intended to meet their needs have frequently proven to be ineffective and demeaning.

But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record also of endurance, of survival, of adaptation and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country—to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indians themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.

SELF-DETERMINATION WITHOUT TERMINATION

The first and most basic question that must be answered with respect to Indian policy concerns the historic and legal relationship between the Federal government and Indian communities. In the past, this relationship has oscillated between two equally harsh and unacceptable extremes.

On the one hand, it has—at various times during previous Administrations—been the stated policy objective of both the Executive and Legislative branches of the Federal government eventually to terminate the trusteeship relationship between the Federal government and the Indian people. As recently as August of 1953, in House Concurrent Resolution 108, the Congress declared that termination was the long-range goal of its Indian policies. This would mean that Indian tribes would eventually lose any special standing they had under Federal law: the tax exempt status of their lands would be discontinued; Federal responsibility for their economic and social well-being would be repudiated; and the tribes themselves would be effectively dismantled. Tribal property would be divided among individual members who would then be assimilated into the society at large.

This policy of forced termination is wrong, in my judgment, for a number of reasons. First, the premises on which it rests are wrong. Termination implies that the Federal government has taken on a trusteeship responsibility for Indian communities as an act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit. But the unique status of Indian tribes does not rest on any premise such as this. The special relationship between Indians and the Federal government is the result instead of solemn obligations which have been entered into by the United States Government. Down through the years, through written treaties and through formal and informal agreements, our government has made specific commitments to the Indian people. For their part, the Indians have often surrendered claims to vast tracts of land and have accepted life on government reservations. In exchange, the government has agreed to provide community services such as health, education and public safety, services which would presumably allow Indian communities to enjoy a standard of living comparable to that of other Americans.

This goal, of course, has never been achieved. But the special relationship between the Indian tribes and the Federal government which arises from these agreements continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.

The second reason for rejecting forced termination is that the practical results have been clearly harmful in the few instances in which termination actually has been tried. The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State and local assistance efforts. Their economic and social condition has often been worse after termination than it was before.

The third argument I would make against forced termination concerns the effect it has had upon the overwhelming majority of tribes which still enjoy a special relationship with the Federal government. The very threat that this relationship may someday be ended has created a great deal of apprehension among Indian groups and this apprehension, in turn, has had a blighting effect on tribal progress. Any step that might result in greater social, economic or political autonomy is regarded with suspicion by many Indians who fear that it will only bring them closer to the day when the Federal government will disavow its responsibility and cut them adrift.

In short, the fear of one extreme policy, forced termination, has often worked to produce the opposite extreme: excessive dependence on the Federal government. In many cases this dependence is so great that the Indian community is almost entirely run by outsiders who are responsible and responsive to Federal officials in Washington, D.C., rather than to the communities they are supposed to be serving. This is the second of the two harsh approaches which have long plagued our Indian policies. Of the Department of the Interior's programs directly serving Indians, for example, only 1.5 percent are presently under Indian control. Only 2.4 percent of HEW's Indian health programs are run by Indians. The result is a burgeoning Federal bureaucracy, programs which are far less effective than they ought to be, and an erosion of Indian initiative and morale.

I believe that both of these policy extremes are wrong. Federal termination errs in one direction, Federal paternalism errs in the other. Only by clearly rejecting both of these extremes can we achieve a policy which truly serves the best interests of the Indian people. Self-determination among the Indian people can and must be encouraged without the threat of eventual termination. In my view, in fact, that is the only way that self-determination can effectively be fostered.

This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support. My specific recommendations to the Congress are designed to carry out this policy.

1. Rejecting termination

Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress. This resolution would explicitly affirm the integrity and right to continued existence of all Indian tribes and Alaska native governments, recognizing that cultural pluralism is a source of national strength. It would assure these groups that the United States Government would continue to carry out its treaty and trusteeship obligations to them as long as the groups themselves believed that such a policy was necessary or desirable. It would guarantee that whenever Indian groups decided to assume control or responsibility for government service programs, they could do so and still receive adequate Federal financial support. In short, such a resolution would reaffirm for the Legislative branch—as I hereby affirm for the Executive branch—that the historic relationship between the Federal government and the Indian communities cannot be abridged without the consent of the Indians.

2. The right to control and operate Federal programs

Even as we reject the goal of forced termination, so must we reject the suffocating pattern of paternalism. But how can we best do this? In the past, we have often assumed that because the government is obliged to provide certain services for Indians, it therefore must administer those same services. And to get rid of Federal administration, by the same token, often meant getting rid of the whole Federal program. But there is no necessary reason for this assumption. Federal support programs for non-Indian communities—hospitals and schools are two ready examples—are ordinarily administered by local authorities. There is no reason why Indian communities should be deprived of the privilege of self-determination merely because they receive monetary support from the Federal government. Nor should they lose Federal money because they reject Federal control.

For years we have talked about encouraging Indians to exercise greater self-determination, but our progress has never been commensurate with our promises. Part of the reason for this situation has been the threat of termination. But another reason is the fact that when a decision is made as to whether a Federal program will be turned over to Indian administration, it is the Federal authorities and not the Indian people who finally make that decision.

This situation should be reversed. In my judgment, it should be up to the Indian tribe to determine whether it is willing and able to assure administrative responsibility for a service program which is presently administered by a Federal agency. To this end, I am proposing legislation which would empower a tribe or a group of tribes or any other Indian community to take over the control or operation of Federally-funded and administered programs in the Department of the Interior and the Department of Health, Education and Welfare whenever the tribal council or comparable community governing group voted to do so.

Under this legislation, it would not be necessary for the Federal agency administering the program to approve the transfer of responsibility. It is my hope and expectation that most such transfers of power would still take place consensually as a result of negotiations between the local community and the Federal government. But in those cases in which an impasse arises between the

two parties, the final determination should rest with the Indian community.

Under the proposed legislation, Indian control of Indian programs would always be a wholly voluntary matter. It would be possible for an Indian group to select that program or that specified portion of a program that it wants to run without assuming responsibility for other components. The "right of retrocession" would also be guaranteed; this means that if the local community elected to administer a program and then later decided to give it back to the Federal government, it would always be able to do so.

Appropriate technical assistance to help local organizations successfully operate these programs would be provided by the Federal government. No tribe would risk economic disadvantage from managing its own programs; under the proposed legislation, locally-administered programs would be funded on equal terms with similar services still administered by Federal authorities. The legislation I propose would include appropriate protections against any action which endangered the rights, the health, the safety or the welfare of individuals. It would also contain accountability procedures to guard against gross negligence or mismanagement of Federal funds.

This legislation would apply only to services which go directly from the Federal government to the Indian community; those services which are channeled through State or local governments could still be turned over to Indian control by mutual consent. To run the activities for which they have assumed control, the Indian groups could employ local people or outside experts. If they chose to hire Federal employees who had formerly administered these projects, those employees would still enjoy the privileges of Federal employee benefit programs—under special legislation which will also be submitted to the Congress.

Legislation which guaranteees the right of Indians to contract for the control or operation of Federal programs would directly channel more money into Indian communities, since Indians themselves would be administering programs and drawing salaries which now often go to non-Indian administrators. The potential for Indian control is significant, for we are talking about programs which annually spend over $400 million in Federal funds. A policy which encourages Indian administration of these programs will help build greater pride and resourcefulness within the Indian community. At the same time, programs which are managed and operated by Indians are likely to be more effective in meeting Indian needs.

I speak with added confidence about these anticipated results because of the favorable experience of programs which have already been turned over to Indian control. Under the auspices of the Office of Economic Opportunity, Indian communities now run more than 60 community action agencies which are located on Federal reservations. OEO is planning to spend some $57 million in Fiscal Year 1971 through Indian-controlled grantees. For over four years, many OEO-funded programs have operated under the control of local Indian organizations and the results have been most heartening.

Two Indian tribes—the Salt River Tribe and the Zuni Tribe—have recently extended this principle of local control to virtually all of the programs which the Bureau of Indian Affairs has traditionally administered for them. Many Federal officials, including the Agency Superintendent, have been replaced by elected tribal officers or tribal employees. The time has now come to build on these experiences and to extend local Indian control—at a rate and to the degree that the Indians themselves establish.

3. Restoring the sacred lands near Blue Lake

No government policy toward Indians can be fully effective unless there is a relationship of trust and confidence between the Federal government and the Indian people. Such a relationship cannot be completed overnight; it is inevitably the product of a long series of words and actions. But we can contribute significantly to such a relationship by responding to just grievances which are especially important to the Indian people.

One such grievance concerns the sacred Indian lands at the near Blue Lake in New Mexico. From the fourteenth century, the Taos Pueblo Indians used these areas for religious and tribal purposes. In 1906, however, the United States Government appropriated these lands for the creation of a national forest. According to a recent determination of the Indian Claims Commission, the government "took said lands from petitioner without compensation."

For 64 years, the Taos Pueblo has been trying to regain possession of this sacred lake and watershed area in order to preserve it in its natural condition and limit its non-Indian use. The Taos Indians consider such action essential to the protection and expression of their religious faith.

The restoration of the Blue Lake lands to the Taos Pueblo Indians is an issue of unique and critical importance to Indians throughout the country. I therefore take this opportunity wholeheartedly to endorse legislation which would restore 48,000 acres of sacred land to the Taos Pueblo people, with the statutory promise that they would be able to use these lands for traditional purposes and that except for such uses the lands would remain forever wild.

With the addition of some perfecting amendments, legislation now pending in the Congress would properly achieve this goal. That legislation (H.R. 471) should promptly be amended and enacted. Such action would stand as an important symbol of this government's responsiveness to the just grievances of the American Indians.

4. Indian education

One of the saddest aspects of Indian life in the United States is the low quality of Indian education. Drop-out rates for Indians are twice the national average and the average educational level for all Indians under Federal supervision is less than six school years. Again, at least a part of the problem stems from the fact that the Federal government is trying to do for Indians what many Indians could do better for themselves.

The Federal government now has responsibility for some 221,000 Indian children of school age. While over 50,000 of these children attend schools which are operated directly by the Bureau of Indian Affairs, only 750 Indian children are enrolled in schools where the responsibility for education has been contracted by the BIA to Indian school boards. Fortunately, this condition is beginning to change. The Ramah Navajo Community of New Mexico and the Rough Rock and Black Water Schools in Arizona are notable examples of schools which have recently been brought under local Indian control. Several other communities are now negotiating for similar arrangements.

Consistent with our policy that the Indian community should have the right to take over the control and operation of federally funded programs, we believe every Indian community wishing to do so should be able to control its own Indian schools. This control would be exercised by school boards selected by Indians and functioning much like other school boards throughout the nation. To assure that this goal is achieved, I am asking the Vice President, acting in his role as Chairman of the National Council on Indian Opportunity, to establish a Special Education Subcommittee of that Council. The members of that Subcommittee should be Indian educators who are selected by the Council's Indian members. The Subcommittee will provide technical assistance to Indian communities wishing to establish school boards, will conduct a nationwide review of the educational status of all Indian school children in whatever schools they may be attending, and will evaluate and report annually on the status of Indian education, including the extent of local control. This Subcommittee will act as a transitional mechanism; its objective should not be self-perpetuation but the actual transfer of Indian education to Indian communities.

We must also take specific action to benefit Indian children in public schools. Some 141,000 Indian children presently attend general public schools near their homes. Fifty-two thousand of these are absorbed by local school districts without special Federal aid. But 89,000 Indian children attend public schools in such high concentrations that the State or local school districts involved are eligible for special Federal assistance under the Johnson-O'Malley Act. In Fiscal Year 1971, the Johnson-O'Malley program will be funded at a level of some $20 million.

This Johnson-O'Malley money is designed to help Indian students, but since funds go directly to the school districts, the Indians have little if any influence over the way in which the money is spent. I therefore propose that the Congress amend the Johnson-O'Malley Act so as to authorize the Secretary of the Interior to channel funds under this act directly to Indian tribes and communities. Such a provision would give Indians the ability to help shape the schools which their children attend and, in some instances, to set up new school systems of their own. At the same time, I am directing the Secretary of the Interior to make every effort to ensure that Johnson-O'Malley funds which are presently directed to public school districts are actually spent to improve the education of Indian children in these districts.

5. Economic development legislation

Economic deprivation is among the most serious of Indian problems. Unemployment among Indians is ten times the national average; the unemployment rate runs as high as 80 percent on some of the poorest reservations. Eighty percent of reservation Indians have an income which falls below the poverty line; the average annual income for such families is only $1,500. As I said in September of 1968, it is critically important that the Federal government support and encourage efforts which help Indians develop their own economic infrastructure. To that end, I am proposing the "Indian Financing Act of 1970."

This act would do two things:

1. It would broaden the existing Revolving Loan Fund, which loans money for Indian economic development projects. I am asking that the authorization for this fund be increased from approximately $25 million to $75 million.

2. It would provide additional incentives in the form of loan guarantees, loan insurance and interest subsidies to encourage *private* lenders to loan more money for Indian economic projects. An aggregate amount of $200 million would be authorized for loan guarantee and loan insurance purposes.

I also urge that legislation be enacted which would permit any tribe which chooses to do so to enter into leases of its land for up to 99 years. Indian people now own over 50 million acres of land that is held in trust by the Federal government. In order to compete in attracting investment capital for commercial, industrial and recreational development of these lands, it is essential that the tribes be able to offer long-term leases. Long-term leasing is preferable to selling such property since it enables tribes to preserve the trust ownership of their reservation

homelands. But existing law limits the length of time for which many tribes can enter into such leases. Moreover, when long-term leasing is allowed, it has been granted by Congress on a case-by-case basis, a policy which again reflects a deep-rooted pattern of paternalism. The twenty reservations which have already been given authority for long-term leasing have realized important benefits from that privilege and this opportunity should now be extended to all Indian tribes.

Economic planning is another area where our efforts can be significantly improved. The comprehensive economic development plans that have been created by both the Pima-Maricopa and the Zuni Tribes provide outstanding examples of interagency cooperation in fostering Indian economic growth. The Zuni Plan, for example, extends for at least five years and involves a total of $55 million from the Departments of Interior, Housing and Urban Development, and Health, Education and Welfare and from the Office of Economic Opportunity and the Economic Development Administration. I am directing the Secretary of the Interior to play an active role in coordinating additional projects of this kind.

6. More money for Indian health

Despite significant improvements in the past decade and a half, the health of Indian people still lags 20 to 25 years behind that of the general population. The average age at death among Indians is 44 years, about one-third less than the national average. Infant mortality is nearly 50% higher for Indians and Alaska natives than for the population at large; the tuberculosis rate is eight times as high and the suicide rate is twice that of the general population. Many infectious diseases such as trachoma and dysentary that have all but disappeared among other Americans continue to afflict the Indian people.

This Administration is determined that the health status of the first Americans will be improved. In order to initiate expanded efforts in this area, I will request the allocation of an additional $10 million for Indian health programs for the current fiscal year. This strengthened Federal effort will enable us to address ourselves more effectively to those health problems which are particularly important to the Indian community. We understand, for example, that areas of greatest concern to Indians include the prevention and control of alcoholism, the promotion of mental health and the control of middle-ear disease. We hope that the ravages of middle-ear disease—a particularly acute disease among Indians—can be brought under control within five years.

These and other Indian health programs will be most effective if more Indians are involved in running them. Yet—almost unbelievably—we are presently able to identify in this country only 30 physicians and fewer than 400 nurses of Indian descent. To meet this situation, we will expand our efforts to train Indians for health careers.

7. Helping urban Indians

Our new census will probably show that a larger proportion of America's Indians are living off the reservation than ever before in our history. Some authorities even estimate that more Indians are living in cities and towns than are remaining on the reservation. Of those American Indians who are now dwelling in urban areas, approximately three-fourths are living in poverty.

The Bureau of Indian Affairs is organized to serve the 462,000 reservation Indians. The BIA's responsibility does not extend to Indians who have left the reservation, but this point is not always clearly understood. As a result of this misconception, Indians living in urban areas have often lost out on the opportunity to participate in other programs designed for disadvantaged groups. As a first step toward helping the urban Indians, I am instructing appropriate officials to do all they can to ensure that this misunderstanding is corrected.

But misunderstandings are not the most important problem confronting urban Indians. The biggest barrier faced by those Federal, State and local programs which are trying to serve urban Indians is the difficulty of locating and identifying them. Lost in the anonymity of the city, often cut off from family and friends, many urban Indians are slow to establish new community ties. Many drift from neighborhood to neighborhood; many shuttle back and forth between reservations and urban areas. Language and cultural differences compound these problems. As a result, Federal, State and local programs which are designed to help such persons often miss this most deprived and least understood segment of the urban poverty population.

This Administration is already taking steps which will help remedy this situation. In a joint effort, the Office of Economic Opportunity and the Department of Health, Education and Welfare will expand support to a total of seven urban Indian centers in major cities which will act as links between existing Federal, State and local service programs and the urban Indians. The Departments of Labor, Housing and Urban Development and Commerce have pledged to cooperate with such experimental urban centers and the Bureau of Indian Affairs has expressed its willingness to contract with these centers for the performance of relocation services which assist reservation Indians in their transition to urban employment.

These efforts represent an important beginning in recognizing and alleviating the severe problems faced by urban Indians. We hope to learn a great deal from these projects and to expand our efforts as rapidly as possible. I am directing the Office of Economic Opportunity to lead these efforts.

8. Indian Trust Counsel Authority

The United States Government acts as a legal trustee for the land and water rights of American Indians. These rights are often of critical economic importance to the Indian people; frequently they are also the subject of extensive legal dispute. In many of these legal confrontations, the Federal government is faced with an inherent conflict of interest. The Secretary of the Interior and the Attorney General must at the same time advance *both* the *national* interest in the use of land and water rights *and* the *private* interests of Indians in land which the government holds as trustee.

Every trustee has a legal obligation to advance the interests of the beneficiaries of the trust without reservation and with the highest degree of diligence and skill. Under present conditions, it is often difficult for the Department of the Interior and the Department of Justice to fulfill this obligation. No self-respecting law firm would ever allow itself to represent two opposing clients in one dispute; yet the Federal government has frequently found itself in precisely that position. There is considerable evidence that the Indians are the losers when such situations arise. More than that, the credibility of the Federal government is damaged whenever it appears that such a conflict of interest exists.

In order to correct this situation, I am calling on the Congress to establish an Indian Trust Counsel Authority to assure independent legal representation for the Indians' natural resource rights. This Authority would be governed by a three-man board of directors, appointed by the President with the advice and consent of the Senate. At least two of the board members would be Indian. The chief legal officer of the Authority would be designated as the Indian Trust Counsel.

The Indian Trust Counsel Authority would be independent of the Departments of the Interior and Justice and would be expressly empowered to bring suit in the name of the United States in its trustee capacity. The United States would waive its sovereign immunity from suit in connection with litigation involving the Authority.

9. Assistant Secretary for Indian and Territorial Affairs

To help guide the implementation of a new national policy concerning American Indians, I am recommending to the Congress the establishment of a new position in the Department of the Interior—Assistant Secretary for Indian and Territorial Affairs. At present, the Commissioner of Indian Affairs reports to the Secretary of the Interior through the Assistant Secretary for Public Land Management—an officer who has many responsibilities in the natural resources area which compete with his concern for Indians. A new Assistant Secretary for Indian and Territorial Affairs would have only one concern—the Indian and territorial peoples, their land, and their progress and well-being. Secretary Hickel and I both believe this new position represents an elevation of Indian affairs to their proper role within the Department of the Interior and we urge Congress to act favorably on this proposal.

CONTINUING PROGRAMS

Many of the new programs which are outlined in this message have grown out of this Administration's experience with other Indian projects that have been initiated or expanded during the last 17 months.

The Office of Economic Opportunity has been particularly active in the development of new and experimental efforts. OEO's Fiscal Year 1971 budget request for Indian-related activities is up 18 percent from 1969 spending. In the last year alone—to mention just two examples—OEO doubled its funds for Indian economic development and tripled its expenditures for alcoholism and recovery programs. In areas such as housing and home improvement, health care, emergency food, legal services and education, OEO programs have been significantly expanded. As I said in my recent speech on the economy, I hope that the Congress will support this valuable work by appropriating the full amount requested for the Economic Opportunity Act.

The Bureau of Indian Affairs has already begun to implement our policy of contracting with local Indians for the operation of government programs. As I have noted, the Salt River Tribe and the Zuni Tribe have taken over the bulk of Federal services; other projects ranging from job training centers to high school counseling programs have been contracted out to Indian groups on an individual basis in many areas of the country.

Economic development has also been stepped up. Of 195 commercial and industrial enterprises which have been established in Indian areas with BIA assistance, 71 have come into operation within the last two years. These enterprises provide jobs for more than 6,000 Indians and are expected to employ substantially more when full capacity is reached. A number of these businesses are now owned by Indians and many others are managed by them. To further increase individual Indian ownership, the BIA has this month initiated the Indian Business Development Fund which provides equity capital to Indians who go into business in reservation areas.

Since late 1967, the Economic Development Administration has approved approximately $80 million in projects on Indian reservations, including nearly $60 million in public works projects. The impact of such activities can be tremendous; on the Gila River Reservation in Arizona, for example, economic development projects over the last three years have helped to lower the unemployment rate from 56 to 18 percent, increase the median

bill, since I have been a chairman of the subcommittee, which has not had some items in it for the Farmers Home Administration, particularly in the field of disaster loans. We have had them nearly every year. There have been other items included as well, which have always had sympathetic treatment. The Farmers Home Administration is a highly regarded agency. It deals with the underaverage credit risks of the farming communities. They have had most sympathetic treatment from the committee and will continue to have it.

I am glad the Senator feels that way. If he will cut his amendment to $3 million, as the Senator from Vermont suggests, I shall be glad to agree to it and take it to conference.

Mr. GOODELL. Mr. President, I think we will inevitably increase this sum. But, $3 million is totally inadequate from my perspective. I would suggest to the Senator from Florida that since they are going to take this bill to conference and the House bill recommends an appropriation of $81 million that the Senator raise this question of increased appropriations there at the conference, and discuss it with them, and negotiate about it. I would also suggest that the Senator from Florida confer with the Farmers Home Administration, and I believe he will agree that there is ample justification for the higher amount.

However, if the Senator from Florida does not think so, we can compromise in conference a figure that will be adequate. Certainly this would not be binding on the Senator from Florida or the other conferees. But, I believe that the $3 million is an inadequate amount in terms of the tremendously increased burdens we have placed upon the Farmers Home Administration.

Mr. HOLLAND. By adding the $3 million, we put ourselves $6.1 million above the House appropriation. I think that is as far as we can go. We are trying to be reasonable, I think even gracious, so that I hope the Senator will agree to that course, because we would much rather not submit a substitute amendment; but we have agreed to take the figure suggested by the Senator from Vermont. If there is anyone who loves agricultural people more in this Senate than the Senator from Vermont, I do not know who it is. He is a part of them. He is a part of the nursery and fruit business of his State of Vermont. The people of Vermont have been particularly interested in those two businesses.

I shall be glad if the Senator will reduce his amendment to $3 million. We will fight for it in conference.

Mr. GOODELL. The Senator has been most gracious and understanding. However, because of my convictions on this matter, I find the $3 million to be unacceptable. I should like to accommodate the Senator from Florida, but I think we probably should have a vote on this and settle the issue. I hope that if the Senate understands this issue, we will not delay the matter further and we will give the Farmers Home Administration adequate funds. The Farmers Home Administration should have the funds so it can go ahead and make adequate preparations for hiring additional personnel. It should get a more adequate increase than is provided in the bill now, and more than the $3 million increase proposed.

The conferees of the Senate could handle this matter now and come back with a figure that they think is adequate. If that compromise is not acceptable, I think that we should vote.

Mr. HOLLAND. Mr. President, I am ready to yield back my time on the Senator's amendment so that I may offer a substitute amendment.

Mr. GOODELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will report the substitute.

The legislative clerk read as follows:

In lieu of the figure proposed to be inserted in the amendment, insert $87,250,000

Mr. HOLLAND. Mr. President, I think the matter has been adequately debated. However, I want to very briefly mention what is included in the amendment.

It includes an increase of $3 million for salaries and expenses of the Farmers Home Administration. When we have here a written statement from the Budget officer stating that $1,750,000 would meet all additional requirements of personnel to cover the added funds we provided yesterday for the Farmers Home Administration.

They remind us in the memorandum that the Senate has already provided $18 million more for salaries than the 1970 appropriation. We are already $3.1 million above the House amount. By adding the $3 million, we would be $6.1 million above the House amount.

We have added the $3 million figure because that was suggested by the distinguished Senator from Vermont. We think it is a little more than the amount needed. However, if they do not need it, they will not use it.

I hope the substitute amendment will prevail.

Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, it is my hope that the substitute will prevail. It is true that the workload of the Farmers Home Administration is greater. However, the bill represents an increase of $18 million over last year's figure. By the allowing of the additional $3 million, there would be $21 million over and above the 1970 allowance of funds for salaries and expenses.

There may be a difference of opinion. There may be firm conviction that more than that amount is needed. The committee, however, and certainly the sponsor of the substitute and I, believe that the best judges of that are the budget authorities in the department. They have said advisedly that this would be ample for the purposes at hand, including the additional amounts allowed yesterday.

So, it is a matter for the Senate to decide. I hope the Senate decides the matter in line with the thinking of the Appropriations Committee that the best authorities to decide how much money is needed would be the budget authorities in the Department of Agriculture.

It is my hope that the substitute will prevail.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLAND. Mr. President, I am ready to yield back the remainder of my time if any time remains to me.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. GOODELL. Mr. President, I think we have fully debated the matter here. Those who are deeply concerned about the program make it clear that there is uncertainty as to how much money they will be able to spend usefully and officially.

I think we all want them to be able to have enough money for the personnel that are necessary to administer these tremendous programs that have been added.

I think the $3 million is too restrictive. I recognize that the committee has increased the amount over last year by $18 million. However, we have increased the responsibility of this agency far more than that.

I would point out once again that the FHA itself requested $146 million of the Budget Bureau. They were turned down. When they requested that, they might have been figuring that it would not be fully agreed to by the Budget Bureau. That is an old game. They probably figured that it would be knocked down somewhat, but not cut by $62 million.

I believe that the Farmers Home Administration could use $38 million more for administering its many programs.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 2 minutes.

Mr. AIKEN. Mr. President, as a member of the Subcommittee on Agricultural Appropriations which reported the bill, I had the feeling that the amount was adequate. Therefore, I will support the committee report and the chairman of the subcommittee, the Senator from Florida.

I also want to make it plain that if this amount proves to be inadequate as the work goes on, I shall certainly support a supplemental appropriation to provide whatever funds are needed to carry on the work of the Farmers Home program.

One thing that perhaps we have not taken into consideration is that although the work of this agency is bound to increase, the size of the loans also increase, so that we cannot judge the number of loans made fully by the amount of money loans.

I did want to make it clear if the amount agreed to by the committee proves inadequate I shall support a supplemental appropriation for whatever amount is needed for these excellent programs which are being carried on by the Department of Agriculture through its agencies.

Mr. HRUSKA. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. HRUSKA. Mr. President, this pro-

gram is important and it is helpful to the farmers. It is as much appreciated in my section of the country as in the northeastern part of the country.

I will join with the Senator in any request from the Department for a supplemental appropriation later in this Congress if the amount appropriated today on the basis of the substitute proves to be insufficient.

We have always listened to and carefully considered any such request. I pledge my support, whatever it might amount to, in connection with any request for a supplemental.

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

Mr. HOLLAND. Mr. President, I yield to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, I hope that the Senate acts realistically on this. We have some mighty tough men to contend with on the House side.

With Mr. Grant, who is the Budget Director of the Department of Agriculture, saying that he cannot spend the amount we are providing here, I am sure that the House conferees would not agree even to the amount we are now providing, because the amount is $1.5 million more than Mr. Grant says he can spend.

I hope the Senate agrees to the substitute offered by the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I ask for the yeas and nays on the substitute.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. HOLLAND. Mr. President, I yield back the remainder of my time.

Mr. GOODELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Florida in the nature of a substitute for the amendment of the Senator from New York. 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 Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Illinois (Mr. PERCY) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 75, nays 6, as follows:

[No. 227 Leg.]

YEAS—75

Aiken	Fong	Muskie
Allen	Fulbright	Packwood
Allott	Goldwater	Pastore
Anderson	Griffin	Pearson
Bayh	Gurney	Pell
Bellmon	Hansen	Prouty
Bennett	Harris	Proxmire
Bible	Hart	Randolph
Boggs	Holland	Ribicoff
Brooke	Hollings	Saxbe
Burdick	Hruska	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Jackson	Smith, Ill.
Cannon	Jordan, Idaho	Sparkman
Church	Kennedy	Spong
Cooper	Long	Stennis
Cotton	Mansfield	Talmadge
Cranston	Mathias	Thurmond
Dole	McCarthy	Tower
Dominick	McClellan	Tydings
Eagleton	McGovern	Williams, N.J.
Eastland	McIntyre	Williams, Del.
Ellender	Metcalf	Yarborough
Ervin	Miller	Young, N. Dak.
Fannin	Montoya	Young, Ohio

NAYS—6

Case	Hatfield	Moss
Goodell	Javits	Nelson

NOT VOTING—19

Baker	Inouye	Percy
Cook	Jordan, N.C.	Russell
Curtis	Magnuson	Smith, Maine
Dodd	McGee	Stevens
Gore	Mondale	Symington
Gravel	Mundt	
Hartke	Murphy	

So Mr. HOLLAND's amendment in the nature of a substitute for Mr. GOODELL's amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE and Mr. HRUSKA made a motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, the amendment offered by the Senator from New York (Mr. GOODELL), which has now been modified by the adoption of the last amendment, has the yeas and nays ordered on it. The time has been completely utilized. I suggest we have an immediate yea and nay vote on the amendment of the Senator from New York, as amended.

Mr. GOODELL. Mr. President, I agree.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Minnesota (Mr. MONDALE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Missouri (Mr. SYMINGTON), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Illinois (Mr. PERCY) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 75, nays 3, as follows:

[No. 228 Leg.]

YEAS—75

Aiken	Fong	Miller
Allen	Fulbright	Montoya
Allott	Goldwater	Moss
Anderson	Goodell	Muskie
Bayh	Griffin	Nelson
Bellmon	Gurney	Packwood
Bennett	Hansen	Pastore
Bible	Harris	Pearson
Boggs	Hart	Pell
Brooke	Hatfield	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Randolph
Byrd, W. Va.	Hruska	Saxbe
Cannon	Hughes	Schweiker
Case	Jackson	Scott
Church	Javits	Smith, Ill.
Cooper	Jordan, Idaho	Sparkman
Cranston	Kennedy	Spong
Dole	Long	Stennis
Dominick	Mansfield	Talmadge
Eagleton	Mathias	Thurmond
Eastland	McClellan	Williams, N.J.
Ellender	McGovern	Yarborough
Ervin	McIntyre	Young, N. Dak.
Fannin	Metcalf	Young, Ohio

NAYS—3

Cotton	Ribicoff	Williams, Del.

NOT VOTING—22

Baker	Jordan, N.C.	Russell
Cook	Magnuson	Smith, Maine
Curtis	McCarthy	Stevens
Dodd	McGee	Symington
Gore	Mondale	Tower
Gravel	Mundt	Tydings
Hartke	Murphy	
Inouye	Percy	

So Mr. GOODELL's amendment, as amended, was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, may I make an announcement? I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senate will be in order, so that the Senator's announcement may be heard.

Mr. HOLLAND. I know of no further amendments except one to be offered by the distinguished Senator from Kentucky (Mr. COOPER), which the Senator from Nebraska and I have agreed to take to conference, subject, of course, to the will of the Senate.

Following that, I have had no requests to speak on the bill, and I understand from the Senator from Nebraska that he has had no requests; so I would suppose that we would get, then, to a final vote, and I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

Mr. COTTON. Mr. President, will the Senator yield me one-half minute on the bill?

Mr. HOLLAND. I am glad to yield the Senator one-half minute on the bill.

Mr. COTTON. Mr. President, I was absent from the Chamber yesterday when various Senators expressed their appreciation for the work that the distinguished Senator from Florida has done on this bill, as well as his many great contributions to the Senate. I have such a statement, which I ask unanimous consent may appear in the permanent RECORD in conjunction with the statements made yesterday.

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

Mr. COTTON. Mr. President, it is a privilege to join my colleagues in expressing admiration and affection for the distinguished Senator from Florida (Mr. HOLLAND) as the time approaches when, for reasons of health, he will enter voluntary retirement. Incidentally, that is the only kind of retirement open to him, for I am positive that the people of Florida, whom he has served so well as Governor and for many years as Senator, would never allow him to leave the Senate if it were in their power to prevent it.

From the first hour of my service in this body, I admired him and, as time went on and I had the privilege of serving with him on the Appropriations Committee, my respect and affection for him has grown each passing year. He has always mastered the issues and problems that he has had to face. I have never known him to deal with any subject or raise his voice in any cause without revealing the breadth and accuracy of his knowledge. Above all, he has been the embodiment of a kindly, Christian gentleman. His courtesy to his colleagues, even when he differs from them, has been unfailing. I have never seen him lose his temper or his poise for an instant, even when debate was heated. There is not a Member of the Senate, Democrat or Republican, liberal or conservative, who does not hold him in high affection and treasure association with him.

He is the beau ideal of a Senator—in appearance and all the qualities of mind and soul which equip men for service here. With a toga upon his shoulders and a fillet around his snow-white locks, he could step back through the ages and walk the Praetorian pavements on terms of complete equality with any senator of ancient Rome.

May he and his lovely lady have many years of happiness and comfort in which to enjoy looking back on a career of service and distinction that has been rarely equaled and never excelled.

Mr. HOLLAND. Mr. President, I am very grateful to the Senator. I had no knowledge of the fact that this was the subject of his request, but I think I would have been even happier to grant his request if I had known his purpose.

Now, Mr. President, I understand that the Senator from Kentucky has an amendment.

Mr. COOPER. Mr. President, before calling up my amendment, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report subheaded "Supplemental Financing Program," under the heading "Electrification Program," as found on pages 38 and 39 of the committee report.

There being no objection, the excerpt from the report (No. 91-987) was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL FINANCING PROGRAM

The Committee commends the rural electric systems in their attempt to establish a financing organization to help alleviate the large financial needs of the rural electric systems for new capital financing from the Federal Government. The National Rural Utilities Cooperative Finance Corporation (CFC) was incorporated in the District of Columbia on April 10, 1969. The Committee understands that CFC now has 785 members in 44 states.

Historically, REA has granted loans since the program began in 1935 allowing deferment of the payment of principal on the loans for varying periods of time. In some cases the deferment period has been for one year, in some cases for two years, in some cases for three years, in some cases for five years, and in a few instances even longer.

The Committee believes that the CFC plan has the potential of diverting the growing need to increase the annual loan authorization and achieve a large measure of "self-financing" in future years. To be most effective the capitalization of the corporation must be accelerated.

The Committee expects the REA Administrator to assume an active role in cooperation with CFC in the accumulation of initial subscription of capital from CFC members for initial operations.

In addition to the subscription of capital from existing sources, and to meet the objectives set forth in the House Committee Report, a continuous flow of capital funds is essential to the orderly development of the CFC.

The Committee is of the opinion that the recommendation in the House Committee Report to defer principal repayments on outstanding loan contracts is not a feasible method of providing for an orderly flow of capital subscriptions to the CFC. The Committee recommends that beginning on July 1, 1970, that the REA Administrator grant up to a three-year deferment on principal installments on new REA loans—with the understanding that such deferred installments on principal will be invested by borrowers in the CFC.

Such regular investments in CFC when continued for several years and coupled with the open market sale of debentures, should then enable the REA Administrator and the CFC to make an orderly transition from complete reliance upon government financing to a greater reliance upon the sale of CFC debentures, except for the financing of systems where the input of 2 percent government loans may be essential to the maintenance of adequate electrical service at reasonable rates in low density population areas.

Mr. COOPER. I call attention specifically to one sentence:

The Committee expects the REA Administrator to assume an active role in cooperation with CFC in the accumulation of initial subscription of capital from CFC members for initial operations.

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. Mr. President, I am glad to yield 2 minutes on the bill to the Senator from Kentucky. I understood he had an amendment.

Mr. BYRD of West Virginia. Mr. President, I ask that we may have order before the Senator continues.

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. COOPER. Mr. President, I have an amendment which will take 1 minute. However, I wanted to ask the distinguished chairman of the subcommittee and the distinguished Senator from Nebraska if they concur in this statement in the committee report that the REA Administrator should assume an active role in cooperation with CFC.

Mr. HOLLAND. Mr. President, I yield myself 2 minutes, after which I shall be glad to yield to the Senator from Nebraska.

We certainly do concur in that statement. We feel that a self-help program by this element of the rural population can be as successful as the one for the Farm Credit Administration which already now belongs a hundred percent to the people who use it. We have suggested, as a means of cooperation, that on new loans the Administrator waive payments of principal for 3 years, on condition that the same amount may be placed in investments in the CFC, which is the new bank set up by the cooperatives to serve their own interests.

Mr. COOPER. I thank the Senator.

Mr. HRUSKA. Mr. President, the Senator from Nebraska concurs in that statement. It is well stated.

Mr. COOPER. I thank Senators HOLLAND and HRUSKA, managers of the bill. Their statements are important.

Mr. President, REA came into being because the private utilities had not extended their service to the farm homes of rural areas. For example, before REA was established in 1936, only 10.9 percent of all farms in the United States enjoyed electric service. In Kentucky, only 3 percent of our farmers received electric service.

Today, in sharp contrast to the 3 percent of farmers who enjoyed electric

services in 1936, 98.4 percent of our Nation's farmers and 99 percent of Kentucky's farmers receive electric service. REA has financially served more than half of all electrified farms.

Since 1936, REA has loaned almost $7.4 billion, chiefly to rural electric cooperatives, and public bodies, for electric distribution systems, including transmission and generating facilities. In Kentucky $433 million has been loaned.

I was very pleased that REA approved a loan on June 26 amounting to $16,368,000 to finance transmission facilities to meet growing power requirements of 18 distribution co-ops serving 175,000 rural consumers in 83 counties in eastern Kentucky. Given the large number of counties and consumers served, this loan will be a great benefit to my State.

This is a tremendous record, but much still needs to be done to extend electric service into all rural areas and to improve and maintain present systems. It is estimated that about $900 million in loan applications will be filed during this fiscal year. The budget recommendation for new loan authority for fiscal 1971 is $352 million. This illustrates the need for new capital financing.

The rural electric systems have authorized the establishment of their own financing institution to help provide some of the additional loan funds required to meet the system's growing capital needs. In April 1969, the National Rural Utilities Cooperative Finance Corporation—CFC—was incorporated. I am very glad the Rural Electric Corporation in Kentucky has been in the forefront in this development and that a very able and distinguished Kentuckian, Mr. J. K. Smith, is the first president of CFC.

Much has been accomplished by the officers and directors of CFC in bringing this vital supplemental financing institution into being. I understand that 766 rural electric systems, representing about 75 percent of the rural electric systems in the country, have applied for membership. As soon as legal, procedural, and regulatory matters affecting CFC are completely resolved, CFC will ask the rural electric systems to complete their membership obligations, provide equity capital, and begin operations.

For this reason, I was pleased to note the language in the report by the Senate Appropriations Committee concerning the future role of the CFC and which urged the Rural Electrification Administrator to assume an active role in cooperation with the CFC in the accumulation of initial subscription of capital. The committee report further recommends that beginning July 1, 1970, the REA administrator grant up to a 3-year deferment on principal installments on new REA loans with the understanding that such deferred installments on principal will be invested by borrowers in the CFC. As the REA has historically granted deferment of the payment of principal on loans for 2 years, I understand the committee's language to mean a total deferment period of 5 years.

I have for a number of years supported legislation to provide a source of supplemental financing for the rural electric systems, and introduced a bill for this purpose several years ago. I commend the Senate Appropriations Committee members for their actions and recommendations concerning the CFC and hope that the recommendations made by the committee and emphasized by the distinguished chairman and ranking member, Senator HOLLAND and Senator HRUSKA, be followed speedily. We have great respect and confidence in the able Administrator, the Honorable David Hamil, who has done much for rural electrification.

Mr. President, I ask unanimous consent that a statement describing the work of the CFC be included in the RECORD at this point.

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

SOME FACTS ABOUT CFC

A little less than one year ago delegates to the NRECA Annual Meeting in Atlantic City, N.J., voted to establish the National Rural Utilities Cooperative Finance Corporation, or CFC. This new cooperative corporation was created to enable rural electrics to supplement with their own funds and private money market resources the annual appropriation for REA loans at 2 per cent interest. CFC thus will provide some of the additional loan funds required to meet the system's growing capital needs.

Outlined below is a brief report on the progress made by CFC during the past year, and what is expected for 1970.

1. *Organization*—CFC is a cooperative owned by its participating rural electric systems. It is governed by a 22-member board of directors who were named by the NRECA Board. The next board will be elected by geographic region by the member systems.

2. *Capitalization*—Initially, CFC will raise money through membership fees and member subscriptions to capital term certificates. Later, CFC will raise additional money through the sale of long-term obligations to private investors.

3. *Loans and Interest Rates*—CFC will make loans to its members for purposes related to rural electric system objectives within their statutory authority. The interest rate on such loans will be determined by the cost of money in the open money market.

4. *Membership Applications*—As of the end of January, 1970, 764 rural electric organizations (individual rural electric cooperatives, power supply cooperatives, statewide associations and NRECA) had sent in their membership applications and fees. Slightly more than 75 per cent of the NRECA membership has thus indicated its intention to join the new institution.

5. *REA and CFC*—In the words of REA Administrator David A. Hamil, "CFC right now is our best hope to bring urgently needed capital into our electric program." In line with this statement, REA has accepted the general principle of "accommodation" of REA liens on the property of rural electrics. An REA Study Group and the CFC's REA Coordinating Committee have been meeting to work out the details of this accord. This CFC Committee also is developing the new institution's loan policies and related procedures.

6. *Loan Operations*—As in the past, all rural electric system loan applications will go first to REA for determination of eligibility for available funds under the REA 2 per cent loan program. Loan applications considered eligible for supplemental financing will be forwarded by REA to CFC with appropriate information, including an indication of REA willingness to accommodate its liens to provide equal loan security for CFC. It is anticipated that for most loan applications REA will make part of a loan and CFC the balance.

7. *Internal Revenue Service (IRS) and CFC*—In October of last year the IRS ruled favorably upon the CFC application for exemption from Federal income tax as a nonprofit social welfare organization. This action will enable CFC to proceed with the plan of member participation in subscribing to the new institution's capital term certificates.

8. *Securities and Exchange Commission (SEC) and CFC*—The SEC is now in the process of determining whether registration of CFC capital term certificates is required.

9. *In 1970*—During the coming year the CFC Board of Directors will choose a chief executive officer, to be known as the Governor, of CFC. He will be responsible for day-to-day operations of the new institution. In 1970 the Board also will issue a call for member subscription to capital term certificates. With the present number of members that call will raise, during the initial three-year subscription period, approximately $115 million in "seed" capital for the new institution.

CFC expects to make its first loan to a member system during the coming year.

Mr. COOPER. Mr. President, I send to the desk an amendment at the request of and for my colleague, the junior Senator from Kentucky (Mr. COOK) who is absent on official business. He asks that $100,000 be added to the Agricultural Research Service, specifically for medical research on horses.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 3, lines 13 and 14, strike out "$160,346,200" and insert "$160,446,200."

Mr. HOLLAND. I yield myself 2 minutes.

Mr. President, the horse breeders and farmers of the Nation have been suffering very heavy losses; and at today's values, that is no small loss.

The PRESIDING OFFICER. The Chair wishes to state that the amendment contains the figure already agreed to by the Senate, and it is only in order by unanimous consent.

Mr. HOLLAND. I ask unanimous consent that this amendment may be considered. The Senator from Nebraska and I are going to accept it, subject to the will of the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. I want the record to show that representatives of this industry did make a strong showing when they appeared before our committee. However, the amounts they requested were quite sizable, approximately $800,000 and it was simply a question of priorities.

We have decided that this $100,000 as a start will give them a chance to study the subject thoroughly in view of the seriousness of the losses that have been sustained. For that reason, the Senator from Nebraska and I have agreed to take this amendment to conference, subject, of course, to the will of the Senate. We think it is a good amendment.

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

Mr. HOLLAND. I yield.

Mr. PASTORE. I know that this amendment is going to be accepted, but I feel that this is a waste of money. As a matter of fact, if we had fewer race horses, we would have less betting. If we had less betting, we would have less

gambling. If we had less gambling, we would have more money in the pockets of people to spend for bread.

I want the record to show that I am opposed to this amendment.

Mr. HOLLAND. I yield 2 minutes to the Senator from Nebraska, and I am ready to yield back the remainder of my time on the amendment, assuming that he is.

Mr. HRUSKA. Mr. President, a showing had been made during the course of the hearings; and I must say that, except for the fact that the Department did not feel that they were ready to start any research in this direction, the subcommittee members were fairly well disposed to accept some figure. In view of that, we thought it would be well to accept this figure, take it to conference, and have further discussion there.

So I concur in the statement made by the chairman of the subcommittee.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

If you want to stop gambling in this country and break organized crime, stop racing.

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

Mr. HOLLAND. Mr. President, this does not apply just to race horses. The people who are most affected by this question are not the people who race horses, but rather those who raise horses. The State of Kentucky is of course most famous for that objective, and millions of dollars are invested in it there. But this is also true in other States throughout the whole country. These horse breeders and ranchers are not the people who are doing the betting or receiving the results from the betting. They are people who are either earning their livelihood by raising horses or doing it for pleasure, as is the case of over 200,000 boys and girls who raise horses as a 4–H project.

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

Mr. HOLLAND. I will yield in a moment.

I just want to make it very clear that a loss on a horsebreeding farm where there is an infection that pretty well takes off the whole population of the farm is a terrible and a tragic thing to happen to that kind of farmer, and that is what they are. It is for that reason that the Senator from Nebraska and I have agreed to make this recommendation. The people who raise thoroughbred stock, outnumber those who are actually in the racing field by many times and are most affected by this amendment.

I yield myself 2 additional minutes, and I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the horses we are talking about here are not workhorses. We are talking about sport horses. What I am talking about is taking the money out of the taxpayer's pocket so that this business may be promoted.

The reason why today there are so many bookies and so much organized gambling is that there is horseracing, primarily. I say that the less of that we have, the better off this country is going to be. If you want to break the back of organized crime, you must break the back of the betting institution in this country. I do not see why the taxpayers of this country should be called upon to support this sport.

Mr. HOLLAND. Mr. President, I call attention again to the fact that the people who really receive the benefit of the program in this field are those who raise the horses. This applies to areas as diverse as Warrenton or Middleburg in Virginia; various areas in nearby Maryland, large parts of Kentucky and Florida, and some of the Far Western States. We have a substantial group of that kind of farmers in Florida who are not the ones who race the horses at all. This is a large industry which has not had any recognition at all. We are suggesting that this $100,000 be taken to conference and we will then see what can be worked out.

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

Mr. HOLLAND. I yield.

Mr. COTTON. Laying aside the question of gambling or horse racing, it has been my observation that the people who raise this blood stock, one, are not poor and, two, in many instances these operations are for the purpose of getting reduction from their income tax.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLAND. Has the Senator concluded?

Mr. COTTON. I do not see any reason why they need this support.

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

Mr. HOLLAND. I yield to the Senator from Vermont.

Mr. AIKEN. I would like to ask the chairman of the subcommittee this question: Does this amendment, proposed by the junior Senator from Kentucky, apply only to race horses or quarter horses or thoroughbreds? Does it apply to the Morgan horse, which is used by the thousands in the camps around this country for boys and girls? Does it just apply to race horses?

Mr. HOLLAND. It applies to all the raising of horses for human use, except for the plow horses and that kind. It covers many more—Morgan horses and quarter horses and horses of that kind that are individually owned and that can be seen at the great hunts at Warrenton and Middleburg and over in Maryland and in many other parts of the country. It applies more to them, of course, than to racing horses.

Mr. AIKEN. I would like to say something in behalf of the Morgan horse. I know that the Morgan horse never contributes to sin of any kind.

Mr. PASTORE. As a matter of fact, this is the Trojan horse. This is the amendment of the Trojan horse.

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

Mr. HOLLAND. I yield to the Senator from Kentucky.

Mr. COOPER. I would like the attention of the Senator from Rhode Island.

I offered this amendment at the request of and on behalf of my colleague, the junior Senator from Kentucky (Mr. COOK), who is absent on official business. I am informed that if his amendment is accepted it would provide $100,000 for medical research on horses of all types and categories. It is estimated that there are 7 million horses in the United States, representing a $12 billion industry. Because I come from Kentucky, someone will say, "Well, you are offering an amendment for the racetracks, for thoroughbred race horses." I have no doubt that these owners, as all horse owners would, have an interest in this amendment. But I can say to my colleagues that not a single one from my State has talked to me about this and no one else has, except staff members of Senator COOK's office. But I know enough about the horse business to understand the purpose of the amendment.

Mr. PASTORE. Will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. PASTORE. Can the Senator tell me how many farmers who have horses came before the committee and how many sportsmen who have racehorses came before the committee?

Mr. COOPER. Ninety-five percent of the horses in this country are owned by families.

Mr. PASTORE. No, no; I mean those who testified before the committee?

Mr. COOPER. I do not know.

Mr. PASTORE. I wish the chairman would tell us whether they were sportsmen or farmers.

Mr. COOPER. I think the interpretation that I place upon this amendment should have a bearing as to whether it applies to medical research for racing horses only or for all categories of horses. I am interpreting his amendment in the way in which it was given me by my colleague, Senator COOK.

I am informed that the medical research program funded by his amendment would apply to the entire horse industry. If I am wrong, the members of the committee now in the Chamber can correct me.

Mr. HOLLAND. Mr. President, I yield myself 2 minutes and then I shall be glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Florida is recognized for 2 minutes.

Mr. HOLLAND. Mr. President, testimony on this subject appears on page 1373 of part 2 of the hearings of our committee. That testimony shows that the industry they are talking about covers all horses and that it is a $12 billion industry dealing with over 7 million horses and approximately 500,000 people at the present time. I quote now from that testimony:

> We have about 225,000 4–H horse projects in the United States. This is only a small part of the total youth horse programs.

The 4–H programs, as Senators know, are administered through the Extension Service of the Department of Agriculture and the extension services in the various States.

Speaking now only of the 4–H activities:

> They anticipate this amount will go to 500,000 horses within the next ten years.

That should answer, in large part, the question of my good friend from Rhode Island.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, I am glad now to yield to the distinguished Senator from Montana (Mr. METCALF) for 2 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. METCALF. Mr. President, this is a matter which I have brought before the Senate many times. During consideration of the tax bill, I called the attention of the Senate to the outrageous subsidies we are paying to nonagricultural people, such as the horse people, in order to permit them to continue to operate as a result of tax benefits. But, on top of that, the Senator from Florida is going to give them $100,000 for research. He talks about ponies and horses for work purposes, and so forth, but this is research for racehorses. This is research for quarterhorses. This is research for the people, as the Senator from Vermont pointed out, who enjoy high incomes and are taking a subsidy and are also taking a deduction from their incomes in order to run their hobby farms.

If anyone came to me and said, "Well, let us have a research program for fighting cocks," that might be justified because we do not have very many hobby farms for fighting cocks. But we do have an outrageous situation so far as horseracing is concerned. All we have to do is look at the sports pages of a newspaper every day and we can read where some racehorse has been retired to stud by a million-dollar corporation.

We do not need to help those people with a $100,000 research bonus.

Mr. HOLLAND. Mr. President, I want to read additional excerpts from the testimony.

There are presently three equine research projects now underway. They are research on piroplasmosis, which deals with the infection of the blood which is carried by ticks, research on equine anemia in an attempt to determine what causes that disease and research on African horse sickness which is carried on at Plum Island, N.Y. When we started this research some time ago, no one here seemed to have any objection to trying to save the horses of this country.

The point I want to make, though, is that the horse owners have created a foundation of their own, the Grayson Foundation in Lexington, Ky., which spent since 1957, $1,900,00 in grants to various colleges for research on the horse, the Morris Foundation of Denver, Colo., has spent $580,000. There are also other industry groups who have contributed to research in this field.

This matter is not sponsored by the Senator from Nebraska and the Senator from Florida, but it does relate to a large industry, and one which we think is entitled to a little bit of help in trying to reduce their heavy losses.

Mr. HRUSKA. Mr. President, I suppose on any subject of this kind we can point to abuses and point to things which are not particularly savory but, on the other hand, there are many aspects of the horse industry which are not only respectable but highly desirable.

I know of no one who would want to deny support for over 200,000 boys and girls who engage in 225,000 4-H horse projects which now exist, or object to the idea of having a less disease-ridden horse population in this country.

Mr. President, it is estimated that the annual losses from horse diseases is over $525 million. These losses are shared by people who are not tax dodgers, they are not people trying to swell their losses so that they can make further deductions from their income tax. This is not just confined to horse racing. There are thousands of riding clubs in the country who would benefit. I shall not take the time of the Senate to describe the items of justification made during the course of the hearing. I do ask unanimous consent to have printed in the RECORD pages 89 to 92 of the memorandum which was submitted to us in the Appropriations Committee dealing with this particular subject.

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

JUSTIFICATION OF HORSE RESEARCH

Senator SMATHERS. We feel we are justified in asking for Federal money for research on horses for two reasons. One is the impact that the horse industry has on the economy of the country. We are talking about a $12 billion industry dealing with over 7 million horses, and with approximately 500,000 people. We have, in addition, the effect that horses have on the social life of our country. When I speak of "the social life," I am talking about the families and children, the 4-H, the future farmers, and those types of people who have gotten very much involved with horses.

At the present time, we have about 225,000 4-H horse projects throughout the United States and this is only a small part of the total youth horse program. The 4-H programs, as you know, are administered through the Extension Service of the Department of Agriculture and Extension services in the various States. They anticipate this amount will go to 500,000 within the next 10 years.

WHY IS RESEARCH NEEDED?

It is interesting to note that the horse industry, as such does not enjoy any price supports or subsidies from the Federal government. Yet the horse owner and breeder like every other farmer in America has borne the brunt of skyrocketing costs. One of these costs is his annual losses from horse disease and from problems of nutrition and reproduction.

It is estimated that the annual losses from horse diseases is over $525 million. Yet less than $1 million is now being expended on the research of horse diseases. This Research-Loss ratio of 1 to 525 is totally inadequate. With increased research, these losses could be reduced.

Putting it another way it is generally accepted that there is an annual loss from disease in any breed of animals approximating 10 to 15 percent of the total value of that livestock population. Our best estimates the value of the horse population in the United States is $3½ billion. There is approximately $1 million presently being spent annually in horse research by government and private agencies. Thus, the annual amount spent in horse medical research is an appalling 2 tenths of one percent of the losses each year.

It is not only the rapid growth in numbers of horses that has intensified the need for medical research but the problem is further complicated and the dangers increased by the extensive movement of horses nationally and internationally.

HOW MUCH RESEARCH IS BEING DONE TODAY AND BY WHOM?

During the period of 1965–69, estimates by the Morris Animal Foundation show that the following amounts were spent by all sources on medical equine research:

Total spent by Federal Government	$1,370,000
Total spent by State governments	1,700,000
Total spent by private sources (individuals, breed associations, corporations and foundations)	1,630,000

The total amount spent over the 5 year period amounts to about $4,700,000, or only about $940,000 annually. This is an insignificant amount in relationship to the need.

By the Federal Government

Research in horse diseases by the Federal Government is being conducted by the Department of Agriculture in the Animal Disease and Parasite Research Division of the Agriculture Research Service. Primarily, this research relates to two diseases—piroplasmosis and equine infectious anemia.

Equine piroplasmosis is a malaria type blood disease which originally showed up in this country in 1963. This is one of the most decimating of diseases and is highly contagious with horses. This research has been carried out by the Beltsville Parasitological Laboratory and by contract with the University of Florida and the University of Kentucky. According to the information we were able to obtain the combined funds expended on this research totalled about $278,700 during 1968 and 1969; $174,900 is budgeted in the fiscal year ended 1970.

Progress is being made in the control of piroplasmosis and recent breakthroughs have been made for the diagnostic test for the carrier animal. Needless to say, the research of this disease must be continued.

Equine infectious anemia, (swamp fever) is another serious contagious disease. Research of this disease has been conducted by the National Animal Disease Laboratory and through cooperative agreements with Louisiana State University, Texas A & M and Washington State. It is our understanding that total funds expended on this research during the 1967–1969 period amounted to approximately $609,000; $215,000 is budgeted in the fiscal year ended 1970.

Equine infectious anemia is caused by a virus unlike other viruses. Research progress is slow. Although progress has been made, there is much research to be done and it is essential that this program be continued.

African horse sickness has been researched by the Agriculture Research Service Exotic Disease Laboratory at Plum Island. This disease has not thus far been found in the United States. Only a small amount of funds are now being expended to keep previous research up to date.

By private organizations

There are two organized and well-qualified equine research foundations coordinating and allocating funds secured from individuals and the breed organizations to perform research on the horse. One is the Grayson Foundation of Lexington, Kentucky. Since 1957, this foundation has expended over $1,900,000 in grants to various colleges for research in the horse.

The other foundation is the Morris Animal Foundation of Denver, Colorado. Since 1950, it has administered research funds to horse projects approximating $580,000.

The California Thoroughbred Breeders Foundation recently spent over $35,000 at the University of California at Davis in various areas of horse research.

The American Quarter Horse Association, the largest breed association in the United States, has spent some $600,000 in equine research since 1960 in areas of infectious diseases, nutrition and control of parasites.

WHAT RESEARCH IS NEEDED?

Medical Equine research falls into two broad categories—*horse diseases* and *horse husbandry*. Research is urgently needed in both of these categories.

Disease research

The diseases which cause losses to the horse population fall into two general classes—those caused by parasites and those caused by bacteria and viruses.

Parasitic diseases are probably responsible for about 30 to 40 percent of the losses to the horse population each year. Yet, other than piroplasmosis research there is now no research being done in this area by the Federal Government and little is being done by anyone else. Research on helminths (worms) is particularly needed.

The Beltsville Parasitological Laboratory of the Animal Disease and Parasite Research Division, is a well suited, established, location for the needed increase in research of parasitological horse diseases. It has a highly qualified staff.

Bacteria and virus diseases.—Horse diseases caused by bacteria and viruses are primarily respiratory diseases or reproductive diseases. The reproductive diseases which cause abortion are very costly to the horsemen.

The only research by the Department of Agriculture in the field of diseases caused by bacteria and viruses is the research in equine infectious anemia. Other diseases are in drastic need of research. The Animal Disease and Parasite Research Division is well equipped to commence such research in its own facilities and through cooperative agreements with colleges and universities.

Husbandry research

Horse husbandry research includes the development of more productive adaptable breeds and types of horses for specific use purposes, nutritional requirements related to feed supplies, ration compounding, feed mobilization and transportation, incidence of indigestion, improved reproduction and application of artificial insemination, disposition and performance related to specific needs, and reduction of unsoundness.

Improved reproduction performance.—The fact that ½ of the mares bred each year fail to deliver a foal greatly contributes to the losses of the industry and accounts for the limited supply of desirable horses and their cost. Very little information is available on the many causes of reproduction failure; even less information is available on how to eliminate the cause.

The feeds and feeding of light horses.—As with other classes of livestock, feed is the most costly item in maintaining of a horse. If feed costs could be reduced without any loss in nutritional levels, the value to the industry would be substantial. Also feeds need to be improved to minimize the characteristic problems of digestive disturbances, colic, and founder. Numerous questions regarding feeds remain unanswered—questions such as: what is the value of feed additives, antibiotics, and vitamin supplements; can nutritional rationing improve disposition and performance; and what is the relationship of feeding and management to injury and unsoundness?

Development of more productive and adaptable horses.—Performance in a horse means a number of different things—speed in the race horse, endurance and maneuverability in the cattle and rodeo horse, disposition and dependability in the trail horse.

It appears that performance measurement indices are empirical and not well developed or practical in a large segment of the horse industry.

Measurement of performance criteria is the basis of genetic improvement and selection for desirable traits. In order for breeders and associations to make more progress they need reliable information to measure performance, inheritability of traits such as disposition and unsoundness, and recommendations on selection and breeding systems.

Horse Management.—This area includes reproduction and development of more productive adaptable horses which were discussed above. It also includes such items as housing, training, avoidance of disease and unsoundness, equipment for both the horse and the rider and horsemanship. New information is needed in this area. It would be particularly valuable to those 187,000 young boys and birls who are now participating in 4-H projects. Such research might make it possible for thousands of additional youngsters to be able to enjoy and afford the pleasure of owning a horse.

Minimum funds required

In order to meet the minimum research needs for horse diseases, a total of 7 science man-years should be added to the Federal Research program. This is in addition to the continuation of the $390,600 for equine infectious anemia and piroplasmosis research. These 7 additional science man-years are essential for research in the following areas:

	Science man-years
1. New research in parasitic diseases	2
2. New research in respiratory diseases	2
3. New research in reproduction diseases	2
4. New research in arteritis	1
Total	7

In order to meet the very minimum research needs in the area of horse husbandry, 4 science man-years are needed. The Animal Husbandry Division of the Agricultural Research Service had indicated that twice this number are really needed to meet the problem.

Our total request for medical equine research or diseases and husbandry amounts to $1,270,000. This is based on $80,000 as the cost of a science man-year. This is an increase of $80,000 over the amount currently budgeted.

This is a minimum request since twice that amount is really needed and could be effectively used. We believe that such a request is appropriate for an industry that contributes $12 billion to our gross national product and more than $450 million to State and local governments through real estate and parimutuel revenues.

With current annual losses from horse disease costing the industry $525 million, we believe the $880,000 increased appropriation is a sound investment for the Federal Government. If we could cut those losses by a fraction of 1 percent, the Federal Government would more than recoup this requested appropriation in increased tax revenues.

We also request the Committee to recommend that a significantly larger percentage of Hatch Act funds and competitive grants be designed for horse research. This year only $159,708 of the $55 million Hatch Act appropriation is being spent on Federal-State cooperative projects in horse research.

The PRESIDING OFFICER (Mr. HOLLINGS). Do all Senators yield back the remainder of their time?

Mr. COOPER. I yield back the remainder of my time.

Mr. HOLLAND. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Kentucky (Mr. COOK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN (when his name was called). On this vote I have a pair with the Senator from Kentucky (Mr. COOK). 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. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from South Dakota (Mr. MUNDT) would each vote "yea."

The pair of the Senator from Kentucky (Mr. COOK) has been previously announced.

If present and voting, the Senator from Maine (Mrs. SMITH) would vote "nay."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from California would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 40, nays 38, as follows:

[No. 229 Leg.]

YEAS—40

Allen	Fong	Pearson
Allott	Gurney	Randolph
Anderson	Hansen	Saxbe
Bayh	Harris	Scott
Bellmon	Hart	Sparkman
Bible	Hatfield	Spong
Boggs	Holland	Stennis
Byrd, Va.	Hruska	Thurmond
Byrd, W. Va.	Javits	Tydings
Case	Long	Williams, N.J.
Cooper	Mathias	Yarborough
Dole	McGovern	Young, N. Dak.
Ellender	Montoya	
Fannin	Packwood	

NAYS—38

Aiken	Goodell	Muskie
Bennett	Hollings	Nelson
Brooke	Hughes	Pastore
Burdick	Inouye	Pell
Cannon	Jackson	Prouty
Church	Jordan, Idaho	Proxmire
Cotton	Mansfield	Ribicoff
Cranston	McClellan	Schweiker
Dominick	McIntyre	Smith, Ill.
Eagleton	Metcalf	Talmadge
Ervin	Miller	Williams, Del.
Fulbright	Mondale	Young, Ohio
Goldwater	Moss	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against.

NOT VOTING—21

Baker	Hartke	Murphy
Cook	Jordan, N.C.	Percy
Curtis	Kennedy	Russell
Dodd	Magnuson	Smith, Maine
Eastland	McCarthy	Stevens
Gore	McGee	Symington
Gravel	Mundt	Tower

So Mr. COOK's amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. TALMADGE). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill (H.R. 17923) was read the third time.

FUNDS FOR RURAL DEVELOPMENT

Mr. YARBOROUGH. Mr. President, the agricultural appropriation bill is of great significance to all of the people of the Nation, not only our rural citizens.

There are some programs being funded in this bill which will have their most direct impact upon rural citizens and rural communities. It is with great pleasure that I call the attention of my colleagues to an item of great significance in the move toward rural development.

The Appropriations Committee, on which I have the honor of serving, has recommended that $10,400,000 be included in the budget of the Cooperative Extension Service. These funds were requested in order to conduct extension activities for State and multicounty rural community development.

The House appropriations bill denied this urgently needed money to the Cooperative Extension Service. Our subcommittee recommended that half of the budget request be granted, which would have been $5,200,000. The full committee gave further consideration to the need to increase our efforts in rural community development, and now recommends that the full request for $10,400,000 be appropriated.

These funds will be used for additional Extension Service personnel who will help rural communities with their development programs and assist in the initiation of imaginative programs. The Cooperative Extension Service already has done extensive work and has provided leadership in organizing USDA committees at the State, district, and county levels.

The additional personnel are needed to support the work of these committees.

Because it is so important to our Nation that our rural areas be strong and vital, I urge my colleagues to support this appropriation of $10.2 million for our Cooperative Extension Service. It is also my hope that when this bill is in conference, that we stand firmly behind this appropriation for rural community development.

RURAL ELECTRIFICATION AND TELEPHONE LOANS

Mr. YARBOROUGH. Mr. President, the distinguished senior Senator from Florida (Mr. HOLLAND) is to be commended for his great knowledge, dedication, and concern for the needs of our rural citizens. He has provided outstanding leadership to those of us on his subcommittee and on the full committee.

It gives me great pleasure to bring to the attention of my colleagues, the committee recommendation for rural electrification and rural telephone loans. In this area, the committee has demonstrated great foresight and judgment in providing adequate loan funds for these programs. Without adequate communication facilities and without adequate electrical power, we cannot make true progress toward rural development.

The committee recommendation for loan authorization for electrification loans is $352,000 in new obligational authority. This amount, combined with carryovers will provide an electrification loan level of $375 million in fiscal year 1971.

This is a modest increase, but a much needed one. The increase is $30 million over the budget request and the House recommendation.

The committee also recommends an increase in the loan authority for telephone loans. The amount of obligational authority provided is $138,800. Combined with the carryover from this year, this will provide for a program level of $140 million for the coming fiscal year.

This represents a $15 million increase over the budget proposal and the House bill.

I urge my colleagues to support the committee's recommendations on these important programs.

Mr. HARRIS. Mr. President, I wish to commend the distinguished Senator from Florida (Mr. HOLLAND) and members of the Agriculture Appropriations Subcommittee for their outstanding work on this bill. The committee has restored such items as the agricultural conservation program and has strengthened programs under the Soil Conservation Service which are so important to the preservation of our soil and water resources.

The President in his 1971 budget recommended the discontinuation of the agricultural conservation program. The Senate bill recommended the appropriation of $190 million. This is somewhat below the figure adopted by the House, and I would hope in the conference committee that the House figure will be adopted.

Under the soil conservation the committee has recommended the continuation of a water upstream flood control program under Public Law 566, a bill which has meant so much to flood protection and soil and water conservation in the past few years. For watershed planning the Senate committee recommended the appropriation of $5,434,000 which was somewhat below the figure recommended by the House. For watershed works of improvement the Senate committee recommended $76 million, which was $2,278,000 more than that requested by the House. For flood prevention the Senate bill requested the same amount as the House—$21,037,000. It is my hope that during consideration by the conference committee that the maximum amounts will be approved for these three programs under the SCS.

I strongly support these actions of the committee, and I further support the increase recommended for loans under the Rural Electrification Administration. For REA loans the Senate committee recommended the appropriation of $352 million, which was $30 million more than that requested by the House committee. Once again, I am hopeful that this figure as recommended by the Senate will be adopted by the conference committee. With the power crisis facing the country I feel it is imperative that we continue and strengthen this program at least by the minimal increase suggested by the Senate in this bill.

SCHOOL LUNCH PROGRAM

Mr. HART. Mr. President, today marks the milestone for the children of America. Today we can turn rhetoric to reality. For years we have promised to provide needy children with school lunches, but have done all too little to provide the funds necessary to pay for them.

In 1962, I first realized the full extent of these broken promises in my own State of Michigan where only a small fraction of the needy children in Detroit were receiving free or reduced price lunches. Privileged as I was at that time to serve on the Committee on Agriculture and Forestry, I saw that the problem in Michigan was typical of the Nation—the lunch program was not feeding the neediest of our children.

At the time I entered the school lunch fight, in 1962, section 11 of the National School Lunch Act which authorizes the appropriation of funds to assist needy children was enacted. But Congress provided no funds under this authority.

It was not until 1965 that we first obtained funds under this section—$2 million. A small sum but nonetheless the first money ever appropriated. This was our first real victory—more meaningful perhaps as a symbolic "breakthrough" than in its actual accomplishment.

Over the last 5 years section 11 funding grew slowly, as it became apparent that not only money but legislative reform was needed if the promise of the National School Lunch Act to "supply lunches without cost or at a reduced cost to al children unable to pay" was to become a reality.

This year under the leadership of the distinguished chairman of the Select Committee on Nutrition and Human Needs, the junior Senator from South

Dakota, and the distinguished junior Senator from Georgia, Congress enacted legislation that with full funding should provide the framework to make good the promises of the past, and on May 14, President Nixon signed the new bill into law.

At the time of the debate on that bill I argued that a great deal more money was needed than the $200 million the administration had requested for free and reduced price meals if this new bill was to be more than the empty promises of the past. I am pleased that the administration has come to realize this as evidenced by their recent request for an additional $217 million for the national school lunch program.

While this may prove to be less than is needed to bring every needy child the meal that Public Law 91–248 guarantees, it is a more encouraging step. This is especially true since the reports of both the House and the Senate Appropriations Committees demonstrate Congress' commitment to adequate funding of our child nutrition programs by encouraging the administration to come back with supplemental requests should appropriations be insufficient to achieve the goals of the new law.

While I doubt that there will be need for more money this year, since many schools will not, in fact, have time to gear up to bring meals to every child, next year will be a different story. As the analysis that I offer for the record points out, there is a potential $90 million deficit which will probably not be realized this year, but will have to be dealt with next year.

At that time, I believe, based on recent events, we will all be ready to go the rest of the way to feeding all of America's schoolchildren.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point an analysis of the cost of complying with Public Law 91–248.

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

THE COST OF COMPLYING WITH PUBLIC LAW 91–248 AND THE EXTENT OF AVAILABLE RESOURCES

The following is a statistical analysis, based on Bureau of the Census and Office of Education data, of the cost of complying with the free and reduced price lunch requirements contained in Public Law 91–248 as signed by the President on May 14, 1970. Those requirements would, at a minimum, compel those school districts that receive cash and/or commodities from the Federal government in support of their lunch programs to serve a free or reduced price lunch to every child from a household whose annual income falls within the accepted definition of "poverty." The neediest of this group are to receive free meals. Children from households with incomes above the poverty line would still be entitled to free or reduced price meals if their local school district or state deemed them to be unable to pay the full cost of the meal.

I. THE COST

The cost of providing a free and reduced price lunch throughout the school year to all school children from poverty households depends on three variables: the average cost of lunch; the total number of lunches to be consumed by each pupil during the year; and the total number of poor children to be reached.

(a) The average cost of lunch: Information released by the Department of Agriculture in April reveals that the average nationwide cost of a school lunch in fiscal year 1970 is estimated to be 62 cents, up 2.8 cents from fiscal 1969. If the 2.8 cent cost increase (or 5% rise) is projected to the following fiscal year, then 65 cents should represent the average cost of a lunch in fiscal 1971. Of course, many of the lunches being served then would be meals served for the first time in schools without cafeterias, which might mean an even higher average cost because of resort to the potentially more expensive methods of central or satellite kitchens (high labor costs) and outside caterers (high profits).

(b) The annual number of lunches per pupil: The latest available data from the Office of Education fix 163.5 as the average number of days attended per pupil enrolled in all schools in the United States in school year 1965–1966. Digest of Educational Statistics 1969, p. 24. A lunch would be needed for each pupil day of attendance.

(c) *The total number of poor children:* According to Series P–60, No. 68, December 31, 1969 of the Bureau of the Census Current Population Reports, entitled Poverty in the United States: 1959 to 1968, in 1968, there were 10,739,000 individuals under 18 living in families below the poverty level as revised in August, 1969 (nonfarm family of four—$3,553 annually; farm—$3,034) and that there were 608,000 unrelated individuals over 14, but under the age of 25, who were below the poverty level. The target group bridges ages 5 through 17. Thus, 13/18th of 10,739,000 and 4/11th of 608,000 or approximately 7,977,000 represents the baseline group of school-age children from households below the poverty level.

There are three adjustments that should be made to this figure to derive the school-attending children from households below the poverty level as of school year 1970–71.

First, it is necessary to make an upward correction to provide for those children between the current $3,553 nonfarm and $3,034 farm poverty lines for families with four members and the comparable $3,800/$3,200 poverty guidelines that, pursuant to the Conference Report on the new school lunch act, should soon be promulgated by the Secretary to govern receipt of free or reduced price lunches. While precise data is not obtainable, a 5% add-on seems appropriate, since, in 1968, 5% of all poverty families had an income deficit of $200 to $300 between their total income and the poverty level. This correction would necessitate an overall adjustment upward to 8.4 million children.

Two other significant adjustments involve program timing and the dropout phenomenon. The 8.4 million figure fails to take into account the fact that the poverty lunch standard will be implemented in school year 1970–71 and beyond, not 1968. The number of family members under 18 from families below the poverty level has declined by an average of 647,000 over the past ten years and 990,000 during the last five. The poor unrelated individuals 14 to 25 have increased by an average of 10,000 and 27,000, respectively, over the same period. It is doubtful that the same high rates of decline for family members should be projected forward from 1968 to 1970–71 because of the increasing rate of unemployment (5.0%). Nonetheless, it must be noted that in 1964 that rate never slipped below a 5.2% annual average, while the children poverty decline was 1.35 million. Further, the Department of Labor, in calculating the impact of increased unemployment on family assistance costs has determined that "although unemployment almost always results in some loss of income to the individual worker and his family, in only rare instances does it drive family income below the poverty line." If the decline rate is adjusted moderately downward to approximately 400,000 (when unemployment exceed 5.2 and even 6%, from 1960 to 1964 it averaged 388,000) and if this rate of decrease is limited by 13/18th to children of school age, then the number of schoolage children in poverty in 1970–71 would be approximately 7.825 million. By the end of 1971, the figure should be closer to 7.54 million.

The final adjustment involves school dropouts—those children of school age who, for various reasons, fail to attend school. The current count is approximately 750,000, the vast majority (two-thirds) assuredly in the poverty category. Again, a drop in the target population to no more than 7.325 million in 1970 and in the vicinity of 7 million by the end of 1971, with 7.25 million a reasonable school year average. In fact, the Department of Agriculture's own estimate of needy pupils at 6.6 million derives from their calculation that 7.3 million children should be served, but only 163.5 times a year. Over the course of the full school year of 180 days, this means that 6.6 million free or reduced price lunches would be required daily.

The arithmetic for 7.25 million pupils yields an annual cost for fiscal year 1971 (school year 1970–71) of $770.5 million ($106.28 per pupil per year or 163.5 x $.65).

This cost represents the bare minimum compelled by the provisions added by the 1970 law. The 1946 law itself requires additional expenditures if a child is "unable to pay the full cost of the lunch" even if his family's income exceeds the poverty level. The determination of that inability is up to local school authorities who can set their own guidelines higher than poverty. This has already happened and will continue to happen in major urban centers like New York. The impact of this on the cost of producing free and reduced price lunches is uncertain, but, for every 1 million additional eligible pupils, the total cost to be met would rise by $106 million.

II. FUNDING SOURCES

The various available funding sources must be arranged against this projected overall free and reduced price lunch outlay.

(a) Department of Agriculture: The best estimate of the Department's overall input into free and reduced price lunches in fiscal year 1971 in the form of cash and commodities is approximately $490 million. That input consists of 89% in cash and 11% in commodities. The cash amount flows from $356 million in specifically appropriate funds under Section 11 ($200 million), Section 32 ($4.3 million), and special Section 32 ($151.7 million). In addition, free and reduced price lunches receive $61.3 million out of the $224 million Section 4 pot. The calculation of this contribution to the free and reduced price lunch bill is based upon the fact that free and reduced price lunches are expected to constitute 1.2 billion of the 4.394 billion lunches served in fiscal year 1971 (6.6 million children of the 24.4 million participating each of 180 school days or 7.3 million children for 163.5 days) or 27.3% of all lunches. Since the $224 million in Section 4 funds will be distributed on an across-the-board basis, 27.3% of the Section 4 funds or $61.3 million should go into free and reduced price lunches. On the same assumption, some $72.1 million of the $264.5 in commodities will be used in free or reduced price lunches.

(b) Other Federal funds: Other Federal agencies have provided support in the past for free and reduced price lunches for children 5 through 17 and are expected to continue to do so in 1970–71 on a declining basis including Title I, ESEA (estimated $25 to $28 million); Johnson-O'Malley ($2 million); Title I-migrant education ($3.1 million); Title I-handicapped children ($2 million); Follow Through ($3 million); Model Cities ($2 to $4 million); and Head Start (estimated $4 to $10 million for feeding 5-year-olds). This non-USDA total conservatively will approximate $40 to $45 million.

(c) State and local revenues: The Department's estimates on sources of 1970 funds indicate that state and local governments contributed $210 million of their own funds to the program. At a minimum, 27.3% of this contribution would aid the service of free and reduced price lunches or $57.3 million, assuming that the level would be maintained in 1971. Indeed, this clearly understates the state and local revenues used for this specific purpose, since many states and cities will be devoting their funding exclusively to help the needy, for example, Illinois with $6.75 million; California with $6 million; Maryland with $2 million; New York with $25 million-plus; Baltimore with $500,000; Atlanta with $750,000; San Francisco with $330,000; Detroit with $400,000; the District of Columbia with $2.85 million; and New York City with slightly over $15 million. To attribute $90 million to such revenues is quite reasonable.

At the same time, other local contributions, primarily in the form of in-kind donated aid such as commodities, labor, supplies, equipment, and facilities, will amount to $365 million. 27.3% of that sum is approximately $100 million, but the best available estimate of the impact of those contributions in reducing the cash outlay necessary to finance free and reduced price lunches is one-third of that sum or $33 million.

(d) Children's payments: Section 9 of the National School Lunch Act as revised requires the service of free or reduced price meals. If one out of every five needy lunches served is paid for by the children at an average rate of 10 cents, then approximately $24 million would be added to the school districts' resources for meeting the needy child lunch service requirement.

TABULAR SUMMARY OF DATA

	Amount (millions)	Per lunch contribution (cents)
Total cost	$770.5	
Funding sources (fiscal year 1971):		
I. USDA:	490.0	0.65
(a) Sec. 11	200.0	.41
(b) Sec. 32	4.3	
(c) Special sec. 32	151.7	.30
(d) Sec. 4	61.3	5
(e) Donated commodities	72.1	5
II. Other Federal	40.0(45)	6
III. State and local revenues	90.0	3.5
IV. State and local in-kind	33.0	7.5
V. Children's payments	24.0	3
Total funding	677.0(682)	2
Funding gap	(93.0)(88)	.57
		.08

CONCLUSION

At least $90 million more will be necessary in fiscal year 1971 to assure the daily service of a free or reduced price lunch to every needy child, if as is highly unlikely, the school districts are uniformly willing and able to produce such meals on the first day of school in September and every school day thereafter. This is not and will not be the case. But this does not serve to eliminate the potential $90 million deficit because of the indefinable cost impact of urban schools feeding free or reduced price lunches to children from the $3,800 through $5,000 annual income brackets. The $90 million or a figure in that vicinity will have to be raised somehow before May, 1971, preferably and entirely by a supplemental Federal appropriation in January or February, 1971 reflecting projected participation data, less preferably partly through Federal sources and partly through reduced prices charged less needy children.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. HRUSKA. Mr. President, I yield 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, the Senate is upholding its traditional reputation of being the upper House. This bill as reported by the committee was $171,480,600 over the budget request. In acting on the bill the Senate has added another $800 million, with the result that the bill as it now stands is $970,580,000 over the budget.

Mr. President, I think this should be mentioned because I am wondering just how long we can continue to add on to all of these appropriation bills. H.R. 17548, the appropriation bill for independent offices, was $1,185,380,000 over the budget; the education appropriation bill was $984,300,000; and the second supplemental was $671,800,000 over the budget.

All together, in just these three or four appropriation bills, we have added on a total of $3.810 billion over the budget so far this year, and there has not been a cut in a single one yet.

I think the Senate should be reminded of the fact that we operated with a deficit in the past fiscal year in excess of $1 billion a month. The projection for next year, as near as we can determine, is a deficit of about $1.5 billion a month, even without adding the additional expenditures in these bills.

I am wondering how Members are planning to raise the taxes to provide this revenue or whether they are planning to just increase the national debt to finance it, as we have been doing in the past.

In fairness to the Senator from Florida, who is managing this bill, it should be pointed out that the most of these additions were approved by the Senate over his strenuous objection.

Irresponsible spending by the Congress is to a large extent responsible for the inflationary spiral which is now causing so much concern. During recent months many Members of Congress have expressed concern over this inflation with its accompanying high interest, and yet far too often they are the same Members who when voting have insisted upon these ever expanded expenditures. Millions of American citizens who are living on fixed incomes or who are retired are being pauperized as the result of this inflation.

I think the time has come when the Senate should face up to its responsibility to hold these appropriation bills in line, and the only way to do that is by our votes. I shall vote against this appropriation bill even though there are many features in it with which I strongly agree. I do not think we should continue this erosion of the American dollar.

Mr. HOLLAND. Mr. President, the bill, as reported by the committee, was $333,842,050 under the appropriation act for 1970.

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

Mr. HOLLAND. Mr. President, I yield to the Senator from Utah.

Mr. MOSS. Mr. President, the distinguished Senator from Wyoming (Mr. McGEE) is not able to be here today. He is out of the city. I shall ask unanimous consent that a statement he had prepared be printed in the RECORD in connection with the bill.

The statement of the Senator from Wyoming comments on the fact that the Senator from Florida, the chairman of the Committee on Agriculture Appropriations, has done a very distinguished job and he has been largely responsible for guiding agriculture appropriation bills through the Senate for many years.

I would like to associate myself with the remarks that have been prepared by the Senator from Wyoming and commend the Senator from Florida for the fine work he has done. The Senator from Wyoming notes that, since the Senator from Florida announced he will retire, he is conducting at this time for the Senate the appropriation bill on agriculture and he should be recognized for the great service he has performed.

Mr. President, I ask unanimous consent that the statement of the Senator from Wyoming be printed in the RECORD.

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

Mr. McGEE. Mr. President, with the conclusion of Senate deliberations on the Appropriations bill for the Department of Agriculture for fiscal year 1971, we will mark the termination of an era in the U.S. Senate. I refer, of course, to the announced retirement of the Senior Senator from the State of Florida and the distinguished Chairman of the Agriculture Appropriations Subcommittee. The close of this present session of Congress will mark the end of a distinguished career spanning almost a quarter of a century for the Senator from Florida, and I could not let this occasion pass without comment.

During his career the Senator from Florida has been most active and most effective in many areas but particularly in the field of agriculture. By virtue of his Chairmanship of the Agriculture Appropriations Subcommittee and his senior status as a member of the legislative committee, he has been one of the key figures in Congress in formulating and implementing policy in this all-important area. During this period he has seen many innovations in the industry and the legislative changes that have been enacted. More importantly perhaps, he has taken the initiative in many matters, both legislatively and fiscally, to insure that this vital industry keep pace with modern requirements to better serve the United States and the free world.

The agriculture industry is one of the major elements of the economy of my State of Wyoming and undoubtedly will continue to be so in the future. For that reason we in Wyoming are particularly indebted to the Chairman for the many contributions he has made to the industry, and we look forward to building on his record for the betterment of agriculture in the years ahead.

In exercising the duties and responsibilities as Subcommittee Chairman, the Senator from Florida has gained the reputation of being fair-minded, thorough and responsible. While the Department has grown and its programs expanded, the Senator has seen to it that all aspects of the Department's budget requests have been most thoroughly and completely reviewed and considered. Witnesses appearing before the Subcommittee could be assured that they would be treated with courtesy and consideration. At the same time they were always aware that their testimony would be carefully received and scrutinized by the Chairman. This is, in my opinion, the way it should be, and I certainly respect the Chairman for his practices in this regard.

Undoubtedly many of us will have much more to say on this subject as the Senator's retirement draws nearer, but I thought it was appropriate today to make these brief remarks as we consider this Appropriations bill. This bill, and others for which he has so skillfully and effectively provided leadership and direction, will serve as a testimonial to his long and dedicated service. Speaking as a member of his Subcommittee, I want to take this opportunity to express my personal appreciation to the Chairman for his counsel and the many courtesies he has extended to me.

Mr. HOLLAND. Mr. President, I yield myself 10 seconds in order to express very great gratitude to the Senator from Utah and the Senator from Wyoming. I had no notice of the purpose when I yielded to the Senator, but I am grateful to him.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. HOLLAND. I yield back the remainder of my time.

Mr. HRUSKA. I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from North Carolina (Mr. JORDAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Kentucky (Mr. COOK), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mrs. SMITH), would each vote "yea."

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from California (Mr. MURPHY). If present and voting, the Senator from Arizona would vote "nay" and the Senator from California would vote "yea."

The result was announced—yeas 73, nays 6, as follows:

[No. 230 Leg.]

YEAS—73

Aiken	Goodell	Moss
Allen	Griffin	Muskie
Allott	Gurney	Nelson
Anderson	Hansen	Packwood
Bayh	Harris	Pastore
Bellmon	Hart	Pearson
Bennett	Hatfield	Prouty
Bible	Holland	Proxmire
Boggs	Hollings	Randolph
Brooke	Hruska	Saxbe
Burdick	Hughes	Schweiker
Byrd, Va.	Inouye	Scott
Byrd, W. Va.	Jackson	Smith, Ill.
Cannon	Javits	Sparkman
Case	Jordan, Idaho	Spong
Church	Long	Stennis
Cooper	Mansfield	Talmadge
Cranston	Mathias	Tower
Dole	McClellan	Tydings
Dominick	McGovern	Williams, N.J.
Eagleton	McIntyre	Yarborough
Ellender	Metcalf	Young, N. Dak.
Ervin	Miller	Young, Ohio
Fong	Mondale	
Fulbright	Montoya	

NAYS—6

Cotton	Pell	Thurmond
Fannin	Ribicoff	Williams, Del.

NOT VOTING—21

Baker	Gravel	Mundt
Cook	Hartke	Murphy
Curtis	Jordan, N.C.	Percy
Dodd	Kennedy	Russell
Eastland	Magnuson	Smith, Maine
Goldwater	McCarthy	Stevens
Gore	McGee	Symington

So the bill (H.R. 17923) was passed.

Mr. HOLLAND. Mr. President, I move that the Senate do now reconsider the vote by which the bill was passed.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HOLLAND, Mr. RUSSELL, Mr. STENNIS, Mr. ELLENDER, Mr. HRUSKA, Mr. YOUNG of North Dakota, and Mr. FONG conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, with the passage of this measure, the distinguished senior Senator from Florida (Mr. HOLLAND) has marked the final Agricultural Appropriations bill he shall manage on the Senate floor. He has announced earlier this year his intention to retire from the Senate after 24 years of service. It is difficult to imagine any measure brought to the Senate floor dealing with agricultural matters and particularly agriculture's appropriations without the leadership of the able Senator from Florida (Mr. HOLLAND). His record in the Senate over the years has been marked by devotion to duty, attentiveness to his responsibilities both for his State and the Nation and extraordinary parliamentary skill. Yesterday when the tributes were being paid to Senator HOLLAND, I defered my remarks until today so that I could include in these tributes the achievement he has accomplished today. A bill of this magnitude and complexity requires extraordinary skill and knowledge to understand; few could manage it—the Senator from Florida makes it look easy.

In addition, I would like to thank the ranking member on this subcommittee, the able Senator from Nebraska (Mr. HRUSKA) as well as the senior Senator from Louisiana (Mr. ELLENDER) both of whom contributed so much to the smooth disposition of this measure.

To all those Senators who offered amendments and participated in the debate, the Senator from South Dakota (Mr. MCGOVERN), the Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), the Senator from Kentucky (Mr. COOPER), and the entire Senate for their cooperation in completing this measure in such an expeditious manner.

Mr. HRUSKA. Mr. President, I take this occasion to congratulate and commend the senior Senator from Florida for having managed so well once again the passage of the agricultural appropriations bill. It is his seventh—as chairman of the subcommittee to which he is assigned.

Also, I express appreciation for the dedicated and diligent efforts of Raymond Schafer, Joe Stewart, and Ed King, staff members of the committee, and Dan Wherry of my own staff. The latter has now had his first experience in this type of legislation. He has acquitted himself well.

EXTENSION OF THE DEFENSE PRODUCTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 892, S. 3302. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

EXTENSION OF ACT

SECTION 1. Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166 (a)) is amended by striking out "June 30, 1970" in the first sentence and inserting in lieu thereof "June 30, 1972".

DEFINITIONS

SEC. 2. Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting "space," after "stockpiling," in subsection (d); and

(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense."

UNIFORM COST-ACCOUNTING STANDARDS

SEC. 3. The Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows:

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one-two-hundred sixtieth of the rate prescribed for level V in the Federal Executive Salary Schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall from time to time promulgate cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. Such promulgated standards shall be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States, other than contracts or subcontracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. In promulgating such standards the Board shall take into account the probable costs of implementation compared to the probable benefits.

"(h)(1) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of the cost-accounting standards promulgated under subsection (g). Except as otherwise provided in this section, such regulations shall require any defense contractor or subcontractor as a condition of contracting (A) to disclose in writing his cost-accounting principles including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and (B) to agree to a contract price adjustment for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. The contracting agent for the United States shall agree to price adjustments required as a result of contractor or subcontractor action in compliance with duly promulgated cost-accounting standards or rules and regulations relating thereto. Any such contract price adjustment shall include interest at the rate of 6 per centum per annum on the amount of any overpayment or underpayment of costs, from the date of the overpayment or underpayment, in any case where (i) such failure of the defense contractor is admitted by the contractor, (ii) the contracting agent of the United States agrees to the adjustment as hereinabove provided, or (iii) the adjustment is required as the result of a determination made in accordance with procedures for resolving disputes under the contract. If the parties fail to agree as to whether there has been compliance by the defense contractor or subcontractor with duly promulgated cost-accounting standards, or rules and regulations relating thereto, and whether cost adjustments are required, such disagreement shall constitute a dispute under the contract dispute clause.

"(2) No defense contractor or subcontractor shall be subject to the requirements of this section, if the sales of such contractor or subcontractor under contracts negotiated in connection with national defense procurements, excluding sales of commercial products sold in substantial quantities to the general public, did not exceed $25,000,000 during the most recently completed fiscal year of such contractor or subcontractor.

"(3)(A) The Board is authorized, as soon as practicable after the date of enactment of this section, to prescribe rules and regulations exempting from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by this section.

"(B) Rules and regulations prescribed under subparagraph (A) of this paragraph (3) shall take effect upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a copy of the proposed rules and regulations is transmitted to the Congress; if, between the date of transmittal and the expiration of such sixty-day period, there is not passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed rules and regulations. For the purposes of this subparagraph, in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

"(i)(A) Prior to the promulgation under this section of rules, regulations, cost-accounting standards, and modifications thereof, notice of the action proposed to be taken, increasing a description of the terms and substance thereof, shall be published in the Federal Register. All parties affected thereby shall be afforded a period of not less than thirty days after such publication in which to submit their views and comments with respect to the action proposed to be taken. After full consideration of the views and comments so subsmitted the Board may promulgate rules, regulations, cost-accounting standards, and modifications thereof which shall have the full force and effect of law and shall become effective not later than the start of the second fiscal quarter beginning after the expiration of not less than thirty days after publication in the Federal Register.

"(B) The functions exercised under this section shall be excluded from the operation of the Administrative Procedure Act.

"(C) The provisions of paragraph (A) of this subsection shall not be applicable to rules and regulations prescribed by the Board pursuant to subsection (h)(3).

"(j) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost-accounting standards and has followed consistently his disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost-accounting standards and principles.

"(k) The Board shall report to the Congress, not later than twenty-four months after the date of enactment of this section, concerning its progress in promulgating cost-accounting standards under subsection (g) and rules and regulations under subsection (h). Thereafter, the Board shall make an annual report to the Congress with respect to its activities and operations, together with such recommendations as it deems appropriate.

"(l) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Mr. MANSFIELD. Mr. President, it is my understanding that there will be a brief opening statement by the Senator from Minnesota, and that, at the conclusion of that, the distinguished Senator from Utah (Mr. BENNETT) will have an amendment, which he will call up.

I also understand that the distinguished Senator from Arkansas (Mr. McCLELLAN) will speak in the meantime.

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

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. I have an opening statement also, which deals with an amendment I intend to offer rather than with the bill. However, if I may, I should like to speak immediately following the opening statement of the Senator from Minnesota.

Mr. MANSFIELD. Very well; the Senator from Minnesota may yield to the Senator from Wisconsin.

I yield now to the Senator from Arkansas.

PROPOSED AMENDMENT (NO. 603) TO THE CIVIL RIGHTS ACT TO PROTECT THE CIVIL RIGHTS OF WITNESSES

Mr. McCLELLAN. Mr. President, I recently submitted an amendment to the Civil Rights Act of 1957 which would extend to persons appearing before the Civil Rights Commission the same protections that will be afforded to persons who are the subjects of grand jury reports under title I of S. 30, the "Organized Crime Control Act of 1969." In introducing this amendment, it was my hope that my colleagues on the Judiciary Committee would also want to insure that the protections accorded civil liberties under title I of S. 30 were made avilable to persons who find themselves subject to the virtually limitless power of the Civil Rights Commission in a report to defame, degrade or incriminate them. The majority of the Judiciary Committee, however, have not seen fit to protect the rights of the individual before the Commission in this manner and have rejected the proposed amendment. The significance of this defeat for the civil liberties of witnesses before the Commission and subjects of reports can be best demonstrated by comparing the additional protections provided under title I and under my amendment to the Civil Rights Act of 1957.

Under title I of S. 30 and under my proposed amendment to the Civil Rights Act of 1957, the individual threatened by official action by Federal grand jury or by the Civil Rights Commission would be guaranteed the following:

First. Provision that reports shall by law issue only upon majority vote;

Second. Provision that reports should concern only non-criminal misconduct;

Third. Limitation of persons subject to the report writing power to public officials;

Fourth. Provision for judicial review of the propriety of any official report;

Fifth. Provision for appeal of the lower court's initial determination as to the propriety of the official report;

Sixth. Provision for the inclusion of the subject's answer in the official report of the grand jury or the Civil Rights Commission;

Seventh. Provision for secret hearings by the grand jury and executive meetings by the Civil Rights Commission to insure that the subject's reputation and character are not damaged by unfair publicity;

Eighth. Provision that conclusions of the grand jury and Civil Rights Commission must be based upon a preponderance of the evidence;

Ninth. Provision that no disclosure be made of findings where there is pending related criminal proceedings in order that those proceedings are not prejudiced.

None—I repeat none—of the above protections are available to persons who now find themselves the subjects of reports by the Civil Rights Commission. Such an unrestrained license to ride roughshod over an individual's civil liberties hardly becomes a commission dedicated to civil rights or a society such as ours where respect for individual rights and liberties has always been a paramount policy consideration in government.

Mr. President, to put these issues in perspective, it is well, for example, to examine the criticism of the Commission recently offered on the floor of the House by Representative GONZALEZ from Texas. On May 26, 1970, Mr. GONZALEZ criticized the Commission for using as key witnesses in its San Antonio hearings of 1968 persons who had performed extensive services for the Commission prior to the hearings, for which these unidentified witnesses were paid $50 to $75 a day. The Congressman stated that he does "not believe that the Commission on Civil Rights has any more right to stack the deck at its hearings, by direction or by indirection, than does any other agency of this Government"—CONGRESSIONAL RECORD, page 17003, May 26, 1970. He indicated further, "I stated at the time of the hearings that the Commission on Civil Rights had stacked the hearings and that its report could have been written without having gone to the trouble of conducting hearings. I did not know at the time how right I was." (Id.) Now, in the context of what is being discovered about how Commission hearings are conducted, I ask, is concern for the individual who can be criticized, castigated and incriminated by such a body misplaced? The processes of the Civil Rights Commission like any other governmental body are subject to excesses and abuses and, for this reason, adequate and extensive protections for individuals appearing before the Commission and identified in Commission reports ought to be provided.

Recently the Commission issued its report, based in part on these San Antonio hearings, entitled "Mexican Americans and the Administration of Justice in the Southwest," and this report airs accusations of police brutality against several police officers, among whom were two named Texas State Highway Patrol officers. (Report at pp. 3–4, 24, 25–26, 29–30.) I add, too, that grand juries have refused to indict either of these officers, but both of their names have now been published in this report of the Commission, while neither officer has had a proper opportunity to explain or answer the criminal charges the Commission has aired against them. Can this be said to be fair?

Under my amendment, these officers would have an opportunity to answer such charges and their answers would have been printed as a part of the report, assuming any report could be filed at all in this case. Indeed, under my amendment, no report at all could be filed where a basically criminal incident was at issue. In this situation, due process demands either indictment and trial or silence. But, assuming that a report might be valid in this type of situation, why should the officer not have the opportunity to answer the charges against him and have his answer printed as a part of the report? My amendment would at least afford him this right, a right not now secured by law under the Civil Rights Act.

Mr. President, it should be recalled that the congressional debate on the civil rights bill of 1957 concerned itself, in part, with the rights of individuals appearing before the Commission and identified in Commission reports. At that time, watered-down protections were finally adopted that had been proposed by Congressman EMANUEL CELLER, then, as now, chairman of the House Judiciary Committee. Now that some experience has developed with the operation of the Commission, I thought the time might have come to upgrade the rights of the individual before the Commission, but, so far, a majority of my colleagues on the Judiciary Committee do not agree with me. Nevertheless, I believe this is an issue on which the full Senate should work its will, and I intend to ask that a record vote be taken on this amendment. There is no important distinction to be drawn between the report-writing functions of the grand jury and the Commission. I do not see how some of my colleagues can support the report-writing function of the Commission without safeguards and oppose the report-writing function of the grand jury with safeguards. Principle would seem to require that the same result obtain in each case. I intend to ask for a vote that will test that issue of principle.

Mr. President, objection has been raised to my proposed amendment on several grounds. The chief one is that the protections for the individual provided by my amendment are inappropriate to the activities of the Civil Rights Commission because—

First. The Civil Rights Commission does not have as its ultimate function the detection and punishment of crime.

Second. The Commission does not determine individual culpability.

Third. The Commission functions more like a legislative committee or administrative agency than does an indicting grand jury.

Fourth. Present protections already go beyond the requirements of due process.

Fifth. The damage caused by the amendment to the effectiveness of the

Commission greatly outweighs any advantages.

I believe that there are easy answers to these objections. First, though the Commission does not have as its ultimate function the detection and punishment of crime, it does, in fact, often adversely criticize individuals for violation of others' civil rights which, under current law, is a criminal offense. This ability to criticize or castigate any individual for such violation surely must, in the public eye, have the same effect as a grand jury report, perhaps a greater effect because of the amount of publicity surrounding Commission hearings. The fact, then, that the Commission does not indict is no justification for disregarding the rights of any individual who is subject to such a trial by report. What is important is not that grand juries indict, but that they, like the Commission, also report.

Second, the claim that the Commission does not determine individual culpability disregards reality and the practical effect of public accusations by this prestigious Federal body. Sometimes a formal accusation can be just as damning as a judicial finding.

Third, it is true that the Commission operates like a legislative committee or administrative agency, but it is also true that the grand jury, under the report-writing power provided in title I of S. 30, also acts as a legislative committee or administrative agency. This, then, is a distinction without a difference. Both the grand jury and Commission should have report-writing powers, but both should be similarly limited.

Fourth, much seems to be made of the fact that the Commission's powers were upheld against due process objection in *Hannah* v. *Larche* (363 U.S. 420 (1960)). May I point out again, however, that the practical effect of the findings and accusations of the Commission are far greater than those asserted or intended to be the official effect or result, and I see no reason for not giving a witness or subject more protection than the Constitution requires. For this reason, I am willing to decide doubtful areas in favor of the individual subject to hearings and reports. I note, too, that the Hannah case by analogy supports the report-writing power of the grand jury.

Fifth, the fear is voiced that concern for and protection of the individual would severely impair the effectiveness of the Civil Rights Commission. This must surely be the most lamentable and unworthy argument for supporters of this Civil Rights Commission to make. No sound and just reasoning or other acceptable basis is put forth for such allegations. New York grand juries work well under limitations like those in my proposed amendment. No one has explained why the Commission could not or should not do likewise.

Mr. President, I feel that each Member of the Senate will, upon a close examination of this issue, agree with me that the protections afforded witnesses and subjects of reports in connection with grand jury and Commission reports should be comparable.

I ask unanimous consent to have printed in the RECORD at this point the text of my proposed amendment and my dissenting views in the committee report on the Civil Rights Authorization Act.

There being no objection, the amendment and the minority views of Mr. McCLELLAN were ordered to be printed in the RECORD, as follows:

AMENDMENT

SEC. 4. (a) Subsection (a) of section 102 (e) of the Civil Rights Act of 1957 (73 Stat. 634, as amended, 78 Stat. 159) is amended to read as follows:

"(e) (1) All evidence or testimony at any hearing shall be received by the Commission in executive session. The Commission may publish reports concerning its findings or publish excerpts of evidence or testimony received at its hearings with the concurrence of a majority of its members where the report or excerpt is not critical of or does not tend to defame, degrade, or incriminate an identified individual under the laws of the United States, a State, or a political subdivision thereof. Except as provided in this section, no report, excerpt of evidence or testimony that is critical of or tends to defame, degrade or incriminate an identified individual, shall be published. Any evidence or testimony tending to incriminate an identified individual that comes to the attention of the Commission in any hearing or otherwise shall be referred without other publication to the Attorney General of the United States or the principal prosecuting attorney of the State or political subdivision thereof in which such conduct has or may have occurred. A report that is critical of or that does tend to defame or degrade but not incriminate an identified individual who is a public official or employee of the United States, a State, or a political subdivision thereof shall be submitted to the United States district court for the district in which the Commission sat for a majority of the hearing days during which the adverse evidence or testimony incorporated in the report was received. The court to which such report is submitted shall examine it and the record of the hearings and the other evidence and, except as otherwise provided herein, shall make an order accepting and filing such report as a public record where the court is satisfied that it complies with the provisions of this section and that—

"(i) The report is based upon facts revealed in the course of an authorized investigation and is supported by a preponderance of the evidence, and

"(ii) each person identified in the report was afforded an opportunity to testify during the hearings and was allowed to have a reasonable number of witnesses called to testify in his behalf.

"(2) The report identifying an individual pursuant to this subsection shall be ordered sealed by the court and shall not be accepted by court order and filed as a public record, subject to subpena or otherwise made public (i) until at least thirty-one days after a copy of the report is served upon each public officer or employee named therein and an answer has been filed or the time for filing an answer has expired, (ii) and, if an appeal is taken, until all rights of review of a public officer or employee named therein have expired or terminated. An order accepting a report as a public record shall not be entered until thirty days after the delivery of such a report to such individual as provided herein. The court may issue such orders as it shall deem appropriate to prevent unauthorized publication of a report. Unauthorized publication may be punished as contempt of court.

"(3) Each public officer or employee identified in a report may file with the clerk of the court a verified answer to such a report not later than twenty days after service of the report upon him. Upon a showing of good cause, the court may grant such public officer or employee an extension of time within which to file such answer and may authorize such limited publication of the report as may be necessary to prepare such answer. Such an answer shall plainly and concisely state the facts and law constituting the defense of the public officer or employee to the charges in said report, and except for those parts thereof which the court determines to have been inserted scandalously, prejudiciously, or unnecessarily, such answer shall become an appendix to the report.

"(4) Upon the expiration of the time set forth in paragraph (2) of this subsection, the court shall make an order accepting and filing the report and any appendices as a public record and the clerk of the court shall deliver a true copy of such report and any appendices to each public officer or body having jurisdiction, responsibility, or authority over each public officer or employee named in the report.

"(5) Upon the submission of a report pursuant to this subsection, if the court finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, it shall order such report sealed and such report shall not be subject to subpena or public inspection during the pendency of such criminal matter, except upon order of the court as provided in paragraph (2) of this subsection.

"(6) Whenever the court to which a report is submitted pursuant to this subsection is not satisfied that the report complies with provisions of this subsection, it may direct that additional testimony be taken before the Commission or it shall make an order sealing such report, and it shall not be filed as a public record, subject to subpena or otherwise published until the provisions of this section are met."

(b) Subsection (h) of section 102 of the Civil Rights Act of 1957 (71 Stat. 634, as amended, 78 Stat. 160) is amended to read as follows:

"(h) Witnesses may submit brief and relevant sworn statements in writing for inclusion in the record. The Commission shall determine the relevancy of testimony and evidence adduced at its hearings for the purpose of preparing a report. The entire record shall be submitted to the court for its review pursuant to subsection (e) of this section."

MINORITY VIEWS OF MR. McCLELLAN

The Civil Rights Commission's recent report on *Mexican Americans and the Administration of Justice in the Southwest* 122 (1970) included in it a study of service on grand juries by Spanish surname Americans. The study concluded with an exhortation that was quoted from the Supreme Court's decision in *Cooper* v. *Aaron*, 358 U.S. 1, 20 (1958): "Our Constitutional idea of equal justice under law [should be made] . . . a living truth."

It is out of a deep awareness of the need for fair treatment of those made the subject of investigative bodies and a belief that *equal justice under law* should be accorded such subjects that I feel compelled to express these minority views. For a majority of the Committee has found inappropriate an amendment that I offered to the Civil Rights Commission Authorization Act which would have afforded subjects of investigations by the Commission procedural protections designed to preserve individual rights in Commission investigations comparable to those that will be afforded persons made the subject of a grand jury report under Title I

of S. 30, the "Organized Crime Control Act of 1969." I see no significant distinction between the function the revitalized grand jury, envisioned by Title I, will play with regard to organized crime and political corruption and inefficiency and the role now played by the Commission with regard to the civil rights of our citizens. I believe that the grand jury, like the Commission, should have the power to investigate and report, but I believe that the Commission, like the grand jury, should, with appropriate modifications, be held to the same limitations with respect to the civil liberties of those made the subject of an investigation and report. I respectfully suggest, in short, that the civil rights of the subjects of investigations and reports should be a matter of equal justice under law.

TITLE I—SPECIAL GRAND JURY: S. 30, THE "ORGANIZED CRIME CONTROL ACT OF 1969"

a. Historical background

The grand jury originated in Anglo-American law, in a form in which it largely exists today, at the Assize of Clarendon in 1166. Henry II established it as a body whose function it was to report on and to accuse those who according to public knowledge had committed crimes. Indeed, its report writing and indicting functions had been well established for over 500 years before it came to be seen also as a buffer between citizen and State, the function of the grand jury that first comes to mind today.

b. Present law

The modern grand jury is, in the Supreme Court's words in *Blair* v. *United States* 250 U.S. 273, 282 (1919) a "prototype" of its ancient British counterpart. Its investigative powers are virtually without limitation both on the State and Federal level. *Compare, Ward* v. *State*, 2 Mo. 120 (1829), *with, Hale* v. *Henkel*, 201 U.S. 43 (1906). Its report writing functions, however, have not survived wholly intact or without substantial limitation. Twenty-one states have legislation similar to the New York statute which in *Jones* v. *People*, 101 App. Div. 55, 92 N.Y. Supp. 275 *appeal dismissed*, 181 N.Y. 389, 74 N.E. 226 (1905) was construed to authorize reports,[1] while six States explicitly authorize such reports by statute.[2]

In addition, other States have sanctioned such reports on a common law basis. In 1952, Chief Justice Arthur T. Vanderbilt in *In Re Presentment by Camden County Grand Jury*, 10 N.J. 23, 89 A2d 416, 434 (1955), for example, upheld, over civil liberties objections grounded on a fear of possible abuse of the rights of individuals, the power of the grand jury to file reports, observing:

"A practice imported here from England three centuries ago as a part of the common law and steadily exercised ever since under three successive, state constitutions is too firmly entrenched in our jurisprudence to yield to fancied evils." [3]

In a similar fashion, the Supreme Court of Florida, in upholding the report writing power of grand juries in that State, in *In Re Report of Grand Jury*, 11 So. 2d 316, 318 (Fla. 1945), observed:

"It is the means whereby the people participate directly in the administration of their business and adds to a knowledge of why the grand jury has become such an important agency among free peoples."

c. New York law

Practice and law, however, have varied from place to place and from time to time, making generalization about either practice or law difficult to make with assurance of accuracy. The shifting development of the law in New York is illustrative. There are records of a New York grand jury as early as 1665. See 1 Hamlin and Baker, *Supreme Court of Judicature of the Province of New York 1691–1704*, 142 (1952). Nevertheless, attempts have been made over the years in New York to abolish the grand jury as a means of instituting criminal prosecutions. A most recent unsuccessful attempt was made in the 1938 constitutional convention. See Heyting, "The Abolition of Grand Juries in England," 19 *A.B.A. J.*, 648–49 (1938). In addition, attempts have been made in New York to abolish its report writing function. In 1946, for example, Governor Thomas E. Dewey vetoed a bill designed to curb this power, saying that such reports were "one of the most valued and treasured restraints upon tyranny and corruption in public office." *Public Papers of Governor Thomas E. Dewey*, 140–41 (1946). More recently, the Court of Appeals of New York in *Wood* v. *Hughes*, 9 N.Y. 2d 144, 212 N.Y.S. 2d 33 (1961) overruled its own *Jones* decision, noted *supra*, and curbed the New York grand jury's power to write reports critical of designated individuals. The response of the people of New York, through their state legislature, however, was promptly to enact comprehensive legislation authorizing such reports, but under limitations designed to overcome the civil liberties objections voiced by the Court of Appeals. See Laws of 1964, Ch. 250, Code of Crim. Proc. § 253–a, and reports are now regularly filed throughout the state.[4]

d. Federal law

On the Federal level, the grand jury is, of course, an institution whose indicting function is rooted in the Fifth Amendment itself; it is not, however, a requirement of due process under the Fourteenth Amendment. *Hurtado* v. *California*, 110 U.S. 516 (1884). As such, it is beyond the power of legislative abolition. Nevertheless, the grand jury's report writing functions of the Federal grand jury have been substantially curtailed by decision, at least on the district court level, although grand juries continue to issue and district courts continue to accept reports, and at the same time the Supreme Court itself has never had occasion squarely to pass on the property of the report writing power. But in *Hannah* v. *Larche*, 363 U.S. 422, 420 (1960) ("investigates and reports"). The recent report of the January 1970 Grand Jury in the Northern District of Illinois critical of identified members of the Chicago Police Department and the raid they conducted on a Black Panther Party Headquarters is illustrative of the practice. The decision of United States District Judge Edward Weinfield in *Application of the United Electrical, Radio and Machine Works* 111 F. Supp. 858 (S.D. N.Y. 1953) is illustrative of the law. There, Judge Weinfield held beyond the power of the grand jury the issuance of a report that named officials of a union as "Fifth-Amendment Communists" and recommended to the National Labor Relations Board that the certification of the unions be withdrawn.[5]

e. Recommendation of Crime Commission against Organized Crime

It was in this legal content that the President's Commission on Crime and the Administration of Justice in 1967 undertook as a part of its study of crime in the United States to evaluate our Nation's past efforts to arrest and reverse the growth of organized crime. The Commission began by observing in its *The Challenge of Crime in a Free Society 196 (1967)*:

"Investigation and prosecution of organized criminal groups in the 20th century has seldom proceeded on a continuous, institutionalized basis. Public interest and demands for action have reached high levels sporadically, but, until recently, spurts of concentrated law enforcement activity have been followed by decreasing interest and application of resources."

It also commented:

"And yet the public remains indifferent. Few Americans seem to comprehend how the phenomenon of organized crime affects their lives. They do not see how gambling with bookmakers, or borrowing money from loan sharks, forwards the interests of great criminal cartels. Businessmen looking for labor harmony or nonunion status through irregular channels rationalize away any suspicions that organized crime is thereby spreading its influence. When an ambitious political candidate accepts substantial cash contributions from unknown sources, he suspects but dismisses the fact that organized crime will dictate some of his actions when he assumes office." (*Id.* at 188)

Finally, the Commission specifically found that a lack of public and political commitment to end the menace of organized crime was one of six major contributing causes to the failure of our society to deal with organized crime. The Commission observed:

"The public demands action only sporadically, as intermittent, sensational disclosures reveal intolerable violence and corruption caused by organized crime. Without sustained public pressure, political office seekers and office holders have little incentive to address themselves to combating organized crime. A drive against organized crime usually uncovers political corruption; this means that a crusading mayor or district attorney makes many political enemies. The vicious cycle perpetuates itself. Politicians will not act unless the public so demands; but much of the urban public wants the services provided by organized crime and does not wish to disrupt the system that provides those services. And much of the public does not see or understand the effects of organized crime in society." (*Id.* at 200)

Finding that "organized crime succeeds only insofar as the Nation permits it to succeed" (*Id.* at 209), the Commission proposed an "integrated package" of proposals, touching on both governmental and private action. Included among these proposals was the recommendation that grand juries should be permitted by law to file public reports. (*Id.* at 200.) [6]

Title I of S. 30

It was in this context, therefore, that title I of S. 30, the "Organized Crime Control Act of 1969" was drafted. Recognizing the need for an institutionalized avenue through which information bearing upon the conditions that breed organized crime might be brought to the attention of the public on a systematic and fair basis, the special grand juries, established by title I, are empowered, not only to return indictments, but also to issue grand jury reports: (1) concerning governmental misconduct, (2) making legislative or executive recommendations, and (3) regarding organized crime conditions. Where such reports are to be critical of identified public officials, however, elaborate safeguards (modeled on New York law, but suitably modified to fit Federal practice) are provided, including notice, opportunity to present evidence, and judicial review prior to publication.

As so drafted, the provisions of title I have attracted the support, among others, of the Department of Justice (Hearings [7] at 369), the Association of Federal Investigators (*Id.* at 276: "applaud" giving "public" "whole picture"), the National Association of Counties (*Id.* at 330–31; "agrees" "no greater deterrent to evil, incompetent and corrupt Government than publicity") and the International Association of Chiefs of Police (115 Cong. Rec., S12562 (daily ed. Oct. 14, 1969)). The support of these groups was most significant, both on the issue of need and fairness, since it would be primarily their work that the special grand juries would review. Nevertheless; restoring to Federal grand juries, the reporting writing function was opposed in the hearings in part (com-

Footnotes at end of article.

ment on specific *individuals*) by the Committee on Federal Legislation of the New York County Lawyers Association (Hearings at 216: comment on individuals) and without discrimination by the American Civil Liberties Union (*Id.* at 456–59).[8] This opposition in the hearings was continued on the floor and led there by the junior Senator from New York.

Senator Goodell offered an amendment to title I of during this debate on S. 30 which would have curbed the power of special grand juries to file reports naming public officials. (115 Cong. Rec. S474 (daily ed., Jan. 23, 1969).) His amendment left untouched power of the grand jury to file other types of reports. In essence, Senator Goodell's attempt to prevent the naming of officials in grand jury reports was based on a two-fold fear: that individuals would be held up to public defamation by false accusations carrying the weight of judicial findings but made after an unfair, one-sided proceeding, and that they would be unable to reply effectively to such allegations. He was supported in active debate by Senators Cooper and Hart. Senator Cooper questioned the value of a public denunciation not amounting to a charge of criminal conduct in a democratic society. (*Id.* at S477)[9] Senator Hart concurred with the arguments of Senator Goodell and the question raised by Senator Cooper. (*Ibid*) On the other hand I argued that the report writing power was necessary and that the procedural protections for civil liberties were fair. (*Id.* at S476) I was supported in my position in active debate by Senator Hruska (*Id.* at S475). The Senate rejected, wisely I think, Senator Goodell's amendment. The vote was 59 to 13.[10]

Senator Goodell then offered another amendment which guaranteed the subject of a report the express right to have a "reasonable number of witnesses" called before the grand jury in his behalf. (*Ibid.*)

The Committee Report already indicated that the failure to conduct "additional investigations" and called suggested "supplementary witnesses" would cast doubt on the propriety of making a report public. S. Rep. No. 91–617, 91st Cong., 1st Sess. 143 (1969). Consequently, I saw no inconsistency between this amendment and the provisions of Title I. I indicated that I found it acceptable, and it was adopted by a voice vote. (115 Cong. Rec. S. 479 (daily ed. Jan. 23, 1970)). As so amended, Title I was approved by the Senate as part of the overall bill by a vote of 73 to 1. (*Id.* at 481) Since that time, twenty-three Senators not voting on final passage have announced that if present they would have voted for the Act, bringing the total of voting and supporting Senators to 96.

THE CIVIL RIGHTS COMMISSION AND PROTECTION OF CIVIL LIBERTIES OF SUBJECTS OF REPORTS

Civil Rights Act of 1957

In 1957, the Congress adopted the Civil Rights Act of that year, which created in the executive branch of the Government a Commission on Civil Rights. The Commission is composed of six members appointed by the President by and with the advice and consent of the Senate. Section 104 of the Act, 71 Stat. 635, as amended, 81 Stat. 582 (1967), specifies the duties of the Commission shall consist of the following:

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin, or in the administration of justice;

* * * * *

(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such elections; and

(6) nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club, or any religious organization.

(b) The Commission shall submit interim reports to the President and to the Congress at such times as the Commission, the Congress, or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings, and recommendations not later than January 31, 1973.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

The statute also sets out rules of procedure for Commission hearings.

The complete story behind these rules, however, begins with the 1956 House Civil Rights Bill, H.R. 627.

6. Legislative history

H.R. 627 was reported out of the House Judiciary Committee without any reference to the procedures to be used by the Commission in conducting its hearings. H.R. Rep. No. 2187, 84th Cong. 2d Sess. During the floor debate, Representative Dies of Texas introduced extensive amendments designed to regulate the procedure of the Commission hearings. (102 Cong. Rec. 13542.) The bill, as finally passed by the House, contained all of the amendments proposed by Representative Dies. (102 Cong. Rec. 13998–99.) However, before further action could be taken, the bill died in the Senate.

Although many proposals relating to civil rights were introduced in the 1957 Session of Congress, two bills were the most prominent. The first was S. 83, which was introduced in the Senate by the late Senator Dirksen. It contained the same procedural provisions that the amended House bill in 1956 had contained. The second, H.R. 6127, was introduced in the House of Representatives by Congressman Emanuel Celler, then as now Chairman of the House Judiciary Committee. This bill contained a considerably watered down set of procedural protections, to govern the conduct of Commission hearings, termed nevertheless the so-called House "fair play" rules, See H. Res. 151, 84th Cong., 1st Sess. for complete text of the rules. After extensive debate and hearings, H.R. 6127 was finally passed by both Houses of Congress, and it was the House "fair play" rules, which included, for example, no provision for confrontation or cross examination or judicial review of Commission findings that were adopted in preference to the more protective rules suggested in S. 83. Nevertheless both in the Senate and in the House has the absence of a right such as cross examination occasioned adverse comment. See remarks of Senator Talmadge, 103 Cong. Rec. 11504; remarks of Senator Stennis, 103 Cong. Rec. 13835; remarks of Representative Kilday, 103 Cong. Rec. 8673. The lesser standard of the House "fair play" rules however, were defended as sufficient. See remarks of Representative Celler, the author of the bill, 103 Cong. Rec. 8491, and the adoption of the Act in 1957 was then followed by extensive investigations and litigation, which is relevant in the present context.

7. Constitutionality of commission procedures

One of the first investigations undertaken by the newly formed Commission was into alleged Negro voting deprivations in the State of Louisiana. Voting rights are, of course, protected from abridgment on account of race or color by the Fifteenth Amendment. Injuring, oppressing, threatening, or intimidating any citizen in the exercise of any right secured by the Constitution to a citizen is also a Federal criminal offense punishable by a fine of not more than $5000, or for imprisonment of not more than ten years, or both, under 18 U.S.C. §241.

Shortly before the Commission's hearing was scheduled to begin in Shreveport, Caddo Parish, Louisiana, on July 13, 1959, further proceedings by the Commission were enjoined by United States District Judge Dawkins on the grounds that the commission's procedures denied to those affected by the Commission's actions the protections of appropriate Federal law. 176 F. Supp. 791. Judge Dawkins noted:

"Plaintiffs . . . will be condemned out of the mouths of these witnesses and plaintiffs testimony alone, without having the right to cross examine and thereby to test the truth of such assertions, may not be adequate to meet or overcome the charge, thus permitting plaintiffs to be stigmatized and held up, before the eyes of the Nation, to approbrium and scorn." Quoted in *With Liberty and Justice for All*: An abridgment of the Report of the U.S. Commission on Civil Rights 79 (1959).

At that time, when the issue was "civil rights," the Washington *Post*—which has now excreased opposition to Title I 5.30 (The Washington *Post*, Jan. 30, 1970, p. A18, col. 2)—editorially observed:

"The Civil Rights Commission . . . is a fact-finding body . . . To require it to . . . go through the court room practice of cross-examination, when it is not prosecuting or trying or judging anyone—when it is not engaged in any sort of adversary proceeding—would be sheer nonsense making the discharge of its real function impossible." Quoted in *With Liberty and Justice For All, supra* at 79.

Since the constitutionality of the Civil Rights Act itself was drawn into issue, a three judge court was convened under 28 U.S.C., 2282, and a divided court held that the Commission's procedures were not authorized by law, 177 F. Supp. 816. Because of the importance of the questions presented, the Supreme Court agreed to take jurisdiction and decide: (1) Was the Commission authorized by Congress to adopt its rules of procedure, and (2) if so, were they consistent with the Due Process Clause of the Fifth Amendment?

On June 20, 1960, in an opinion authorized by Chief Justice Earl Warren, over dissents by Mr. Justices Douglas and Black, in *Hannah* v. *Larche*, 363 U.S. 420 (1960), the Supreme Court resolved each issue in favor of the Commission's position. First, after tracing the legislative history I noted above, the Court found that the rules adopted by the Commission were Congressionally authorized. 363 U.S. at 430–39. It then turned to the Due Process question. Initially, the

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Court noted that "the requirements of due process frequently vary with the type of proceeding involved . . ." 363 U.S. at 440. It then observed:

"[The Commission's] . . . function is purely investigative and fact-finding It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any *legal* sanction. It does not make determinations depriving anyone of his life, liberty or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's *legal* rights. The only purpose of its existence is to find facts which may subsequently be and as the basis for legislative or executive action." 363 U.S. at 440–41. (Emphasis added)

It commented further:

"[W]hen governmental action does not partake of an adjudication, as for example, when a general fact-finding investigation is being conducted, it is not necessary that the full panoply of judicial procedures be used." 363 U.S. at 442.

Rejecting contrary arguments of the plaintiffs, it said:

"[T]he [plantiffs] contend, and the court below implied that such procedures [trial type protections] are required since the Commission's proceeding might irreparably harm those being investigated bv subjecting them to public opprobrium and scorn, the distinct likelihood of losing their jobs, and the possibility of criminal prosecutions. That any of these consequences will result is purely conjectural. . . . However, even if such collateral consequences were to flow from the Commission's investigations, they would not be the result of any affirmative determination made by the Commission, and they would not affect the legitimacy of the Commission's investigative function." 363 U.S. at 442–43.

Next the Court buttressed its position by analogizing to and analyzing the functions of "other forms of investigations under our system." 363 U.S. at 444. Here the Court first reviewed legislative investigations, 363 U.S. at 444–45, and then executive investigations, including as a typical model the proceedings of the Federal Trade Commission, it also examined the procedures followed by various Presidential Commissions, 363 U.S. 445–48. It then turned, however, to what it termed "the best known of all investigative bodies, the grand jury." 363 U.S. 448. The Court observed:

"[I]t . . . has [never] been considered essential that a person being investigated by the grand jury be permitted to come before that body and cross examine witnesses who may have accused him of wrongdoing. . . . [T]he grand jury merely investigates and reports. It does not try." 363 U.S. at 449.

Based on this analysis, the Court found that the procedures of the Civil Rights Commission were consistent with Due Process.[11] and the Court permitted the Commission to conclude its Louisiana study.

The study itself ultimately appeared in 1961 as Volume No. 1 of the Report of the Commission of that year. In general, after specifically identifying both those whom the Commission concluded had been denied the right to vote and those whom the Commission concluded had violated the law in denying them the right to vote, the Commission filed a report highly critical of the fashion, the Report observed at 72, in which so many "Negro citizens of Louisiana are thus denied the franchise in violation of the 15th Amendment."

It is, of course, not my intention here to suggest that the Supreme Court's decision in *Hannah* was wrongly decided. Indeed, a majority of the sitting justices in *Jenkins* v. *McKeithen*, 395 U.S. 411 (1968) recently expressed their continuing approval of the *Hannah* case. I accept this decision of the Court in this context as the final word on constitutional Due Process. I recognize therefore, that the present procedures of the Civil Rights Commission are consistent with Due Process, but I also suggest, that a similarly circumscribed report writing power in a grand jury would also be by the same authority, be fully in accordance with Due Process. No other legal conclusion can, I suggest, be fairly drawn from an objective examination of the *Hannah* opinion.

Nevertheless, I would also suggest that everything that is constitutional is not necessarily wise, and I reiterate my conviction that the protections accorded by Title I of S. 30, with suitable modifications, ought to be considered both necessary and adequate to protect the rights of individuals appearing before or made the subject of a report by the Civil Rights Commission, or any other similar executive investigating body.

COMPARATIVE ANALYSIS: TITLE I OF S. 30; CIVIL RIGHTS COMMISSION, AND PROPOSED AMENDMENT

Following, in tabular form, is a comparative analysis of the provisions of Title I of S. 30, the Civil Rights Act,[12] and how they proceed if the Commission would be changed under the amendment that a majority of the Committee felt inappropriate to adopt.

COMPARATIVE ANALYSIS

	Title I of S. 30	Civil Rights Act	Proposed amendment
(1) What vote of the body is necessary to issue a report?	Majority (sec. 3333)	Majority (implied, since no express provision)	Majority.
(2) What subject matter may be covered by reports?	Noncriminal misconduct (sec. 3333(a)(1)).	May investigate both criminal and noncriminal misconduct embracing discrimination, but may not examine fraternal organizations, colleges, or religious bodies (sec. 104(a)(1)(6)).	Noncriminal misconduct.
(3) Which persons are subject to the report writing power?	Limited to public officials (sec. 333(f)).	Any person may be identified in report (implied, since no express provision).	Public official, not private citizen.
(4) What provision is made for judicial review of the propriety of the report?	Judicial review prior to publication (sec. 333 (b) to (e)).	No provision	Judicial review prior to publication.
(5) What provision is made for appellate rights to review the court decision?	General civil appellate rights applicable (sec. 333(c)(1)).	do	General civil appellate rights applicable.
(6) Does the subject have a statutory right to answer any part of the report?	Verified answer becomes part of report (sec. 333(c)(3)).	Have statement filed in hearings, but not report (sec. 102(e))	Verified answer becomes part of report.
(7) What rule governs publicity in the hearings?	Secret (Rule 6(e), Fed. R. Crim. Proc.).	Executive if defamatory or incriminating testimony to be taken, but may later make public (sec. 102(e)).	Executive.
(8) What burden of proof controls the conclusions reached in the report?	Preponderance of the evidence (sec. 3333(b)(2)).	No express provision	Preponderance of the evidence.
(9) Does the subject of a report have a statutory right to call witness in his behalf?	Yes (sec. 3333(b)(2))	Have statements filed in hearings, but not in report, if public use is made of critical testimony (sec. 102(e)).	Yes.
(10) What provision is made for the effect of a report on a pending criminal matter?	No disclosure pending case (sec. 3333(d)).	No express provision	No disclosure pending case.
(11) Does a witness have the right to have counsel present in the hearings?	No	Yes (sec. 102(c))	Yes.
(12) May the counsel raise objections in the proceeding?	do	do	Do.

CONCLUSION

As it may be clearly seen from an examination of the above comparative analysis, the civil liberties of a person named in a report under title I of S. 30 and under my proposed amendment to the Civil Rights Act would now have significantly greater protections than he now has under existing provisions of the Civil Rights Act. These protections may be afforded the subject, moreover, without an undue loss of operating efficiency. New York grand juries now labor under comparable limitations, and no one suggests that they cannot get the job done. With the final enactment of title I, special grand juries in the Federal system can and will meet these safeguards and still get the job done. There is, in short, no reason rooted in efficiency warranting the rejection of this amendment.

There is no important distinction, moreover, between the role now played by the Civil Rights Commission in its investigating and reporting function in the area of civil rights and the role envisioned by title I for special grand juries in their investigating and reporting functions in the area of civil rights and the role envisioned by title I for special grand juries in their investigating and report writing functions in the area of misconduct of public officials and organized crime. Because there is no significant distinction, the same limitations—no more, no less—that will be applicable to the special grand jury should now be made applicable to the Commission. In all candor, I do not see how the contrary position can be argued in good conscience. My colleagues, both in the House and in the Senate, will have to search long for a principled rationale for the double standard that will result if my amendment is rejected.

I do not understand what leads them to oppose a report writing *with* strict safeguards for grand juries, but to support a report writing *without* strict safeguards for the Civil Rights Commission. If our constitutional idea of equal justice under law is indeed to be made a living truth, then these statutes respecting reporting should be made equal. Fidelity to principle, not prejudice, demands no less.

FOOTNOTES

[1] *Alabama*, Ala. Code 30, §§ 76–82; *Alaska*, Alaska Stat. § 12.40.030; *Arizona*, Ariz. Rev. Stat. Ann. § 13–1531; *Arkansas*, Ark. Stat. Ann. §§ 43–907 to 43–911; *California*, Cal. Penal Code §§ 914.1, 915, 917, 920, 921, 922, 925, 927, 928, 929; *Georgia*, Ga. Code Ann. 59 §§ 305, 306, 307, 308, 309, 310, 313, 314, 315, 316, 401; *Idaho*, Idaho Code Ann. §§ 19–1101, 19–1109, 19–1110; *Indiana*, Ind. Ann. Stat. § 9–824; *Iowa*, Iowa Code Ann. §§ 771.1 to 771.3; *Michigan*, Mich. Comp. Laws Ann. §§ 767.3, 767.4; *Missouri*, Mo. Ann. Stat. § 540.-020; *Montana*, Mont. Rev. Codes Ann.

94 § 1405; *Nevada*, Nev. Rev. Stat. §§ 172.105, 172.115, 172.125, 172.175, 172.185; *New Mexico*, N.M. Stat. Ann. §§ 41-5-16, 41-5-17; *New York*, N.Y. Code Cr. Proc. §§ 245, 253, 254; *North Dakota*, N.D. Cent. Code §§ 29-10-18 to 29-10-20; *Oklahoma*, Okla. Stat. Ann. 22 § 331; *South Dakota*, S. D. Code §§ 34.1215, 43.1216; *Tennessee*, Tenn. Code Ann. §§ 40-1605 to 40-1608; *Utah*, Utah Code Ann. §§ 77-18-7, 77-19-1; *Washington*, Wash. Rev. Code Ann. §§ 10.28.090 to 10.28.110.

[2] *California*, Cal. Penal Code §§ 929, 930, 933, 939.9; *Georgia*, Ga. Code Ann. § 59-317; *Nevada*, Nev. Rev. Stat. §§ 172, 175; *New York*, N.Y. Code Cr. Proc. § 253-a; *Oklahoma*, Okla. Stat. Ann. 22 § 34L and *Utah*, Utah Code Ann. 1967 Session Laws p. 575.

[3] Court developed rules restrict the power of the grand jury to file reports making the exercise of this power consistent with a high regard for civil liberties. *See In Re Camden Co. Grand Jury*, 34 N.J. 378, 196 A 2d 465 (1961). For an example of a New Jersey grand jury report dealing with organized crime, see 115 Cong. Rec. S15751 (daily ed. Dec. 5, 1969).

[4] For an example of a New York grand jury report dealing with governmental inefficiency, see 116 Cong. Rec. S121 (daily ed. Jan. 19, 1970).

[5] Specifically excluded from the holding were "reports of a general nature touching on condition in a community." 111 F. Supp. 869. These, Judge Wadnifield observed, serve "a valuable function and may not be amenable to challenge." *Id.*

[6] It has been suggested that this recommendation did not include reports that might comment on specific individuals, Remarks of Senator Charles Goodell, 115 Cong. Rec. S16162 (daily ed. Dec. 9, 1969), and it must be conceded that the text of the Commission Report itself is ambiguous. Nevertheless, when it is read in the context of its "legislative history," it is difficult, I suggest, to read it in so limited a fashion. The Commission's recommendation here was based on the work of its Task Force on Organized Crime, which had before a review of the law that specifically recommended that the "right to file reports should be restored" in Federal law. Since general reports are permissible, see *supra*, "restored" could only be taken to mean to include reports commenting on specific individuals. *See Task Force Report: Organized Crime* 83-85 (1967).

[7] *Measures Relating to Organized Crime*, Hearings before the Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, United States Senate, 91st Cong. 1st sess. (1969) (hereafter cited hearings).

[8] I note here that the spokesmen for the Committee acknowledged in the (Hearings at 239) that he had no "concrete experience" from New York to show that the New York law was not working well and that the spokesman for the Union was asked to provide for the record any indication of abuse in New York or elsewhere but failed to provide any. (*Id.* at 481).

[9] Chief Justice Arthur Vanderbilt in *In Re Camden County Grand Jury* 10 N.J. 23, 89 A 2d 416, 444 (1943) responded to the concern reflected in Senator Cooper's question in these words:

"There are many official acts and omissions that fall short of criminal misconduct and yet are not in the public interest. It is very much to the public advantage that such conduct is revealed in an effective way. No community desires to live a hairbreadth above the criminal level, which might well be the case if there were no official organ of public protest. Such presentments are a great deterrent to official wrongdoing . . . [and] inspire public confidence in the capacity of the body politic to purge itself of untoward conditions."

[10] Voting for the amendment were Senators Brooke, Cooper, Dominick, Fong, Goodell, Hart, Hatfield, Kennedy, Metcalf, Mondale, Ribicoff, Stevens, and Young of Ohio.

[11] Justices Douglas and Black dissented. Yet, significantly, they, too, recognized the unique investigative role traditionally played by grand juries in our scheme of government, and they explicitly excepted its procedures from the strictures they leveled at the proceeding of the Civil Rights Commission. 363 U.S. at 493-508.

[12] Only the provisions of the Act itself will be analysed here, since it is only these provisions what may not be unilaterally changed by the Commission. Nevertheless, the Commission is to be congratulated for adopting by regulations procedural protections for witnesses beyond those required by law. See 42 C.F.R. § 702.1-17. By regulation, witnesses or subjects of hearings or reports may subpoena witnesses in their behalf (§702.6(b)) and conduct limited cross-examination through the Commission by written question (§702.9). These implementing regulations, in short, reflect a commenable concern with civil liberties.

EXTENSION OF THE DEFENSE PRODUCTION ACT

The Senate continued with the consideration of the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

Mr. MONDALE. I yield.

Mr. MANSFIELD. Mr. President, I seem to have heard elements of a rumor to the effect that someone has said there will be no votes this afternoon or tomorrow. For the information of those who may have been alerted to that rumor, there will be votes today and there will be votes tomorrow, to the best of my knowledge.

I thank the Senator.

Mr. MONDALE. Mr. President, this measure, S. 3302, involves the extension for 2 years of the Defense Production Act of 1950, which is designed to further production facilities in areas considered crucial to our defense needs.

The key issue involved in the pending proposal, I believe, is not that extension but a significant amendment proposed by the distinguished Senator from Wisconsin (Mr. PROXMIRE) providing for uniform cost accounting standards, an effort which I personnaly favor, and which was favored by the Subcommittee on Production and Stabilization, of which I am honored to be chairman, and by the full Banking and Currency Committee.

STATEMENT ON NEED FOR COST-ACCOUNTING STANDARDS LEGISLATION

Mr. President, the study of the feasibility of applying uniform cost-accounting standards to negotiated cost-accounting standards to negotiated prime contract and subcontract defense procurements of $100,000 or more was undertaken by the General Accounting Office in pursuant to statutory direction of the Defense Production Act of 1950, as amended.

The study concluded that uniform cost-accounting standards were feasible. The Comptroller General was supported in this position by the Office of Management and Budget, the Department of Defense, other agencies of the executive branch, and the principal professional accounting organizations.

The study was carefully formulated and its conclusions very convincing. In the course of the study, all types of research techniques were employed. The views of industry, the public accounting profession, Government representatives and the accounting academic community were carefully sought out. The study was directed not only to the feasibility but to the necessity for cost-accounting standards.

The Comptroller General has estimated that the savings to the Government through better control of negotiated contracts would be substantial. The study also concluded that the use of cost-accounting standards would impose no greater financial burdens on defense contractors, large or small, than these contractors presently experience in coping with the section XV of the Armed Services Procurement Regulations.

As high as 89 percent of military procurement is awarded under negotiated conditions. A large percentage of the 89 percent is awarded under conditions which are not solely price competitive. In such cases cost plays a major role in the decisionmaking processes of contract negotiations, administration, and settlement.

Herein lies the need for cost-accounting standards. Cost-accounting standards are merely a means of bringing common meaning to technical words, their relationships and allocation practices in the interests of improving the quality of the negotiating processes. But, contrary to some views, the proposed cost-accounting standards do not mean uniform cost-accounting systems.

Clearly defined cost-accounting standards, standards which narrow the margin of misunderstandings to greater consistency in the use of terms, concepts and practices can do much to improve the whole climate of understanding between industry, Government, the Congress and the public.

There is ample emphasis in the report of the Comptroller General that the proposed cost-accounting standards would not impose rigid restrictions upon industry. He points out that they would not eliminate the diversity in the way contractors do their business and would not require them to maintain uniform cost-accounting systems.

However, it is fair to expect that there be standards which will encourage consistency in practices for all contractors in similar contracting situations.

Those who have declared cost-accounting standards to be feasible are mindful of the fact that standards must be tailor made to the needs of defense industry and that they must recognize the diversity and complexity of the operations of many contractors.

With these understandings of the objectives of cost-accounting standards, there should be little occasion to quarrel with the feasibility and usefulness of cost-accounting standards.

Frequently those who oppose the need for uniform cost-accounting standards cite that there are present regulations of various agencies and professional groups

which substantially provide standards. Some cite the regulation of the Internal Revenue Service; others refer to the regulations of the Securities and Exchange Commission; still others point out the rules by the Renegotiation Board. Still others call attention to the "generally accepted accounting principles" underlying financial reporting to stockholders. Each of these fail significantly for the purposes of contract administration since they are designed for entirely different purposes.

The most frequent argument is that section XV of the Armed Services Procurement Regulations (ASPR) adequately serves the needs. Even though these are, in a sense, cost-accounting standards, they are measurably deficient in two respects in achieving the objectives of this legislation.

First, various provisions of section XV of ASPR often cite "generally accepted accounting principles" as guidelines governing costing practices. Generally accepted accounting principles, the principal purposes of which are to govern the standards of financial reporting to stock holders were never intended to be applicable to the problems of contract costing. This point is amply supported by testimony of representatives of the American Institute of Certified Public Accountants.

Second, section XV of ASPR provides few criteria for the application of cost-accounting principles in given situations. This flexibility allows considerable discretion in the selection of costing methods to rest with defense contractors.

The experiences of the GAO and the Defense Contract Audit Agency cited in the GAO study report not only confirmed the conditions reported in the June 1968 hearings but are ample evidence that section XV of ASPR is sorely lacking and outmoded in terms of the complexity of modern defense contract situations.

In a negotiated procurement situation, there is great dependence upon cost information not only in choosing as among bidders but in the price determination. Without quality cost data, without commonly understood definitions and conceptual relationships, the Government negotiator is largely "flying blind." He has few reliable bases for determination of reasonableness of cost. At the negotiation table, the contractor is at an advantage since under present practices, for the definitions, the cost relationships and allocation practices are largely his to devise and to change. Uniform cost-accounting standards will equalize to a great extent the bargaining position of the Government representatives since the definitions and ground rules will be rooted in firmer understandings.

Considering the significance of cost-accounting standards to the whole issue of orderly defense contract administration as so ably presented in the study report of the Comptroller General and as substantiated by witnesses which have appeared before our committee, nothing less than a complete approach to the formulation of cost-accounting standards is required. This is the objective of the legislation. I therefore urge the Senate to act favorably on S. 3302.

I now yield to the Senator from Wisconsin, who will deal further with the uniform accounting provisions.

THE NEED FOR UNIFORM COST ACCOUNTING STANDARDS

Mr. PROXMIRE. Mr. President, S. 3302 extends the defense production for 2 additional years and requires that uniform cost accounting standards be used on certain defense contracts. I want to emphasize the word "certain" because in my view, the committee approved a loophole amendment which seriously cripples the bill by exempting contractor's doing less than a $25 million a year business with the Pentagon. Later on I will offer an amendment to strike this gaping loophole. In the meantime, I would like to explain for the benefit of the Senate the urgent need to require uniform cost accounting on all defense contracts.

NO COMPETITION ON DEFENSE CONTRACTS

Mr. President, in fiscal year 1969, only 11 percent of all military procurement was obtained through competitive bidding. The remaining 89 percent of military procurement—more than $36 billion—was awarded under negotiated contracts. These negotiated contracts are not competitive. They are not awarded after the full interplay of our free enterprise system. More than half these contracts are sole source awards to giant firms—monopolies in every sense of the word. The remainder goes, at best, to oligopolies, with but one buyer—the U.S. Government.

This cozy relationship between the Pentagon and defense contractors has produced the most bloated, wasteful and inefficient military machine in the world. Our weapons systems wind up costing 2 or 3 times their original estimates; and only one system out of eight lives up to its expected performance. It is unfortunate that the Pentagon cannot file for bankruptcy as did the Penn Central. A group of court appointed receivers could hardly do a worse job of managing our military procurement.

The $36 billion spent under negotiated defense contracts in fiscal year 1969 represents one-half of the personal income taxes of the 73,000,000 individual U.S. taxpayers. Today, the taxpayer does not get a proper accounting of how these Government funds are being spent because there are no uniform standards for determining costs. We require these taxpayers to report their income and their deductions scrupulously if they make more than $650 a year. But we ignore the need for proper accounting for $36 billion of defense expenditures.

EXISTING LAWS INADEQUATE

In the absence of complete and accurate information about contract costs in a negotiated procurement, the Government has no way of knowing whether it is paying too much or too little, whether the contractor's profit is reasonable or unreasonable, or how costs compare to other jobs. Negotiations are frustrated in the absence of a clear understanding of costs.

Our protective legislation in the area of defense procurement assumes a clear understanding of what is cost and what is profit. The Renegotiation Act requires contractors to submit statements of their costs and profits on defense work so that the Renegotiation Board can detect excess profits. The Truth-in-Negotiations Act requires contractors to submit cost statements in defense contracts so that the Government can have a sound basis for evaluating the reasonableness of prices in noncompetitive procurements. Unless the Government can be sure that contractors' cost statements fairly reflect actual costs, neither of the two laws can be effective.

The 91st Congress is considering other efforts to promote more effective cost control by the Defense Department and its contractors. A clear understanding of costs is essential to all of these efforts.

THE LACK OF FIRM COST ACCOUNTING STANDARDS

Today, however, no one in Government can accurately determine costs and profits on defense contracts because there are no uniform accounting standards. Consequently, figures can be manipulated and distorted to show a wide range of diverse results, depending on the purpose. When it is to his advantage, a defense contractor can show higher profits. For example, in reports to stockholders, he can select accounting procedures that will show the lowest costs and highest profits. If he wants to show low profits to the Renegotiation Board or to a Pentagon-sponsored study team he can select other accounting procedures that will yield the desired results. By taking advantage of the wide variety of cost accounting practices considered acceptable under present defense procurement rules, a contractor is able to show high estimated costs for purposes of contract price negotiations and low costs later on for purposes of earning more profit under incentive contracts.

ACCOUNTANTS IN WONDERLAND

Trying to determine true costs through generally accepted accounting principles is like measuring with a rubber ruler. While a contractor does not have unlimited flexibility, he is certainly free to stretch the truth to suit his purposes. The elastic nature of cost accounting inevitably works to the benefit of the contractor and against the interests of the taxpayer.

As an example of the wonderland of cost accounting, consider the testimony of Robert Anthony before the House Banking Committee. Mr. Anthony is a former comptroller of the Defense Department and is now a professor of management control at the Harvard Business School and the author of textbooks in the field of accounting and management. He is thus well qualified to speak on the subject.

Mr. Anthony refers to a recent study of the cost accounting system of 12 large defense contractors. The finds are amazing:

No two of the 12 contractors used the same method of allocating overhead costs;

Even for general and administrative costs, six different bases of allocation were used by the 12 companies;

Indirect costs ranged from a low of 23 percent to a high of 50 percent of the total costs;

Anthony concludes that there is absolutely no way of finding out how much

of this variation was the result of true differences in the nature of the cost, and how much was simply a reflection of differences in the cost accounting principles used.

Understandably, such accounting flexibility is most convenient for defense contractors, because in any situation they can generate a wide range of cost figures—all purporting to represent the facts. This accounting flexibility nullifies the intent of the Truth-in-Negotiations and the Renegotiation Acts. Moreover, it makes it impossible for the Government to insure that contract prices are reasonable, that defense work is being done efficiently, and that the public is getting a "square deal." Cost figures are nebulous at best. Admiral Rickover summed up the situation this way:

> In my work I find it is virtually impossible, without spending months reconstructing each supplier's books, to discover what defense equipment really costs to manufacture or how much profit contractors actually make in producing it. The problem is the extreme variability of accounting practices—the lack of uniform cost accounting standards. Costs on some contracts are not considered as costs on other contracts. Contractors price contracts under one accounting system, yet charge their costs under a different accounting system. On most defense contracts there is no requirement that the contractor keep meaningful cost records. In these circumstances, it becomes virtually impossible to determine true costs.

FLEXIBILITY UNLIMITED

The rubbery nature of cost accounting standards can also be seen in the case of a Navy and GAO postaudit of a single defense contract. Auditors made seven different reports containing 11 differing estimates of the supplier's actual costs. The range of difference was as much as 50 percent.

The GAO report on the feasibility of accounting cited numerous cases where flexible accounting rules work to the advantage of the contractor and against the taxpayer. These include the following:

Using one accounting method for bid purposes and another for bookkeeping purposes;

Recovering the same charges twice by charging them directly and also including them in overhead charges;

Hiding unallowable charges in overhead expenses;

Charging civilian business costs to defense contracts by manipulating methods for allocating overhead;

Recovering unallowable cost overruns by charging them under another name;

Treating capital outlays as current expenditures and charging the entire amount to the Government;

Failing to credit the Government for its proper share of refunds or discounts received by the contractor.

We have chaos in accounting not because the subject is too difficult or complex. If the military-aerospace industry can invent complicated missile systems and put a man on the moon, they certainly should be able to devise a uniform cost accounting system.

The reason we lack accounting standards is simple—because it is to the advantage of industry not to have them.

The situation was best summed up by Robert Anthony in a recent article in the Harvard Business Review:

> With respect to defense contracts, there is a basic conflict of interest between the parties. The contractor wants the standards to be few and general, giving him the maximum amount of latitude in choosing the most advantageous cost alternative in a particular circumstance. The government, on the other hand, wants the standards to be specific in order to minimize the judgments required in auditing cost reimbursements.
>
> (Some, by the way, deny the existence of this conflict. They assert that a contractor, even in the absence of standards, will voluntarily measure costs according to what is fair, even when this is inconsituent with his interests. This is a naive point of view, and it is surprising that knowledgeable men appear to expect that other knowledgeable men will give credence to it.

SAVING THE TAXPAYER MONEY

For years, Admiral Rickover has been the one man in the Defense Department with the courage to blow the whistle on the defense industry and their accounting manipulations. Since 1963, he has advocated uniform cost accounting standards. According to Rickover, the lack of such standards is "the most serious deficiency in defense procurement today." While the lack of cost accounting standards are not nearly as spectacular or dramatic as giant cost overruns on major weapons systems, their impact on the Federal taxpayer may be equally severe. The Comptroller General has estimated the savings from uniform cost accounting standards would be substantial. Admiral Rickover estimated the savings could exceed $2 billion a year. The head of one of the Nation's largest CPA firms has testified that with uniform cost accounting standards a "5-percent reduction—in cost—would not be out of the question," thus approximating Admiral Rickover's estimate, because 5 percent of $40 billion in procurment would be $2 billion. Other accountants have testified that even if no savings came about, the resulting decrease in contract disputes would be well worth the effort.

GAO FINDS STANDARDS FEASIBLE

Two years ago, the Senate passed an amendment I offered to the Defense Production Act to require the Comptroller General to study the feasibility of establishing such uniform cost accounting standards and report his findings to the Congress within 18 months.

In his study the Comptroller General investigated thoroughly both the need for and feasibility of uniform cost accounting standards. He solicited and analyzed the views of defense industry, public accountants, Government accountants, and the academic community. He examined the present accounting practices of industry and the problems caused by the lack of uniform cost accounting standards.

This study determined that uniform cost accounting standards are both feasible and necessary. That was the finding of the General Accounting Office by the Comptroller General. Now, the Comptroller General has urged Congress to establish such standards. The Department of Defense, the Bureau of the Budget, and the executive branch agree that uniform cost accounting standards are needed. So, as I say, this is supported by the administration, the Bureau of the Budget, the Department of Defense, and by the executive branch generally.

The Federal Government Accountants Association, which represents the accountants and auditors in all branches of Government—the people that have to put up with these problems daily—has unanimously endorsed the need for uniform cost accounting standards. Other professional accounting groups and leading private accountants support the GAO findings. Only the defense industry opposes uniform cost accounting standards—for obvious reasons.

WHAT THE BILL DOES

The legislation before the Senate would implement the GAO report by requiring the establishment of uniform cost accounting standards. The standards would be promulgated by a five member Cost-Accounting Standards Board appointed by the Comptroller General who would be designated as Chairman of the Board.

The Board is directed to promulgate cost accounting standards designed to achieve uniformity and consistency in the cost accounting practices followed by defense contractors. These standards may be issued from time to time, but in my judgment, the major development of the standards should be completed in two years.

The Board is also directed to issue regulations requiring defense contractors to disclose their own cost accounting practices in advance of a contract and to follow those practices consistently. It is expected that these regulations will be put into effect shortly after the enactment of the legislation since the requirement of internal consistency can hardly be considered overly complex and controversial.

The legislation would be applicable on all negotiated defense prime contracts and subcontracts where the contractor's sales to the Government in the preceding fiscal year exceeded $25 million. The $25 million exemption is the loophole amendment I referred to earlier which I shall seek later to eliminate.

The term defense under the Defense Production Act includes the military, space, atomic energy, and military assistance programs of the Government.

STANDARDS NEEDED NOW

Mr. President, in the last few years we have seen military spending escalate beyond control. While some reductions have been made, there are still billions wasted which are urgently needed to help meet our pressing social and economic needs.

Uniform cost accounting standards will not solve all our procurement problems. Accounting principles will not make weapon systems work when they do not, nor will they stop us from buying weapons we do not need or adding excessive gadgetry to those we do need.

But uniform cost accounting is certainly a step in the right direction. Effective cost accounting can help bring escalating military costs under greater control and enable our defense procure-

ment officials to obtain the maximum return on the taxpayers' dollar.

The time has come for Congress to reestablish its constitutional authority to control Federal expenditures. The time has come to place defense contracting under more effective control. I call upon the Senate to strike the loopholes in the committee bill and give the GAO the authority it needs to establish uniform accounting standards for defense contracts.

Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BENNETT. 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 the amendment will be printed in the RECORD.

The amendment of the Senator from Utah is as follows:

On page 3, line 5, beginning with "There" strike out all through the period in line 19 and insert the following: "There is hereby established, as an independent establishment in the executive branch of the Government, a Cost-Accounting Standards Board to consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the President, by and with the advice and consent of the Senate. Of the members appointed to the Board, two shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government. The term of office of each of the appointed members of the Board shall be four years, except that (1) the terms of the members first appointed shall expire, as designated by the President, one at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years; and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I yield.

Mr. MANSFIELD. I discussed this matter previously with the manager of the bill, the Senator from Minnesota (Mr. MONDALE), and the Senator from Wisconsin (Mr. PROXMIRE), and I now ask unanimous consent that on this, the pending amendment only, there be a time limitation of 1 hour, the time to be equally divided between the sponsor of the amendment and the manager of the bill, or whomever he may so designate.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. BENNETT. Mr. President, I have listened with great interest to my good friend from Wisconsin (Mr. PROXMIRE). I hope the Senate understands that there is no basic disagreement within the committee as to the advisability of establishing some uniform and definite method of cost accounting, but I do not feel that I can agree with him that up until recently we have had nothing but chaos in the Department of Defense, that because of the lack of uniform standards of cost accounting, we have suffered a $2 billion annual loss, and a lot of other things.

If I were to agree with the distinguished Senator from Wisconsin, I would have to remember that until recently the Department of Defense was under the management of a Secretary who was supposed to have been a genius in handling industrial production and managing industrial problems. That man brought in a group known as the "whiz kids" into the Department of Defense, and they were supposed to have had the ability to solve all of our operating and administrative programs.

It is interesting that this amendment to the bill has been suggested only after those gentlemen left the Department of Defense.

Mr. President, the bill before us has two purposes: First, to extend the present Defense Production Act, and, second, to set up a system whereby cost accounting standards to be used by all defense contractors may be developed. This new section was conceived in response to a statement by Admiral Rickover that some $2 billion was being lost by the Government through loopholes in the present system, a statement, by the way, which was not supported by the facts developed in our hearings either as to the amount or the type of loopholes, nor were we told specifically the type of loopholes through which this $2 billion had slipped. The testimony that was adduced plainly referred only to claimed violations of present accounting procedures and, while we were given examples of these claims, on the grounds of confidentiality, the committee was denied information as to whether the claims were finally upheld. On the basis of our hearings and the information provided, we do not know the extent of the need for changes in the present system or whether a new system is actually needed.

The art of accounting is necessarily a flexible one, and there is considerable agreement that it would be well to establish a board to study the problems involved on a continuing basis and try to develop standards that would be just and fair to both the Government and the contractor which would be applied to all defense contracts.

When the committee considered the problem of who should select the members of the board and what type of a board it should be, a basic conflict arose. The authors of the new section wanted the board to be selected and chaired by the Comptroller General. In his speech, my friend from Wisconsin rightly reported that that is the provision now in the bill. Most of the witnesses, including the Comptroller General and half of the committee, wanted the board members to be appointed by the President. A motion that the President appoint the members of the board and that the Senate confirm them lost by a tie vote in the committee. It is for that reason I bring the issue before the Senate for its decision today.

That is the purpose of my amendment, Mr. President, to change the method of selecting the members of the board.

It was argued in the committee that the members of the board should be appointed by the Comptroller General because the President would appoint men who would be dominated by the industry in spite of their review and confirmation by the Senate. To prevent this, it was alleged, the Comptroller General, who reports to Congress, should have full power over setting the standards as well as reviewing them. That such a procedure is both unusual and potentially dangerous was implicitly recognized even by its proponents because in the version on which the committee voted—and which won because my amendment failed to secure more than a tie—the proponents proposed that the Comptroller General nominate the board members and that they be approved by the Senate. This strange and unique proposal was removed from the committee bill only after it was pointed out after some study that it was clearly unconstitutional.

My amendment would set up an independent board by following the normal constitutional pattern of appointment by the President and confirmation by the Senate.

The makeup of the board would be the same as that reported by the committee in that it would consist of the Comptroller General of the United States, who would serve as chairman, and four other members, two of whom would be from the accounting profession, one who would represent industry and one from a department or agency of the Federal Government. The important difference is, however, that the board members would not be dominated by the Comptroller General but would be appointed by the President of the United States and confirmed by this body. Only in this way can the board be truly independent of the Defense Department, the contractors, and the General Accounting Office. That the independence of the board from the General Accounting Office is as necessary as that of the two contracting parties is borne out by the fact already related that even though the General Accounting Office is an arm of the Congress, it refused to give our committee the full story on its claimed violations of existing rules, despite the fact that several contractors who were apparently involved in some of the reported cases had no objection to our receipt of this information and many were anxious that their views be given consideration.

Perhaps the Government Operations Committee, should look into this attitude of the General Accounting Office. What good to Congress is an oversight arm that refuses to report its findings in full if asked?

Any set of accounting standards to be effective must be neutral, must be objective, not tilted to the advantage of either party, and must be so clear as to permit the least possible variation in interpretation by either side. At the same time the standards must be practical enough to be applied and compiled with while the work is in process as well as

through postaudit review. Application of these standards at the time the work is in process by the contractors and auditors of the Department of Defense is equally if not more important than the postaudit by the General Accounting Office because the postaudit might, in large part, be based on spot audits, while this continuing audit is complete, and if the terms of the accounting standards were such that they create too many disputes while the work is going on, they could add to the costs rather than reduce them and create delays in delivery.

A board independent of the General Accounting Office is needed to protect that Agency. If the necessary quality of accounting standards is that they be objective and neutral, the same is true for the function of the auditor which, of course, the General Accounting Office is.

If, as required under this bill, the Comptroller General appoints the members of the board, he inevitably becomes responsible for the standards which are developed and which he is supposed to judge in his capacity as auditor for the Congress. If either in the promulgation or the application any deviation from objectivity or neutrality shows up, he and his appointed board, being human, will have a natural tendency to defend the weakness and the resulting unfairness rather than to correct it. In other words, his basic function as an independent auditor would be undermined.

The bill's proposal transfers what is obviously an executive function to a legislative agency. The Secretary of Commerce, Maurice Stans, commented on this matter in a recent letter to the Director of the Bureau of the Budget. Referring to the Senate version of this bill, Secretary Stans indicated that we cannot solve executive branch problems by transferring executive functions to a legislative agency. He said that to do so would remove the prerogatives of the executive branch in administering the affairs of the nation. He recommended strongly that the responsibilities spelled out in the Senate bill be retained in the executive branch. He added that the proper function of the General Accounting Office should be that of exercising its oversight responsibility to insure that the requirements of the law are properly carried out, not to develop those requirements.

The overwhelming preponderance of the testimony given to the committee was opposed to the type of board established in the committee bill and for a truly independent board to be appointed by the President and confirmed by the Senate. Witnesses who so testified include the Comptroller General, Elmer B. Staats, who said that this matter was considered and debated at considerable length within the General Accounting Office and that their conclusion was reached for the following reasons:

First, I would like to emphasize that should the Congress establish a board, as we have suggested, that is not going to mean that we are going to be put out of the picture at all.

We would be of course anxious to see such a board succeed. We would be glad to give it what help we could. We would also exercise our regular oversight responsibility and tell the Congress at any time we felt it was not doing its job or if we felt that the differences we had with it were of such magnitude that we would be required, under your charter, to report to the Congress on it.

We concede this is a function which is very closely related to procurement functions, and which will involve extensive day to day types of negotiations with individual contractors, much as the Defense Department and other procuring agencies do today.

We would therefore see our role as one of a legislative oversight, to see that the board is performing its function as intended by Congress, and to give that board whatever assistance we could from a technical professional point of view.

I think the second point I would make is that this is where the oversight function is lodged today. If the Congress decides that we should have uniform standards, then it would be our job to see that the Congress' will is carried out.

But we also see it as essentially a function which is so closely related to the procurement function and which probably should involve the accounting profession to a greater extent than procurement regulations today provide, we would perform our function for the Congress by our usual oversight type of responsibility.

The chief witness for the accounting profession supported the independent Board, saying that such a board would be:

More in tune with the system of checks and balances inherent in most of our Government operations. The cost-accounting board called for in this proposal would be patterned after many other independent governmental agencies which carry out regulatory functions effectively.

We are sure the accounting profession would be glad to cooperate actively in helping to establish a cost-accounting standards board that is well conceived and constituted.

In summary, he added:

The "new machinery" preferably should call for an independent agency appointed by the President, consisting of a small number of members, such as five, all of whom should have competence in cost accounting.

Another witness, Mr. Leonard Spacek, chairman of Arthur Andersen & Co., a firm of international public accountants, stated that he would support the establishment of an independent board, the members of which would be appointed by the President:

Because it would be better for the Comptroller General to continue in his role as advocate of improved accounting in all fields where legislature has an interest. The Comptroller General should not be asked to develop improved accounting and then be the judge of that new accounting for all concerned. He does and should work for you. The Comptroller General's efforts for improved accounting have been beneficial in the past. That work is where I think the Comptroller General could continue to do an outstanding job. The job he has is presently far too important to dilute or to have him in a less effective position.

Mr. Joseph A. Sciarrino, representing the Financial Executives Institute, stated:

We are also opposed to the alternative of a five-man Board appointed by the Comptroller General and reporting to him. Such a Board would be incapable of acting independently.

* * * * *

We believe that an impartial Board working from factual evidence would be able to develop adequate and just solutions to whatever problems may exist in the accounting and pricing areas.

He went on to say that the Financial Executives Institute could accept the concept of an independent board established by the President in which professional groups were represented so as to maintain appropriate perspective and objectivity in examining cost accounting problems from the viewpoint of both the contractors and the Government.

In addition, we have received a letter from the then Director of the Budget Robert P. Mayo, in which he carefully outlines the administration's strong support for an independent board within the executive branch.

Mr. President, I ask unanimous consent to have Mr. Mayo's letter printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 21, 1970.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On April 6, 1970, H.R. 16752 was referred to your committee. The purpose of the bill is to extend for 2 years the allocation authority contained in the Defense Production Act of 1950, and to establish uniform cost accounting standards for use in defense contracts. This letter comments on the provisions of the bill and expresses the administration's viewpoint on how uniform cost accounting may best be achieved.

Section 1 of the bill would extend the currently effective provisions of the Defense Production Act (titles I, III, and VII) for 2 years, until June 30, 1972.

On April 9, 1970, the Office of Emergency Preparedness transmitted to the Congress a draft bill to amend and extend the Defense Production Act of 1950, as amended. The draft bill provided for a 4-year extension of the act, and proposed a number of amendments to titles III and VII not covered by the provisions of H.R. 16752. The Bureau of the Budget advised OEP that the enactment of the draft bill would be consistent with the administration's objectives.

Accordingly, we strongly urge the enactment of the OEP draft bill in lieu of section 1 of H.R. 16752.

Section 2 of H.R. 16752 would define the term "defense contractor" as used in the act. Section 3 would eliminate the present $100,000 ceiling on the annual expenditures of the Joint Committee on Defense Production of the Congress.

Section 4 of the bill would establish uniform cost accounting standards for use in defense contracts. We believe the feasibility of such standards for use in Government contracts has been well established. The General Accounting Office study of this matter amply demonstrated that such standards could yield substantial potential benefits. Others have testified before the Senate to the same effect. The administration supports the contention that cost accounting standards for use under Government contracts are feasible.

We object, however, to section 4 as it now stands. The bill would give responsibility to the Comptroller General for developing cost accounting standards, and for issuing rules and regulations for their application to defense contracts. We believe that these responsibilities should properly be placed in the executive branch of Government. The

Comptroller General agrees with this location.

In his testimony before the Senate, Mr. Staats questioned whether the General Accounting Office should become deeply involved in the administration of Government contracts. He suggested that an independent board appointed by the President might well have greater prestige and attract more capable members than a board in his own office. He said that the responsibility for administration of contracts, including promulgating, interpreting, and administering cost accounting standards seems basically an executive branch function. Mr. Staats concluded that there did not appear to be any reason to divorce the promulgation of cost accounting standards from the executive branch.

The American Institute of Certified Public Accountants has taken a similar position on this legislation. Their representative testified before the Senate in favor of establishing an independent board within the executive branch. He said that a cost accounting board, patterned after the many other independent executive branch agencies, would be more in tune with the system of checks and balances inherent in most of our Government operations.

The Secretary of Commerce commented on this matter in a recent letter to the Director of the Bureau of the Budget. Referring to the Senate version of this bill, Secretary Stans indicated that we cannot solve executive branch problems by transferring executive functions to a legislative agency. He said that to do so would remove the prerogatives of the executive branch in administering the affairs of the Nation. He recommended strongly that the responsibilities spelled out in the Senate bill be retained in the executive branch. He added that the proper function of the General Accounting Office should be that of exercising its oversight responsibility to insure that the requirements of the law are properly carried out.

We agree with the positions taken by the Comptroller General, the AICPA, and the Secretary of Commerce. We urge that responsibility for the development of cost accounting standards be placed in the executive branch. In addition to the strong arguments presented for this arrangement by the Comptroller General, the AICPA, and the Secretary, we would like to add the following comments for your consideration.

An independent board in the executive branch, empowered to issue cost accounting standards and rules and regulations for their application to Government contracts, would be preferable from an organizational viewpoint to a similar board established as a part of the General Accounting Office.

Ultimately, cost accounting standards for Government contracts, regardless of their origin, will have to be applied at a working level to individual Government contracts. This application will inevitably lead to questions and disagreements requiring clarification and interpretation of the cost-accounting standards. This clarification and interpretation will have to come from the authors of the cost-accounting standards. Formidable communications and coordination problems could develop if these authors are in one branch of Government and the contract administrators in another. Although these problems would not be eliminated by placing responsibility for cost-accounting standards in an independent board in the executive branch, they would at least be minimized.

Responsibility for resolving certain minor issues could be delegated by an independent board to other agencies in the executive branch, without raising constitutional questions regarding the separation of powers between the executive and legislative branches. Communication could be less formal, thus speeding up the operation and lessening the potential for redtape. Coordination of agency positions to assure a single executive branch posture on a given issue would be unnecessary.

Under this arrangement the General Accounting Office would retain its traditional oversight responsibility to insure the Congress that the requirements of the law were being properly carried out. This responsibility would not be compromised by active participation in the administrative process, as it might be if the cost accounting standards board were established in the General Accounting Office.

Independence has long been one of the outstanding attributes of the General Accounting Office. Under H.R. 16752, the General Accounting Office would be required to audit its own actions. It would be extremely difficult for the General Accounting Office to render independent judgment of cost accounting standards and implementing rules and regulations promulgated by the Comptroller General, or a board under his direction. Constructive and independent criticism from the General Accounting Office has been, over the years, an important factor in the improvement of management in Government. We would hate to see this source of independent criticism lost in the important matter of costs of defense contracts.

The administration stands ready to provide further information on the specific provisions of H.R. 16752, or on any other aspect of cost accounting standards that the committee wishes to discuss.

Sincerely,

ROBERT P. MAYO,
Director.

Mr. BENNETT. Mr. President, regardless of whether there is any money to be saved through the establishment of new accounting standards, if a board is to be set up, we must set up the best board possible to establish such standards. Under my amendment, the Comptroller General would participate in such a board and as chairman would certainly be able to make his views known. At the same time, we would be able to assure that the views of other parties who will be operating under the standards will be carefully considered, because these parties will also be represented on the board. In addition, we will be able to continue the present function of the General Accounting Office as an independent auditor to assure that the will of the Congress in this legislation is carried out. The amendment which I offer to establish an independent board, the members of which would be appointed by the President with Senate confirmation, is the most appropriate vehicle through which reasonable and effective cost accounting standards can be established for use in Government contracts. I urge that it be approved by the Senate.

Mr. President, I think I have explained why I believe the language in the bill should be changed: that instead of relying on a board appointed by the Comptroller General we should follow precedent and have an independent board appointed by the President with Senate confirmation. I hope the Senate joins me in this respect.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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

Mr. BENNETT. I yield.

Mr. STENNIS. Mr. President, I want to be sure I understand the amendment. Frankly it is a new point to me. I have not concluded which position I will support.

Does the Senator's amendment leave the Comptroller General as a member of that board?

Mr. BENNETT. He is a voting member and the chairman.

Mr. STENNIS. And the four additional members would be chosen by the executive branch, subject to confirmation?

Mr. BENNETT. Yes, by the Senate. There would be two professional accountants, one man with a background in industry and the other from Government, presumably from one of the procurement agencies.

Mr. STENNIS. The bill now provides the Comptroller General shall be a member and he shall choose the four.

Mr. BENNETT. Without review by anyone else. Under my proposed amendment this would be an independent board.

Mr. STENNIS. I thank the Senator. My questions were not directed to the Senator with the present Comptroller General in mind. I think he is an excellent Comptroller General and is doing an outstanding job. However, I am concerned about this feature.

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

Mr. BENNETT. I yield.

Mr. CRANSTON. Mr. President, I rise to support the amendment which has been very wisely offered by the distinguished Senator from Utah.

I support the amendment primarily because of my experiences as the elected comptroller of the State of California for 8 years. The comptroller of California serves in the executive branch but he is elected by the people so that he will be totally independent of the executive branch. That may sound inconsistent with my position, but it is not. He is elected by the people so he will be totally independent of the legislature. The legislature has its own auditor in California to audit the workings of the executive branch, but the comptroller is elected totally independent, so that his independence will be compromised in no way and he is not beholden in any way to the executive branch or the legislative branch.

He does not write the rules and laws under which he operates. Those are handed to him and he performs his function independently.

From time to time the executive branch has attempted to seize the Office of Comptroller by having the Comptroller appointed by the Governor, and the legislative branch has done likewise by attempting to have his duties transferred to the auditor. However, the people have chosen to have a totally independent Comptroller who will audit the executive, legislative, and judicial branches of Government, insofar as the use of funds is concerned.

Mr. President, I believe that the amendment offered by the Senator from Utah is a very necessary part of the effort to have the Comptroller General of the United States a totally independent man.

Were he to have a vested interest in the rules under which he is to operate under the bill, he would, as the Senator from Utah has pointed out, be inclined, due to human nature, to defend those rules, even where they might be found to be not the best rules. If he were not the author of the rules he would seek revisions in strengthening them; and were he not the author of the rules, his independence in making those rules, of course, would be far stronger and, I think far more suited to the purposes of the legislation written by the Senator from Wisconsin, who works in this general field.

I respect the Senator from Wisconsin very much. He has accomplished a great deal in this field of watching what happens in connection with defense contracts and cost overruns. But I think in this respect the legislation as written is faulty, and I believe his objectives, which are so fine, would be better met if the Comptroller General were independent in every way and operating under procedures established by others.

Mr. President, for these reasons I support the amendment of the Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator.

Mr. MONDALE. Mr. President, I yield such time to the Senator from Wisconsin as he may desire.

Mr. PROXMIRE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, my good friend from Utah seemed to imply that this was something like being for God, country, and apple pie; and that everybody is for it.

It is interesting that when I proposed just a study of the feasibility of uniform cost accounting standards this was not only opposed by 32 Senators on the floor of the Senate, including the Senator from Utah, but also it was opposed by the Department of Defense, and many others. The Senator from Utah called it an exercise in futility; that we never could work out uniform cost accounting standards. Now, he has said that he is for it. This is the sign of a great man, one who is able to change his mind. However, it is indicative of the fact you are going to get great pressures in this area where enormous things are at stake.

Mr. President, I must oppose the amendment offered by my able colleague from Utah. The amendment to place the development of uniform cost accounting standards under the executive branch would substantially weaken the administration of the bill. The Defense Department and the Bureau of the Budget have had years to require uniform cost accounting on Government contracts and they have not done so. To give the executive branch the job of writing the standards after their demonstrated indifference to the problem is like putting Lockheed Aircraft in charge of the Pentagon's cost reduction program.

The bill I originally introduced would have required the Comptroller General to promulgate uniform cost accounting standards. During the hearings, the Comptroller General presented two alternatives for the committee's consideration.

The first alternative provided for the issuance of accounting standards by the GAO with the advice and assistance of a five-man advisory board appointed by the Comptroller General.

The second alternative established a separate five-man Cost-Accounting Standards Board appointed by the President for the purpose of issuing uniform cost accounting standards.

Although I favored the first approach, I supported a compromise developed in committee which would provide for a separate five-man board appointed by the Comptroller General and which would include the Comptroller General as its chairman.

This approach combines the best features of the two alternatives submitted by GAO. It retains independence from the executive branch while at the same time, it keeps the development of the standards separate from the day-to-day activities of the GAO. The composition of the Board is also specified to include representatives of the GAO, the executive branch, the accounting profession and industry, thus assuring that all points of view are represented.

The Bennett amendment would upset the compromise reached by the committee and provide for an accounting board which would be under the complete domination of the executive branch.

It is instructive to note that the defense industry, while preferring no bill at all, actively lobbied the committee for a Presidentially appointed board once it realized that a bill was going to be passed. From the industry viewpoint, I suppose they felt they would have more success in dominating a Presidential board and weakening its regulations. The defense industry is undoubtedly correct in this judgment in view of the general history of regulatory agencies and their tendency to become the captives of those whom they ostensibly regulate.

Admiral Rickover, who more than anyone else has called attention to the need for uniform cost accounting standards, has said flatly that:

> Effective cost accounting standards will not be established if Congress turns the job over to the Executive Branch or to a special board.

In view of Admiral Rickover's warning, I am afraid that the committee may already have unduly weakened the legislation by assigning the responsibility to a special board and not to the GAO directly. In any event, we should not completely strip the bill of its teeth as would be done by the Bennett amendment. At least leave a few molars in the bill for the benefit of the taxpaying public.

In view of executive branch complacency, there is no reason to suppose that it has suddenly got religion. This was forcefully pointed out by Robert Anthony, a former comptroller of the Defense Department, a leading accounting authority, and a current professor of management at the Harvard Business School. Anthony states that:

> Theoretically, the inadequacies in Section XV of the Armed Services Procurement Regulations could have been corrected by those who are responsible for revising these regulations. The facts are that despite the glaring inadequacies that have been pointed out repeatedly over a period of years, few changes have been made. I see no likelihood that significant improvements will be made so long as the responsibility remains in the Pentagon.

However, a board under the control of the Comptroller General is another matter. The Comptroller General is appointed for a 15-year term and can only be removed for cause by the Congress. As the head of the General Accounting Office, he is the chief watchdog of the Congress over the activities of the executive branch.

Given the age at which most Comptrollers assume their important duties, the 15-year appointment is tantamount to a lifetime job. The incumbents are not likely to be swayed by the expectation of a future industry job which is unfortunately all too frequently the case with the members of regulatory commissions.

Once appointed, the Comptroller is beholden to no government official, political party, or administration in office. He is the most independent man in Washington and the one most qualified to undertake the difficult and sensitive job of establishing uniform accounting standards and certainly an expert in the field of accounting. That is his field, and he has a tremendous professional staff to support him, literally thousands of people to support him.

If anyone is immune to the blandishments of the military-industrial complex, it is the Comptroller General. It comes as no great surprise, therefore, to see defense industry lobbyists urging the establishment of a Presidential board.

Much has been made of the fact that the Comptroller General himself prefers an accounting board under the control of the executive branch. I have the highest degree of respect and admiration for the Comptroller General, Mr. Staats, and I am sure my feelings are widely shared throughout the Congress.

One of the reasons why Congress has such confidence in the Comptroller General is that he is not an empire builder. Unlike many bureau chiefs or agency heads, he is not constantly seeking to expand his mission or authority. The new jobs which the Comptroller has undertaken have always been with reluctance and only begun after a clear congressional mandate.

Were it otherwise, he would not enjoy the high respect of the Congress he has today. If the Comptroller were constantly trying to muscle in on some new territory, he could not command the reputation for strict impartiality which is vital to this present mission.

There is no doubt the Comptroller General would be able to perform the job of issuing cost accounting standards if it were assigned to him by the Congress. As a matter of fact, he so indicated during the hearings. Thus, the Comptroller's professed reluctance to take on the assignment should not be allowed to cloud the judgment of the Congress as to where the job really belongs.

Let us examine the arguments which have been advanced against giving the Comptroller General the job.

First, it is argued that the development

of cost accounting standards is inherently an executive branch function. Since procurement regulations are now under the executive branch, it is argued that cost accounting regulations should also be under the executive branch.

There is nothing inherent about cost accounting to make it an executive branch function. The fact that it is related to procurement is completely beside the point. By this line of reasoning, all of the postaudit activities of the GAO should be transferred to the Defense Contract Audit Agency because they are also related to procurement and contracting.

The GAO was set up to be an independent watchdog over the executive branch. Accordingly, the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 66) directs the Comptroller General to "prescribe the principles, standards, and related requirements for accounting to be observed by each executive agency."

This is its function now. It is hard for me to envision a role which would be more compatible with its responsibility and capability than the one the committee has assigned it and that the Bennett amendment would take away.

In other words, GAO already prescribes the accounting principles followed by the executive branch agencies themselves. Surely it would be less of an infringement upon the prerogatives of the executive branch if this authority were expanded to include the cost accounting standards followed by defense contractors completely outside the executive branch. Thus, the argument of inherent executive branch privilege collapses of its own weight when examined in the light of existing statutory duties.

Second, it is argued that an accounting board under the executive branch would be more prestigious and attract abler candidates. As a matter of fact, a good case can be made for just the opposite conclusion. A Presidential board is likely to attract political hacks, whereas a GAO board would attract the ablest members of the accounting profession because of its greater impartiality.

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

Mr. PROXMIRE. I am happy to yield.

Mr. TOWER. The Senator seems to be very concerned about the board being able to act with some degree of independence and concerned about executive dominance. Now he has just added a new factor, and that is the likelihood that the appointees would be political hacks. Let me remind the Senator from Wisconsin that the power to confirm still resides in the Senate, and it occurs to me that if the legislative branch is vitally concerned with maintaining the independence of the board, it would certainly scrutinize the qualifications and capacity for independence of those who might be recommended for appointment. We still have the check.

Mr. PROXMIRE. I thank the Senator. I wish the Senator would look back into what we have done since I have been in the Senate and since he has been in the Senate, and how many appointments by President Eisenhower, President Kennedy, President Johnson, and President Nixon have been turned down. It is true that a couple of Supreme Court appointments have been rejected, but when appointments are made to the regulatory agencies, especially to a board which would not have great public attention, it is very doubtful whether any Senator or his staff would have the time to examine the qualifications as meticulously or as carefully as we should. We do not have the kind of detailed and extensive hearings which would be likely to result in overturning the President, and I think the record is very clear on that.

Mr. TOWER. What the Senator is suggesting, then, is that the Senate will be very derelict in its consideration of the qualifications of those who are appointed or nominated?

Mr. PROXMIRE. What I would say is that the Senate has been derelict, as I think all of us recognize, at times in the past, only because we are very busy. We have many jobs to perform, and when we get these appointments of postmasters, second lieutenants, and certain other people, we are simply not going to inquire into their qualifications in detail.

Mr. TOWER. So the Senator is suggesting that the power to confirm Executive appointments is an anachronism which should not vest in the Senate, because the Senate is inclined to treat it too lightly?

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

Mr. PROXMIRE. I am suggesting that the power to confirm should be confined, as much as possible, to top policymaking positions.

Mr. TOWER. The Senator does not consider this a top policymaking position?

Mr. PROXMIRE. Of course I do.

Mr. MONDALE. Will the Senator yield?

Mr. PROXMIRE. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 19 minutes remaining. The Senator from Utah has 10.

Mr. MONDALE. I promised to yield to the Senator from Massachusetts. Is the Senator from Wisconsin through?

Mr. PROXMIRE. I have a little more to go.

Mr. MONDALE. Mr. President, I yield to the Senator from Wisconsin such further time as he may require, and then I shall yield to the Senator from Massachusetts.

Mr. PROXMIRE. Mr. President, this argument was made most effectively by Dr. Howard Wright, chairman of the Division of Accounting at the University of Maryland and a witness before the committee. In speaking to the alternative approaches before the committee, Dr. Wright said:

> I do not endorse the one which provides for an independent board. Such a board, being appointed by the President, probably would not be composed of the highly qualified men needed to perform this task. Without extensive qualifications for office being written into the legislation, I fear that it would soon be relegated to the status of a minor board. As such, as Senator Proxmire said in one of his questions, I am afraid it would not be a truly effective board. It would become a haven for political appointees, probably having no interest in nor capability to perform the assigned task.
>
> Secondly, the Board members should have continuous conflict with a viable accounting and auditing group so as to automatically keep up with changes in accounting and auditing, and with the environment to which their efforts are being applied. The General Accounting Office meets this need.

He went on to say:

> Despite all my earlier comments about the limitations of the Comptroller General's report, I have substantial confidence that he would be far more likely to appoint highly qualified individuals to his Advisory Board. This confidence extends not only to the present holder of that high office, but to his successors as well. Necessarily, the General Accounting Office has the professional accounting environment so necessary for an effective Board.

Dr. Wright's views should bear particular weight because he is a skeptic on the need for uniform cost accounting standards and appeared at the request of the Senator from Utah. Thus when the Senator's own recommended witness cautions against his amendment, I believe the Senate should take notice.

Third, it is argued that the promulgation of uniform cost accounting standards conflicts with the auditing functions of GAO and that the person who writes the regulations should not have the responsibility for auditing compliance therewith.

In response to the argument, it should be pointed out that the bill reported by the committee does not envision the General Accounting Office itself or the Comptroller General himself prescribing uniform cost accounting regulations. The regulations would be written by a separate Accounting Principles Board chaired by the Comptroller General. Thus, the people who write the regulations would not be the same people who are performing the GAO audit functions. A similar division of responsibility between the Defense Contract Audit Agency and the Office of the Secretary of Defense has proven to be workable even though both organizations are under the control of the Secretary of Defense.

A fourth argument is that an independent board appointed by the Comptroller General would pose administrative difficulties. According to former Budget Director Mayo, an independent board could not develop working relationships with executive branch agencies or delegate responsibilities to them without raising constitutional questions. Once again, this argument ignores the cooperative relationships which the GAO has maintained with executive branch agencies concerning their own accounting standards. The law even directs the GAO to "cooperate with the executive agencies in the development of their accounting systems." To my knowledge, this provision has not caused the constitutional difficulties vaguely alluded to by former Budget Director Mayo.

I think it is safe to say that the Senator from Utah is not a strong supporter of this legislation. As a matter of fact, 2 years ago, he even opposed a study by the GAO into the feasibility of establishing uniform cost accounting standards.

I do not say this in a critical spirit, for certainly a respectable case can be made that legislation requiring uniform cost accounting standards is not needed at all. This was the position taken by many industry witnesses, and while I do not agree with it, I am sure it is a genuine and sincerely held point of view.

If the Senator from Utah is opposed to the legislation, then I would suggest to him that he could accomplish his purposes far more effectively by moving to delete the entire section dealing with uniform cost accounting standards. Let the Senate openly debate the real issues instead of hiding behind the skirts of a supposedly procedural amendment which in my view effectively destroys the legislation. If this is the Senator's aim, let him accomplish it in a straight forward manner. If not, I urge the Senate to reject the Bennett amendment for its enactment will severely cripple the administration of the program.

Mr. President, I thank the Senator from Minnesota, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MONDALE. How much time does the Senator from Massachusetts require?

Mr. BROOKE. I merely wish to address some questions to the Senator from Wisconsin.

Mr. MONDALE. I yield the Senator from Massachusetts 4 minutes.

Mr. BROOKE. I thank the Senator. Is it the position of the Senator from Wisconsin that a board appointed by the Comptroller General is apt to have less industry influence upon it than a board appointed by the President?

Mr. PROXMIRE. That is exactly correct; yes.

Mr. BROOKE. Is it also true that under the proposal of the Senator from Wisconsin, the Senate has no confirmatory powers over the appointees of the Comptroller General?

Mr. PROXMIRE. That is correct.

Mr. BROOKE. I think we all have great respect for the Comptroller General, for the in-depth studies and the recommendations he has made. The President appoints the Comptroller General. But it would seem to me, that, since this office would be a congressional watchdog, it would be better to have confirmatory power in the Senate, even if the board is appointed by the Comptroller General rather than by the President of the United States.

Mr. PROXMIRE. Mr. President, may I say that the Comptroller General himself has considerable question as to the constitutionality of Senate approval of his appointees.

Mr. BROOKE. Is there really a constitutional question involved here, when the Senate grants power to the Comptroller General to appoint a board, and writes into the same legislation confirmatory powers on the part of the Senate? Does that raise a constitutional question?

Mr. PROXMIRE. Let me read the provision.

Article II, section 2, clause 2, of the Constitution of the United States, provides:

> The President shall nominate, and by and with the Advice and Consent of the Senate, shall appoint * * * Judges of the Supreme Court, and all other officers of the United States, whose appointments are not otherwise herein provided for, and which shall be established by Law: but the Congress may by Law vest the appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

It appears that under the above-quoted constitutional provision all officers of the United States whose appointments are not otherwise provided for in the Constitution and which are established by law must be nominated and appointed by the President by and with the advice and consent of the Senate, except that the Congress may vest the power to appoint inferior officers in the President alone, in courts of law or in the heads of departments.

The amendment of the Senator from Utah would provide that the President would nominate and appoint, with the advice and consent of the Senate, the members of the Cost-Accounting Standards Board.

The basic position taken by the Senator from Wisconsin is that the Comptroller General is an expert in this field, he is competent in this field, he is given the authority for auditing executive agencies, and we recognize he does this exceedingly well. So it would seem to me that for him to also have authority to audit defense contractors would be compatible with his experience, and is the best way to accomplish this.

On this issue, the committee, as the Senator from Massachusetts knows, arrived at a compromise in an effort to obtain some of the benefit of both alternatives.

Mr. BROOKE. I certainly agree as to the record of the Comptroller General, and the fact that we have granted this power to the Comptroller General. But I see nothing in the language the Senator read relative to the constitutional question which denies the Senate authority to require confirmation by the Senate of the appointment of a board by one of its agents. I just do not see that that question has been resolved in the manner in which the Senator from Wisconsin has concluded.

Mr. PROXMIRE. The Comptroller General feels that there would be constitutional questions here that would be quite serious; and, as I say, the language of the Constitution provides:

> The Congress may by Law invest the appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Under their construction of that language, the President does not give to the heads of departments the authority to make an appointment subject to Senate confirmation.

Mr. BROOKE. But if the Senate creates the board, as would be the case in the Senator's proposal, and does not grant the appointing authority to the President——

The PRESIDING OFFICER. The time allotted to the Senator from Massachusetts has expired.

Mr. BROOKE. Two additional minutes.

Mr. MONDALE. I yield the Senator 2 additional minutes.

Mr. BROOKE. And does not provide that the President should make the appointment, then the Senate has created a board over which there can be no confirmatory powers fixed in the Senate; is that correct?

Mr. PROXMIRE. That is correct.

Mr. BROOKE. And the Senator feels that, under any circumstances, the Senate cannot create such a board?

Mr. PROXMIRE. I think that the circumstances are cloudy and unclear. It may be that the Comptroller General is wrong. But his opinion—and what seems to me to be the fairly clear language of the Constitution—makes it appear that we cannot permit a head of a department or a court to make an appointment and then have the Senate confirm that appointment. There is a series of cases that would seem to confirm that interpretation by the Comptroller General.

Mr. BROOKE. Does the Senator have any citations?

Mr. PROXMIRE. I am happy to give them to the Senator.

See *Brooks* v. *United States*, 33 F. Supp. 68 (1939); *Surowitz* v. *United States*, 80 F. Supp. 716 (1948); *Walsh* v. *United States*, 156 F. Supp. 619 (1957); *Cf. Nishimura Ekiu* v. *United States*, 142 U.S. 651 (1892); *United States* v. *Mouat*, 124 U.S. 303 (1888); *United States* v. *Germaine*, 99 U.S. 508 (1878); and *Kennedy* v. *United States*, 146 F. 2d 26 (1944).

Mr. BROOKE. And this is authority for the proposition that the Senate cannot create a board and take confirmatory authority itself?

Mr. PROXMIRE. These are cases cited in support of the Comptroller General's position.

The PRESIDING OFFICER. The additional 2 minutes of the Senator have expired.

Who yields time?

Mr. BENNETT. Mr. President, the Senator said, properly, that the Senator from Utah voted against the proposition that the Comptroller General should make a study. Looking back now, I think I was right; because it was the information from that study which the Comptroller General refused to give to the committee. So what good was it to allow him to make a study, if he refuses to pass the information along to the body that has jurisdiction over his work?

Mr. PROXMIRE. Mr. President, will the Senator yield so that I may respond?

Mr. BENNETT. I yield.

Mr. PROXMIRE. On the basis of that study, the Comptroller General changed his mind and now recommends the feasibility of uniform cost accounting standards. The Defense Department recommends their feasibility. The Bureau of the Budget recommends their feasibility. The accounting profession, which was against it, is now virtually all for it. Four of the five principal accounting associations have come out firmly for uniform cost accounting standards, and that study was the reason for their position.

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

Mr. BENNETT. I yield.

Mr. GOLDWATER. In order to try to clarify this, if my memory serves me correctly, I think the Senator from Wisconsin suggested a study by the General Accounting Office that would include such subjects as weaponry, strategy, force sizes—in other words, the whole ball of wax—and the General Accounting Office said they did not want any part of it. I think that had the Senator confined himself to the type of suggestion made by the Senator from Utah, he probably would have had his amendment prevail.

Mr. BENNETT. Mr. President, I have very little time left, and I would like to comment on two or three other things that the Senator from Wisconsin said.

He said several times that under the amendment of the Senator from Utah, the Board would be completely dominated by the executive department. He forgets that the Comptroller General would be the Chairman, and the Chairman usually has more power than the same percentage of his membership bears to the total.

The Senator went to great lengths to point out that if we allowed the President to make the appointments and the Senate to confirm them, we would get nothing but political hacks. I wonder whether he would like to tell us what percentage of political hacks we confirmed during the Kennedy-Johnson era. I think the President has made pretty good appointments, and I was happy to support him, and I do not think that just a change in administration automatically leads us to believe that every appointment will be a political hack.

It has been very interesting to hear the Senator use Dr. Wright in support of the Senator's proposal; because, as the Senator will remember, Dr. Wright opposed the whole bill. When he made the comments that the Senator referred to about the idea of a Presidential commission, he was using it as part of his argument against any bill at all. I think it is a little hard on us to use him now as a witness and to intimate that he opposed this particular feature of the bill. He thought we should have no accounting standards board at all.

The Senator from Wisconsin also said—I cannot quote his words—something to the effect that we have already charged the Comptroller General with the responsibility of developing accounting standards for the entire Government, and that therefore we should trust him with this. Can the Senator from Wisconsin tell us how well he has performed that function? Has he promulgated accounting standards for the entire Government? Has he carried out that charge? How long has he had the charge? My understanding is that he has not been able to carry out the charge, and he has not proposed accounting standards for the entire Government.

I think we had better take this a piece at a time, and we had better return to our normal method of selecting men to serve in positions of this kind. We had better trust the President and Congress in this instance, as we do with the Cabinet and all the other major appointive offices, follow the normal procedure, and let the President appoint the members of this Board, with the understanding that the Comptroller General would have the power that goes with the chairmanship of the Commission; and that is the purpose of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, in my opinion, the Proxmire proposal for a board selected by the Comptroller General and chaired by the Comptroller General is superior to the proposed amendment. Indeed, I have grave doubt, if the Bennett amendment were adopted, as to whether we would not be better off without any uniform cost accounting standards requirement at all, because the absolutely essential ingredient of cost accounting standards must be independence. If there is any doubt about the independence of this Board, I think we should not have it; because if the Board is not independent, if, under a certain kind of structure—and I think it would be true under the Bennett proposal—it could be dominated by the Defense Department and the defense industry, this Board would not be used to protect the public. It would be used to protect the Defense Department and the defense industry from these bloated profits being returned to the contractors in the form of cost overhead.

Thus, it would be used to legitimize and to defend a practice which, at the very least, today is exposed to public criticism, and it would help to defend it.

If we want uniform cost accounting standards, which our committee clearly wants and which practically every independent witness who came before us wanted, let us make certain that we do the job right with an independent board. No one I know of, even though they have complaints about the Comptroller General's office—as they would have about everybody— has ever doubted or ever raised a question about the independence and integrity of that office. That, it seems to me, is the key point we must achieve if we are going to establish a system of uniform cost accounting standards that we are sure will work.

Therefore, I strongly oppose the amendment offered by the Senator from Utah, and I hope it will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. I have no time remaining.

Mr. TOWER. Mr. President, will the Senator from Minnesota yield me 1 minute?

Mr. MONDALE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes.

Mr. MONDALE. I will yield 1 full minute to the Senator from Texas.

Mr. TOWER. Mr. President, I thank the Senator from Minnesota for his generosity, which is characteristic of him, I might add.

Mr. President, I fail to understand why a board appointed by the Comptroller General will exercise any greater degree of independence than a board appointed by the President subject to confirmation by the Senate.

I think that what has been suggested here today is that all of our independent regulatory agencies are founded on a pillar of sand, that they are not really independent because they are appointed by the Executive and subject to senatorial confirmation, so that they cannot exercise true independence. This is inherent in the suggestion of the Senator from Wisconsin.

If that is the case, maybe we should concern ourselves today not only with the constitution of this Board but with the constitution of every independent regulatory agency.

Mr. PROXMIRE. Mr. President, will the Senator from Minnesota yield me 2 minutes?

Mr. MONDALE. Mr. President, I yield 2 minutes to the Senator from Wisconsin, and then I am going to ask for a quorum call.

The PRESIDING OFFICER (Mr. SAXBE). The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, I think that what we have to recognize is that we are not trying to develop a regulatory agency for some kind of overall, generalized, policymaking agency. Instead, we are appointing members to a highly technical accounting board, each one of whom should have two principal qualifications; namely, one, as properly emphasized by the Senator from Minnesota, he should be independent; second, each one should be thoroughly competent in the accounting profession and know the accounting business thoroughly.

I submit that there is no one who can make better appointments in that area than the Comptroller General. As the Senator from Minnesota pointed out, the Comptroller General is independent and, as we all know, he is thoroughly competent.

In reply to the distinguished Senator from Utah, what we have to recognize is that the Comptroller General does have, under the Budgeting and Accounting Procedures Act of 1950, the authority to prescribe the principal accounting standards followed by executive branch agencies. In other words, he is the Government expert in this field.

Why should we take this away from him with respect to defense contracts, unless we want to weaken the administration of this provision and submit it to the kind of effective lobbying and the kind of pressure which I think all of us have witnessed in so many other areas.

I thank the Senator from Minnesota for yielding me this time.

Mr. MONDALE. Mr. President, I ask unanimous consent that the remainder of the time left to me be taken up in a call of the quorum.

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

Mr. MONDALE. Mr. President, I suggest the absence of a quorum on that basis.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. 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. BENNETT. Mr. President, I yield back the 15 seconds I have remaining.

Mr. MONDALE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. SAXBE). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Utah.

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 Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from North Carolina (Mr. JORDAN), are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Islands (Mr. PASTORE), would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 36, nays 44, as follows:

[No. 231 Leg.]

YEAS—36

Aiken	Dole	Miller
Allen	Dominick	Packwood
Allott	Ervin	Pearson
Bellmon	Fannin	Percy
Bennett	Fong	Prouty
Boggs	Goldwater	Scott
Brooke	Gurney	Smith, Ill.
Byrd, Va.	Hansen	Stennis
Case	Hatfield	Thurmond
Cooper	Holland	Tower
Cotton	Hruska	Williams, Del.
Cranston	Jordan, Idaho	Young, N. Dak.

NAYS—44

Anderson	Church	Hart
Bayh	Eagleton	Hollings
Bible	Ellender	Hughes
Burdick	Fulbright	Inouye
Byrd, W. Va.	Goodell	Jackson
Cannon	Harris	Javits
Kennedy	Montoya	Schweiker
Long	Moss	Sparkman
Mansfield	Muskie	Spong
Mathias	Nelson	Talmadge
McClellan	Pell	Tydings
McGovern	Proxmire	Williams, N.J.
McIntyre	Randolph	Yarborough
Metcalf	Ribicoff	Young, Ohio
Mondale	Saxbe	

NOT VOTING—20

Baker	Griffin	Murphy
Cook	Hartke	Pastore
Curtis	Jordan, N.C.	Russell
Dodd	Magnuson	Smith, Maine
Eastland	McCarthy	Stevens
Gore	McGee	Symington
Gravel	Mundt	

So Mr. BENNETT's amendment was rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, it is my understanding that the distinguished Senator from Virginia (Mr. BYRD) has an amendment pending which relates to the Penn Central Railroad case. I have a similar amendment. We are trying to work out the amendment so that we might present one amendment instead of two.

Mr. President, I suggest the absence of a quorum.

Mr. LONG. Mr. President, will the Senator withhold his request?

Mr. PROXMIRE. Mr. President, I withold my request.

Mr. LONG. Mr. President, will the Senator yield to me briefly?

Mr. PROXMIRE. I yield to the Senator from Louisiana.

REPORT ON MEASURES PENDING BEFORE THE COMMITTEE ON FINANCE

Mr. LONG. Mr. President, the Committee on Finance has before it two very important bills that involve large amounts of additional Federal spending, and also involve large amounts of Federal taxes. Those measures are the social security amendments, sent us by the House of Representatives, and also the family assistance plan.

On Tuesday next the Committee on Finance will resume hearings on the social security amendments, as well as the medicare and medicaid proposals. Then, on Tuesday of the following week we will resume hearings on the family assistance plan.

I am aware of the fact that there have been press releases emanating from the White House to the effect that the Committee on Finance is dragging its feet on the family assistance proposals by the administration. It should be clear that the Committee on Finance has every intention of reporting that legislation with such amendments as the committee believes desirable.

When the administration sends to the Committee on Finance a proposal to increase the number of people drawing such welfare payments with Federal assistance from 10 to 25 million people, increasing that program in one fell swoop by $4 billion, which will undoubtedly lead to further increases——

Mr. COTTON. Mr. President, I think Senators should have the courtesy of having conversations in the cloakroom. I cannot hear one word that the Senator is saying and I would like to be able to hear.

The PRESIDING OFFICER. The Senator's point is well taken.

The Senate will be in order.

Mr. LONG. Mr. President, as I was saying, when the Committee on Finance undertakes to act on a measure of that far-reaching significance, it is the view of this Senator, and I believe the view of the majority of the members of the committee, and it is very evident to the chairman, that the Committee on Finance is not going to rubberstamp a proposal of that sort without taking a good look at it and considering the alternatives that have been suggested.

The time spent by the Department in redrafting some of that legislation to meet obvious defects in it has not been wasted, nor has the delay otherwise been wasted because we have a small but extremely competent staff in the Committee on Finance which has been studying this proposed legislation, along with suggested amendments which might make it more effective in the national interest. Other Members, such as the Senator from Connecticut (Mr. RIBICOFF), have staff members who are very well qualified in the field of social security amendments and public welfare, who are working on suggestions as to ways in which this legislation might best be tailored to best meet the national interest.

We have every intention of reporting that bill and shepherding it through this session of Congress. But we do not believe it is our duty to rubberstamp everything. We believe we should study these matters and give the best advice the committee can offer. After we have done that we will recommend the type legislation we believe the Senate should pass.

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in an effort to keep on good terms with the distinguished Senator from South Carolina, and to repair my forgetfulness, I ask unanimous consent that the distinguished Senator from South Carolina may be allowed to proceed for not to exceed 10 minutes.

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

Mr. HOLLINGS. I thank the distinguished majority leader.

REORGANIZATION PLANS TO CREATE AN INDEPENDENT ENVIRONMENTAL PROTECTION AGENCY AND A NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WITHIN THE DEPARTMENT OF COMMERCE

Mr. HOLLINGS. Mr. President, at noon today the President sent two reorganization plans to the Congress, the one to create an independent Environmental Protection Agency, the other to create a National Oceanic and Atmospheric Administration within the Department of Commerce.

I have reviewed the proposed reorganization to create a National Oceanic and Atmospheric Administration. While the President's proposal is not the program that the Congress has been striving for the last 10 years, I agree with the President that it is a "sound and significant beginning." I support the proposed reorganization to create a National Oceanic and Atmospheric Administration because it is a sound and significant beginning.

More than 10 years ago the Congress and the distinguished chairman of the Committee on Commerce, Senator MAGNUSON, began attempts to strengthen our national marine programs. We went from complete disarray and lack of coordination of Federal marine programs in the late 1950's, to administrative steps within the executive branch to coordinate oceanographic programs through the Interagency Committee on Oceanography, beginning in 1962. When the Interagency Committee proved insufficient to the task, we moved to the establishment of the Cabinet-level National Council on Marine Resources and Engineering Development in 1966. But the Council was conceived as a temporary expedient until a more permanent structure could be created.

At the same time we established the Commission on Marine Science, Engineering and Resources to study our national oceanic needs, and charged it with a responsibility to recommend a Federal civil marine organization. In January 1969, after 2 full years of study, the Marine Science Commission submitted its historic report, "Our Nation and the Sea" to the President and the Congress. The Commission recommended creation of an independent National Oceanic and Atmospheric Agency. That Agency, or NOAA, would be composed of those agencies that the President now proposes to place in the Department of Commerce, plus the Coast Guard. The Commission recommended a 55,000-man, $800 million per year agency, based on fiscal year 1970 employment and budget. The President is now proposing a 13,000-man, $300 million per year NOAA in the Department of Commerce.

In response to the Marine Science Commission's recommendation I introduced S. 2841 to establish a comprehensive and long-range national program of research, development, technical services, exploration and utilization of our marine and atmospheric environments, to create an independent NOAA, and to create a National Advisory Committee for Oceans and Atmosphere. All three aspects of the bill are important. It is necessary to create a long-range, comprehensive national oceanic and atmospheric program.

The bill would for the first time clearly state the objectives and functions of a Federal civil marine agency charged with the responsibility for creating and executing such a national program. The bill would provide for an agency with a broad range of responsibilities and capabilities in the marine and atmospheric environments. NOAA was not conceived solely as an oceanographic agency, devoted only to the science of the ocean. NOAA was conceived as a socially and scientifically relevant agency. It was conceived to develop scientific and technological capability and services to the Nation.

But equally important are the economic, legal, political, diplomatic, and other social activities it would perform. Its responsibilities would begin in the coastal zone of the United States and extend to the global seas. And by reason of the diverse interests and disciplines involved, a National Advisory Committee for Oceans and Atmosphere was conceived to provide broad policy advice, review marine and atmospheric programs, and ease the communication of information among the U.S. Government, States, private enterprise, and academic institutions involved in marine and atmospheric programs.

My feelings on our Federal civil marine organization are well known. Last March I stood on this floor and spoke about the lack of attention that the Nixon administration was giving to marine programs. Since then I have had several contacts with the White House, as have several leaders on both sides of the Hill. Out of these contacts came increased attention, and now a proposal which, while not as strong as I advocate, is still strong enough to begin with. And I now give it my support.

The type of leadership we need for our marine and atmospheric programs was recommended by the Marine Science Commission and spelled out in detail in S. 2841. I look for that type of leadership in the new NOAA proposed by the President. The rudiments are there. The Environmental Science Services Administration is to be abolished and its people and functions placed in the new NOAA. Most of the Bureau of Commercial Fisheries, and the marine sport fish programs of the Bureau of Sport Fisheries and Wildlife in the Department of the Interior are to be transferred.

The national sea grant program, most of the U.S. Lake Survey, and the Marine Minerals Technology Center of the Bureau of Mines will also be transferred to the new NOAA. In addition, the National Oceanographic Data Center, the National Oceanographic Instrumentation Center, and the data buoy program will be administered by the new NOAA.

The President does not mention it in his message, but the level of the leadership within the Department of Commerce will be important. The new Administrator of the new NOAA must report directly to the Secretary of Commerce, and must be able to represent the Nation in international conferences with a stature indicative of the importance of our oceanic and atmospheric programs. No less than the Under Secretary level will suffice for the leadership of NOAA.

The President indicates in his message that he continues to have an open mind about further additions and reorganizations. In order to operate effectively, the new NOAA will need the close cooperation of the Coast Guard. Perhaps after this program is under way we can again consider the possibility of joining Coast Guard with NOAA, as I proposed in S. 2841. Other components would strengthen the NOAA and logically fit into the oceanic and atmospheric programs the NOAA would administer. The work of the National Center for Atmospheric Research, the Antarctic and Arctic research programs, weather modification, coastal laboratories, and National Laboratories proposed by the Marine Science Commission should be considered for inclusion in NOAA.

No mention is made in the Presidential message of coastal zone management, for that is new legislation and not subject to the reorganization. The administration has previously assigned that responsibility to the Department of the Interior, and requested introduction of a bill amending the Federal Water Pollution Control Act to assist the States in developing coastal zone management plans and programs. Coastal zone management would more appropriately fit in the new NOAA, and I solicit the support of the administration in placing that responsibility in the new NOAA.

I am pleased that the President has strongly recommended creation of a National Advisory Committee for the Oceans and the Atmosphere, which would be appointed by the Secretary of Commerce. More effort is put into marine programs today by industry, States, and academic institutions than by the Federal Government. The Advisory Committee would be an important link between those interests and the Federal Government.

Mr. President, the opportunity and the potential are there. From fundamental knowledge of the oceans, their resources and processes, can be derived many different values—wealth from mineral and living resources; understanding of the oceans' impact on us and our impact on the oceans. Development of fundamental technology will lead to greater capability to work in the marine environment. Surveys will identify, locate, and measure living and mineral resources of the sea. U.S. fisheries can be rehabilitated and enhanced through a broad-ranging program of research, technological development, and rational management practices. Better understanding of weather and its processes, and development of techniques for planned modification of weather will be important to our ability to work at sea and to live on land.

The need is there also. We must understand and manage our use of the coastal zone well in the face of growing population in that area and the resultant pressures, conflicts, and competing demands there. Our Department of State will need technical advice in preparation for and

participation in law of the sea conferences anticipated soon. We must continue a role of leadership in international marine organizations and help to strengthen them, that other nations may also reap the benefits of the oceans and share in the responsibility to protect them for the well-being of mankind.

The President has proposed a good beginning. I support his proposal to create a National Oceanic and Atmospheric Administration within the Department of Commerce, and urge its approval by the Senate.

Mr. President, I thank the distinguished majority leader for arranging for this approval of the President's message at this time.

Mr. MANSFIELD. It is always a pleasure.

EXTENSION OF THE DEFENSE PRODUCTION ACT

The Senate continued with the consideration of the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

Mr. BYRD of Virginia. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Virginia (Mr. BYRD) proposes an amendment as follows:

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 $20,000,000 except with the approval of the Congress."

Provided further, That the authority in this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person unless the President certifies that such insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production and that a copy of such certification together with a detailed justification thereof is transmitted to the Congress and to the Banking and Currency Committees thereof at least ten days prior to the use of such authority.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

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

Mr. BYRD of Virginia. I am glad to yield.

Mr. MANSFIELD. Mr. President, I have been looking for the ranking Republican member on the committee, but he is out of the Chamber at the moment. I do understand that the request which I am about to make would not meet with his disapproval. So at this time, Mr. President, I ask unanimous consent, with the concurence of the distinguished senior Senator from Utah (Mr. BENNETT), that there be a half-hour limitation on the pending amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of Virginia. Reserving the right to object, did the Senator say a half-hour or an hour?

Mr. MANSFIELD. An hour, the time to be equally divided.

Mr. BENNETT. No objection.

Mr. COTTON. Mr. President, reserving the right to object, I did not quite catch who was going to control the time.

Mr. MANSFIELD. I did not know who to turn to, here. I change that to the sponsor of the amendment and the ranking Republican member of the committee, or whomever he may designate.

Mr. COTTON. I am not on the committee, but I am rather anxious to get 5 minutes out of his time.

Mr. BENNETT. I will be very happy, to the extent that I can control 5 minutes.

Mr. MANSFIELD. The Senator controls half of it.

Mr. BENNETT. I will be happy to see that the Senator from New Hampshire gets his 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, I yield myself 3 minutes, and then I shall yield to the Senator from Wisconsin.

Mr. President, the amendment which the clerk has just read is a combination——

Mr. STENNIS. Mr. President, may we have it quiet?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of Virginia. The amendment which the clerk has just read is a combination of amendment No. 738, which is on each desk, offered by the Senator from Virginia, and amendment No. 712, which also is on each desk, offered by the Senator from Wisconsin (Mr. PROXMIRE).

The two amendments have been put into one, and the clerk has just reported the combined amendment.

The first part of the amendment, which is amendment No. 738, would put a limitation on the guaranteeing of loans by the agencies of Government to $20 million without the consent of Congress.

At the present time, there is no limitation on loans guaranteed under the Defense Production Act of 1950.

The second part of the amendment, offered by the Senator from Wisconsin, would state that the authority under this section:

Shall not be used primarily to prevent the financial insolvency or bankruptcy of any person unless the President certifies that such insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production and that a copy of such certification together with a detailed justification thereof is transmitted to the Congress and to the Banking and Currency Committees thereof at least ten days prior to the use of such authority.

Both of these amendments go back to fundamental aspects of the Defense Production Act of 1950. I yield now to the Senator from Wisconsin, and I shall go into more detail at a later time in this regard.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. PROXMIRE. Six minutes?

Mr. BYRD of Virginia. I yield 6 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I think this is a good combination of the two amendments, and I think together, the amendment is stronger than if the Senate were to accept only one of them.

The part of the amendment for which I am responsible, that is, the second part, would prohibit the use of loan guarantees under the Defense Production Act primarily for the purpose of preventing the financial insolvency or bankruptcy of any company unless the President certified that such insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production. In the event the President makes such a determination, he would be required to send a copy of it together with a detailed justification thereof to the Congress at least 10 days prior to the use of the loan guarantee authority.

This amendment is prompted by the administration's unfortunate attempt to use the loan guarantee authority of the Defense Production Act to bail out the Penn Central Railroad. While I believe the administration was wise to yield to congressional criticism of the transaction, the episode does point out a glaring loophole in the Defense Production Act which we need to close to prevent a similar bailout type loan from being made in the future.

I might point out, Mr. President, that if this guarantee had been made and the loan had defaulted $200 million would have come out of the appropriations of the Navy Department. So under these circumstances, it seems clear to me that Congress ought to have a voice in these matters and be informed, and have a chance to act affirmatively.

Mr. FULBRIGHT. Mr. President, will the Senator yield? How is it the Senator is closing the loophole. The amendment would not prohibit the President from bailing out the Penn Central Railroad; all the amendment says is that he must say it is important to our defense. Why have that qualification? Why not just prohibit him from bailing it out? This is a private industry, and has many ramifications that are hardly related to defense.

Mr. PROXMIRE. The provision of the Senator from Virginia would limit it to $20 million. That would take the big corporations out of the act, to begin with. The $20 million is the limit, unless Congress approves.

Mr. FULBRIGHT. Then the second amendment seems to provide that Congress would give approval provided the President says it is important to our national defense.

Mr. PROXMIRE. It would give approval, provided the President says it would have a direct and substantial effect on defense production and provided Congress has an opportunity to act adversely, in case it disagrees after receiving a detailed justification from the President.

Mr. FULBRIGHT. In other words, it has still got to be less than $20 million?

Mr. PROXMIRE. That is correct.

Mr. FULBRIGHT. That limit is not subject to being set aside simply because the President says so?

Mr. PROXMIRE. Not unless Congress agrees. That is the Byrd part of the amendment.

Mr. FULBRIGHT. That is certainly necessary. I did not understand that that also controls the other part of the amendment.

Mr. COTTON. Mr. President, will the Senator yield for a question on this point?

Mr. PROXMIRE. I yield.

Mr. COTTON. It is my understanding that the Senator's answer to the question of the distinguished Senator from Arkansas was that, if the President approved it, it would go beyond the $20 million, unless Congress acted adversely.

Mr. FULBRIGHT. That was what I was trying to find out, whether it did or not.

Mr. PROXMIRE. No, the $20 million is a flat limit provided by the first part of the amendment. The $20 million is a limit which can only be exceeded if Congress acts affirmatively.

Mr. FULBRIGHT. Affirmatively?

Mr. PROXMIRE. That is correct.

Mr. FULBRIGHT. There is a big difference between the way the Senator from New Hampshire puts it and what I understood the Senator to say.

Mr. COTTON. The Senator from New Hampshire is not putting it. It is what I understood from the response of the Senator from Wisconsin.

Mr. PROXMIRE. The result would be that the first part of the amendment, the first paragraph, would limit it to $20 million unless there is positive action by Congress, and the President's approval would have no effect on that; that is correct.

Mr. FULBRIGHT. Wait a minute; I was diverted at that point.

Mr. PROXMIRE. Well, the Senator's understanding is correct, that no loan guarantee could go above $20 million.

Mr. FULBRIGHT. What I want to know is, it can be no more than $20 million unless Congress affirmatively approves it; not just because Congress does not do anything?

Mr. PROXMIRE. That is correct.

Mr. FULBRIGHT. We would have to act affirmatively, I suppose, in the nature of a bill or something appropriating the money, would we not?

Mr. PROXMIRE. That is correct. The Senator's understanding is correct.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BYRD of Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROXMIRE. The Defense Production Act was never intended to be used as a vehicle to rescue large firms from their financial difficulties, which in the case of the Penn Central, were largely brought on by themselves. Instead, the original purpose of the act was to aid defense contractors, and primarily small contractors, to expand their plant and facilities in order to increase defense production.

Despite the clear legislative intent, administration attorneys have determined the language of the Defense Production Act is broad enough to encompass the Penn Central loan guarantee. While I do not necessarily agree with this interpretation, I do feel that Congress needs to amend the act to make its intent crystal clear and to prevent a similar misuse of the act's authority from occurring in the future. As presently construed, the authority is far too broad to be left in the hands of any administration, Republican or Democratic.

At this point, Mr. President, it would be useful to read a paragraph from a June 4 memorandum by William H. Rehnquist, an Assistant Attorney General in the Department of Justice.

> Section 301 does not attempt to set out a narrow and precise standard of eligibility for assistance, nor does it require particularized findings with respect to each transaction.[1] It gives broad discretion to the guaranteeing agencies to act in accordance with their judgment as to when a guarantee is an appropriate means of expediting production and deliveries under Government contracts. If, therefore, the Department of Defense, as guaranteeing agency, should determine that the guarantee of a loan to Penn Central would facilitate the performance by Penn Central of defense-related services, we believe that the Department of Defense would be legally authorized to make it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. I ask for 3 additional minutes.

Mr. BYRD of Virginia. I yield 3 additional minutes to the Senator.

Mr. PROXMIRE. Basically, the Rehnquist memorandum states that the language of the Defense Production Act is broad enough to permit almost any type of guarantee if the guaranteeing agency can somehow find it is related to defense production. There was never any firm evidence furnished to show that bankruptcy of the Penn Central would significantly impair defense production. As a matter of fact, bankruptcy might increase defense production by replacing the company's incompetent management.

By now, the history of the sorry Penn Central spectacle should make it evident that defense considerations were never a legitimate factor in the decision to rescue the Penn Central. The use of the Defense Production Act was a stopgap measure designed to make an interim loan guarantee of $200 million until additional legislation could be obtained.

Whether the bill to provide for $750 million in loan guarantee authority for railroads should be passed is another matter. What is at issue here is an abortive attempt by the administration to twist the language of the Defense Production Act to guarantee $200 million in loans for a purpose never intended by the act. If this attempt had succeeded, no doubt it would have been used as an argument to persuade Congress to enact the $750 million guarantee authority on the grounds that we had to protect our initial $200 million investment. Congress would have thus had its hands tied and would have been forced to pass the $750 million guarantee authority. Indeed, company officials have already admitted that the entire $200 million in loan guarantees under the Defense Production Act would have been lost if additional aid was not forthcoming.

Mr. President, these are the same tactics used by many defense contractors who deliberately underbid in order to obtain a contract and then use their financial difficulties as an excuse to obtain relief. Congress needs to bring this practice to a screeching halt and a good place to start is the Defense Production Act.

My amendment, by requiring Presidential certification of a direct and significant relationship between bankruptcy and defense production, appropriate documentation, and congressional notification, will confine the use of the act to legitimate defense purposes while not precluding its use in a genuine financial emergency. At a time when the President has called for restraint to fight inflation, we should not be risking $200 million of the taxpayer's money to bail out an ailing railroad.

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

Mr. PROXMIRE. I yield.

Mr. STENNIS. Does the Senator have a list of the loans that have been made, say, during the last 5 years under this act, or the last 1 year?

Mr. PROXMIRE. We will be happy to provide that for the Senator later.

Mr. STENNIS. Can the Senator give me an approximation?

Mr. BYRD of Virginia. If the Senator will yield, I can give the figures on the outstanding loans.

Mr. STENNIS. The Senator can do it on his time.

Mr. PROXMIRE. My time has expired.

Mr. BYRD of Virginia. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nineteen minutes.

Mr. BYRD of Virginia. Mr. President, I will attempt to answer the Senator from Mississippi as I make my remarks.

The Defense Production Act of 1950 permits the Defense Department to guarantee loans. It was enacted during the Korean war, and its purpose was to make it possible for small businesses to help supply the defense needs of the Nation.

In referring to title III, section 209–1, it specifies that in order to expedite production and deliveries and services under the Government contracts, certain agencies of the Government may guarantee the financing institutions against all losses—principal, interest, loans, and so forth.

At the end of May 1970—to come to the question of the Senator from Mississippi—loan guarantees outstanding totaled $14,305,549.92. This total is represented by guarantees of loans to seven different companies, an average of $2

[1] *Cf.* section 302 of the Defense Production Act, 50 App. USC 2092, which authorizes certain loans "only to the extent [such financial assistance] is not otherwise available on reasonable terms."

million per company. The largest guaranty outstanding is for $8,750,000.

In studying the code and communicating with officials in the Department of Defense, it seems apparent that the Department has the authority, under United States Code, title 50, appendix section 209–1, to guarantee loans without limit. It is under this authority that the Defense Department contemplated making a $200 million loan to the Penn Central Railroad, which the Senator from Wisconsin has been discussing.

My amendment is not aimed at any particular loan, is not aimed at the Penn Central Railroad, but seeks merely to put a limitation on what can be guaranteed without the approval of Congress.

There is no limitation in the existing law, and my amendment suggests that there be a limitation of $20 million. It does not close the door on guaranties above that amount, since they still could be granted with the approval of Congress.

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

Mr. BYRD of Virginia. I yield.

Mr. FULBRIGHT. Since the Senator has stated that the largest guarantee outstanding is $8.75 million, would he consider modifying his amendment by putting that limit at $10 million? That still leaves a very substantial amount above the largest outstanding guarantee.

Mr. BYRD of Virginia. I would say to the Senator from Arkansas that in trying to determine a figure to use, I was undecided as to $10 million, $15 million, $20 million, and $25 million. I wanted to be reasonable. I did not want to do anything that would be unreasonable or would in any way hamstring the Department of Defense. I did want some limit put on it.

Mr. FULBRIGHT. It is larger than any guarantee that is outstanding.

Mr. BYRD of Virginia. It is more than double.

Mr. FULBRIGHT. I do not think the Senator wants to encourage the use of this, in view of what just took place, when they were contemplating $200 million. I would much prefer that it be $10 million, if the Senator is willing to make it $10 million.

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

Mr. BYRD of Virginia. I yield to the Senator from Mississippi, and then I will reply to the Senator from Arkansas.

Mr. STENNIS. I recall when this law was passed. I recall its purpose, as stated by the Senator from Virginia, and for small businesses it doubtless served a good purpose. I was surprised that it could be interpreted to cover a $200 million loan in the recent matter of the Penn Central.

Mr. BYRD of Virginia. I was surprised, also.

Mr. STENNIS. I am going to support the Senator's amendment. I think it restores the act of 1950 to its original purpose. I do believe that with the growing increase in costs, particularly with reference to some contracts made with the smaller companies, it should be kept at a $20 million level. Cases can arise in which the Defense Department, in an emergency, could be injured by a failure of some of these smaller groups of contractors to function or to survival.

I think the Senator from Virginia has hit upon the better figure, and I am glad to support his amendment as it is now at the $20 million level.

Mr. BYRD of Virginia. I thank the Senator.

I would have no personal objection to the $10 million. I feel, however, that it probably would be better if we let it stand at $20 million, which does put a definite limitation on it—and I think a reasonable limitation; whereas, at the present time it is completely without limit, and the Defense Department, as we all know, was prepared to guarantee a loan up to $200 million.

Mr. FULBRIGHT. Would the Senator consider a compromise of $15 million? He could modify his amendment, if he requested it. Will the Senator consider making it $15 million?

Mr. BYRD of Virginia. Would the Senator from Arkansas withhold that request temporarily?

Mr. FULBRIGHT. I will.

I also wish to inquire with respect to the part of the amendment which I think was offered by the Senator from Wisconsin. However, the Senator from Virginia may have that view. I wonder whether he would have any objection to amending his amendment to stop that second proviso, after the word "person" in the third line. I thought the thrust was never intended at any time, "primarily to prevent the financial insolvency or bankruptcy of any person." That seems to me to clarify this question of the uncertainty about what the President can do merely by making a certified finding. This certainly was never intended as a socialistic program to bail out someone because he was a poor businessman.

Mr. PROXMIRE. I appreciate that view—if the Senator from Virginia will permit me to answer the Senator from Arkansas on his time—but I think that we save this by saying that "unless it would have a direct and substantially adverse effect upon defense production."

Mr. FULBRIGHT. If it is limited to $20 million or less, how can it have a substantial effect upon defense production? It is too small to have a substantial adverse effect, if we accept that limitation. Otherwise it is a small grab bag for anyone who happens to be present at the time. It would make the amendment much more certain if we stated that it was not to be used primarily to prevent the financial insolvency or bankruptcy of any person—that is implicit in it.

Mr. PROXMIRE. I sympathize with the Senator, but we have the $20 million limitation. It could have a significant effect if it were a key component for some defense procurement that was essential to the national security. There are small firms that contribute critically to some of our weapons systems. There could be a finding that this could have a substantial effect on a system that was considered to be of major importance. Under the circumstances, it would seem to me desirable, in the interest of national security, to make that kind of finding.

Mr. BYRD of Virginia. Mr. President, my time seems to be running out. I wonder whether the other side would give me some time.

Mr. BENNETT. Mr. President, how much time does the Senator desire?

Mr. FULBRIGHT. Five minutes.

Mr. BENNETT. Mr. President, I will be happy to yield 5 minutes to——

Mr. FULBRIGHT. Is the Senator from Virginia through?

Mr. BYRD of Virginia. I should like to reserve a few minutes.

Mr. FULBRIGHT. What I am trying to do is to clarify this section wherein the Senator from Virginia says as to the largest outstanding guarantees $8.75 million so that I would seriously like to offer an amendment to reduce the amount to $15 million unless the Senator from Virginia wishes to modify his amendment. I do not see any excuse for this act being used at all to bail out a poor businessman. That was in no way the purpose of the Defense Production Act. That clearly is the case of Penn Central which has been considered in this connection. Every day we read about it. It becomes more clear that it was mismanaged and its funds were diverted to nonrelated activities, primarily to real estate development. I do not think, because of the enormous amount of the money available to the Defense Department, that this should be left open ended.

I think a ceiling is certainly in order, although I think $10 million is sufficient. I would hope that the Senator could take $15 million; otherwise, I would be tempted to offer an amendment to change it. I would much prefer the Senator to modify it because the amount he proposes is significantly higher than any guarantee made so far.

Mr. BYRD of Virginia. In view of the strong argument just made by the distinguished Senator from Arkansas, I ask unanimous consent, Mr. President, that my amendment be modified to change $20 million to $15 million.

The PRESIDING OFFICER (Mr. SAXBE). Is there objection?

Mr. COTTON. Mr. President, I am compelled to object for the time being.

The PRESIDING OFFICER. Objection is heard.

Mr. COTTON. I may not, after I get my 5 minutes. I might withdraw that objection.

Mr. FULBRIGHT. I will await the pleasure of the Senator from New Hampshire. If he does object, then I shall be disposed to offer an amendment.

Mr. COTTON. I think it very likely that I will withdraw my objection, but I want to be allowed to speak first on it.

Mr. FULBRIGHT. Then I will wait until after the Senator from New Hampshire has had his opportunity to speak.

Mr. BENNETT. Mr. President, I yield to the Senator from New Hampshire such time as he feels he requires.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. I asked for 5 minutes to cover one point. Now I should like to cover two points.

Mr. President, the thing that makes the Senator from New Hampshire doubtful about the wisdom of reducing the

$20 million to $15 million, or to $10 million, is that there are many cases which may arise in time of national emergency when the $20 million limit would be of exceeding importance to the Nation.

This is not a self-serving declaration, but it is an example that I have in mind at this moment. There are two or three small industries located in my State presently engaged in the production of miniature ballbearings. These ballbearings are measured by the finest measurements. I do not have at hand with me the technical knowledge to give to the Senate how minute are the measurements required to produce these exceedingly small ballbearings.

It has been discovered that the Japanese are able to do the same thing. They are able to undersell our small plants so that our plants are having to give up the production of these small ball-bearings which are necessary to every airplane, every fighter, every bomber and, for that matter, many of our missiles. It is also necessary to have these infinitely small ballbearings measured by the smallest kind of measurements known to science. Now, they have given that up and have gone into coarser production, because the Department of Defense, quite justifiably, perhaps—and I emphasize the word "perhaps"—has seen fit to save some money by purchasing these small ballbearings from the Japanese.

Now, what happens if we should find ourselves at war and find ourselves completely dependent on an essential instrument which is produced and manufactured or ready for manufacture only in a foreign country? It will be necessary then immediately to restore our small plants here and secure or regain the scientists and the operators necessary to produce such an instrument. We are doing the best we can to get the Defense Department not to permit this capability to go out of America simply to save a very few million dollars. But if it does, the difference between $10 million or $15 million or $20 million, for the Department of Defense to get into production of something that we have lost of this kind, might be highly essential.

There are other examples that I think those on the Committee on Armed Services would have in mind that would seem to me would make it necessary to adhere to the $20 million figure.

However, I do not feel strongly enough about it, so that, having expressed this doubt, I am going to persist in my objection.

But, now that I am on my feet, may I cover the other matter I wanted to mention in connection with this Nation.

It has been suggested, and I was glad to hear the distinguished Senator from Virginia express himself otherwise, here on the floor of the Senate that one reason for this measure is that an attempt was made by the administration to use $200 million under the Defense Production Act for the initial bailing out of the Penn Central Railroad.

Mr. President, I simply want to say that the first time the Department of Transportation came to me as the senior minority member of the Commerce Committee, on the Penn Central problem, they related that there was grave doubt whether the Defense Production Act could be used. They felt it would be stretching things too far to use this act to cover an initial loan of any such sum as $200 million under the guise of being necessary for national defense. This was before the first conference between the leadership and with the chairman and ranking members of the Commerce and Banking and Currency Committees of both the Senate and the House, and before talking jointly with me and with the distinguished chairman of the committee, the Senator from Washington (Mr. MAGNUSON).

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

Mr. BENNETT. Mr. President, I yield 2 additional minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 additional minutes.

Mr. COTTON. Later when conferences were held—and the distinguished majority leader is present and will, I think, corroborate what I say—it was objected to strenuously in the conferences by such Members as Representative WRIGHT PATMAN and the distinguished Senator from Washington (Mr. MAGNUSON). All these people raised the question and said that in their opinion—I am not sure that the distinguished majority leader did, but the others did—stretching the Defense Production Act should not be used in the case of the Penn Central Railroad.

I hope that there will be no misunderstanding. This amendment is not necessitated because of a planned attempt on the part of the administration to give $200 million to the Penn Central Railroad.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished senior Senator from New Hampshire has just said. We were at several meetings together. However, I think it is not the allegation that is so important as the impression which was created, and unfortunately, the wrong impression, based upon the meetings we had with Secretary Volpe and members of the staff and others at various times when the matter was under discussion.

Mr. COTTON. Mr. President, I thank the distinguished majority leader. I say very frankly that the clear fact that this expedient was discussed—and it was discussed—in and of itself makes some such action as being proposed here justifiable and necessary.

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

Mr. BENNETT. Mr. President, I yield an additional 2 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for an additional 2 minutes.

Mr. COTTON. Mr. President, I did want to correct the idea that the purpose of the amendment—and I think its author will agree—was not pointed at a blatant attempt by anyone to stretch the Defense Production Act to take care of the Penn Central Railroad.

Mr. PROXMIRE. Mr. President, will the Senator yield 2 minutes to me?

Mr. BYRD of Virginia. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, I think that the Senator from Virginia made it very clear that from his standpoint the Penn Central Railroad was not involved. He said that very clearly. I was the one who brought up the memorandum from the Justice Department that said that the Defense Production Act could be used in their judgment to guarantee the Penn Central.

I think that everything the Senator from New Hampshire has said confirms my statement that Congress reacted adversely to this, and that includes a number of Senators—and the Senator from New Hampshire was named. For that reason, the administration changed its mind. However, the intention was that the Defense Production Act be used to make the $200 million available. Furthermore, the Penn Central officials have made it clear that $200 million would not have been enough, that such an amount would have gone down the drain unless $500 million more were made available.

Mr. COTTON. Mr. President, what the Senator from Wisconsin has said about it going down the drain or its being unjustifiable is true. And I am sure that he means to be fair. But what is true, and what I wanted to emphasize, is that in the very first approach from downtown, and specifically from the Department of Transportation, which has been and still is interested in doing something about this railroad situation, it was expressly stated that there was grave doubt, in the opinion of the administration itself that this act could be used for the $200 million, despite the opinion obtained from the Department of Justice. And that happens to be a fact.

Mr. PROXMIRE. Mr. President, I understand that is true. I also understand that Under Secretary of Defense Packard did say that the guarantee would qualify under the Defense Production Act and that he was prepared to go ahead.

Mr. COTTON. Mr. President, I do not know what Mr. Packard said, I had no discussion with him.

Mr. PROXMIRE. I would be happy to put that letter in the RECORD. I ask unanimous consent that it be printed at this point.

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

THE DEPUTY SECRETARY OF DEFENSE,

Washington, D.C., June 17, 1970.

Memorandum for the Secretary of the Navy.
Subject: DoD Guarantee of Loan to Penn Central Transportation Company.

This will supplement my memorandum of June 10, 1970 to you with respect to the authority and determination for the Department of the Navy to guarantee a V-loan by the First National City Bank of New York as agent for a consortium of banks to the Penn Central Transportation Company up to 100% and in an amount not to exceed $200 million with a maturity not to extend beyond October 31, 1970.

It is my understanding that it will take approximately two weeks to conclude negotiations and make the loan proceeds under the authorized credit available to the company. It is also my understanding that the financial requirements of the company are such that, if it is to avoid the consequences of possible bankruptcy, funds will be needed prior to the date the $200 million could be made effective.

In order that these funds may be provided, you and the Department of the Navy may take appropriate action to guarantee up to 100% of an initial V-loan under Section 301 of the Defense Production Act of 1950, as amended, in an amount not to exceed $50 million with a maturity not to extend beyond 30 June 1970. This loan is for the purpose of providing funds to the company while the larger $200 million loan is being concluded. The initial $50 million guarantor commitment will be superseded by the $200 million loan agreement when it is consummated. As in the case of the larger loan, this authority is in accordance with the opinion of the Department of Justice as set forth in its memorandum of June 4, 1970.

It is my understanding that the Penn Central Company will be a guarantor on the proposed $200 million loan. You may consider such an arrangement as an acceptable variation from the provision of my memorandum of June 10, 1970 which stipulated that the Penn Central Company should be a joint obligor.

The Penn Central Transportation Company has applied to the First National City Bank, New York, for a loan of $225 million which the bank because of the adverse financial condition of the Company will not make unless such loan is guaranteed 100% by the U.S. Government. The First National City Bank, in turn, has submitted a V-loan application to the Federal Reserve Bank of New York which has been forwarded to this Department.

The Penn Central Railroad operates in 16 states and exclusively serves 25 active Department of Defense supply depots, bases, and terminals which are considered essential to this department. In addition, the Department of Defense has entered into many prime contracts for supplies, equipment, and services with industries located in the states which are served by the Penn Central Railroad.

Of the $35.2 billion expended by DOD for prime contracts ($10,000 or more) in FY 1969, $16.3 billion was spent in the 16 states served by the Penn Central Railroad. DOD supplies and equipment valued at $5.9 billion moved via rail carriers in these states during FY 1969 and many of the industries involved are served by only one railroad—the Penn Central. Also, transportation is provided by the Penn Central for the movement of raw and semi-processed materials to industries which have DOD contracts for finished products, thereby providing that railroad with additional Defense-related revenue.

It has been estimated that about 8% or $100,000,000 of the annual revenue (direct and indirect) of the Penn Central Railroad from freight traffic comes from the Department of Defense and defense contractors.

The dependence of the DOD on rail transportation has long been recognized and the Penn Central is an important part of our country's rail network which serves key military installations and essential defense industries.

A review of the V-loan application indicates that the Company is faced with immediate cash needs which cannot be met without such a loan. I have determined that such a loan would facilitate the performance by the Company of Defense-related services necessary to the delivery of production for and under Government contracts. I therefore authorize you and the Department of the Navy in accordance with the attached opinion of the Department of Justice to take all appropriate action necessary to guarantee a V-loan under section 301 of the Defense Production Act of 1950, as amended. The Department of the Navy is authorized to enter into a participation agreement with the other military departments which will establish a one-third participation by each in the potential liability to fund the costs of financing such loan in the event the Government is required to fulfill the guarantee agreement.

I have determined that the V-loan requested may be guaranteed up to 100%. The amount of the loan should not exceed $200 million.

The purpose of this action by the Department of Defense is to provide interim financing for the Company for a period not to extend beyond October 31, 1970 and pending the obtaining by the Department of Transportation of authority to act as guarantor for the Government with respect to this loan as well as any additional financing which may be necessary. The loan and the guarantee documents shall provide for the assumption by the Department of Transportation of this Department's guarantor liability as soon as its legislation is enacted. These documents should also provide at the option of the Department of Transportation for extension and enlargement of the loan. In addition, the guarantee agreement, at least for the period in which the Department of Defense will act as guarantor, shall not provide that the financing institutions will have a right to require the Government to purchase the loan in the absence of default. The loan agreement and any notes issued thereunder should be signed by the Penn Central Company and the Penn Central Transportation Company as joint obligors.

The Department of the Navy should coordinate closely its actions with the Department of Transportation and other federal agencies involved in the matter.

DAVID PACKARD.

Mr. COTTON. The Senator can put anything in the RECORD that he wants to. But it so happens that the Senator from New Hampshire and others were present when this matter was discussed and when the first approach was made.

I want it distinctly understood—and I make this as a categorical statement—that regardless of any opinion offered by the Department of Justice or anybody else, at the very first approach it was said that in the opinion of the administration—and I suppose that means the White House—this was a very questionable approach. It was discarded.

Representative WRIGHT PATMAN, and certainly my chairman, the distinguished Senator from Washington, and others, will corroborate this position. That position was not urged by the administration and thrown out by Congress.

I wanted to make that statement. It is my understanding—and if I am incorrect, I hope that the distinguished Senator from Wisconsin will correct me—that the dragging of the Penn Central railroad into the situation does not mean that the measure before us—I am not now speaking about the amendment of the Senator from Virginia and the Senator from Wisconsin—is anything but purely a measure for dealing with contracts in the Defense Department and that it does not seek to intrude in any way, shape, or manner on the jurisdiction of the Committee on Commerce or, for that matter, the Committee on Banking and Currency, in dealing with these various problems about the Penn Central railroad or any other railroad.

Mr. PROXMIRE. The Senator is absolutely correct. This is confined entirely to the Defense Production Act, which is within the jurisdiction of the Committee on Banking and Currency, and has nothing to do with considerations in the Committee on Commerce with respect to the whole railroad problem—nothing.

Mr. COTTON. I thank the Senator for that assurance.

Mr. BENNETT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. BENNETT. Mr. President, how much time is remaining on the other side?

The PRESIDING OFFICER. The other side has 9 minutes remaining.

Mr. BENNETT. Mr. President, I find myself more or less forced into a position of representing the administration in a matter which was never heard by the Committee on Banking and Currency, and which is based apparently, and very plainly in some respects, on a criticism of the way the administration handled the crisis. Maybe they did it improperly; I am sure they felt the crisis had to be handled. Anyway, they failed to handle it the way they hoped to handle it, and the Penn Central Railroad went into bankruptcy.

We are going to be faced with those problems for a long time and I am sure the Department of Defense will suffer, along with other shippers, as a result of that situation.

The effect of these two amendments is negative. Both of them state certain things may not be done. One of them says Congress has to be given 2 weeks' notice, or is it 10 days' notice?

Mr. PROXMIRE. It is 10 days' notice.

Mr. BENNETT. I thank the Senator. Ten days' notice. Well, crises do not wait for notice sometimes. I think we should approach this problem positively.

If we are going to face crises of this kind, even if it is a crisis involving companies that manufacture tiny ballbearings that only the Japanese can see, we better have a positive program for handling them. We had better not come onto the floor of the Senate afterward and berate the administration and tie its hands so if we might have another situation that might be very much more serious than the Penn Central matter, we will have tried the administration so they cannot handle it.

A great deal has been said here and over the period of a few months about the industrial-military complex and how evil it is, and a lot of other things have been said about it. But the fact remains that we must maintain our defense and we must be in a position to see that problems and crises that may arise can be handled not for the benefit of defense contractors but for the benefit of the country that may be depending on the production that those contractors are contributing to the overall effort.

So I hope that those who are so anxious to criticize the administration for its attempt to handle this matter and who are now voting to put restrictions on their ability to handle future crises will come forward and suggest hearings or suggest language for a positive program which will give the President—who hap-

pens to be a Republican now, but heaven forfend, he may be a Democrat again before I leave the Senate—the power to handle the crisis.

I recognize the motivation, the temptation in this kind of situation, but I think we in Congress should become concerned with positive solutions rather than with the satisfaction of taking a slap at the man who had to face this problem and other problems, with their potential risks to our defense capability and the continued production of our defense materiel.

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

Mr. BENNETT. I yield.

Mr. MANSFIELD. Mr. President, no one can find fault with a President or an administration attempting to face up to an emergency or seeking to act under laws, which were on the books prior to their term in office.

I think we are endeavoring to meet the situation positively through the amendment of the distinguished Senator from Virginia (Mr. BYRD) and the distinguished Senator from Wisconsin (Mr. PROXMIRE). I think it is being done in good spirit, and I do not think there is any animosity involved. I am certain, on the basis of what the distinguished Senator from New Hampshire said in the way of elucidation, that kind of impression has been done away with.

Certainly, that was not the impression in the committees, and that was brought out so lucidly by the distinguished Senator from New Hampshire. But I do admit that the administration was faced with a tremendously difficult problem and that they were looking for ways and means to cope with it, immediately if not sooner; that they did come and meet with the chairmen of the committees concerned, and the joint leadership, as well. They were groping in the dark and they did not know how to meet the situation which got beyond their control.

They were talking of committees meeting and getting out legislation in a week, for example, which is an impossibility.

Mr. BENNETT. That is right.

Mr. MANSFIELD. So I hope the matter is clear. There are no politics involved and no animosity, but a crisis situation which saw the administration in a confrontation with an economic collapse.

I think the Senator from Utah and other Senators have helped to clear the air in this matter.

Mr. BENNETT. I hope instead of satisfying ourselves with dollar limits within which a President could act, that an appropriate committee—it might be the Committee on Armed Services or the Committee on Banking and Currency—should some day meet to consider what kind of powers we should give the President to act in a similar emergency, and where he would not be groping in the dark in such an emergency and grasping for powers which he may have had no right to use.

With that comment I am willing to yield back the remainder of my time.

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

Mr. BENNETT. I yield.

Mr. MANSFIELD. The power which the President is groping for is power which has been handed to him by a previous Congress—our predecessors.

Mr. BENNETT. And yet, when he attempted to use the Defense Production Act, apparently on the advice of his Attorney General, there was disagreement over his right to use it and in the end he decided not to use it.

Mr. MANSFIELD. As happens so often, what we did in passing that law was to grant an authority, the limits of which were not fully defined, and which did not envision every situation that might arise.

Mr. BENNETT. That was passed just after World War II.

Mr. MANSFIELD. 1950.

Mr. BENNETT. It was passed after World War II, and we had no understanding of the kinds of crises that could be faced in 1970. But we should try to recognize the necessity of supplying the President with some powers on which he could depend in order to solve problems of this kind.

Mr. HOLLAND and Mr. COTTON addressed the Chair.

Mr. BENNETT. Mr. President, I yield first to the Senator from Florida.

Mr. HOLLAND. Mr. President, first I want to say that I find myself in considerable agreement with the Senator from Utah. I shall vote for the amendment with some reluctance, because I think we are visiting greater responsibilities and duties upon ourselves.

I have noted that when the time came that there was a threatened railroad or airplane stoppage over the country, Congress has acted very promptly to pass extensions of laws, though temporary laws. I noticed that when we came to the end of the time when appropriations were available and they were running out, we passed continuing resolutions without any great difficulty. I do not like, however, to increase the number of burdens we are going to have, and I think the adoption of this amendment might well work out that way.

However, because of all the things that have happened in the past—and I am not suggesting they happened in this administration, but we have seen them happen—perhaps it is a wise thing to retain this jurisdiction in the Congress, though I think we are doing so at the penalty of visiting many more difficulties on ourselves.

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

Mr. BENNETT. I yield.

Mr. STENNIS. Mr. President, as I have said, I shall support the amendment with $20 million limit. I hope the author will not see fit to reduce the amount. I point out that a great many companies have contracts involving guidance systems, for example, for some of the smaller missiles that we do not hear too much about, such as the Falcon, the Spartan, and the Sidewinder. They cannot stand any calamitous occurrences. Say there is a strike in the plant. The contract may be for $75 million. A loan of $15 million or $20 million would make the difference between success and failure, and if the company did not get it, the Defense Department would have to start over with another contractor. In the electronics field, I know our forces were begging for an instrument involving an electromagnetic phases of some kind to place in their planes. This would counteract or blot out radar, the enemy radar. For the lack of those instruments, pilots were being shot down over South Vietnam.

As I recall, some of these items were made by small companies that might need a quick loan. Let us not kick over the bucket. Because the authority has not been used, the Senator from Arkansas would kill it.

This matter has not been considered by the committee. Let us fix it at $20 million and let it go to conference and let some who are familiar with the subject matter weigh the matter from all angles there. I hope we keep the amount at $20 million as provided by the Byrd amendment.

Mr. BYRD of Virginia. Mr. President, I yield myself 3 minutes.

The amendment offered by the Senator from Virginia was not and is not prompted by any event that previously has taken place. It has nothing to do with whether it is wise or unwise to guarantee a loan for the Penn Central Railroad. The only part that played in the thinking of the Senator from Virginia was to call attention to the fact that there is no limitation on the Defense Department in the present law.

Many feel there should be no limitation.

The Senator from Virginia happens to feel that there should be a limitation as to the amount of loans that the Defense Department can guarantee in the name of the taxpayers of the United States.

There is a difference of opinion as to the amount. I am not sure whether the amount should be $15 million or $20 million, but I think there should be a limitation.

To indicate how far reaching the Defense Production Act is or how it could be utilized, at the same time that a guarantee of a loan was being sought by the Penn Central and was being considered under the Defense Production Act, the Department of Defense came before the Committee on Armed Services and proposed an additional appropriation for the Lockheed Corp. of $200 million over and above the amount that the Defense Department had said it owes to Lockheed.

I happened to oppose that $200 million for Lockheed, but the Defense Department took the appropriate course. It came to Congress for approval. The proper way to handle it is to come to Congress for approval.

That is why I feel there should be a limitation beyond which the Defense Department cannot guarantee loans under the Defense Production Act of 1950.

I agree with much of what the Senator from Mississippi said. I believe there should be a reasonable figure in order to give the Department a reasonable leeway

in guaranteeing loans to small companies. That was the purpose of the Defense Production Act of 1950.

I say again, the Senator from Virginia was not prompted by the wisdom or lack of wisdom as to how the Penn Central difficulties should be handled. That is not the purpose of my amendment.

If I had known there was no limitation 2 years ago, I would have presented such an amendment 2 years ago.

If I had known about it 4 years ago, I would have presented such an amendment 4 years ago.

But I did not happen to know about it, and I am just wondering how many Senators realized that there was no limitation in the Defense Production Act. That is not the fault of the present administration. It is the fault of Congress, going back to 1950, and I think it is time to clear up that discrepancy.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, I am prepared to yield back my time.

Mr. BYRD of Virginia. Mr. President, I am prepared to yield back my time.

Mr. FULBRIGHT. Mr. President——

Mr. BYRD of Virginia. Mr. President, will the Senator yield to me?

Mr. FULBRIGHT. I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Virginia yield for that purpose?

Mr. BYRD of Virginia. I yield to the Senator from Arkansas for that purpose.

Mr. FULBRIGHT. If all time is yielded back, is it in order to offer an amendment to this amendment?

The PRESIDING OFFICER. It would be in order, or it could be done by unanimous consent.

Mr. BYRD of Virginia. Mr. President, I have previously made a unanimous-consent request. I would like to renew it, but I will not renew it until the Senator from Mississippi returns.

Mr. COTTON. Mr. President, reserving the right to object, I do not like to resort to the parliamentary expedient that because a rollcall has been ordered the Senator cannot amend his own amendment, but, Mr. President, to the Senator from New Hampshire and to the Senator from Mississippi, the difference between $15 million and $20 million limitation may someday be highly important.

I think the Senator's amendment is a good one, but if the limitation is to be reduced, I think we ought to have an opportunity to vote on the amendment reducing it, and I am constrained to renew my objection.

Mr. MANSFIELD. Mr. President, I think the best way out of this situation would be for all time to be yielded back and then let the Senator from Arkansas offer his amendment, and no Senator will be embarrassed, and then I think we could arrive at a decision.

The PRESIDING OFFICER. All time has been yielded back.

Mr. FULBRIGHT. Mr. President, I offer an amendment to change the figure in line 9 from "$20,000,000" to "$15,000,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes, with the time to be equally divided between the Senator from Arkansas, author of the amendment, and the Senator from Utah.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

I have been very much interested in the colloquy that has taken place here. I congratulate the Senator from Virginia for offering this amendment. I think it is entirely in order.

What has interested me most of all is to see the effect that this war and the effect it is having upon some of the most conservative and most respectable Members of the Senate. I have stated in other connections that war and crisis are inimical to the preservation of the democratic system, and more so to the private enterprise system. But I never believed I would live to see the time when I would hear the Senator from Utah and the Senator from New Hampshire making proposals which sound very much to me as if they were socialistically inclined.

I would think it much better to nationalize the railroads than to subsidize the present private stockholders. Having mismanaged a railroad, or any other business—Lockheed, if you like—to the point where it is faced with bankruptcy, and then to ask the Government to bail them out without nationalizing them, is the worst of both worlds. If we are going to start bailing people out in a mismanaged private enterprise, then we are perpetuating inefficiency in management, and I think it is costing us the same or more than if it were nationalized. It seems to me that if we are going down that road, if I understood the comments of the Senator from Utah about considering giving the President power in the future to deal with situations like that of Penn Central, I would hope Congress would begin to have hearings on the nationalization of railroads.

As a matter of fact, every other major country in the world, and many minor countries, have nationalized their railroads. We are the only important country, I believe, which does not have either completely nationalized or partly nationalized railroads. One of Canada's major railroads is nationalized, the Canadian National. Japan and Germany—two of the most successful private enterprise countries—have nationalized railroads. So, while I am not offended by it, I am shocked, in a way, and surprised, by the sponsors of these ideas this afternoon.

To me, it is very sad to see how completely the continuation of a war and the wartime psychology is undermining our traditional concept of private enterprise and private initiative, and the self-reliance upon which we were brought up and which we have made one of the central points of our whole society. One of the main characteristics of the professed enemy in this war, and not only in this war, but previous wars, is the socialist system as epitomized by Russia. Yet the continuation of the war is undermining our system here at home; and this debate about a relatively minor matter has brought out, I think more clearly than any time I have ever discussed it in any other connection, just how deeply the continuation of a wartime economy, with its vast expenditures, has undermined our own society. I regret it very much indeed.

Coming to the immediate question, the amount I have suggested is almost exactly twice as much as the largest single guarantee that is outstanding, so it certainly ought to be ample, even with the rampant inflation we are now undergoing. So I do not see why there should be objection to that. We can always change it if anything necessitates it.

But I come back to the central question: What do we do about situations like that of Penn Central? From the evidence that has been printed in the newspapers, it would seem to me quite clear that there has been no unusual, sudden emergency in the Penn Central. It has been the clearest case I have ever read about of mismanagement, beginning even before the merger. Then the computers and all their accounting practices were bad and inefficient, and their pay to their officials was exorbitant, and still is, according to the press. I did not know anything about Penn Central, to speak of, before it made the news; but it is a classic example, it seems to me, of mismanagement of an enormous private enterprise with great assets. I would point out that there are probably going to be a great many embarrassing things come out about the diversion of resources from the transportation part of this vast enterprise to other subsidiaries, which primarily are glamorous developments in the real estate field. I believe they bought the late Mr. Davis' real estate development in Florida, comprised of some of the more exotic resorts down there, which no doubt attracted the management of the Penn Central. They were also doing many things besides trying to make the Penn Central a going railroad, and it would be a travesty indeed on the private enterprise system if the Government were to come along and bail out the shareholders of this corporation.

They can go through bankruptcy and reorganize; many railroads have done that. The Missouri Pacific, in my area, which is now a very good railroad, was in receivership or bankruptcy for many years. The Government did not bail it out, and it finally righted itself, but the stockholders took the loss, as they are supposed to do in a private enterprise system. I would say that is what they should do here.

As to the dangers referred to by the Senator from Mississippi, it is incredible to me, when you read about the way the Defense Department has paid for the C-5A, the most improvident contract that they have made with such a contractor, then to hear this heart-bleeding about the poor defense contractors, who are not paid enough. All in the world that

the Defense Department needs to do is up the price on anything they want. There is no limit. More than 90 percent, or I believe right at 90 percent, of all their contracts are negotiated, which means the Defense Department gives them whatever they like. There is no competitive bidding. We have long since departed almost totally from competitive bidding on defense contracts. They just give them whatever price they want. I do not know how in the world it is possible for a company to be so inefficient that, under those circumstances, a company like Lockheed could go broke, in view of the enormous overruns that we have all read about, and about which the Senator from Wisconsin has done a magnificent job of enlightening the public and the Senate.

So I think all of this indicates a gradual and very serious deterioration in the private enterprise system, for which we think we are fighting, and about which we talk a great deal.

I personally believe that this amendment is a very proper one. I think $15 million, being twice as much as any existing guarantee, is sufficient. I hope the Senate will support it, and I also hope we will take most seriously the suggestion of the Senator from Utah that we look into ways and means of dealing with situations like that of the Penn Central; but certainly not through legislation such as defense production.

As I say, if we are going to do anything, it seems to me we should consider nationalizing the railroads. Congress is already considering—I believe one House has voted to do it—the purchase of the local bus system here in Washington, because it has gone bankrupt, or virtually bankrupt, or they say they will go bankrupt if they are not given a very large increase in their fares.

This may be the trend into which we are coming. But we ought to do it frankly and openly, and in an intelligent manner, and not be taken into it by the use of some other law, such as defense production. To me, it is utterly inexcusable to use the taxpayers' money to subsidize and rescue private investors, who took the risk with their eyes open, and who have tolerated the management which has wasted their resources. This seems to me to be the worst possible solution. We should either let them go through the established procedure of bankruptcy, or we should nationalize them. The worst thing would be to subsidize and perpetuate a situation which has proved its inefficiency and incapacity to deal with and manage that kind of business.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. BENNETT. I yield myself such part of the 10 minutes as I may need.

I have very much enjoyed sitting here listening to the Senator from Arkansas misinterpret my point of view and put his own point of view on what I have said, but I was somewhat relieved when, at the end, he said he thought that my basic idea was a good one, and we should give some consideration to the problem of how to handle problems that arise which I would assume he would agree might seriously interfere with our ability to maintain our defenses.

Mr. President, I said earlier that I would vote for this amendment. If it is reduced to $15 million, I am afraid I will have to vote against it. But the fact is that I may not get a chance to vote at all, because I am running out of time with an airplane schedule. I am greatly disappointed that my amendment on the makeup of the commission to set the accounting standards was not adopted. I am sorry I will be unable to stay for the remainder of the action on the bill. I will have to position myself on the remaining issues.

On that basis, Mr. President, I am willing to yield back the remainder of my time.

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

Mr. BENNETT. I am happy to yield 2 or 3 minutes to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I have always admired, and do admire, the skill and argument of the distinguished Senator from Arkansas. But all this talk about bailing out the Penn Central Railroad and putting words into the mouths of some of us as if we were suggesting that the Government bail them out——

Mr. BENNETT. Or nationalize them.

Mr. COTTON. Or nationalize them, has about as much to do with the question before us as the flowers that bloom in the spring.

I say to the distinguished Senator from Arkansas that this question, under the rules of the Senate, happens to be under the jurisdiction of the Committee on Commerce. We are in the process of holding hearings. Nobody on that committee, to my knowledge, Democrat or Republican, from the distinguished chairman down, has indicated or formulated as yet any idea as to how we ultimately can suggest coping with the general railroad situation in this country—not just the Penn Central.

I think everyone knows some of the things that led up to the situation the Penn Central is in. I do not think anybody excuses them. If the Senator from Arkansas has suggestions for us, I hope he will honor our committee by coming before us and, from his infinite wisdom, give us those suggestions. But this statement on the floor of the Senate attributing to the Senator from New Hampshire or the Senator from Utah or anybody else any notion that this has anything to do with the Penn Central Railroad is ridiculous. The Penn Central Railroad cannot be bailed out for $20 million. Lockheed, if it is trouble, cannot be bailed out for $20 million, nor can Boeing, if it is in trouble. However, the difference between $15 million and $20 million might be quite important in dealing with some of the very delicate matters that concern corporations of much lesser magnitude.

The question is, then, whether you trust the President's discretion with $20 million, or $15 million.

Mr. President, this should be called the nit-picking amendment.

Mr. BENNETT. Mr. President, with respect to the amendments that probably will be offered later on which I will not have a chance to vote, I would vote against the amendment of the Senator from New York (Mr. GOODELL), No. 713, if it is offered, to require extensive reporting on military expenditures and the economy. No hearings have been held on this matter, and I am of the opinion that we do not have any information on which this can properly be considered at this time. I would however, vote for the Senator's amendment which would make the board a permanent organization.

I would vote against the amendment to remove the $25 million exemption contained in the committee bill.

The PRESIDING OFFICER. Who yields time?

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

Mr. BENNETT. I yield.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. STENNIS. I thank the Senator.

Mr. President, I have mentioned the points I have in mind about this matter. Let me point out the tragedy of having a floor amendment in the amount of $15 million presented at 4 o'clock in the afternoon for immediate consideration.

Under this bill, since it was enacted in 1950, Defense has loaned $2.713 billion. The Department of Defense has considered it necessary. According to the figures I have, $750,000 or less of the loans guaranteed are in default. So, out of $2.7 billion, that is a mighty good record, it seems to me, to have such small losses.

Without any committee passing on the matter, without the Committee on Banking and Currency or the Committee on Armed Services or anyone else passing on it, the amendment is thrown in here, to put a top-level limitation on the amount of the loans. I want a limitation put on it. But I submit that we should not take all the life out of the loaning authority. This law already has shown its usefulness, and it has shown very little abuse, if any. With a shooting war going on—although it will stop, it is not going to stop today—this matter ought to be heard, considered and weighed by a committee rather than by a handful of Senators on the floor of the Senate in a limited debate.

I hope the $15 million limitation is rejected.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, at the proper time, I will make a motion to table the Byrd amendment. As I understand it, that would take the substitute offered by the Senator from Arkansas with it.

The PRESIDING OFFICER. If made

now, that would include the Fulbright amendment.

Mr. BENNETT. Is it proper to make it at this point?

The PRESIDING OFFICER. When the 2 minutes have expired or the Senator yields back the remainder of his time.

Mr. BENNETT. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, I take issue with the statement made by the distinguished junior Senator from Arkansas with respect to the C-5A, that this was on a negotiated basis. This was on a bid basis. Lockheed was bidding against Boeing and Douglas. Both of the other companies state that they think Lockheed bid far too low, and it probably did. It turned out that it may be a bad deal for both Lockheed and the Federal Government. But this was under a very poor Secretary of Defense, Mr. McNamara.

Mr. BENNETT. Mr. President, I withdraw the motion to table, and we will vote directly on the amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. BENNETT. Yes.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. STENNIS. Mr. President, what is the pending matter?

The PRESIDING OFFICER. The pending question is on the Fulbright amendment to reduce the amount from $20 to $15 million. 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 Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further anounce that, if present and voting, the Senator from Washington (Mr. MAGNUSON and the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 23, nays 52, as follows:

[No. 232 Leg.]

YEAS—23

Bayh	Hart	Montoya
Burdick	Hatfield	Moss
Church	Hughes	Muskie
Cranston	Inouye	Pell
Eagleton	Kennedy	Ribicoff
Fulbright	Mansfield	Yarborough
Goodell	McGovern	Young, Ohio
Harris	Mondale	

NAYS—52

Aiken	Fong	Pearson
Allen	Goldwater	Percy
Allott	Gurney	Prouty
Anderson	Hansen	Proxmire
Bennett	Holland	Randolph
Bible	Hollings	Saxbe
Boggs	Hruska	Schweiker
Brooke	Jackson	Scott
Byrd, Va.	Javits	Sparkman
Byrd, W. Va.	Jordan, Idaho	Spong
Case	Long	Stennis
Cooper	Mathias	Talmadge
Cotton	McClellan	Thurmond
Dole	McIntyre	Williams, N.J.
Dominick	Metcalf	Williams, Del.
Ellender	Miller	Young, N. Dak.
Ervin	Nelson	
Fannin	Packwood	

NOT VOTING—25

Baker	Griffin	Russell
Bellmon	Hartke	Smith, Maine
Cannon	Jordan, N.C.	Smith, Ill.
Cook	Magnuson	Stevens
Curtis	McCarthy	Symington
Dodd	McGee	Tower
Eastland	Mundt	Tydings
Gore	Murphy	
Gravel	Pastore	

So Mr. FULBRIGHT's amendment was rejected.

Mr. COTTON. 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.

The PRESIDING OFFICER (Mr. NELSON). The question now recurs on the amendment of the Senator from Virginia. 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 Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Nevada (Mr. CANNON) would each vote "yea."

Mr. SCOTT. I announce that the Sentor from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 75, nays 0, as follows:

[No. 233 Leg.]

YEAS—75

Aiken	Goodell	Moss
Allen	Gurney	Muskie
Allott	Hansen	Nelson
Anderson	Harris	Packwood
Bayh	Hart	Pearson
Bible	Hatfield	Pell
Boggs	Holland	Percy
Brooke	Hollings	Prouty
Burdick	Hruska	Proxmire
Byrd, Va.	Hughes	Randolph
Byrd, W. Va.	Inouye	Ribicoff
Case	Jackson	Saxbe
Church	Javits	Schweiker
Cooper	Jordan, Idaho	Scott
Cotton	Kennedy	Sparkman
Cranston	Long	Spong
Dole	Mansfield	Stennis
Dominick	Mathias	Talmadge
Eagleton	McClellan	Thurmond
Ellender	McGovern	Tydings
Ervin	McIntyre	Williams, N.J.
Fannin	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Mondale	Young, N. Dak.
Goldwater	Montoya	Young, Ohio

NAYS—0

NOT VOTING—25

Baker	Gravel	Pastore
Bellmon	Griffin	Russell
Bennett	Hartke	Smith, Maine
Cannon	Jordan, N.C.	Smith, Ill.
Cook	Magnuson	Stevens
Curtis	McCarthy	Symington
Dodd	McGee	Tower
Eastland	Mundt	
Gore	Murphy	

So the amendment of Mr. BYRD of Virginia was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House

insisted upon its amendment to the bill (S. 1076) to establish a pilot program in the Departments of Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. DANIELS of New Jersey, Mr. O'HARA, Mr. HATHAWAY, Mr. WILLIAM D. FORD, Mr. MEEDS, Mr. BURTON of California, Mrs. GREEN of Oregon, Mr. HAWKINS, Mr. GAYDOS, Mr. SCHERLE, Mr. QUIE, Mr. ESCH, Mr. STEIGER of Wisconsin, Mr. ERLENBORN, Mr. ESHLEMAN, and Mr. COLLINS were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the bill (S. 3215) to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. THOMPSON of New Jersey, Mr. BRADEMAS, Mr. REID of New York, and Mr. SCHERLE were appointed managers on the part of the House at the conference.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 17070) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DULSKI, Mr. HENDERSON, Mr. OLSEN, Mr. UDALL, Mr. DANIELS of New Jersey, Mr. CORBETT, Mr. GROSS, Mr. CUNNINGHAM, and Mr. DERWINSKI were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15628) to amend the Foreign Military Sales Act; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. ADAIR, and Mr. MAILLIARD were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2036) to remove a cloud of the titles of certain property located in Malin, Oreg.

PERMISSION TO MAKE MARKETING ORDERS APPLICABLE TO APPLES TO PROVIDE FOR PAID ADVERTISING

Mr. HOLLAND. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1456.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1456) to amend section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising, which was after line 7, insert:

SEC. 2. Section 2(3) of such Act is further amended by inserting ", such marketing research and development projects provided in section 8c(6)(I), and" immediately after "section 8c(6)(H)".

And amend the title so as to read: "An Act to amend sections 2(3) and 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising."

Mr. HOLLAND. Mr. President, this matter has been cleared with the leadership on both sides.

Yesterday the House passed S. 1456, which is an act to amend the Agricultural Marketing Agreement Act, with an amendment which they added.

Unfortunately, the amendment had just become law by being signed by the President a few days ago. Counsel for the committees on both sides suggest the proper thing to do is for the Senate to disagree to the House amendment without asking for a conference, and send the message back to the House.

I move that the Senate disagree to the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

AMENDMENT OF PEACE CORPS ACT TO AUTHORIZE ADDITIONAL APPROPRIATIONS

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3430.

The PRESIDING OFFICER (Mr. NELSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 3430) to amend the Peace Corps Act to authorize additional appropriations, and for other purposes, which was to strike out all after the enacting clause, and insert:

That section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1970" and "$98,450,000" and inserting in lieu thereof "1971" and "$98,800,000", respectively.

SEC. 2. Section 4(c) of such Act (22 U.S.C. 2503(c)) is amended by adding at the end thereof the following new paragraph:

"(4) The Director of the Peace Corps may prescribe such regulations as may be necessary to assure that no individual performing service for the Peace Corps under any authority contained in this Act shall engage in any activity determined by the Director to be detrimental to the best interests of the United States."

SEC. 3. (a) Section 5(c) of such Act (22 U.S.C. 2504(c)), which relates to a readjustment allowance for volunteers, is amended—

(1) by inserting immediately before the period at the end of the first sentence thereof the following: ": except that, in the cases of volunteers who have one or more minor children at the time of their entering a period of pre-enrollment training, one parent shall be entitled to receive a readjustment allowance at a rate not to exceed $125 for each month of satisfactory service as determined by the President"; and

(2) by striking out "the Act of August 3, 1950, chapter 518, section 1 (5 U.S.C. 61f)" and inserting in lieu thereof "section 5582(b) of title 5, United States Code".

(b) Section 5 of such Act (5 U.S.C. 2504), which relates to Peace Corps volunteers, is amended by adding at the end thereof the following new subsections:

"(m) The minor children of a volunteer living with the volunteer may receive—

"(1) such living, travel, education, and leave allowances, such housing, transportation, subsistence, and essential special items of clothing as the President may determine;

"(2) such health care, including health care following the volunteer's service for illness or injury incurred during such service, and health and accident insurance, as the President may determine and upon such terms as he may determine, including health care in any facility referred to in subsection (e) of this section, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in such subsection (e);

"(3) such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine; and

"(4) the benefits of subsection (l) of this section on the same basis as volunteers.

"(n) The costs of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a volunteer who has one or more minor children at the time of his entering a period of pre-enrollment training may be paid from the date of his departure from his place of residence to enter training until no later than three months after termination of his service."

SEC. 4. Clause (3) of section 6 of such Act (22 U.S.C. 2505), which relates to Peace Corps volunteer leaders, is amended by striking out ", and a married volunteer's child if born during the volunteer's service,".

SEC. 5. Paragraph (3) of section 7(a) of such Act (22 U.S.C. 2506(a)), which relates to Peace Corps employees, is amended to read as follows:

"(3) The President may specify what additional allowance authorized by section 5941 of title 5, United States Code, and which of the allowances and differentials authorized by sections 5923 through 5925 of such title 5, may be granted to any person employed, appointed, or assigned under this subsection and may determine the rates thereof not to exceed the rates otherwise granted to employees under the sections of title 5, United States Code, referred to in this paragraph."

SEC. 6. (a) Subsection (a) of section 13 of such Act (22 U.S.C. 2512), which relates to experts and consultants, is amended—

(1) by striking out "section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a)" and inserting in lieu thereof "section 3109 of title 5, United States Code"; and

(2) by striking out "$75 per diem" and inserting in lieu thereof "the per diem equivalent of the highest rate payable under section 5332 of title 5, United States Code".

(b) Subsection (b) of such section 13 is amended by striking out "section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263)" and "section 201 of the Dual Compensation Act" and inserting in lieu thereof "sections 3323(b) and 8344 of title 5, United States Code" and "section 5532 of title 5, United States Code", respectively.

SEC. 7. Subsection (b) of section 14 of such Act (22 U.S.C. 2513), which relates to detailing personnel to foreign governments and international organizations, is amended by striking out "section 1765 of the Revised Statutes (5 U.S.C. 70)" and inserting in lieu thereof "section 5536 of title 5, United States Code".

SEC. 8. Subsection (g) of section 25 of such Act (22 U.S.C. 2522) is amended by striking out "and 6(2)" and inserting in lieu thereof ", 5(m), and 6(2)".

SEC. 9. (a) Clause (3) of subsection (a) of section 301 of such Act (22 U.S.C. 2501a), which relates to encouragement of voluntary service programs, is amended by striking out all that follows "and participation in," and inserting in lieu thereof "international voluntary service programs and activities."

(b) Paragraph (2) of subsection (b) of such section 301 is amended to read as follows:

"(2) Not more than $300,000 may be used in fiscal year 1971 to carry out the provisions of clause (3) of subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of encouraging the development of, and participation in, international voluntary programs and activities."

Mr. FULBRIGHT. Mr. President, to refresh the recollection of Senators, the Senate passed $90 million for the authorization and the request of the administration was $98 million. The House took the higher figure of $98 million. I personally support the $90 million, but I have discussed this with a number of members of the committee and particularly the conferees, and they feel disposed to grant the amount passed by the House, although I do not personally agree with it.

Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing on the motion of the Senator from Arkansas.

The motion was agreed to.

EXTENSION OF THE DEFENSE PRODUCTION ACT

The Senate resumed the consideration of the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader if he can tell us the outlook for the current enterprise in which we are engaged and what thereafter follows.

Mr. MANSFIELD. I am delighted to answer the question raised by the distinguished minority leader. If I may, I would like to proceed in the following fashion.

I yield to the Senator from Wisconsin briefly.

AMENDMENT NO. 767

Mr. PROXMIRE. Mr. President, I call up my Amendment No. 767.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. 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, is as follows:

On page 7, delete all beginning on line 19 through line 2 on page 8.

The language sought to be stricken is as follows:

"(2) No defense contractor or subcontractor shall be subject to the requirements of this section, if the sales of such contractor or subcontractor under contracts negotiated in connection with national defense procurements, excluding sales of commercial products sold in substantial quantities to the general public, did not exceed $25,000,000 during the most recently completed fiscal year of such contractor or subcontractor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the appropriate time, after the distinguished Senator from Arkansas has made his remarks, there be a time limitation of 30 minutes on the pending amendment, the time to be equally divided between the Senator from California (Mr. CRANSTON) and the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object, is this the amendment about the minimum, the exemption?

Mr. PROXMIRE. The amendment relates to businesses which do less than $25 million a year.

Mr. JAVITS. Mr. President, could I have 2 minutes following the Senator from Arkansas (Mr. McCLELLAN) to get something out of the way?

Mr. MANSFIELD. Yes.

Mr. COTTON. Mr. President, I withdraw my objection.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on all other amendments there be a time limitation of 20 minutes, the time to be equally divided between the sponsor of the amendment and either the majority or minority leader, depending on which side it comes from, or whomever they may designate.

Mr. COTTON. Mr. President, I am sorry. I must object if it includes the Goodell amendment.

Mr. MANSFIELD. It does.

Mr. COTTON. I must object.

Mr. MANSFIELD. I had hoped we could complete work on the pending measure this evening, but it is getting late. We have had a rather hard week. So I would say that after the vote on the pending Proxmire amendment, there would be no further votes tonight, but I would hope that the Senator from New York (Mr. GOODELL) would lay his amendment before the Senate and make it the pending business for tomorrow.

So at this time I ask unanimous consent that the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized, to be followed by the distinguished Senator from New York, but that the distinguished Senator from Wisconsin does not lose his right to the floor.

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

EXTENSION OF THE DEFENSE PRODUCTION ACT

The Senate resumed the consideration of the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the Goodell amendment there be a time limitation of 40 minutes, 20 minutes to a side, and on all other amendments 20 minutes, 10 minutes to a side, and that at the conclusion of action on the amendments there be a final vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, in view of the agreement just reached, it is very possible that we may conclude action on the bill tonight.

Mr. SCOTT. And what follows?

Mr. MANSFIELD. The third nail on the Tonkin Gulf resolution, and assorted matters on the calendar.

PROCUREMENT OF APPLICATIONS TECHNOLOGY SATELLITES BY NASA

Mr. McCLELLAN. Mr. President, in 1966 the National Aeronautics and Space Administration initiated a procurement competition for the design and construction of two applications technology satellites, larger than any previously built. The two experimental communications satellites are expected to be used for educational television in certain underdeveloped countries, for airplane and ship navigation, and for other scientific purposes. The contract was expected to total approximately $50 million.

The competition lasted until April 8, 1970, when the General Electric Co. was selected as the contractor to design and build the satellites. During the period 1966–70, NASA conducted four separate rounds of evaluation of proposals by the competing contractors, General Electric and Fairchild Hiller Corp.

During the first two rounds, Fairchild Hiller was ahead technically and was lower in price. After the third round, the competitors were rated closer technically, although Fairchild was still considerably lower in costs. The judgment made by NASA after the fourth round, selecting General Electric as the contractor, was protested by the Fairchild Hiller Corp.

The company's protest of the NASA award was referred to the Senate Permanent Subcommittee on Investigations and to the General Accounting Office. The subcommittee also was requested by

the distinguished junior Senator from Maryland (Mr. MATHIAS) to inquire into the contract award.

I directed the subcommittee's staff to make a preliminary inquiry into the basic facts about the source selection, and a substantial amount of significant information was compiled. However, the subcommittee deferred public hearings on the matter pending the completion of the study by the General Accounting Office.

On July 2, 1970, the Comptroller General of the United States recommended to the National Aeronautics and Space Administration—NASA—that the agency reconsider its selection of General Electric to build the two satellites.

Following receipt of Mr. Staats' recommendation, NASA announced on the same day, July 2, that it would reopen the competition for the satellite project between the two final competitors, General Electric and the Fairchild Hiller Corp.

Mr. President, I commend highly the action of Comptroller General Elmer B. Staats in making the recommendation and also NASA in following the recommendation. It is my firm belief that in all Government procurement it is extremely important to avoid not only impropriety itself but the very appearance of impropriety.

I quote from the letter written on July 2 by Mr. Staats to Dr. Thomas Paine, NASA Administrator:

> On the facts of record it is our opinion that the established award selection procedures were not followed and that the procedures which were followed were defective. Under the circumstances, we think that the proposed award to General Electric should be reconsidered.

Mr. President, I concur fully with the conclusion stated in Mr. Staats' letter, and I am pleased that NASA withdrew the offer of the contract and reopened the bidding. I ask unanimous consent that the Comptroller General's letter to Dr. Paine be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McCLELLAN. The General Accounting Office recommendation was based principally upon consideration of the events surrounding the submission of the final bids by Fairchild Hiller on February 27, 1970, and by General Electric on March 6, 1970. Inquiries by the subcommittee's staff, however, disclosed other matters which raise additional serious questions about NASA's procurement practices.

The first of these relates to the inordinate length of the competitive process, which began in 1966 under the NASA phased procurement source selection system. It is significant to note that from 1966 until the present time, NASA expended approximately $22 million to fund the competition for a contract of approximately $50 million. During that time period, NASA provided almost $12 million to General Electric and Fairchild Hiller for the preparation of a number of proposals. There are indications that approximately $10 million additional were spent within NASA for the evaluations of the proposals and for numerous conferences and fact-finding sessions with the competitors. It is highly questionable whether the expenditures of so much money and time during the several years of competition were necessary or substantially productive, and whether the phased procurement source selection system is efficient, economical, and in the best interests of the Government.

Second, the subcommittee's staff review shows that, during an evaluation of cost proposals by NASA in February of 1970, NASA made a substantial adjustment to the Fairchild Hiller proposal to reflect a probable cost overrun predicted by the agency. The propriety of this cost adjustment is subject to serious question. Its principal effect was to keep the competition open. Moreover, NASA insisted on maintaining secrecy about the proceedings of its source selection board. The existence of the predicted cost overrun was not known to Fairchild Hiller when the selection of General Electric as the probable contractor was announced, and, therefore, was not included in the Fairchild protest.

The third serious question relates to the fact that the final bid by General Electric in March of 1970 contained a reduction in overhead costs which decreased General Electric's total price to a figure just below that of Fairchild Hiller and thus resulted in the selection of General Electric as the contractor. Our staff study shows, however, that the reduction by General Electric in overhead costs is the result of a device which might very well result in increasing the net cost to the Government, rather than lowering it. The validity of this artificial price decrease apparently was not questioned within NASA.

Mr. President, the facts about this competition indicate to me that the source selection procedure and the decision by NASA were remarkably similar to those in the ill-fated TFX program. There also were four rounds of evaluation in the TFX award, during which the airplane design initially rated second best at higher cost gradually scored better in evaluations of performance and cost until it almost equaled its competitor's proposal. At that point, after the fourth round, the manufacturer whose design had been judged second best by the technical experts throughout the competition was awarded the TFX contract by the Secretary of Defense. In my view, this current procurement project by NASA is certainly reminiscent of the TFX competition and contract awards.

I believe that a thorough review of the phased procurement source selection system should be undertaken within NASA and other agencies in which such a review would be appropriate, in order to determine whether the system should be modified, changed, or eliminated.

I also believe that the proceedings of such source selection boards should be made fully available to all competitors after the contract decision has been made. The only limitation upon availability should be that actual proprietary information submitted by any competitor would be withheld from others. Such a requirement for freedom of information would be a major step toward eliminating suspicion, misunderstanding, and confusion relating to awards of major Government contracts. There should be no secret decisions which are followed by inadequate and unsatisfactory explanations to the competitors about the procedures used in making the decisions and the reasoning behind them.

EXHIBIT I

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., July 2, 1970.

Hon. THOMAS O. PAINE,
Administrator, National Aeronautics and Space Administration.

DEAR DR. PAINE: We refer to your letter of April 9, 1970, requesting that we conduct a review of the events leading to the selection of the General Electric Company (GE) rather than Fairchild Hiller Corporation (Fairchild) to build two (F & G) Applications Technology Satellites (ATS). You ask us to "establish whether there were any improprieties and whether or not established procedures were properly followed in this selection." In addition to your letter of April 9, we have also received a protest from Fairchild Hiller against the proposed award to GE.

Applications Technology Satellites (F & G) is a NASA program for design, development production, launch and support of two synchronous communications satellites now scheduled to be launched in early 1973 and 1975, respectively. Each satellite will have a minimum useful life of 2 years and will act as a precisely oriented test bed for the performance of numerous communication experiments. A principal feature of the spacecraft is a thirty-foot diameter parabolic antenna that is deployed after the spacecraft is placed in orbit. The antenna is to be capable of providing a good quality TV signal to a small, inexpensive ground receiver. In addition to communications tests, the spacecraft will perform other experiments of scientific and technological significance.

The ATS (F & G) program has been conducted by NASA under the management procedures now outlined in NHB 7121.2 dated August 1968 entitled "Phased Project Planning Guidelines" which are used for the procurement of major research and development projects.

The program started with a phase A competition which in May 1966 resulted in the award of three parallel contracts for preliminary analysis and feasibility studies for ATS (F & G). The three contractors selected were Fairchild, GE, and Lockheed. During phase A the three contractors developed design parameters and other information. NASA also conducted an in-house study (by a Goddard Space Flight Center team) on all the problem areas related to the ATS (F & G) program. At the conclusion of phase A the Goddard team assessed the various studies and arrived at a "Preferred Approach for ATS F & G" dated November 20, 1967, which was distributed to the phase A contractors.

Phase B/C solicitation dated February 8, 1968, was distributed to the three contractors with copies of the final reports issued by each of the three contractors on phase A. Bidders were instructed that combined phase B and C would include system design and would be accomplished under two contracts, and that phase D involving final hardware design and development would be performed by a single contractor, "anticipated to be one of the contractors selected for this procurement [phase B/C], however, NASA reserves the right to bring new contractors into the project at any time it is considered to be in the Government's best interest." The solicitation further stated that the phase D work statement would be "developed largely upon this Phase B and C effort, therefore, pertinent technical data developed in Phase B and C will be made

available to the Phase B and C incumbent contractors for consideration in preparation of their final Phase D proposals." Finally the solicitation stated as follows:

"The data developed under the proposed contracts will be the property of the Government, except where proprietary rights are agreed to in advance, and may be released to other contractors for follow-on effort, and may also be published for general distribution."

In September 1968, phase B/C contracts were awarded to both GE and Fairchild (Lockheed did not receive a phase B/C contract). Phase B/C called for, among other items, the delivery of phase D proposals. Each phase B/C contract consisted of two parts. Part I was a firm-fixed price contract consisting of the study effort, while part II was on a cost-plus-fixed-fee basis and was to cover the holding period between phases B/C and D.

Phase D proposals were submitted by Fairchild and GE in September 1969, as scheduled. Price proposals were based on estimated costs since a cost-plus-award-fee contract was anticipated. October through December of 1969 was taken up with proposal discussions, fact findings and so on. By the end of December 1969 both competitors submitted revised proposals based on the prior discussions with Goddard.

During this period the NASA Source Evaluation Board, consisting of Goddard and other NASA personnel specifically constituted for evaluating the proposals, had already made preliminary technical ratings of the proposals. On the initial scoring, Fairchild was rated at 699 and GE at 664. After preliminary orals were conducted, the competitors were then rated as follows: Fairchild at 683 and GE at 670. Final ratings were given after Goddard conducted fact findings for about 10 days with each company. These final scores were 687 for GE, and 686 for Fairchild.

On February 4, 1970, a Source Evaluation Board report was submitted to you as the source selection official for this procurement. This detailed report stated in summary that:

"It is the opinion of the Source Evaluation Board that the Fairchild Hiller and General Electric proposals are technically equal. Based on the GSFC [Goddard] Technical Evaluation of manhours and materials, the cost difference is minor. Both proposers can execute Phase D in an acceptable manner."

In the meantime, a funding problem arose within NASA necessitating a delay of about one year in the launch schedule of the satellites. In a memorandum dated February 5, 1970, your Executive Officer requested that the two competitors be advised of the funding problem and the need for revised proposals to "maximize any technical, quality, interface, or delivery schedule advantages, as well as economies that can be effected as a result of the changes in funding and launch schedule. Oral and written discussions will be conducted so that all essential terms and conditions * * * have been agreed to." This memorandum was not received by Goddard until after the February 12, 1970, letter mentioned below had been sent to both contractors, although Goddard was immediately advised of the changed situation.

A joint meeting between representatives of Goddard, GE, and Fairchild was held on February 6, 1970, at which time the two competitors were given instructions for submitting their revised proposals. This meeting was confirmed by a letter dated February 12, 1970, from Goddard to both contractors which, according to Goddard officials, contained the information given out at the February 6 meeting.

The February 12th letter requested a revised proposal based on certain funding limitations and on certain launch readiness dates for the F&G satellites. Bidders were also invited to submit an alternate proposal based on the same funding limitations but alternate launch dates. The letter stated that: "It is anticipated that the technical aspects of the present proposal will not be altered except as appropriate to reflect schedule revisions." The letter concluded as follows:

"It is anticipated that the time from single contractor selection to contract definitization will be approximately four months.

* * * * *

"The revised proposals are required to be delivered to the GSFC by February 27, 1970 in order to maintain the planned schedule for award of a contract. The contractor should advise the contracting officer by February 16, 1970 of his ability to submit the revised cost proposal as stated above."

On February 16, 1970, Fairchild advised Goddard, "that every effort will be extended to effect submittal of subject revised cost proposals by 27 February 1970." GE replied by telegram on February 16 that, "The earliest date that we can guarantee submittal of responsive proposals is March 6, 1970. However, we will strive to better this date."

On February 18, the GE General Manager was at Goddard, and he stated that the additional time (beyond February 27), was required "due to time required by subcontractors and the fact that GE was also submitting a proposal for [another procurement] which was being prepared at the same time." He indicated that nonetheless every effort would be made to have the proposal in by March 4, 1970.

Then, on February 25, 1970, a Fairchild representative called the Goddard contracting officer (Mr. Krenning) to advise him of Fairchild's intention to submit a telegraphic request for an extension from Friday, February 27, 1970, to Monday, March 2, 1970, for the submission of Fairchild's proposal. The Fairchild representative reports he was told that such a request would not be approved because a similar request from GE had already been rejected. As a result of this conversation, the telegram was not sent.

Mr. Krenning confirms the fact that Mr. Flynn of Fairchild orally requested an extension of time but he denies having said that GE had been refused a similar request. Mr. Krenning reports he stated to Mr. Flynn that any written request for an extension would be referred promptly to his superior. He further reports stating to the Fairchild representative that: "if it was necessary that they be late, they were going to be whether or not NASA concurred and if it were not necessary, why should we grant an unnecessary delay." Finally, Mr. Krenning states that at the end of this conversation he was convinced that Fairchild would be late.

The record shows that Fairchild's basic and alternate proposals were submitted at 4:00 p.m., on February 27, 1970. Fairchild also submitted a third, optional, proposal on March 4. (This proposal would have required Fairchild to exceed the funding limitation by some $300,000 for fiscal year 1971, but Fairchild stipulated that such excess costs be allowed as deferred charges to later year appropriation.) This proposal was ultimately rejected by your agency.

When the Fairchild representative delivered this March 4 optional proposal to Goddard he learned that GE's proposals had not yet been delivered. The Vice President of Fairchild then telephoned the Goddard Director of Administration and Management and asked that Fairchild's proposal not be distributed to personnel for evaluation because of the fact that GE's proposal had not yet been received. The NASA Director advises us, however, that the Fairchild proposal had already been distributed.

The GE proposals were received and distributed for evaluation the early morning of March 6, 1970.

Thereafter, "fact finding" sessions were conducted at Goddard with Fairchild on March 10 and with GE on March 11 and 12, which resulted in certain refinements to the proposals. As a result of the fact finding with Fairchild, it was required to propose an upward adjustment in cost of $85,722, in its February 27, 1970, proposal.

The Source Evaluation Board then evaluated the revised proposals but made no change in the technical scoring. However, both GE and Fairchild had revised their proposal costs and the Board reevaluated each of the competitor's cost revisions. The Board's report dated April 3, 1970, concluded that the two firms were technically equal, but on an evaluation of contractor-proposed cost it was determined that GE was approximately 2 percent lower than Fairchild.

This Board report was presented orally to you on April 7, 1970. On April 8, 1970, the selection of GE as Phase D contractor was announced.

After the announcement of the selection of GE, NASA terminated Fairchild's contract for development of proposals and holding and discontinued funding of Fairchild effective April 16, 1970. The holding period under GEs contract has been extended through July 1970.

We must report that in our review of the award selection process we found that certain irregularities did occur. We have in mind certain events associated with the submissions of revised proposals after February 4, 1970.

In the first place we believe the instructions sent out to the bidders on February 12 were ambiguous. The February 12 letter stated that: "It is anticipated that the technical aspects of the present proposals will not be altered except as appropriate to reflect schedule revisions." It appears that this language was used in an attempt to discourage technical changes in the final stages of the negotiations. In so doing, we believe ambiguous instructions were issued which were subject to a variety of interpretations. Furthermore, we find these instructions were at variance with the instructions issued on February 5 by NASA Headquarters to "maximize any technical, quality, interface, or delivery schedule advantages, as well as economies that can be effected as a result of the changes in funding and launch schedule. Oral and written discussions will be conducted so that all essential terms and conditions * * * have been agreed to."

However, we are more concerned with another aspect of the final submission of proposals. Your regulation, NASA PR 3.805-1(c), states that a specified date for the close of negotiations should be established and that thereafter proposal revisions generally should not be accepted. We do not find that Goddard complied with this regulation.

As the record shows, Fairchild submitted its revised proposals on February 27, 1970, while GE submitted its proposals on March 6, 1970. We believe that Fairchild had every reason to regard February 27 as a cut-off date for submission of revised proposals. The clear import of the February 12 letter and the contracting officer's remarks to the Fairchild representative on February 25 was that the February 27 submission date could be ignored only at the bidder's peril. The fact that Fairchild submitted an unsolicited, and ultimately unacceptable, proposal on March 4 does not in our opinion take away from the factual situation set out above which, according to Fairchild, led it to believe that the principal proposals should be submitted by February 27. It is reasonable to conclude that Fairchild submitted its March 4 proposal with the hope that it might be considered timely but with no assurance that it would be.

GE, on the other hand, states it had reason to believe that a proposal submitted by

March 6, 1970, would be acceptable to Goddard. GE officials have stated to us that, while Goddard personnel had urged GE to meet the specified February 27 date, they gave no indication that a proposal submitted after that date would be unacceptable or otherwise subject to penalty.

A situation prejudicial to Fairchild was thus created. Fairchild contends that if it had had an extra week, as did GE, to negotiate with its subcontractors or to develop cost saving methods, it might have reduced its cost proposal in much the same manner as GE did. For example, Fairchild has suggested the use of one of its off-site facilities if it had the extra time to consider the matter. We are not in a position to disagree with Fairchild, since it is a fact that Fairchild prepared its revised proposals within 3 weeks while GE submitted its proposals a week later.

To compound the situation, the Fairchild proposals were distributed for cost evaluation on March 3 and technical evaluation on March 4, or two and three days before the GE proposals were received. As a result, Fairchild contends that certain cost information in its proposals could have been leaked to GE before the GE proposals were submitted. It is argued by your agency that if a leak did occur during this two or three day period, and there is no evidence of a leak, it could not have done GE much good anyway by that time. We agree that there is no evidence of a leak. On the other hand it cannot be conclusively stated that there was no leak. A situation was created where a leak which might have affected the results of the competition was possible. And the danger of such a leak existed not only during the two or three day period referred to, but during the entire week that intervened between submission of the two proposals.

The situation was further compounded by the apparent fact that the officials making the award selection apparently were not aware of the fact that Fairchild's proposals were submitted and distributed for evaluation before GE's proposals were received. In this regard we note the following statement contained in your administrative report to our Office:

"The Board's second report, dated April 3, 1970 (TAB M), was presented orally to the Administrator on April 7, 1970. It contains a minor inconsistency. On page 2 of the summary, it states incorrectly that both proposals were received on March 6, 1970. This oversight is clarified by the more detailed account of the March proposals in the 'Report to Chairman Business Management Committee,' March 31, 1970, which is attached as a part of the Board report."

The whole problem could have been avoided if Goddard had extended the bid submission date as originally requested by GE in its telegram of February 16, 1970. At the very least the Fairchild proposals should not have been distributed for evaluation until after the GE proposals were received. Goddard officials have explained their refusal to grant additional time on the basis of urgency. They also explain that, since they could evaluate only one proposal at a time, they started to evaluate the Fairchild proposals while awaiting receipt of the GE proposals in order to save time. We are not impressed by this explanation. An award was not contemplated for another 4 months and we think that a one or two week time extension could have been tolerated in the circumstances.

In this connection, we note that back in December 1969, the first revised proposals were also submitted at different times. At that time the GE proposal was submitted before the Fairchild proposal. We understand that no common cut-off date was established at that time; apparently the competitors simply were told to submit their proposals upon completion of their respective fact finding sessions with Goddard. Be that as it may, we do not think the events of the prior submission can justify what occurred with respect to the final submission of proposals.

Your agency takes the position that February 27 cannot be regarded as a cut-off date for negotiations in the case of Fairchild because of the fact that discussions, both written and oral, were held with Fairchild as late as March 13, 1970. Fairchild contends that these March discussions were limited in scope and Fairchild did not feel free to change its proposal except to the extent required by Goddard. The record supports Fairchild's position. The March negotiations were confined to several rather limited matters resulting in an upward adjustment in proposal cost of only about $86,000. We do not regard these negotiations as constituting a full re-opening of negotiations with Fairchild.

On the facts of record it is our opinion that the established award selection procedures were not followed and that the procedures which were followed were defective. Under the circumstances, we think that the proposed award to GE should be reconsidered. We recognize that the present posture of the procurement is such that arguments can be made as to the form such reconsideration should take. At this point in time we believe this decision should be made by your agency, taking into consideration the defects in the prior negotiations as set forth in this letter. We would, of course, be pleased to discuss with you such future action as you may think proper, if you wish.

An additional point has been made which we think merits comment. Fairchild has alleged that NASA used the deficiency correction route supposedly required by GAO rulings to coach GE into the adoption of certain elements of Fairchild's design. We have held, in accordance with the provisions of 10 U.S.C. 2304(g), that written or oral discussions should be conducted with all responsible offerors whose proposals are within a competitive range and that competitive range encompasses both price and technical considerations. 47 Comp. Gen. 29, 53. However, our Office has never approved any procedure whereby information which would give an unfair competitive advantage to any proposer would be disclosed during the negotiation process. We, as you know, informally approved NASA Procurement Regulation Directive No. 69-5, dated March 10, 1969. However, we do not read this regulation as authorizing such a procedure.

We are returning the Source Evaluation Board reports as well as the correspondence and minutes of the oral discussions dealing with the various proposals under separate cover.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. McCLELLAN. I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I join with the distinguished Senator from Arkansas in his commendation of the action of the Comptroller General in the recommendations that the Comptroller General has made. But I think that all of us in the Senate should go further than that, and express our appreciation to the Senator from Arkansas himself, and to his subcommittee, the permanent Subcommittee on Investigations, and the staff of that subcommittee. When I first took this matter up with the chairman, he was extremely gracious, he was interested, and the investigation moved forward in a measured, proper, and reasonable way.

But beyond our expression of appreciation to the chairman of the permanent Subcommittee on Investigation and to the Comptroller General, I think there is something more here which is extremely important. That is that here we have two important investigating bodies of the Government, the Committee of the Senate and the General Accounting Office, which have moved in a measured, prudent, and thorough way into an important item of Government business. They have come up with the same conclusion. That conclusion has now been explained to the Senate by the chairman.

Mr. President, this should restore public confidence in a way that nothing else can in the procedures of government. I think, Mr. President, that for this more than for anything else we are greatly indebted to the Senator from Arkansas.

Mr. McCLELLAN. I am grateful to the Senator. I am sure he understands why the committee held no hearings; we simply ordered a preliminary investigation; the General Accounting Office was conducting an investigation, and we cooperated to the end that we might bring this to a satisfactory conclusion without the necessity of hearings. That was the result of it, and we were glad to work that way. In fact, this committee always tries to work with the other agencies of Government, and tries to get them to work with us in trying to determine how economy and efficiency in Government can best be obtained.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. McCLELLAN. Mr. President, there was no time limit.

Mr. MANSFIELD. No, Mr. President, there was no time limitation. The Senator thought he would be through in 10 minutes.

Mr. McCLELLAN. I am through.

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

Mr McCLELLAN. Yes; I yield to the distinguished Senator.

Mr. TYDINGS. Mr. President, I would like to take this opportunity to thank the distinguished Senator from Arkansas for the very fine effort that he and his subcommittee made, which undoubtedly helped to assure that the matter of the awarding of contracts will be more broadly executed as far as the General Accounting Office is concerned.

As a Senator from Maryland, I am particularly happy that the decision was made as it was by the General Accounting Office, and I want the distinguished chairman of the Committee on Government Operations to know that we in Maryland greatly appreciate his action in this matter, and the fact that the result obtained was the result of such an expeditious, fair, and just manner of proceeding.

Mr. McCLELLAN. I thank my friend from Maryland.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

STATEMENT IN SUPPORT OF CONCEPTS OF REORGANIZATION PLANS 3 AND 4

Mr. JAVITS. Mr. President, the President has submitted to the Congress today Reorganization Plans Nos. 3 and 4 of 1970, establishing the Environmental Protection Agency—EPA—as a new independent agency within the executive branch and the National Oceanic and Atmospheric Administration—NOAA—in the Department of Commerce. The concept of this plan appears to me to be entirely sound.

ENVIRONMENTAL PROTECTION AGENCY

The EPA brings together in a single organization the major Federal pollution control programs now existing in four separate agencies—Interior; Health, Education, and Welfare; Agriculture; and Atomic Energy Commission—and one interagency council—Council on Environmental Quality.

This requires pulling together into one agency a variety of research, monitoring, standard setting, and enforcement activities now scattered through those several departments and agencies. The mission of the EPA will be to organize the fight against environmental pollution on an integrated basis which acknowledges the critical relationships among pollutants, forms of pollution, and control techniques.

According to the President, EPA with its broad mandate, would also develop competence in areas of environmental protection that have not previously been given enough attention, such, for example, as the problem of noise, and it would provide an organization to which new programs in these areas could be added. The EPA will have an estimated fiscal year 1971 budget of $1.4 billion and 5,650 personnel to deal with environmental problems.

Reorganization Plan No. 3 which would create an independent agency whose administrator would be a level 2 administrator on the same level as the administrator of the National Aeronautics and Space Administration. I am hopeful that the plan will receive, of course, every consideration, and that it will be permitted to take effect according to law.

The concept of Reorganization Plan No. 4 seems to me also to be sound.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOAA brings together in a single administration within the Commerce Department the major Federal programs dealing with the seas and atmosphere. These programs presently exist in four departments and one agency.

The function of NOAA is to organize a unified approach to the problems of the ocean and the atmosphere and to create a center of strength within the civilian sector of the Federal Government for this purpose. Although each of the units which will comprise NOAA presently carries out oceanic functions according to its particular mission, the lack of overall planning and systems approach has resulted in an impetus toward oceanic affairs which has been much less than it should be. The NOAA will have an estimated 1971 budget of about $270 million and over 12,000 personnel.

Upon the establishment of NOAA, the following programs will be transferred to it by executive action. No legislative authority is required to effect these transfers: The National Oceanographic Data and Instrumentation Centers of the Department of the Navy, and the national data buoy program of the Department of Transportation.

The President will request, upon approval of the plan, that the Secretary of Commerce establish a National Advisory Committee for the Oceans and Atmosphere to advise on the progress of governmental and private programs in achieving the Nation's oceanic and atmospheric objectives.

Reorganization Plan No. 4 would create an agency within the Department of Commerce whose administrator would report directly to the Secretary of Commerce. I am also hopeful that this plan will receive, of course, every consideration and that it will be permitted to take effect according to law.

I thank the majority leader for his kindness in including me in the time allotment.

EXTENSION OF THE DEFENSE PRODUCTION ACT

The Senate continued with the consideration of the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time on the amendment is limited to 20 minutes, 10 minutes to a side. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

The amendment I am offering would strike the $25 million loophole amendment approved in committee by an 8-to-6 vote. The committee amendment would exempt defense contractors from complying with uniform cost accounting standards if their defense sales were less than $25 million in the preceding fiscal year.

The $25 million loophole amendment is totally without merit or redeeming features. It is strongly opposed by the Comptroller General who has said such an exemption "would largely defeat the purposes of the bill." It was attacked by Admiral Rickover who charged that the loophole amendment would "emasculate the legislation." The former Comptroller of the Defense Department said that "there is no merit to such a proposal." Six members of the Senate Banking Committee signed strong individual views in which they concluded that they could "see no justification" for the loophole amendment.

Four Democrats and two Republicans voted against this $25 million loophole and joined together in filing a strong dissent in the committee report. These include the chairman of the full committee, Senator SPARKMAN, and the chairman of the subcommittee which considered the bill, Senator MONDALE, and its ranking minority member, Senator GOODELL. I am most grateful for their support.

A KING-SIZE LOOPHOLE

This is a king-size loophole. About 97 percent of all prime contracts in fiscal year 1969 went to firms with sales of less than $25 million. Thus the loophole amendment would exempt 97 percent of all defense contractors from the bill. In terms of dollar volume, this accounts for about 25 percent of all negotiated defense procurement. In other words about $10 billion in prime contracts would be exempted by the loophole amendment. Moreover, the figure could be much higher if subcontracts are added in. Unfortunately, the Defense Department does not keep figures on subcontracts, but Admiral Rickover has estimated that an additional $14 billion in subcontracts could be exempted. Thus the loophole amendment could exempt as much as 50 percent of all defense procurement from the bill.

Admiral Rickover has estimated that uniform cost accounting standards will save the Federal taxpayer $2 billion a year. If this estimate is correct, the loophole amendment could cost the taxpayer between $500 and $1 billion a year. It is a high price to pay for placating a small group of willful defense industry lobbyists who selfishly seek to exempt their firms from the bill.

THE PHONY COST ARGUMENT

The ostensible purpose of the loophole amendment is to lighten the recordkeeping burden on "small" defense contractors who presumably cannot afford to change their accounting procedures. This argument is as phony as a claim by General Motors that it cannot afford to pay taxes. It is a red herring designed to becloud the true issues and secure a special privilege for a group of favored defense firms.

The record of the hearing clearly shows there will be no substantial burden on defense contractors, large or small. The Comptroller General has said uniform cost accounting standards "would not unduly burden small contractors, and we have not been provided with any evidence to indicate that it would."

The chairman of the National Association of Accountants has stated that while there would be some minor cost of adapting to the new standards, once they were promulgated, there "would be little or no difference from the costs that those companies are expending now."

Rather than burdening small contractors, uniform cost accounting standards should actually help them by taking much of the guesswork out of what is or is not allowable. This point was forcefully made by Robert Anthony, a former Defense Department comptroller, author of accounting textbooks and currently a professor at the Harvard Business School. In referring to the phony paperwork argument, Anthony testified:

> This argument is based on a complete misconception about the nature of cost accounting standards. All companies with cost-type contracts must have a cost accounting system. Such a system must be based on certain principles. Present systems are based on whatever principles the contractor chooses to use. Presumably, these are principles that the contractor finds most advantageous to him, within the vague statements of Section XV of ASPR. A system based on other princi-

ples, those promulgated by the Comptroller General, should cost no more to operate than a system based on the principles that the contractor selects, unless the contractor now uses a system that does not do an adequate job of measuring cost at all.

Indeed, it is likely that many contractors will benefit from the promulgation of a set of good standards. In the present situation, there is a great deal of confusion and uncertainty as to what practices are acceptable and what are not. With a good set of standards, the arguments with government auditors, and even the unexpected disallowances, that result from these uncertainties should be greatly reduced. Small contractors, who cannot afford large accounting staffs, should benefit proportionately more than the large contractors, who have experts knowledgeable in how to take advantage of the maximum latitude that is permissible under present regulations.

At least one industry group—the National Aerospace Services Association—agrees with Anthony. Its procurement regulation committee chairman testified that "we can conjecture that standards for records would lighten the recordkeeping load of small companies."

Throughout the hearing, the Comptroller General made it abundantly clear that the GAO did not envision extensive and costly changes in accounting systems. Rather, the GAO report and testimony and the legislation call for cost accounting standards to achieve a greater degree of uniformity and consistency. GAO envisions that all contractors would follow a common set of cost accounting standards or principles, but each would be free to operate their own accounting and recordkeeping systems as they saw fit. Thus, there is no basis for excluding small defense contractors because of the presumed cost of implementation.

It should also be emphasized that existing defense accounting regulations apply to all contractors regardless of size. Section XV of the Armed Services procurement regulations requires uniform cost accounting standards for all cost-reimbursement contracts. GAO has criticized these regulations because they are too loose and are not mandatory for all types of contracts. Nonetheless, the point still remains that the Department of Defense could see no valid basis for exempting contractors on the basis of their volume of business with the Government.

NO INTERNAL CONSISTENCY

Another feature of the loophole amendment even more difficult to understand is the fact that it also exempts contractors doing less than a $25 million a year business from disclosing their cost-accounting practices in advance of a contract and agreeing to follow those practices consistently. The GAO report showed numerous examples of contractors using one accounting method for estimating costs and a totally different method in their day-to-day operations. Invariably, the method used for estimating costs produced a higher estimate than the regular method.

The Comptroller General has testified that regulations requiring contractors to disclose their own cost accounting practices and follow them consistently can be put into effect almost immediately and that such regulations would save the Government money. Whatever one may think about the cost of implementing cost accounting standards promulgated by the Federal Government, surely one cannot seriously argue that it would be unduly costly for a contractor to disclose his own cost accounting standards and to follow those standards consistently. Nonetheless, the loophole amendment would exempt the defense contractors under $25 million from even this elementary safeguard.

BIG FIRMS ARE EXEMPTED

Although the Comptroller General sees no reason for any exemption, it might still be argued that some small business concerns should be exempt from complying with the standards promulgated by the Federal Government until the standards have proved workable. However, the loophole amendment stretches the concept of "small business" almost beyond recognition. By any standard, a $25-million-a-year business is substantial. A firm doing a $25-million-a-year business with the Government can hardly claim it is a "mom and pop" corner drugstore when it comes to cost accounting. Moreover, the firm may be substantially larger since the $25 million floor does not count civilian business.

For example, under the loophole amendment, small neighborhood defense contractors such as Dow Chemical could be exempt since the company had prime contract awards of $18.7 million. Information on subcontractors was not available. Other "mom and pop" defense contractors who could be exempted by the loophole amendment include the following firms with prime contracts under $25 million in fiscal year 1969:

Allis Chalmers, which is in my State of Wisconsin, $22 million; Bell & Howell, $14.8 million; B. F. Goodrich, $21 million; Minnesota Mining & Manufacturing, in the State of my good friend, the manager of the bill, the Senator from Minnesota (Mr. MONDALE), $22.8 million; R. J. Reynolds, $18.5 million; Zenith Radio, $12.8 million.

THE COMMERCIAL PRODUCT LOOPHOLE

Another problem with the loophole amendment is that the $25 million limit does not include "commercial products" sold to the Government if sold in substantial quantities to the general public. There is no definition or qualification given to the term "commercial product." A similar exemption is included under section 719(g) of the bill; however, there, the term "item" is used instead of "product" with the added qualification that the item must be sold on the basis of "established catalog or market prices." This is in keeping with the committee intent to confine the exemption to small items such as paint or screwdrivers.

By changing the word "item" to "product" and dropping the catalog or established market test, an implication could be reached to include much larger items such as airplanes or computers which were never intended to be exempted by the committee under section 719(g).

Thus, it might be possible under the $25 million exemption to exempt a $2 billion aircraft contractor such as Lockheed from complying with uniform cost accounting standards if the aircraft were also sold to the general public.

CONGLOMERATES EXEMPTED

Still another potential loophole is that the term "defense contractor or subcontractor" is not defined to include all the firms within a large conglomerate. Thus, a subsidiary of a large conglomerate could be exempt if the subsidiary's defense business was less than $25 million even though the company as a whole had hundreds of millions of dollars in defense contracts. Thus large firms such as Litton Industries or LTV would have sizable portions of their empires exempt.

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

Mr. PROXMIRE. I yield.

Mr. MONDALE. As the Senator knows, under the tax law, at one time it was possible to get the preferred tax treatment for small corporations by simply creating another corporation; and there was one group of commercial interests that created 405 corporations and by that method saved themselves approximately $6 million in taxes a year, because the law permitted that.

While this is not a tax measure, as I understand it, it would permit the same kind of multiplication of contracts, so that $25 million could be repeated again and again and again simply by creating new conduits through the corporate technique.

Mr. PROXMIRE. The Senator is correct. That is the way the language is drafted in the bill.

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

Mr. PROXMIRE. I yield, on the Senator's time.

Mr. CRANSTON. The Senator's answer can be on his time.

I want to ask whether the figures the Senator recited relating to Dow Chemical and other concerns covered only their negotiated prime contracts with the Government or whether they also covered off-the-shelf sales.

Mr. PROXMIRE. They covered negotiated prime contracts.

Mr. CRANSTON. I thank the Senator.

ADMINISTRATIVELY UNWORKABLE

Mr. PROXMIRE. All the other shortcomings in the loophole amendment, it is administratively unworkable. This was clearly indicated in a letter from the Comptroller General which reads as follows:

> We do not believe it would be practicable to make the applicability of cost accounting standards dependent upon the volume of a contractor's Federal business. Most defense prime contracts involve many subcontracts. If the prime contractor was subject to such standards and his subcontractors who contribute to the bulk of his prime contract costs were not, the purpose of adopting cost accounting standards would be defeated. It would be very difficult to administer the contract as a whole under two, or more, sets of cost accounting standards. Similar and more difficult problems would arise if the prime contractor had agreed to consistency in following his existing practices and one or more subcontractors had not.

If the loophole amendment were approved by Congress, defense procurement officials would be faced with an admin-

istrative nightmare. Suppose a contractor had done a $20 million a year business in fiscal year 1970. During fiscal year 1971 suppose he struck it rich and landed a $500 million contract. Under the loophole amendment, he would not have to comply with uniform cost accounting standards in negotiating the contract since his business was less than $25 million in the preceding year.

Or take another example: Suppose a large contractor negotiates a $1 billion contract in fiscal year 1971 which will take several years to perform. Suppose his sales in fiscal year 1972 are less than $25 million. Does this mean he is exempt from uniform cost accounting standards during the next year even though he still has more than $975 million in potential deliveries under the contract?

Perhaps some of these difficulties could be solved through better drafting although such an exercise would be beside the point. My only purpose in pointing out these drafting difficulties is to demonstrate the lack of thought which has gone into the entire loophole amendment and that the basic purpose of the amendment is characterized by this same lack of thought. One does not make a pig eligible for a beauty contest by removing its warts.

FLEXIBILITY ALREADY PROVIDED

Finally, it should be mentioned that the committee adopted language giving the Cost Accounting Standards Board administrative authority to exempt any class of contractor or contract from the bill if necessary and justified. This is a much sounder procedure as opposed to arbitrarily guessing at a dollar exemption level without the slightest justification or evidence and freezing it permanently into law.

SUMMARY

In summary, the $25 million exemption amendment is:

First, totally unjustified since there are no substantial costs of implementation;

Second, needlessly broad since it also exempts contractors from disclosing their own practices and adhering to them;

Third, grossly excessive in its definition of small business;

Fourth, loosely drafted with the result of possibly exempting much larger defense contractors;

Fifth, administratively unworkable; and

Sixth, unnecessarily rigid in view of the flexible administrative authority given the board to exempt small firms if warranted.

There is no justification for exempting 25 percent or more of defense contractors from the legislation under the guise of helping small business. Small business may need some relief, but the $25 million figure is obviously excessive. If we are to have truth in accounting, it should apply as broadly as possible. The Congress should not grant indiscriminate favors to special interest groups without an adequate showing. No such showing for the exemption has been made.

Simple equity demands that the rules be applied uniformly without arbitrary or artificial distinctions. As I pointed out, the board can exempt and is given authority to exempt small business on the basis of contract size in the event they feel there would be any hardship involved. I am opposed to the $25 million exemption and believe it should be rejected by the Senate.

Mr. President, I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. NELSON). The Senator from California is recognized for 10 minutes.

Mr. CRANSTON. Mr. President, I oppose the amendment and I oppose it for reasons I shall set forth, but let me say first that the matter of accounting is a subject rather familiar to me, as I served as State comptroller for the State of California for 8 years.

I followed this legislation very carefully in committee and I am not convinced that an adequate case has been made for any uniform cost-accounting standards, on that it is, indeed, the instrument which can halt the abuses which it is designed to correct.

First of all, it has been contended that implementation of a uniform cost accounting system would save the Federal taxpayer an estimated $2 billion per year. However, I note that the Senator from Wisconsin always prefaces his suggestion that it may save that, by saying "if the estimate is correct." However, in an 18-month feasibility study of uniform cost accounting, the General Accounting Office did not prove that $2 billion or any other substantial sum could be saved if such a system were adopted. During the hearings held by the Banking and Currency Committee no witness could factually substantiate the $2 billion figure.

They stated that $500 million will be lost to the taxpayer as a result of the amendment. This rather substantial loss is based on their contention that $2 billion a year can be saved if there are no exemptions from the provisions of this legislation. With a $25 million threshold they calculate that $500 million will be lost in savings.

As I stated a moment ago, the $2 billion savings is nothing more than a hypothetical, unsubstantial estimate. It thus becomes difficult to deduce from this estimated figure any $500 million loss to the taxpayer.

Indeed, it is likely that the price of a defense article manufactured for the Government will increase if uniform cost accounting standards are promulgated—due to the increased overhead costs necessary to implement such a system. The necessity of compiling additional accounting data by contractors because of the different needs of the Government and commercial sectors of their business could also increase costs.

Contrary to the suggestions in the additional views of those on the committee who favor the amendment, I did not conceive of the $25 million threshold as a new definition of "small business." I am aware that a firm doing $24 million worth of business can in no way be considered "small." However, the amendment which I offered was based on an appraisal of the level at which Department of Defense business becomes truly important to a contractor and would motivate him to make major changes in his operation to conform to the Department of Defense's desires.

I view the $25 million threshold as an effort to establish realistically a dollar threshold which would cover the large defense contractors where, if there are to be abuses related to accounting, the largest abuses could occur. The threshold in this legislation—at $25 million—will cover between 200 and 300 prime and subcontractors accounting for 74 percent of all prime contract awards. It goes considerably beyond suggestions made during the hearings that the legislation only affect the 100 largest prime defense contractors.

Virtually all representatives from industry who are intimately familiar with cost accounting practice, testified that if uniform cost accounting standards were to apply to all contractors the smaller contractors would be badly burdened by the one-time changeover costs and new operating costs. These, of course, now refer only to a one-time changeover. It might be that in the changeover, if found that the first procedure was not sound, a revision would be necessary. Without in-house legal counsel, full-time accountants, and computers, many contractors would be faced with heavy expenses if required to adopt uniform cost accounting standards.

In the additional views to which I have been referring, the GAO is cited as not believing that costly changes in a contractor's accounting system would be incurred as a result of implementation of uniform cost accounting standards.

Although I have always admired the competence of the GAO, in this particular case, I must classify their opinions as hearsay. It is clear that the costs of contractor implementation were not a part of the GAO's 18-month feasibility study. Only a single question was devoted to the topic and it received responses ranging up to $1 million. The fact that the "GAO did not envision extensive and costly changes in accounting systems" is a judgment based on lack of information rather than on the situation as it would exist.

On the subject of the disclosure of contractor cost accounting practices, it is implied that the $25 million threshold exempts companies from consistently following their own cost standards. It is inferred that a contractor is free to choose alternatives in an inconsistent and even irresponsible manner. Such is not the case. All contractors must comply with section XV of the Armed Services Procurement Regulations requiring consistent application of cost principles to contractor costs.

Let me read the armed services section XV:

> In determining the reasonableness of a given cost, consideration shall be given to * * * significant deviations from the established practices of the contractor which may unjustifiably increase the contract costs.

Furthermore, all contractors whose stock is publicly held are subject to the accountant's doctrine of consistency certified annually by independent CPA's.

The IRS, DCAA, GAO, SEC, and the Renegotiation Board review periodically a contractor's consistency in the treatment of cost.

The costs of disclosure must be considered in any discussion of the feasibility of the $25 million threshold. A disclosure which will most likely be required by the Cost-Accounting Standards Board would require the following items:

First. Methods of distinguishing direct costs from indirect costs—required already by the bill.

Second. The basis used for allocating indirect costs—required already by the bill—since there normally are variations between separate divisions of a company, each division will require a separate handling.

Third. The composition of each indirect cost pool—since there normally are variations between separate divisions of a company, each division will require a separate handling.

Fourth. Policies on capitalization.

Fifth. Policies on depreciation.

Sixth. Any data the Board may specify.

It has been estimated that in one larger company with well documented accounting policies, two men can prepare such a disclosure—which will run about 200 pages—in about 2 months.

It has also been estimated that in a smaller company with few written policies, the disclosure will require about 1 man year. Most such companies do not have any accounting systems and procedures staff and would have to employ a person or obtain the services of a CPA. The former course might cost $10,000 to $12,000 a year for disclosure and the latter approximately $20,000 to $25,000.

Added costs will be required to revise the disclosure in response to Government objections to the initial submission. Maintenance costs will be required for all future changes.

Mr. President, I am abbreviating my extended presentation in order to save the time of the Senate.

Finally, I do not share the view of Senator PROXMIRE and others that, if the bill did not contain a threshold, the Cost Accounting Standards Board would exempt small contractors because it has been given the power to do so. The $25 million floor included in this legislation is not an arbitrary threshold based on a lack of information or evidence. It is a dollar level which will effectively include the large defense contractors in the provisions of the legislation.

Although I am new to the Senate, I am not new to Government. As a longtime observer of the governmental process, I know that it is more difficult for a governmental board to use its power to exempt a person, corporation, or organization than it is for it to resist the urge to broaden its power and scope. I am not willing to trust a Cost Accounting Standards Board to exempt contractors from the provisions of this legislation—no matter how burdensome this may be to those contractors—legislation whose very reason for being has not been adequately demonstrated. As responsible legislators, I do not think we can abdicate our legislative role by agreeing to delete the $25 million threshold from the Defense Production Act.

We might be wiser to test the advocacy of cost accounting on the larger firms that do $25 million worth of business and up with the Government annually. If cost accounting works and proves to save money, then we can agree to add the smaller companies. But let us not involve the smaller companies at this time in costly experiments that may prove to be of no benefit to them, but may cause them harm and prove to be of no benefit to the taxpayers of this Nation.

Mr. PROXMIRE. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 minutes.

Mr. PROXMIRE. Mr. President, I say to my good friend, the Senator from California, that the estimate of $2 billion was one made by Admiral Rickover based on his long experience with the Government and with cost accounting. He said that it would save 5 percent in costs. And 5 percent of $40 billion is $2 billion. This is also the approach used by Mr. Spacek from Arthur Anderson, one of the biggest and finest accounting firms in the country. Mr. Spacek said a cost reduction of 5 percent would not be out of the question.

I might say also that reference made by the Senator from California to the present procurement regulations were hardly confirmed by the General Accounting Office.

They said this:

> General cost principles and procedures for use in negotiated Defense contracts are contained in Section XV of the Armed Services Procurement Regulation (ASPR). However, the effectiveness of section XV is impaired because:
>
> It makes frequent references to generally accepted accounting principles and/or regulations of the Internal Revenue Service, neither of which was intended to serve contract costing purposes.
>
> It lacks specific criteria for the use of alternative accounting principles and indirect cost allocation methods.
>
> It is of limited applicability, since it is mandatory for only cost-reimbursement type contracts.

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

Mr. PROXMIRE. I yield.

Mr. MONDALE. The references to which the Senator referred were developed through the help of Dr. Wright.

Mr. PROXMIRE. They were, indeed.

Mr. MONDALE. Did Dr. Wright later write a book telling how to beat the regulations?

Mr. PROXMIRE. How to beat the system; he surely did.

Mr. MONDALE. And in that book did Dr. Wright tell defense contractors 10 ways to maximize profits by beating the regulations?

Mr. PROXMIRE. The Senator is correct.

I conclude by pointing out that my amendment is supported by the General Accounting Office and supported by most of the professional accounting associations. It is consistent with Defense Department regulations.

It does permit an exemption for small business if the Accounting Board finds that there is reason to exempt small business to prevent hardship.

Mr. STENNIS. Mr. President, what are the grounds for exempting small business? Frankly, it looks to me as though there should be some exemption here.

Mr. PROXMIRE. Mr. President, I call attention to page 8 of the bill. It reads:

> The Board is authorized, as soon as practicable after the date of enactment of this section, to prescribe rules and regulations exempting from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by this section.

It is very simple. It is on the basis of the size of the contracts. That is the basis.

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I ask unanimous consent to have printed in the RECORD the testimony of Dr. Wright, to whom the Senator from Wisconsin referred. This is the testimony given to the committee and would explain from his point of view what he did in his accounting practice.

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

TESTIMONY OF DR. WRIGHT

Senator PROXMIRE. Now, when Admiral Rickover testified before our Joint Economic Committee, he referred to you and your work. He said:

"Dr. Wright participated in the development of the present Armed Services Procurement Regulation Cost Principles, that is ASPR-XV. He was therefore well qualified to write a book by which he illustrated some of the loopholes in these cost principles. This is tantamount to writing a book to beat the rules and be assured of salvation."

Then he pointed out some of the areas, and I would like to ask you about these.

No. 1, negotiate price, not cost. Keep attention focused on the reasonableness of price.

Some costs may be permitted, for example, some entertainment costs might be classified as travel or employee morale expense.

If the purpose of a contribution is to underwrite losses incurred by the institution in offering courses to the contractor's employees, a lump sum contract with the institution would accomplish the same objective and be allowable.

I certainly have nothing against maximizing profits. When I was in business, I tried to do the same. But as a Government official, I am disturbed over the loopholes you have uncovered in ASPR-XV, and it seems your book is the best testimony we could have on the need for cost-accounting standards.

Dr. WRIGHT. Well, Senator, I very much appreciate the opportunity to set the record straight on this particular point, in view of Admiral Rickover's testimony before your subcommittee on Thursday, November 14, 1968.

I would like to emphasize, if I may, that I participated in the project of preparing part 2, section XV, in the years 1952 and 1953.

I had no official contact with it thereafter. In the 6 years that elapsed until the promulgation of it, literally hundreds of other ac-

countants, lawyers, and procurement personnel for both Government and contractors, went over every word.

Nine years elapsed between my last official contact and the publication of that book. Certainly I did not draft the regulations with the intenion of writing the book, nor did I write the book to take advantage of the Government.

Second, I would like, with your permission, to introduce into the record two pieces of correspondence.

Senator MONDALE. Without objection, they will be entered. You might just describe them for the record (see p. 355).

Dr. WRIGHT. One is dated October 27, 1961, signed by Miss Frances Warren, an associate editor for Prentice-Hall, the book publishers.

Enclosed is a compilation of two reviewers of the work while it was still in manuscript. Prentice-Hall refused to publish that book in its then current form.

I would like to read paragraph 3 of that letter. It reads as follows.

This is a letter dated October 27, 1961, from the editor of Prentice-Hall to myself; paragraph 3:

"Based upon the enclosed reviews, we must strongly urge you to make the suggested revisions so the marketability of the book can be assured, so that Government people will buy the book out of self-defense.

"Our problem is to make certain that we appeal in the right way to those readers who will constitute the bulk of the audience."

I turn now to the reviewer's comments and will read only two short representative paragraphs. These are paragraphs 3 and 4 of the first page, and I quote from the reviewer's comment entitled "Accounting for Defense Contracts, Howard W. Wright."

"Dr. Wright is straddling. He is writing to both sides of the equation at the same time. His book is directed to both the Government representatives and the contractors' representatives at one and the same time.

"In one breath, the author seems to be telling the contractor how to make more money on Defense contracts by writing the proper contracts and including all costs, et cetera. Then in the next breath he seems to be inserting the Government representative in the better performance of his job.

"The two points of view are diametrically opposed. Dr. Wright should remove himself from this neutral ground. He should identify himself 100 percent with the point of view of the contractor. Don't worry about the Government representatives. They will certainly buy the book out of self-defense.

I turn now to my reply, which is dated November 4, 1961, and is my reply to Miss Warren. I will recite only short passages in the interest of time, although the entire letter is submitted so that you will have an assurance that nothing is taken out of context.

The last sentence of the first paragraph reads as follows:

"I know all of the things on your comment sheet are true if one is writing to accountants and if one wishes to prostitute himfor the businessman."

Are you with me, Senator? It's my letter of November 4. I will repeat the last sentence, sir.

Senator PROXMIRE. Tell me which paragraph.

Dr. WRIGHT. The last sentence of the first paragraph, sir.

"I know of the things on your comment sheet are true if one is writing to accountants and if one wishes to prostitute himself for the businessman."

I will read the second pargaraph:

"The greatest compliment that I could have had is on the critique sheet where it states that I should remove myself from the neutral ground. My objective in writing this work was to write a definitive work that is independent, unbiased, honest, and objective. I told you several times earlier that this was not, if I had a part in it, a handy check list of ways to gyp the Government."

I go to the first sentence in the third paragraph:

"I will not emasculate this work by complying with the requirements of the critique sheets."

I turn to page 2, the carryover paragraph beginning on line 2:

"However, your 'ten handy ways to maximize profits' idea seems to be a must, so I might be willing to write up a couple of appendices or some front matter that could be used for promotional purposes."

And down in the summary:

"I will not revise the work along the lines and to the extent indicated in your critique sheet."

And taking out the middle of that paragraph:

". . . If you decide not to proceed, please send me the carbon copy you have at once, that I may seek another publisher or make other arrangements."

Senator, I can say in all honesty, that no word of the text of that book was changed as a result of that review. Within a short period following the receipt of that letter by Prentice-Hall, they told me that they were all set to go.

It is my view that the book has stood the test of time. It has been quoted in court cases, identified as the Bible for defense contracting in many places, and if we are dealing with 10 ways to maximize profits, they are such startling things as—"use the right type of contract," "read the contract before you sign," "include all costs in planning figures," negotiate price not cost," "be sure the accounting system is right for the type of contract," et cetera.

Mr. Proxmire, I am sorry this matter came up originally 18 months ago, I have served my Government in many ways over 28 years, including a period of combat in World War II. I hope to be able to continue to serve it in the future.

But, sir, I am very grateful to you for this opportunity to correct the record on this point.

Senator PROXMIRE. Thank you, Dr. Wright. I am glad you corrected it. I think your correction is most useful.

You say in your statement this morning—"I drafted the current part 2, section XV," et cetera.

Dr. WRIGHT. I did, sir.

Senator PROXMIRE. You did indeed. The title of this introduction, as you say, is "Ten ways to maximize profits." And as I said, I am disturbed at the fact that you were able to point out loopholes in the ASPR–XV and it therefore seems to me that it is desirable that we have cost-accounting standards so that we can overcome some of these loopholes. Maybe you can write a new book and that will sell even better.

Dr. WRIGHT. I have two comments, if I may, sir.

Despite what the record shows in the hearings on November 14, regarding the possible increase in sales of my book, the book has been out of print for 4 years because of a lack of sales, and should it be such a great device for contractors to make money out of the Government, I am sure that the publisher would long since have reprinted it.

Senator MONDALE. Your testimony on page 6 says that before the Armed Services Board of Contract Appeals, in a case involving a large St. Paul, Minn., contractor—are you at liberty to say who that contractor was?

Dr. WRIGHT. I would be most happy to tell you privately, Senator Mondale. I do have a client relationship there.

Senator MONDALE. What relationship? Were you a witness on behalf of the contractor?

Dr. WRIGHT. I was a witness on behalf of the company, yes, sir.

Senator PROXMIRE. I want to reiterate that you have a number of areas, including the way that you make contributions to educational institutions, or education, even though that seems to be allowable; and I think that is ingenious and useful to know.

Dr. WRIGHT. May I respond to that? As you, I am sure, are aware, many contractors find it advantageous to have educational programs for their employees. Rather than setting up their own facilities in-house, they prefer that their students, their employees, take courses for credit at nearby institutions.

Particularly in the engineering and scientific area, these students are usually graduate students. Graduate students do not pay their own way. The tuition at most institutions is simply not adequate to cover the cost of the education.

For a major contractor to expect that an educational institution would enroll 25 or 30 students from a nearby business organization and have to absorb as much as two-thirds of the cost of education, on the one hand is not equitable, and second, the university probably does not have the capability to do it without additional financial resources.

This is not a loophole in the regulation. The regulation says that contributions are unallowable, and in interpreting that regulation from time to time, we have had interpretations that payments to universities in support of graduate education are contributions to that institution if they go beyond the normal level of tuition charged by that institution for sudents who are residents of the State. This is simple.

Senator PROXMIRE. I understand, and I am sure that many of the suggestions that you make have considerable merit. The point I make here, however, is that when you put them all together, it does represent—could represent, on the basis of more sober assessment by the Congress, an opportunity for those who are selling to the Federal Government to be able to charge the Federal Government more than we think is merited.

That is a matter of dispute. In your opening statement, you indicate you have been a consultant to 24 business and nonprofit corporations. How many of them were profit corporations, and of those, how many were defense contractors?

Dr. WRIGHT. I am only consulted on defense. That is my area of expertise. Twenty of the firms are defense contractors. Four are nonprofit, primarily research organizations.

Senator PROXMIRE. But still doing work for the Defense Department?

Dr. WRIGHT. All. Yes.

Senator PROXMIRE. Will you file the names of these for the record?

Dr. WRIGHT. I would like first to have the permission of my clients to do so. I am in a slightly unethical situation perhaps——

Senator PROXMIRE. All right, sir. I am asking you to file them. This, of course, is up to you. If you get permission and you wish to do so, I wish you would. If you feel you cannot without violating a confidence, that is the way the record will stand.

Dr. WRIGHT. I will be perfectly happy and delighted to provide it to the committee, provided I do not violate the ethical relationships with my clients.

Senator PROXMIRE. All right, sir.

In September 1969 issue of Federal Accountant, you wrote an article on uniform accounting standards, in which you said:

"I'm also intrigued by the way in which the present UCAS study came about. My research leads me to identify Admiral Rickover and Senator Proxmire as the gentlemen having most to do with initiating Bill Newman's current woes. While each is a distinguished authority in other areas, neither has as yet professed to a high degree of knowledge within the art of accounting. So it's intriguing to observe a small army of accountants searching for their souls

because a couple of nonaccountants raised a question or two."

I certainly don't take any personal offense in what you said, but it seems to me that your remark illustrates a type of professional snobbery and parochialism of the worst sort. Are you suggesting that only accountants are qualified to evaluate work done by accountants and those using the services have no right to demand a better product?

Should Senators not be allowed to act in this unless they are CPA's?

Dr. WRIGHT. By no means, and I will respond this way. First, I would like to put the quotation in an accurate context.

Actually, the article to which you refer is one of four pieces which were primarily papers presented at different symposia around the country. I endeavored to get four different points of view from different authorities so that you are quoting from a speech.

And the second paragraph of that speech—I will not take the time to read it at this point—however, I am sure that you will recognize that any speaker wants to get the attention of his audience. This is one way. [Laughter.]

I would like, with your permission, to place this article in the record.

Senator PROXMIRE. It's a brief article. I ask unanimous consent that it be admitted in the record.

Senator MONDALE. All of it?

Senator PROXMIRE. The article as I have it here is only a few pages long.

Dr. WRIGHT. That is correct.

But the real reason I would like to have the article in the record is the two paragraphs appearing on page 80. The first full paragraph:

"This brief historical review is intended to bring two things into focus. First that we have had three sets of cost-accounting principles, TD-5,000 and its companions in the 1940's, the original part 2, section XV in the 1950's, the present part 2 in the 1960's.

"And the second thing is that history seems to be repeating itself in cycles of 10 years—1940, 1949, 1959, and 1969. So perhaps Admiral Rickover is not responsible for the current effort. Maybe he is only the instrument of sun spots or miniskirts or the signs of the Zodiac.

"Regardless of the reasons, it seems to me to be appropriate to reexamine the present part 2 cost principles. They have been in use almost 10 years. Numerous ASBCA and court decisions have interpreted the principles so that a body of case laws has developed. . . ."

Senator PROXMIRE. That is very welcome now because 2 years ago, less than 2 years ago, you said in testimony, and I quote:

"As far as I know, no individual account of any stature or any professional accounting group or organization within or without the Government has at any time since November 2, 1959, seriously questioned the soundness of cost-accounting concepts, part 2, section XV, ASPR."

Dr. WRIGHT. That was a true statement at that time. I personally believe it is a true statement now.

(At Dr. Wright's request, the paragraphs from the Federal Accountant are reprinted as follows:)

"This brief historical review is intended to bring two things into focus. The first is that we have had three sets of cost principles; TD 5000 and its companions in the 1940's; the original Part 2, Section XV in the '50's; the present Part 2 in the '60's. The second thing is that history seems to repeat itself in cycles of about ten years: 1940, 1949, 1959, 1969. So perhaps Admiral Rickover is not responsible for the current effort. Maybe he is only the instrument of sun-spots, or mini-skirts, or the signs of the Zodiac.

"Regardless of the reasons, it seems to me to be appropriate to re-examine the present Part 2 cost principles. They have been in use almost ten years. Numerous ASBCA and court decisions have interpreted the principles so that a body of case law is developing. The military-industrial complex has emerged as a permanent, influential segment of our society, while in 1951 this complex was looked upon—

And I think the next paragraph, however, sir, is the one which really is responsive to your question:

"merely as 'big-business gone to war.' The highly diversified conglomerates may have created problems of cost allocation which did not exist to the same degree in the early 1950's. 'Generally accepted accounting principles' which provide a significant foundation for the present cost principles have evolved into something different today from what they were eighteen years ago. But regardless of these reasons, when billions of dollars are being spent each year by the U.S. Treasury, a periodic review of the bases for determining the amount of checks issued seems to be not only desirable but mandatory. A re-examination every ten years doesn't seem to me to create an undue hardship."

Senator PROXMIRE. But it certainly has been questioned by the GAO and they indicate that we can improve on this. You have just said in the statement you read to us that after 10 years all these things should be reviewed.

Dr. WRIGHT. That is exactly right. Any time we are dealing with expenditure of significant sums of Government money, every program should be looked at perhaps even more frequently than 10 years, sir.

INFORMATION SUBMITTED FOR THE RECORD

PRENTICE-HALL, INC.,
Englewood Cliffs, N.J., October 27, 1961.

Prof. HOWARD W. WRIGHT,
College of Business and Public Administration, University of Maryland, College Park, Md.

DEAR PROFESSOR WRIGHT: I am sorry for the delay in getting back to you on your manuscript. However, as I mentioned before, it was necessary to have your manuscript reviewed by an outside reviewer. As I told you previously, the first reviewer made certain recommendations that we were unwilling to act upon without first securing a second review.

The second review has now been completed, and I am enclosing a compilation of both of them. Both the reviewers are very well qualified, non-governmental people. We have every reason to believe that their reviews are accurate. The test mailing certainly indicated that our large market was with non-government people.

Based upon the enclosed reviews, we must strongly urge you to make the suggested revisions so that the marketability of the book can be assured. The government people will buy the book out of self defense. Our problem is to make certain that we appeal in the right way to those readers who will constitute the bulk of the audience.

I am returning the original copy of your manuscript. I would like very much to hear from you as soon as possible so that we will know when to anticipate a revised manuscript. We know that this can be a salable book, and we are most anxious to proceed with the project.

Sincerely yours,

FRANCES WARREN,
Associate Editor, Business and Professional Books Division.

ACCOUNTING FOR DEFENSE CONTRACTS—BY HOWARD W. WRIGHT

A book on this subject is most timely in view of the current defense program. Every effort should be made to push such a book through production as quickly as possible. But, unfortunately, Dr. Wright's book is not ready to go into production.

The Wright book itself is a great disappointment. It must be improved. It must be reworked.

Dr. Wright is straddling. He is writing to both sides of the equation at the same time. His book is directed to both, the Government representatives and the contractor representatives at one and the same time. In one breath, the author seems to be telling the contractor how to make more money on defense contracts by writing the proper contract and including all the costs, etc. Then, in the next breath he seems to be instructing the Government representative in the better performance of his job. The two points of view are diametrically opposed.

Dr. Wright should remove himself from this neutral ground. He should identify himself 100% with the point of view of the contractor. Don't worry about the government representatives. They will most certainly buy the book out of self-defense.

90% of the readers of Dr. Wright's book will be company accountants who assist in contract negotiation, price redetermination, etc. He should write the book—all the way through—as if he were talking to them. He should identify himself with their point of view. He should tell them how to put their best foot forward—how to end up with the best profit on government contracts.

For an analogy to this line of reasoning, one can look at the tax field. Hundreds of books and services have been issued to taxpayers telling them how to reduce taxes. Obviously, such books do not in the same breath tell the Internal Revenue Service how to increase its effectiveness in pursuing and auditing the taxpayer. And yet Dr. Wright, seems to be doing something akin to this—not in the tax field—but in the area of contract negotiation.

The discussion cases in Appendix B are a good case in point. They seem to be written from the point of view of the government man. They should be reworded to express the outlook of the contractor. Also, the discussion cases give the problems at hand, but offer no solutions. This might be a good approach for a college text but completely unacceptable for mail order. Either the problem section shall be rewritten or eliminated altogether.

Much of the book is written in a theoretical vein. The flavor is academic. The practical how-to-do-it is sparsely interspersed—but too sparsely.

Chapters 1, 5, 6, 7, 8, 9, and 10, plus Appendix A, have the most appeal. Chapters 2, 3, and 4 are a surprising insert on basic accounting. One would hardly expect to find this treatment on accounting theory in a text on defense contracts. This much accounting knowledge should be presupposed for most readers—and the others won't care anyway.

But, this book can be salvaged. The following steps are recommended . . .

1. Put in a chapter 10 Ways To Make More Money on Defense Contracts . . . through better choice of contract, complete accounting coverage, etc. The author should pick his ten best points and write them up in the second person . . . Do this . . . do that etc.

2. Put in another front chapter 10 Pitfalls To Be Avoided.

3. Add a third chapter 10 Special Accounting Situations and How To Make the Most of Them . . . stock options, other fringe benefits, life cost, etc.

4. Capital turnover and capital investment as factors to be weighed and rewarded in defense contracts is a subject of top drawer importance. A whole chapter should be devoted to this. For example if two contracts earn 5% each on gross but one ties up three times as much capital as the other, there is a major inequity. . . .

No. 1. 100 gross: 5% on gross X1 capital turn-5% return.

No. 2. 100 gross: 5% on gross X3 capital turns-15% return.

How does one weigh capital turnover on defense contracts?

5. The author says stock option cost is to be included. He should explain how this is done.

6. Chapters 2, 3, and 4 should be condensed and moved to the back of the book.

7. Appendix on discussion cases should be redone to give solutions from contractors point of view.

With these changes the chapters would look as follows . . .

1. Defense procurement.
2. Dept. of Defense Cost Principles.
3. 10 Ways to make more money on defense contracts.
4. 10 pitfalls to be avoided.
5. 10 special accounting situations and how to make the most of them.
6. Other selected items of cost for supply contracts.
7. Termination.
8. Research and development contracts.
9. Construction and facilities contracts.

A. Basic accounting framework and cost.
B. ASPR.
C. Discussion cases.

In the above the author's 2, 3 and 4 are moved into A, Chapter 5 becomes Chapter 2, 3 through 5 are now, 6 covers the author's 6 and 7 or what is left of them and 7–8–9 are the same as the author's 8–9–10 respectively.

NOVEMBER 4, 1961.

Miss FRANCES WARREN,
Associate Editor, Business and Professional Books Division, Prentice-Hall, Inc., Englewood Cliffs, N.J.

DEAR MISS WARREN: Obviously I was shocked to receive your letter of October 27, 1961. I repeatedly have kept you informed of what the book was to be like, I sent you a sample chapter which languished on your desk for more than six months without comment, and I have mentioned time after time that the audience for this book is not the accountant but the contract negotiator, the salesman, the lawyer, the contracting officer. Yet you have the book reviewed by two people who make their recommendations from a perspective of the accountant. I know all of the things on your comment sheet are true if one is writing to accountants *and* if one wishes to prostitute himself for the businessman.

The greatest compliment that I could have had is on the critique sheet where it states that I should remove myself from the neutral ground. My objective in writing this work was to write a definitive work that is independent, unbiased, honest, and objective. I told you several times earlier that this work (if I had a part in it) was not a handy check list of 10 ways to gyp the government. Prentice-Hall apparently is interested only in the sales dollars and the marketability of its covers, and not with the quality of what is between them.

I will not emasculate this work by complying with the requirements of the critique sheets. We then come to the question of what should be done. The most obvious thing is a meeting at which this thing could be discussed face-to-face. I'm fed up with writing letters and having them have absolutely no impact. I should be pleased to meet with you (or someone else familiar with the work) either in College Park or New York. If at the latter location I must request that P–H pay all travel expenses.

If such a meeting is not practicable we must explore other alternatives. I am reluctant to destroy the continuity, the logical flow of the material as developed in Chapters 2, 3, and 4 and their sequence relationship to those which follow. However, your "ten handy ways to maximize profits" idea seems to be a must, so I might be willing to write up a couple of appendices, or some front matter that could be used for promotional purposes. These hints would be referenced to the appropriate pages of the work.

Your critique requirements would cause me to have to start over from the beginning because of the extent of referencing contained in the manuscript. This I would be willing to do if I believed it would improve the book. I do not so believe. From the very start I kept reiterating that I was not writing a reference work, a manual, or an encyclopedia. I have delivered exactly what I promised. I know this field better than most people, and believe that my opinions should have equal weight as those of your reviewers.

The analogy to the income tax situation is invalid. Most government contracts are negotiated as to final price. Each cost item becomes submerged in the final price and is unidentified in the final price. No one can say with any certainty to what extent total cost or the individual expenses comprising the total are recognized in the price. All that one can do is to plan a strategy that will maximize the price when finally negotiated. Hence a "handy-dandy check list" may not be very realistic. What I am trying to do is to equip the contract negotiator to better be able to do this job. We're not filling out tax returns; we're negotiating face to face. There is a great difference.

In summary: 1. I will not revise the work along the lines and to the extent indicated in your critique sheet.

2. I suggest an early meeting to attempt to reach an agreement on what can be done.

3. In the absence of (2) I would suggest that you consider what reasonable compromises you would make that would represent your minimum requirements. I will consider these and decide whether or not to comply. This work has a time value and I am the only one with a substantial investment in it up to now. Please do not delay in this matter. If you decide not to proceed, please send me the carbon copy you have at once, so that I may seek another publisher or make other arrangements. I have already lost four months in your review and editing process with no contribution to the final product. I must get on with what must be done, if P–H is to publish it; otherwise, time is pressing as other arrangements take time also. So please let me hear from you within ten days at most.

Very truly yours,

HOWARD W. WRIGHT.

Mr. MONDALE. Mr. President, I heard the testimony. I do not think that it explained anything.

Mr. CRANSTON. I suggested that the testimony be printed in the RECORD so that people might judge for themselves.

Mr. President, I conclude by simply reading a letter from a rather small contractor in California who would be deeply affected if the amendment of the Senator from Wisconsin were agreed to.

The letter is addressed to Senator MURPHY and me. Unfortunately, Senator MURPHY could not be present today.

The letter reads as follows:

SIERRA SCIENTIFIC CORP.

DEAR SIRS: I am writing in regard to Senate Bill S3302 covering uniform cost accounting requirements for defense business.

Sierra Scientific is a commercial manufacturing company which employs 20 people. We were recently invited to bid on a military television requirement because of our special skills in this area. The existing procedures are so complicated that we had to call in a consultant to make sure we met all the bid requirements. If we are forced into a complicated accounting procedure by this bill we will just have to turn over such business to the big military equipment companies. I doubt that this is Senator Proxmire's intent.

The $25 million exemption seems to be a reasonable compromise. I urge your support accordingly.

Very truly yours,

F. D. MEADOWS,
President.

Mr. CRANSTON. Mr. President, I rest my case and yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BYRD of Virginia). All time having expired, 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 bill clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from Nevada (Mr. CANNON) would each vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necesarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. Stevens) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), is detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 51, nays 22, as follows:

[No. 234 Leg.]

YEAS—51

Aiken	Hart	Pearson
Allen	Hatfield	Pell
Anderson	Holland	Proxmire
Boggs	Hollings	Randolph
Brooke	Hughes	Ribicoff
Burdick	Javits	Saxbe
Byrd, W. Va.	Jordan, Idaho	Schweiker
Case	Kennedy	Scott
Cooper	Mansfield	Sparkman
Dole	Mathias	Spong
Eagleton	McClellan	Stennis
Ellender	McGovern	Talmadge
Fong	Metcalf	Thurmond
Fulbright	Mondale	Tydings
Goodell	Montoya	Williams, N.J.
Hansen	Muskie	Williams, Del.
Harris	Nelson	Young, Ohio

NAYS—22

Allott	Ervin	Miller
Bayh	Fannin	Moss
Bible	Gurney	Packwood
Byrd, Va.	Hruska	Percy
Church	Inouye	Prouty
Cotton	Jackson	Young, N. Dak.
Cranston	Long	
Dominick	McIntyre	

NOT VOTING—27

Baker	Gore	Murphy
Bellmon	Gravel	Pastore
Bennett	Griffin	Russell
Cannon	Hartke	Smith, Maine
Cook	Jordan, N.C.	Smith, Ill.
Curtis	Magnuson	Stevens
Dodd	McCarthy	Symington
Eastland	McGee	Tower
Goldwater	Mundt	Yarborough

So Mr. PROXMIRE's amendment (No. 767) was agreed to.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I am proposing an amendment cosponsored by the distinguished Senator from Utah (Mr. BENNETT), which I understand is acceptable to the Senator from Wisconsin (Mr. PROXMIRE), and which would, in effect, establish a threshold applying to contracts at the $100,000 level and over. In other words, contracts with the Defense Department under $100,000 would not be under the uniform cost accounting provisions. This provision would protect small businesses and yet keep competitive bidding going. I think it is a useful amendment.

The amendment is now being written by the Senator from Wisconsin, and he will send it to the desk.

The PRESIDING OFFICER. Will the Senator from California send the amendment to the desk?

Mr. PROXMIRE. Mr. President, the amendment is being drafted now. We will send it to the desk.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I yield myself 5 minutes.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, as I understand, the amendment would exempt everything $100,000 and below?

Mr. CRANSTON. Per contract.

Mr. STENNIS. And anything above $100,000 would still be subject to the power of the proposed board to make exceptions?

Mr. CRANSTON. That is correct.

Mr. PROXMIRE. Mr. President, if the Senator will yield, anything over $100,000 could be exempted if the board felt it would be a hardship because the firm was small.

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

Mr. PROXMIRE. I yield.

Mr. MILLER. Does this provision apply to subcontracts? The Senator referred to contracts with the Federal Government.

Mr. PROXMIRE. It would apply to both subcontracts and contracts. If a subcontractor had a contract that was below $100,000, it would be exempt.

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

Mr. CRANSTON. I yield.

Mr. COTTON. So the exemption now is just about the same as the Senate provided originally.

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

Mr. CRANSTON. I yield.

Mr. LONG. Mr. President, I shall vote for the amendment. I do find one complaint with it. I thought $500,000 might be the figure, but I admit the principle is right, that to impose uniform accounting practices on small businesses might cause a hardship. On the other hand, it seems to me it would be better if the figure were higher. But if it is the best the Senator can get agreed to, I shall be happy to vote for it.

Mr. CRANSTON. Mr. President, in the interest of saving time and getting an amendment that would be agreeable, I was delighted to accept the suggestion.

I understand the amendment has been sent to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The BILL CLERK. It is proposed, on page 6, line 3, to insert the following after "United States": "in excess of $100,000".

Mr. CRANSTON. Mr. President, I am prepared to vote.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CRANSTON. Yes.

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I call up amendment No. 768, which has been modified. The clerk has the modification. I ask unanimous consent that the amendment not be read.

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

The amendment is as follows:

On page 6, delete all beginning on line 10 through line 18 on page 7 and substitute in lieu thereof the following:

"(h) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (g). Such regulations shall require defense contractors and subcontractors as a condition of contracting to disclose in writing their cost-accounting principles, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and to agree to a contract price adjustment, with interest, for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Such interest shall not exceed 7% per annum measured from the time such payments were made to the contractor or subcontractor to the time such price adjustment is effected. If the parties fail to agree as to whether the defense contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreement will constitute a dispute under the contract dispute clause."

Mr. PROXMIRE. Mr. President, this amendment modifies a provision put into the bill by the Senator from Utah (Mr. BENNETT), who is the ranking Republican member of the committee. The Senator from Utah agreed with the committee that this would be modified in the event the General Accounting Office felt it was necessary. The amendment by the Senator from Utah requires Government contracting officers to agree to make payments to defense contractors for increased costs "required as a result of contractor or subcontractor action in compliance with duly promulgated cost accounting standards."

During the committee's executive session, the Senator from Utah said he would withdraw his amendment if it were objected to by the Comptroller General. Since there was not time to consult with the GAO during the committee's executive session, the amendment was provisionally agreed to subject to the later comments of the Comptroller General.

Following our executive session, I received a letter from the Comptroller General objecting to the amendment. To quote from his letter dated May 22, 1970, he states:

> We believe the provision in this subsection for payment to contractors of increased costs occasioned by compliance with standards should be deleted.

In a statement filed with the House Banking and Currency Committee, the Comptroller General, in commenting on the amendment offered by the Senator from Utah, said:

> We are not in favor of this provision of the bill because of its ambiguity and questionable need . . . In summary, we recommend deletion of the previously quoted language as we believe it would be virtually impossible to administer.

Because of the ambiguous wording of the amendment, the Comptroller General points out that there are three possible interpretations of its meaning. It could mean that contractors should be reimbursed for:

First, the cost of implementing the accounting standards; or

Second, the increase in price on existing contracts that the contractor might have been in a position to negotiate had the promulgated cost accounting standards been in effect at the time the contract was negotiated; or

Third, the cost to the contractor of correcting his implementation of the

cost accounting standards in cases where he had, in good faith, attempted to implement the cost accounting standards only to find later that his implementation was improper or insufficient.

The Comptroller General concludes that under any of the three interpretations the amendment is not needed. Any increased costs from implementing uniform cost accounting standards would more properly be chargeable under general overhead expenses rather than through a separate agreement. The second interpretation is not meaningful since the standards would apply only to new contracts and not to existing contracts. The third interpretation—to reimburse a contractor for a good-faith error—is likewise not adequate since contractors should be expected to have accounting personnel to interpret and implement the standards.

My amendment would thus delete the amendment offered by the Senator from Utah and restore the original language drafted by the GAO.

The Senator from Utah, who, unfortunately, had to leave, agreed it would be acceptable to him.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT NO. 713

Mr. GOODELL. Mr. President, I call up my amendment No. 713.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk proceeded to read the amendment.

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

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

Amendment No. 713 is as follows:

At the appropriate place insert the following:

"REPORT ON MILITARY EXPENDITURES AND THE ECONOMY

"SEC. . (a) The President shall transmit annually to the Congress a report to be known as the Report on Military Expenditures and the Economy setting forth—

"(1) national defense expenditures projected over the next five fiscal years;

"(2) the impact of national defense expenditures projected for the next two fiscal years on wages, prices, employment, and the general state of the economy;

"(3) past and current expenditures and appropriations for the Southeast Asia conflict; the projected expenditures and appropriations for the next two fiscal years based on the foreseeable schedule of troop replacements and troop withdrawals; and the projected expenditures and appropriations for the next two fiscal years of military assistance to Southeast Asian countries: *Provided*, The cost accounting method or methods used to calculate these expenditures and appropriations shall be identified;

"(4) an itemization of current and anticipated reductions or increases in national defense expenditures for the next two fiscal years; and

"(5) specific programs and policies which the Federal Government proposes to institute to minimize the disruptive effects of reductions or increases in national defense expenditures on local employment and the economy of local communities.

The first of such reports shall be transmitted to the Congress not later than sixty days after the date of enactment of this Act; thereafter, such reports shall be transmitted to the Congress not later than March 20 of each year.

"(b) The President may transmit from time to time to the Congress reports supplementary to the Report on Military Expenditures and the Economy, each of which shall include such supplementary or revised information as he may deem necessary.

"(c) The Report on Military Expenditures and the Economy, and all supplementary reports transmitted under subsection (b) of this section shall, when transmitted to Congress, be referred to the Joint Economic Committee.

"(d) Upon receipt of the Report on Military Expenditures and the Economy, the Joint Economic Committee shall evaluate the Report and issue its own report to the Congress not later than June 30 of each year."

Mr. GOODELL. Mr. President, this amendment requires an annual report on military expenditures and the economy. I am joined in the cosponsorship of the amendment by Senators PROXMIRE, MONTOYA, YOUNG of Ohio, PELL, HARRIS, EAGLETON, GRAVEL, JAVITS, and HATFIELD.

Mr. President, under the Constitution, Congress is given power over the Federal purse. Throughout the appropriations process, Congress is engaged in making decisions on where this country is going in terms of national priorities and program emphasis. Out of all the demands made on the Federal budget, Congress must make judgments on whether to provide or refuse funds; to increase or decrease funds; and to reallocate funds from wasteful, obsolete programs to priority programs intended to meet human needs now and for the future.

To make sound decisions on just where Federal funds are going, how funds could be saved, when funds could be released for more meaningful Federal spending—and to assess the impact of these spending decisions on the state of the economy, Congress simply must have additional basic economic data available for review.

Mr. President, presently the administration is required to present to Congress at the beginning of each year an economic report of the President.

With the Employment Act of 1946, Congress and the President made a commitment to take measures necessary for a healthy economy. To this end, the legislation called for an annual economic report of the President to review the economic policy of the Federal Government and economic conditions affecting employment, production, and purchasing power. The legislation also created a Council of Economic Advisers to assist the President in preparing the economic report and a Joint Economic Committee in Congress to assist Congress in matters pertaining to the economic report.

At the time of the great debate in 1945, on the need for such an annual economic report, Congress did not insist on having in the report specific requirements, such as, economic projections or a causal analysis of economic conditions. It was felt then that there was too little experience with economic analysis and projections to incorporate such requirements in a basic statute.

Today, however, we see more clearly than 25 years ago what information is required and what economic data is available to assist in decisions for a sound, healthy, and equitable economy.

I would read briefly from the Joint Economic Committee's report, in its evaluation of the January 1970, economic report of the President. It says:

> The Committee discerns little, if any, progress on the part of the Council of Economic Advisers in the analysis and evaluation of issues related to military spending. In last year's Economic Report of the President, only two pages were devoted to the defense budget. This year's Report fails to address the defense budget altogether. The Report offers no guidance on the impact of defense outlays on wages and prices and the extent to which they contribute to inflation, or the influence of defense expenditures on industrial concentration, or of the steps being taken or planned by the Government to minimize the effects of defense reductions on unemployment and community distress.

Mr. President, a look at the $200 billion Federal budget for fiscal year 1971 shows over $73 billion requested for national defense expenditures. There are additional amounts for military pay increases and defense-related spending, such as interest on the national debt and veterans payments. Of the "controllable dollars" in the Federal budget, those that can be readily adjusted and redirected, nearly 75 percent are earmarked for defense spending. The sheer size of the defense budget coupled with its effects on inflation and the economy of local communities warrant the singular attention of Congress.

The report on military expenditures and the economy required by this amendment is to be distinct from the annual economic report of the President inasmuch as it will focus specifically on the impact of national defense expenditures on the economy.

As I indicated earlier, the report could be a part of the President's economic report as long as it was handled separately in that report.

Specifically, our amendment would require the President to transmit annually to the Congress a report to be known as the report on military expenditures and the economy setting forth—

First, national defense expenditures projected over the next five fiscal years;

Second, the impact of national defense expenditures projected for the next 2 fiscal years on wages, prices, employment, and the general state of the economy;

Third, past and current expenditures and appropriations for the Southeast Asia conflict; the projected expenditures and appropriations for the next 2 fiscal years based on the foreseeable schedule of troop replacements and troop withdrawals; and the projected expenditures and appropriations for the next 2 fiscal years of military assistance to Southeast Asian countries; provided the cost accounting method or methods used to calculate these expenditures and appropriations shall be identified;

Fourth, an itemization of current and anticipated reductions or increases in national defense expenditures for the next 2 fiscal years; and

Fifth, specific programs and policies

which the Federal Government proposes to institute to minimize the disruptive effects of reductions or increases in national defense expenditures on local employment and the economy of local communities.

The first of such reports shall be transmitted to the Congress not later than 60 days after the date of enactment of this act; thereafter, such reports shall be transmitted to the Congress not later than March 20 of each year.

Mr. President, galloping inflation, which began in 1966, continues to plague our economy. Over and over again, economists have warned that war spending without adequate economic countermeasures would lead to an overheated economy. In April of this year, Louis Lundborg, chairman of the board of Bank of America, in testimony before the Senate Foreign Relations Committee stated plainly:

> The war is a major contributor to inflation—our most crucial domestic economic problem.

If Congress is to do something realistically about inflation, a starting point is information on the costs—past, current, and projected—of the Vietnam war. Over the years, Congress has been hampered in obtaining accurate information on Vietnam war spending. Over and over again, Congress has been presented with underestimations of the cost of the war by successive administrations. In addition, there has been conflicting congressional testimony on war costs by witnesses within successive administrations. For example, Congress was told that for fiscal year 1969 the cost of the Southeast Asia conflict—the official budgetary designation for Vietnam war costs—was $17 billion, or $25 billion, or $30 billion, or $32 billion depending on which cost-accounting method was used.

In June of this year, President Nixon said:

> We must deal with the problems of a nation in transition from a wartime economy to a peacetime economy.

Mr. President, how are we to deal with these problems when we wonder what the war is costing now or what it will cost over the next several years? We have been told, and expect, that there will be a peace dividend from cutbacks in Vietnam war spending. These savings are then to be available for nondefense spending, that is, for domestic priorities.

We must know the size of these savings to the degree that can be projected.

We all recognize that exact figures, particularly projected over a period of 5 years, will be difficult to give, but we also know that the defense budget is composed of a large number of items that start small and build. Strategic weapons systems begin with a few hundred dollars, and go up to the billions. This kind of projection, within the limitations of the capabilities of the executive branch, would be most helpful to Congress and to the public.

I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, will the Senator yield me 5 minutes?

Mr. GOODELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 10 minutes remaining.

Mr. COTTON. Mr. President, before yielding for further debate, will the Senator yield 1 minute on the proponent's time, for us to obtain a rollcall?

Mr. GOODELL. I yield.

Mr. COTTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOODELL. I now yield 5 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, in my view there are two major reasons why this amendment should pass. First, the information it calls for is needed. Second, most of the information it calls for is already available or can be made available without great difficulty.

The amendment asks that the report set forth the national defense expenditures projected over the next 5 fiscal years. The Council of Economic Advisers and the Budget Bureau already project Government expenditures over the next 5 years. They can only make those projections by making some intelligent estimate as to defense expenditures. This information is needed. This information is already available. Thus it is merely a question of the administration releasing it.

The amendment asks that the report contain an analysis of the impact of defense expenditures over the next 2 fiscal years on wages, prices, employment, and the general state of the economy. That badly needs to be done. The failure of the Council of Economic Advisers to give any analysis at all of defense expenditures in the annual report is a great weakness of that report. Defense spending is now over $70 billion—and much more than that if the defense aspect of foreign aid, atomic energy, space, and other programs is considered. This requirement should be met if we are to make intelligent judgments about the economy.

The amendment calls on the administration for an annual report on the costs of the Southeast Asian conflict. In the past that has been done. It was done every year; we were told how much we were spending in Southeast Asia each year until this year.

The information is known to the Pentagon and the Budget Bureau. There is no reason why it should not be made public.

The amendment calls for an "itemization" of reductions or increases in defense expenditures over the next 2 years. This is important so that particularly communities, industries, and areas can plan for changes which will take place. The failure to give such information so that, the transitions in jobs, investment, skills, and so forth, can be planned for is a great weakness at the present time. This should be done.

Finally, the amendment asks the President to tell us what specific programs and policies which the Government will propose to minimize the disruptive effects of the reductions or increases in defense expenditures. The Government should have a shelf of such programs and policies which it can put into effect to ease the transition from a wartime to peacetime economy. If they are required to report annually on such programs, there is some reason to believe that planning for the transition will take place.

For all of these reasons, this is a good amendment. I am delighted to be its chief cosponsor and to have introduced it. It should pass. I know of no fundamental objections to it.

As vice chairman of the Joint Economic Committee, I can say that our committee has lately been handicapped in the making of useful analyses of the economy because we have not been told what expenditures will be, or what the exceptation is. Of course, this does not freeze the Government in concrete; they will make the same errors all of us make when we attempt to project. But it will be helpful to get the most authoritative projection they can make, so that some kind of projection will be available for the planning of effective economic policy.

Mr. SPARKMAN. Mr. President, I yield myself 2 minutes.

I have great regard for the distinguished Senator from New York. He is a member of the Banking and Currency Committee, works hard, and does excellent work; but I must take issue with him on this particular provision and I do it as a highly practical matter.

The subcommittee held hearings. The chairman of the subcommittee was the Senator from Minnesota (Mr. MONDALE). The Senator from New York is the ranking minority member of that subcommittee. I think I am safe in saying that this matter was never mentioned in the hearings nor in the full committee when we had the matter up for shaping the bill.

I feel very strongly that that is not the way to legislate, that in a matter as complex as this proposal there ought to be an opportunity for the subcommittee to consider it and ask witnesses questions about it, and then for the full committee to give consideration to it.

Undoubtedly, a lot of good information is called for here, but I imagine that most of it is available to us elsewhere. This report is supposed to go to the Joint Economic Committee, which in turn will make its own report to Congress. I believe that we are able in the Joint Economic Committee to get that information and to make our own projections, without having a special report made to us, as a part of our regular hearings.

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

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Repeatedly, I have asked virtually every administration witness who has anything to do with the Defense Department, and the Bureau of the Budget, to give us exactly the information contained in the Goodell amendment, and repeatedly they have told us that they will not give it to us. They have their own estimates—they must have—on what they expect military expenditures to be, or they could not project overall Government expenditures. But they will not give us this breakdown for the biggest single ingredient.

Mr. SPARKMAN. In any case, I think this is entitled to have consideration by

the committee and in the committee before being brought up on the floor of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. SPARKMAN. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Massachusetts is controlling the time on the opposition.

Mr. BROOKE. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Massachusetts has 18 minutes.

Mr. BROOKE. I yield 10 minutes to the Senator from New Hampshire.

Mr. COTTON. I may not need to use the 10 minutes.

Mr. President, even though I am not a member of the committee, I have followed this bill rather carefully. I have a high regard and great respect—and have had through the many years I have known him—for the distinguished Senator from New York, and I say the same for the Senator from Wisconsin. But I find myself utterly amazed—I cannot believe that careful thought was given before this amendment was offered on the floor of the Senate.

In all the years I have been a Member of the Senate, I have never read an amendment that seemed to me to be so thoughtless, so dangerous, and so utterly preposterous. It is not just a matter of asking for information about our economy. Listen to what it calls for the President to do in a formal report to Congress, laying open the records, for everybody around the world to read:

> National defense expenditures projected over the next five fiscal years.

In the first place, if the President were King Solomon himself, he could not give that information. But, in the second place, if he gave it, what wonderful reading and information for the Soviet Union, for China, for all nations behind the Iron Curtain—for all nations.

Of course, the President discloses this information. The Senator from Wisconsin said most of this information we probably have already. I assume that the President discloses it to the proper committees, to the Committee on Armed Services, insofar as he knows and can predict; to the Committee on Appropriations or the subcommittee of the Committee on Appropriations. I believe that information should be disclosed to Congress.

I happen to be one of those who regrets that the President did not see fit to call down the leadership on both sides of Congress and discuss with them the recent movement into Cambodia. I think that was a mistake. But the sponsors of this amendment would probably have not been satisfied had that been done. They would have wanted to telegraph that information to the Kremlin. Obviously, this President and other Presidents discuss with the members of the proper committees our military plans.

Here is an amendment that says that, starting 60 days after this bill, with the amendment, is enacted, the President shall make this report and he shall do it every year, and shall disclose to Congress the national defense expenditures projected over the next 5 fiscal years.

It goes on to say that, after having reported on what has been spent in Southeast Asia, he shall disclose in this report the projected expenditures and appropriations for the next 2 fiscal years based on the foreseeable schedule of troop replacements and troop withdrawals, and the projected expenditures and appropriations for the next 2 fiscal years of military assistance to Southeast Asia.

There has been criticism on the floor of the Senate about a comparatively innocuous amendment known, I believe, as the McGovern-Hatfield amendment, and it has been said that it would telegraph information about our plans and about our withdrawal plans to the enemy; that it would take away all our bargaining power to bring home our prisoners of war. What would this amendment do?

The President probably does not know yet the specific details of his plan. Probably he is living in hope, largely, as the rest of us are. But this amendment calls for public disclosure laid on the records of Congress of what he is going to do in Southeast Asia, how many troops are coming out, how many troops are going in, projected over the next 2 years. All this is required.

Then, the report on military expenditures and the economy:

> The Report on Military Expenditures and the Economy, and all supplementary reports transmitted under subsection (b) of this section shall, when transmitted to Congress, be referred to the Joint Economic Committee.

The Joint Economic Committee—that is the super committee. What is going to happen? Do we not have an Appropriations Committee in the Senate and in the House? Do we not have a Ways and Means Committee in the House and a Finance Committee in the Senate, which are charged with finding the money? But this super committee, this Joint Economic Committee, right over the heads of every committee of Congress, will receive this strange report, which is going to disclose to all the world our military plans for the next 5 years—how many troops we are going to have, how much we are going to spend, what its impact is going to be on our economy, what we can afford. All this, when it gets here, is to be referred to the Joint Economic Committee.

Mr. President, I came here innocently today, as I always do. [Laughter.] I came here innocently. This whole bill seemed to be a good bill. I was sure that the motives behind it were of the highest and the purest and the noblest.

I was sure—and I am sure now—that it was a sincere effort. In order to get control of our economy, we have many people charged with investigating our economy, but there are a hundred Members of the Senate who were elected by the people of their respective States, and there are 435 Members of the House who were elected, and they are charged with checking on our economy, and they are charged with knowing how much we spend for national defense. This bill came along, and it was a fine bill, and suddenly they began to reveal some qualities in it.

I love the Senator from Maine. I listened to his speech on TV the other night when he spoke as a member of the loyal opposition. I enjoyed it. It was good stuff. I did not agree with it all, but I enjoyed it. The distinguished Senator from Maine, I never saw a man use words in so many ambiguous ways in all my life [laughter] and he did it beautifully. But I do not care for picayune politics. I do not care for it. When I remember all the years that I sat here on this side of the aisle, when the Commander in Chief of our Armed Forces of the United States of America was Lyndon Baines Johnson. So far as I was concerned even though I had doubts, I did not voice those doubts on the floor of the Senate to be broadcast across the world. I muted my statements outside this Chamber even when I was running for office, I will say to my good friend from New York, even when I was a candidate for office. And I did not make use of attacking the President or of trying to demean him, nor did I play fast and loose with the national security of this country.

Now this bill comes in, and the first thing we know, we are not going to trust the President to have but $20 million. No matter what emergency might arise, he can spend only $20 million, and then he has got to get some kind of clearance from both houses of Congress.

My good friend, for whom I have the greatest respect and admiration, the Senator from Arkansas, he was so picayune that he would not even ask for $20 million for the President, he wanted to put it down to $15 million. That is great trust and confidence in the high office of President of the United States.

Why, if the President did not have enough respect for his office and the men who will sit in his seat in coming years, to veto that kind of bill, then I would lose my respect for him.

Then we go on further, Mr. President, and we get to the point wherein comes this amendment sponsored not only by the distinguished Senator from New York but also by the distinguished author of the bill, calling for public disclosure of classified information. That, so far as I can remember, has never before been called for anywhere, by anyone, in Congress.

Mr. PROXMIRE. Mr. President, if the Senator from New Hampshire will yield at that point.

Mr. COTTON. I yield to the Senator on his time.

Mr. PROXMIRE. I do not have any time. The Senator from New York has the time, but let me ask the Senator this question: Will he disclose what classified information this would require? We have for years received reports of estimates of the cost of the Southeast Asia conflict. We are not asking for a single piece of classified information. We simply want the current budget projections of the Defense Department. Surely the American people are entitled to know the estimated future cost of defense. The Senator from New Hampshire has not given us one single instance or example of classified information which this amendment would require to be disclosed. He

has not, and indeed, he could not because the amendment does not require the disclosure of any information which would be of military value to our enemies.

Mr. COTTON. My time is up—may I have 1 minute more?

Mr. BROOKE. Mr. President, I yield the Senator from New Hampshire 1 more minute.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The Senator from New Hampshire is recognized for an additional minute.

Mr. COTTON. I will simply say, Mr. President, that it is one thing to sit down with committees of Congress and say there has been so much this year, there will be so much next year, and so much the year after, and so much the year after that, and that is what we expect——

Mr. PROXMIRE. That is all we are asking.

Mr. COTTON. But it is something else to make an informal report, if that were possible—which is impossible—of national defense expenditures projected over the next 5 years.

Did you ever hear of that being done in the history of this country?

Mr. PROXMIRE. We are simply asking for estimates. The executive branch makes estimates, as the Senator knows, of the overall national expenditures and what they will be for the next 5 years. We are not asking for the cost in Europe or in Southeast Asia over a 5-year period. We are just asking for the overall estimates—of what the national defense expenditures will be.

Mr. COTTON. Just a moment. You are also asking for a public disclosure of how many troops will be withdrawn or sent into——

The PRESIDING OFFICER (Mr. HART). The time of the Senator has expired.

Mr. BROOKE. Mr. President, I yield 1 additional minute to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 1 additional minute.

Mr. COTTON. Into Southeast Asia over the next 2 years——

Mr. PROXMIRE. We are being told that. The President told us that.

Mr. COTTON. He has not told us that. He told us what he hopes to do, but you want dates and you want numbers and you want facts. You want that sort of thing, and that would be spread all over the world.

Mr. President, I shall not take any more time except to say that I am more saddened than angry. But, I am shocked. Honestly, I am shocked. It takes a lot to shock me, but I am shocked at this kind of amendment being offered in all seriousness, to demand that the President file with a super committee, not even with the Appropriations Committees of this Congress——

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. Or the Armed Services Committee, projections of our military plans for the future and spread them all over the world for everyone's information.

I certainly hope that the amendment will be defeated.

Mr. BROOKE. Mr. President, I yield 4 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 4 minutes.

Mr. STENNIS. Mr. President, I supported this bill, the uniform cost accounting standards feature. I liked it, although I thought it went a little too far, perhaps. But, this is a horse of another color, to be offered on the floor of the Senate right here as an amendment, when it has not even been before a committee, or the Armed Services Committee, no hearings have been held, it just comes up now—it just grows up out of the ground asking for the most secret information that it is possible to be made public.

Let me point out some illustrations.

Our enemy is watching nothing as closely as he is watching our manpower, our offensive weapons plans, and all the other things that go to make up our future military plans for the years ahead.

That is highly classified information and does not really come out until a 12-month period has elapsed, but here we would go into a most sensitive area to discuss this. There would be no contradiction by witnesses at the hearings as to the problems. There would not be one single weapon or safeguard which is ordinarily used in sound legislation. The amendment has not had one sentence of hearings. It has not had any cross-examination of witnesses. No departments have been heard. The executive department has not been heard. No one has been heard.

No Senators have sat around the table trying to weigh the evidence. No Senators have gotten up a report for our guidance here. No recommendations have been received from anyone. I respect the authors. They are sincere. But, no findings, no recommendations no holding, no notice—there is nothing to go on—nothing except a sheet of paper.

I say just as long as this Senate puts up with proposals that have not been seasoned, at least in some part, we will be passing faulty legislation.

So I have had enough. I have had enough in one bill of this sort of thing. I stayed with the Senator on that uniform cost accounting standards feature. But this amendment should be sent somewhere for at least a cursory examination, to let us have some hard and firm resolution on it, rather than an expression of good intention.

I thank the Senator.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President, I yield 1 minute first to the Senator from Illinois (Mr. PERCY), then 1 minute to the Senator from Georgia (Mr. TALMADGE), and then 1 minute to the Senator from Iowa (Mr. MILLER).

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

Mr. PERCY. Mr. President, as a member of the super committee, as well as a member of the Committee on Banking and Currency, I have asked several questions this evening as to what is the attitude of the Defense Department, what is the attitude of the Council of Economic Advisers, and what is the attitude of the White House on this amendment.

I can find no answers at all.

I highly recommend that we bring this amendment up before the committee in the usual procedure and hold hearings.

I could not possibly support an amendment that directed the President to give specific programs and policies which the Federal Government proposes about local communities, as to whether such programs may be decreased or increased.

How could they possibly know that? How could they know about how long contracts would go? What about a local community that might be worried about disruption, as to whether they were going to get additional contracts there or not?

I feel that we do not have enough information to vote intelligently on this amendment at this time.

Mr. TALMADGE. Mr. President, to request the President of the United States to project the military expenditures of this country 5 years in advance is the height of folly. His budgetary recommendations must necessarily be made based on the tensions existing in the world at the time, as well as the threats which exist to this country and the military forces we have arrayed overseas, as well as the threats that may be in existence against those troops. Our defense budgetary recommendations must necessarily vary both as to the tensions which exist in the world and the threat to our national security.

To request them to submit something 5 years in advance would test the powers of Jeane Dixon. And I am certain that the Senator from New York would not want to bring in a distinguished seeress like that to foretell our budgetary situation.

Mr. BROOKE. Mr. President, I yield 1 minute to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for a minute.

Mr. MILLER. Mr. President, this is my eighth year on the Joint Economic Committee. I do not ever recall a meeting of the Joint Economic Committee at which this kind of proposal was advanced.

I have found that if we needed information we have been able to get it in the committee.

I think that we ought to have a meeting of the Joint Economic Committee on this type of proposal before any action is taken by the Senate as a whole on the proposal that the President report on the impact of national defense expenditures on prices.

This is a simplistic approach. We could not possibly evaluate anything like that without taking into account our tax picture. There is an implication here that

defense expenditures are responsible for price increases.

We all know that if we had matched defense expenditures with taxes instead of following a guns-for-butter policy, we would have had a different picture.

I hope that the amendment is rejected.

Mr. GOODELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 5 minutes remaining.

Mr. GOODELL. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. FULBRIGHT. Mr. President, the essence of the amendment is to provide that they share the estimates with us. There have been many hearings on this matter. But the administration is seeking to prevent Congress from knowing what is going on with regard to defense spending.

An example of this is that we have been trying to find out how much we were paying the Thais to fight for us. The Executive did not want us to find out. We did find out. And that information was published against the wishes of the administration.

It seems strange to me in view of these circumstances that we find Members of the Senate who wish to abdicate the role of the Senate. All we are asking for is that we share in the information that is vital to the survival of this country.

I do not think that any Senator really means we should not have this information. I do not understand how we can just abdicate our responsibility to enact measures which are calculated to preserve the soundness of our economy and the security of our Nation.

How can we do it if vital information is not made available?

If I understand it correctly, this information is available. The estimates have been made. However, the administration refuses to give us the benefit of the information.

The Senator from New Hampshire said that he regretted that we were not told about Cambodia. We had the secretary appear before the committee 3 days before. He did not tell us anything about it. This is an example of what I mean. We do not get enough information on which to make a judgment.

Mr. GOODELL. Mr. President, the Senator from New Hampshire, my very good friend, has been a stalwart advocate of good government. I am amazed by his argument that he is against our having the information that we need to discharge our obligation and responsibility.

If there is secret information, it should be vital to send it to the Joint Economic Committee. We should have access to this information.

The purpose of the amendment is to assess the impact on our economy of defense expenditures.

The Senator from Iowa talks about this information being raised. The report of the Joint Economic Committee on the June 1970 economic message of the President states:

"In last year's Economic Report of the President, only two pages were devoted to the defense budget. This year's Report fails to address the defense budget altogether. The Report offers no guidance on the impact of defense outlays on wages and prices and the extent to which they contribute to inflation, or the influence of defense expenditures on industrial concentration, or of the steps being taken or planned by the Government to minimize the effects of defense reductions on unemployment and community distress."

We are asking for information. The estimates have been projected in advance. They have been projected 5 and 10 years in advance. We know they have been projected. We will not hold them to the changes made in their own estimates and decisions. We will not hold them to the information they give us after Congress makes changes in policies and programs of the Government. But we ought to have existing information. It is available. We need it if we are going to judge what is happening in this country.

Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, if we had had this information in 1965, 1966, and 1967, there is no question that the House and Senate would have followed a far wiser fiscal policy.

One of the reasons we have a 6-percent rate of inflation today is that we had enormous deficits from 1966 through 1968. We had those deficits because we did not have estimates of what our military expenditures would be. In fact, even the Council of Economic Advisors did not have the information on the projected cost of the Vietnam war in 1966. Only the Defense Department had the information.

Mr. President, we are not asking for any secret information at all.

We are not asking for information which would be of value to our enemies.

We are not weakening our defense posture by a full disclosure of the estimated future cost of defense.

There already is a law on the books which requires the executive branch to submit 5-year estimates on the cost of new programs to any Member of the Congress. This is all we are asking in the amendment.

I fail to see how a report calling for what is already required in law can undermine our national defense.

The PRESIDING OFFICER (Mr. HART). All time having expired, the question is on agreeing to the amendment of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MILLER. Mr. President, I ask unanimous consent for 2 minutes so that I might properly respond to the Senator from New York.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MILLER. Mr. President, I think that the Senator from New York made an inadvertent misstatement. Those of us who serve on the Joint Economic Committee know that there really is not such a thing as a report of the Joint Economic Committee. There is a report of minority views and a report of majority views.

I must say that the Senator from New York has been quoting from the majority views and not the minority views.

I think that should be cleared up. I think that it was inadvertent on his part. However, sometimes people get the opinion that all Members join in these views. We do not.

Mr. GOODELL. Mr. President, I appreciate the Senator from Iowa clarifying that point. I did make reference to the deliberations of the Joint Economic Committee. I wanted to emphasize that it was the Joint Economic Committee, the committee responsible for evaluating the President's Economic Report, that had made these observations. It is true that the observations are part of the majority views.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON,) the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL) and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from North Carolina (Mr. JORDAN) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) and the Senator from Rhode Island (Mr. PASTORE) would each vote "nay."

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES) would vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER) and the Senator from Florida (Mr. GURNEY) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), the Senator from Texas (Mr. TOWER), would each vote "nay."

The result was announced—yeas 24, nays 46, as follows:

[No. 235 Leg.]

YEAS—24

Anderson	Hart	Mondale
Bayh	Hatfield	Montoya
Case	Inouye	Nelson
Church	Javits	Pell
Cranston	Kennedy	Proxmire
Fulbright	Mansfield	Ribicoff
Goodell	Mathias	Williams, N.J.
Harris	McGovern	Young, Ohio

NAYS—46

Aiken	Hansen	Prouty
Allen	Holland	Randolph
Allott	Hollings	Saxbe
Bible	Hruska	Schweiker
Boggs	Jackson	Scott
Brooke	Jordan, Idaho	Sparkman
Burdick	Long	Spong
Byrd, Va.	McClellan	Stennis
Byrd, W. Va.	McIntyre	Talmadge
Cooper	Metcalf	Thurmond
Cotton	Miller	Tydings
Dole	Moss	Williams, Del.
Ellender	Muskie	Yarborough
Ervin	Packwood	Young, N. Dak.
Fannin	Pearson	
Fong	Percy	

NOT VOTING—30

Baker	Goldwater	McGee
Bellmon	Gore	Mundt
Bennett	Gravel	Murphy
Cannon	Griffin	Pastore
Cook	Gurney	Russell
Curtis	Hartke	Smith, Maine
Dodd	Hughes	Smith, Ill.
Dominick	Jordan, N.C.	Stevens
Eagleton	Magnuson	Symington
Eastland	McCarthy	Tower

So Mr. GOODELL's amendment (No. 713) was rejected.

Mr. BROOKE. Mr. President, it is my understanding that the distinguished Senator from New York (Mr. GOODELL) has a simple amendment which I understand the manager of the bill will accept, and we will accept, and after that we can have a third reading.

I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. GOODELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, strike out lines 11 through 14 and insert the following:

Section 1. The first sentence of section 717 (a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166 (a)) is amended—

(1) by striking out "July 30, 1970" and inserting in lieu thereof "June 30, 1972"; and

(2) by striking out "section 714" and inserting in lieu thereof "sections 714 and 719."

Mr. GOODELL. Mr. President, I shall be very brief. This is a simple amendment and one that is easily understood.

The Defense Production Act and the provisions thereof expire at the end of 2 years. The Cost Accounting Standards Board, which we have added in this legislation, expires in 2 years, along with the other provisions of the act. The amendment I have offered would make the cost accounting standards permanent, subject to the will of Congress in future years.

As provided for in the bill, uniform cost accounting standards will be determined by an independent board, appointed and chaired by the Comptroller General. The need for cost accounting standards occurs because 89 percent of military procurement in fiscal year 1969 was obtained by contract negotiation.

The percentage of negotiated contracts has increased in governmentwide procurement.

Since 1965, the percentage of negotiated contracts in governmentwide procurement has increased from 82.1 percent to 86.6 percent. Within Governmentwide procurement civilian executive agencies have experienced a decline in negotiated contracts from 80.9 percent to 78.7 percent. At the same time, negotiated Department of Defense procurement has increased from 82.5 percent in 1965 to 89.0 percent in 1969.

The negotiated contracts entered into by the Defense Department amount to over $36 billion. The expenditure is an enormous one and it is spent without the potential economic benefits that could occur if the contracts were let on a competitive basis.

Because this potential for cost reduction is not present, we must take steps to substitute it with another incentive. I believe uniform cost accounting standards would serve this purpose.

In a negotiated contract there must be an accurate detailed report of the contractor's cost, so that an equitable contract price can be agreed upon. If the cost information is incomplete, the contracting officer has no way of knowing if the company's final price offer is fair. There cannot be an effective tool to hold down cost unless both sides—the Government and the private company—have the same facts. Unless this information is available, negotiation for the company could become negotiation for the highest rather than fairest price.

The Cost Accounting Standards Board will be given the responsibility of developing methods for allocating direct and indirect expenses to contracts. With these standards established, the contracting officer and the company will have principles from which to negotiate.

I commend the Senator from Wisconsin for his leadership on this legislation. He has always been in the forefront of efforts to protect the American taxpayer from unnecessary Government spending. There have been several estimates of the amount of funds that would be saved by this new cost accounting approach. Admiral Rickover who testified before our subcommittee on the proposal stated that the savings would be in the neighborhood of $2 billion. Comptroller General Staats assured us that the savings would be substantial. Whatever the dollar savings, Mr. President, we have assurance that all contracts will be negotiated on the basis of a fair and consistent set of cost accounting principles.

Our Subcommittee on Production and Stabilization originally considered a proposal that the cost accounting standards be established and implemented by the General Accounting Office.

My committee colleagues will recall that, during the hearings, I questioned the Comptroller General on the staff needs and funding levels necessary to implement cost accounting standards.

I felt then and do now that the undertaking would be a most difficult task, the success of which will depend on the capacity of the agency and staff to engage in continual study and investigation.

In response to my question, Comptroller Staats submitted the statement which indicates that the services of 25 professionals would be necessary at a total estimated expenditure of about $950,000. I ask that the Comptroller's entire response be included in the RECORD.

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

For the first full year, the task of establishing and promulgating cost-accounting standards, including research and consultation and liaison with industry, the accounting profession, Government agencies and the universities, would require the services of about 25 professionals with a high degree of expertise in cost-accounting and relevant disciplines, at a total estimated expenditure of about $950,000. Because of the many expressions of interest and willingness to participate in the project of establishing cost-accounting standards, we envision that a substantial amount of expertise and effort will also be available without charge from representatives of industry, professional accounting and Government agencies. These representatives would contribute greatly to the effectiveness of the task forces assigned to explore problem areas in cost accounting.

In addition to the equivalent of five full-time members of the Cost-Accounting Standards Board, we estimate the Office of the Executive Secretary would have three professionals; the Research Director would have eight professionals, and the Technical Director would require nine professionals. The functions of the research staff would include the liaison mentioned above in addition to its research activities in support of the Board. The technical staff would review disclosure statements and provide informal interpretations and counsel to Government agencies, industry and professional accountants.

Mr. GOODELL. Mr. President, the proposal to authorize GAO to promulgate standards was subsequently amended by the committee and the authority was given to an independent agency, appointed by the Comptroller.

Although the administering agency has been changed, I believe the issue is the same—the Board must be well-staffed and well-financed to insure a comprehensive study.

I was concerned that S. 3302 contains no appropriation authorization for the work of the Cost Accounting Standards Board.

I was inclined to believe that a figure should be included on the floor of the Senate, when we considered the legislation.

For this reason, I wrote to the Comptroller General, for his opinion on the advisability of seeking an authorization on the floor and what the funding level should be. I ask that my letter and his response be included in the RECORD.

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

JUNE 11, 1970.

Hon. ELMER STAATS,
Comptroller General of the United States
Washington, D.C.

DEAR MR. STAATS: As you know, S. 3302 which extends the Defense Production Act and provides for the establishment of uniform cost accounting standards for certain defense contracts will be brought to the Senate Floor for debate and a vote before the end of June.

The bill requires that a five man Cost Accounting Standards Board, appointed and chaired by you, promulgate cost accounting standards and issue regulations on the disclosure of cost accounting practices by contractors.

I believe this will be a most difficult task, the success of which will depend on the capacity of the Board and staff to engage in continual study and investigation.

You will recall that I questioned you at hearings before the Subcommittee on Production and Stabilization regarding the staff needs and funding levels necessary to implement cost accounting standards. It was my feeling then and now that the Board must be well-staffed and well-financed to insure a comprehensive study. In response to my question, you submitted the attached statement which indicates that the services of 25 professionals would be necessary at a total estimated expenditure of about $950,000.

The bill, S. 3302, contains no authorization for the work of the Cost Accounting Standards Board and I am inclined to believe that a figure should be included on the Floor of the Senate. In view of my interest, I would appreciate information in response to the following queries:

1. Would you favor the inclusion of an authorization level in S. 3302 and if so, why?
2. Do you think an authorization of $950,000 would be sufficient for the Board's first year of operation?
3. Does this sum include the funds necessary for independent research and all personnel, and does it provide enough flexibility for the Board's activities?
4. Should there be an authorization level for more than one fiscal year and, if so, for how many years and at what levels?

I would most appreciate a prompt response to these questions. Please be advised that I may wish to quote all or part of your responses on the floor of the Senate during debate on S. 3302.

Sincerely,

CHARLES E. GOODELL.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 22, 1970.

B-39995(1).

Hon. CHARLES E. GOODELL,
U.S. Senate.

DEAR SENATOR GOODELL: This is in response to your letter of June 11, 1970, in which you ask certain questions relating to the authorization of funds for the work of the Cost-Accounting Standards Board proposed to be established by S. 3302.

We would prefer that no level be specified for the appropriations authorized by the bill. As shown by the statement we submitted to you, we believe annual expenditures of approximately $950,000 would be necessary for salaries of the Board and its staff. This figure does not include any allowance for consultant fees or for outside contracts it may be desirable to make for study and research. It is our opinion that the amount of $1,500,000 annually should be sufficient to fund the Board's total activities.

We recommend that the Board be made permanent and that the establishing section (section 719) be exempted from the expiration date in section 717 of the Defense Production Act. If this is not done, we believe it would be appropriate to provide for a two-year authorization of $3,000,000, in the event an authorization level is to be set.

Sincerely,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. GOODELL. Mr. President, in summary, the Comptroller prefers that no appropriation level be specified in the bill. I respect his opinion and remain assured that he will get the funds necessary.

I would like to quote, however, from his letter:

> It is our opinion that the amount of $1.5 million annually should be sufficient to fund the Board's total activities.

In further detail, the Comptroller believes that $950,000 is necessary for services of 25 professionals with a high degree of expertise in cost accounting. In addition, he believes that another $550,000 would be necessary for "consultant fees or for outside contracts it may be desirable to make for study and research."

The total appropriation would be $1.5 million annually. This sum is, I believe, a small price to pay for a fair and equitable cost accounting system. If the Board is to provide this critical improvement in our procurement procedures, it must be well-staffed and well-equipped to handle the responsibility.

The Senator from Wisconsin is a member of the Appropriations Committee. Since he has taken the lead on cost accounting requirements in the Senate, I know he will carefully oversee the appropriations request by the Comptroller for the activities of the Cost Accounting Standards Board. I know he will make certain that the sum appropriated will be adequate for the important task we have assigned the Board.

Another issue has been brought to my attention by the Comptroller General.

The Defense Production Act expires biennially. The expiration date of S. 3302 is June 30, 1972.

Mr. President, we have an important innovation in S. 3302—the Cost Accounting Standards Board in section 719.

The amendment I have introduced would exempt section 719 from the 2-year expiration date.

The Comptroller General has stated that it would take between 3 and 5 years to promulgate comprehensive cost-accounting standards. At the earliest, it would be 18 months before the Board could issue even the simplest standards. He supports this amendment.

The Board was conceived to have a continuing impact on defense procurement. In order to do this it must be able to evaluate the effect of its standards. It must be able to alter, issue or reissue standards as needs arise. It must be able to anticipate the procurement needs of the future and anticipate the standards that will be necessary.

The Comptroller General supports this amendment.

The Board cannot do this if its planning time is limited to 2-year periods. It can only invest in long-range plans, if it has the permanence to do so.

And I do not believe the usefulness of section 719—the Cost Accounting Standards Board should be curtailed or hampered because of a 2-year statutory life. I urge the acceptance of my amendment which would exempt section 719 from the 2-year expiration date in S. 3302.

Mr. BROOKE. Mr. President, I yield back my time.

Mr. MONDALE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT. Mr. President, I am pleased to support S. 3302, a bill extending the Defense Production Act. This measure provides for the establishment of uniform cost accounting standards for certain defense contracts. When we realize that during the 1969 fiscal year more than $36 billion worth of military procurement was obtained through contract negotiation, we must realize the tremendous need for keeping these costs under control.

It was only a year ago that Congress really got down to the business of exercising some control over defense contracts. The Schweiker amendment, which I cosponsored, supported, and voted for, was the first major step. It would have required a quarterly audit of all major defense weapons contracts. It was a good amendment. It was directed at the shocking exposures of cost overruns which are intolerable. Unfortunately, the Schweiker amendment never made it through the conference committee.

The pending legislation is designed to place negotiated defense contracts under a uniform procedure for cost accounting. Very reliable estimates indicate that at least $2 billion or more will be saved when these procedures are employed. I say it is about time.

Mr. President, the Comptroller General submitted a report to Congress last January at which time he concluded that uniform cost accounting standards were both feasible and desirable. I do not think that the taxpaying public will tolerate any more reports of wasteful Government spending. Let us do our defense spending in a fiscally responsible manner. I strongly support the pending bill and urge my colleagues to do the same.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

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

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 legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLE-

TON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. JORDAN), are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Iowa (Mr. HUGHES), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) and the Senator from Alaska (Mr. STEVENS) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER) and the Senator from Florida (Mr. GURNEY) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 69, nays 1, as follows:

[No. 236 Leg.]

YEAS—69

Aiken	Hansen	Nelson
Allen	Harris	Packwood
Allott	Hart	Pearson
Anderson	Hatfield	Pell
Bayh	Holland	Percy
Bible	Hollings	Prouty
Boggs	Hruska	Proxmire
Brooke	Inouye	Randolph
Burdick	Jackson	Ribicoff
Byrd, Va.	Javits	Saxbe
Byrd, W. Va.	Jordan, Idaho	Schweiker
Case	Kennedy	Scott
Church	Long	Sparkman
Cooper	Mansfield	Spong
Cotton	Mathias	Stennis
Cranston	McClellan	Talmadge
Dole	McGovern	Thurmond
Ellender	Metcalf	Tydings
Ervin	Miller	Williams, N.J.
Fannin	Mondale	Williams, Del.
Fong	Montoya	Yarborough
Fulbright	Moss	Young, N. Dak.
Goodell	Muskie	Young, Ohio

NAYS—1

McIntyre

NOT VOTING—30

Baker	Goldwater	McGee
Bellmon	Gore	Mundt
Bennett	Gravel	Murphy
Cannon	Griffin	Pastore
Cook	Gurney	Russell
Curtis	Hartke	Smith, Maine
Dodd	Hughes	Smith, Ill.
Dominick	Jordan, N.C.	Stevens
Eagleton	Magnuson	Symington
Eastland	McCarthy	Tower

So the bill (S. 3302) was passed, as follows:

S. 3302

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

EXTENSION OF ACT

SECTION 1. The first sentence of section 717 (a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166 (a)) is amended—

(1) by striking out "July 30, 1970" and inserting in lieu thereof "June 30, 1972"; and

(2) by striking out "section 714" and inserting in lieu thereof "sections 714 and 719".

DEFINITIONS

SEC. 2 Section 2072 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) by inserting "space," after "stockpiling," in subsection (d); and

(2) by adding at the end thereof a new subsection as follows:

"(f) The term 'defense contractor' means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense."

UNIFORM COST-ACCOUNTING STANDARDS

SEC. 3. The Defense Production Act of 1950 is amended by adding at the end thereof a new section as follows:

"COST-ACCOUNTING STANDARDS BOARD

"SEC. 719. (a) There is established, as an agent of the Congress, a Cost-Accounting Standards Board which shall be independent of the executive departments and shall consist of the Comptroller General of the United States who shall serve as Chairman of the Board and four members to be appointed by the Comptroller General. Of the members appointed to the Board, two shall be from the accounting profession, one shall be representative of industry, and one shall be from a department or agency of the Federal Government who shall be appointed with the consent of the head of the department or agency concerned. The term of office of each of the appointed members of the Board shall be four years, except that any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed. Each member of the Board appointed from private life shall receive compensation at the rate of one two-hundred-sixtieth of the rate prescribed for level IV of the Federal Executive Salary Schedule for each day (including traveltime) in which he is engaged in the actual performance of duties vested in the Board.

"(b) The Board shall have the power to appoint, fix the compensation of, and remove an executive secretary and two additional staff members without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service. The executive secretary and the two additional staff members may be paid compensation at rates not to exceed the rates prescribed for levels IV and V of the Federal Executive Salary Schedule, respectively.

"(c) The Board is authorized to appoint and fix the compensation of such other personnel as the Board deems necessary to carry out its functions.

"(d) The Board may utilize personnel from the Federal Government (with the consent of the head of the agency concerned) or appoint personnel from private life without regard to chapter 51, subchapters III and VI of chapter 53, and chapter 75 of title 5, United States Code, and those provisions of such title relating to appointment in the competitive service, to serve on advisory committees and task forces to assist the Board in carrying out its functions and responsibilities under this section.

"(e) Except as otherwise provided in subsection (a), members of the Board and officers or employees of other agencies of the Federal Government utilized under this section shall receive no compensation for their services as such but shall continue to receive the compensation of their regular positions. Appointees under subsection (d) from private life shall receive compensation at rates fixed by the Board, not to exceed one two-hundred-sixtieth of the rate prescribed for level V in the Federal Executive Salary schedule for each day (including traveltime) in which they are engaged in the actual performance of their duties as prescribed by the Board. While serving away from their homes or regular place of business, Board members and other appointees serving on an intermittent basis under this section shall be allowed travel expenses in accordance with section 5703 of title 5, United States Code.

"(f) All departments and agencies of the Government are authorized to cooperate with the Board and to furnish information, appropriate personnel with or without reimbursement, and such financial and other assistance as may be agreed to between the Board and the department or agency concerned.

"(g) The Board shall from time to time promulgate cost-accounting standards designed to achieve uniformity and consistency in the cost-accounting principles followed by defense contractors and subcontractors under Federal contracts. Such promulgated standards shall be used by all relevant Federal agencies and by defense contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. In promulgating such standards the Board shall take into account the probable costs of implementation compared to the probable benefits.

"(h)(1) The Board is authorized to make, promulgate, amend, and rescind rules and regulations for the implementation of cost-accounting standards promulgated under subsection (g). Such regulations shall require defense contractors and subcontractors as a condition of contracting to disclose in writing their cost-accounting principles, including methods of distinguishing direct costs from indirect costs and the basis used for allocating indirect costs, and to agree to a contract price adjustment, with interest, for any increased costs paid to the defense contractor by the United States because of the defense contractor's failure to comply with duly promulgated cost-accounting standards or to follow consistently his disclosed cost-accounting practices in pricing contract proposals and in accumulating and reporting contract performance cost data. Such interest shall not exceed 7 per centum per annum measured from the time such

payments were made to the contractor or subcontractor to the time such price adjustment is effected. If the parties fail to agree as to whether the defense contractor or subcontractor has complied with cost-accounting standards, the rules and regulations relating thereto, and cost adjustments demanded by the United States, such disagreement will constitute a dispute under the contract dispute clause.

"(2)(A) The Board is authorized, as soon as practicable after the date of enactment of this section, to prescribe rules and regulations exempting from the requirements of this section such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by this section.

"(B) Rules and regulations prescribed under subparagraph (A) of this paragraph (3) shall take effect upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a copy of the proposed rules and regulations is transmitted to the Congress; if, between the date of transmittal and the expiration of such sixty-day period, there is not passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed rules and regulations. For the purposes of this subparagraph, in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

"(i)(A) Prior to the promulgation under this section of rules, regulations, cost-accounting standards, and modifications thereof, notice of the action proposed to be taken, including a description of the terms and substance thereof, shall be published in the Federal Register. All parties affected thereby shall be afforded a period of not less than thirty days after such publication in which to submit their views and comments with respect to the action proposed to be taken. After full consideration of the views and comments so submitted the Board may promulgate rules, regulations, cost-accounting standards, and modifications thereof which shall have the full force and effect of law and shall become effective not later than the start of the second fiscal quarter beginning after the expiration of not less than thirty days after publication in the Federal Register.

"(B) The functions exercised under this section shall be excluded from the operation of the Administrative Procedure Act.

"(C) The provisions of paragraph (A) of this subsection shall not be applicable to rules and regulations prescribed by the Board pursuant to subsection (h)(3).

"(j) For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost-accounting standards and has followed consistently his disclosed cost-accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost-accounting standards and principles.

"(k) The Board shall report to the Congress, not later than twenty-four months after the date of enactment of this section, concerning its progress in promulgating cost-accounting standards under subsection (g) and rules and regulations under subsection (h). Thereafter, the Board shall make an annual report to the Congress with respect to its activities and operations, together with such recommendations as it deems appropriate.

"(l) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

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:

"(c) 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 $20,000,000 except with the approval of the Congress: *Provided further*, That the authority in this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person unless the President certifies that such insolvency or bankruptcy would have a direct and substantially adverse effect upon defense production and that a copy of such certification together with a detailed justification thereof is transmitted to the Congress and to the Banking and Currency Committees thereof at least ten days prior to the use of such authority."

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

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senate has accomplished a great deal of work today. First, we completed the agriculture appropriations bill for 1971 and then commenced consideration of the Defense Production Act. It was through the fine efforts and skill of the managers of this bill, the distinguished Senators from Minnesota (Mr. MONDALE) and Wisconsin (Mr. PROXMIRE) that we were able to achieve completion today of this measure as well. They both demonstrated again what has been so evident to us in the Senate, that each masters fully their subject before bringing a measure to the floor.

To the distinguished Senator from Utah (Mr. BENNETT), the ranking member of the committee, the same tribute applies. As always his cooperation is greatly appreciated by the leadership.

To all Members of the Senate especially those that took a more active part—the able and distinguished Senators from California (Mr. CRANSTON), from Virginia (Mr. BYRD), and from New Hampshire (Mr. COTTON)—the leadership is greatly indebted.

Again, I must mention the Senate's great legislator, the distinguished chairman of the committee (Mr. SPARKMAN). Under his personal guidance, this measure reaches the floor. Through his guidance his subcommittee chairman is able to manage the measure to swift passage. The record of achievement of the Senate to date has been marked with hard work and significant accomplishment.

TERMINATION OF CERTAIN JOINT RESOLUTIONS AUTHORIZING THE USE OF THE ARMED FORCES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 874, Senate Concurrent Resolution 64, by Mr. MATHIAS and others, a concurrent resolution to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside of the United States—to wit, the Tonkin Gulf resolution. I do this so that the concurrent resolution will become the pending business.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Three nails already. Yes.

Mr. SCOTT. I wonder if the distinguished majority leader would yield for me to suggest a proposal for a limitation of time of 10 minutes, 5 minutes to a side, on this resolution. We will agree to it on our side.

Mr. MANSFIELD. I would be delighted if I could take it under advisement while I discuss the matter with the chairman of the Committee on Foreign Relations. I would be more than happy, because I think all has been said that should be said, and the Senate should be prepared to vote.

Mr. SCOTT. I agree. There is no need to vote on it, but I am willing to vote every day, if the distinguished majority leader will bring it up.

Mr. MANSFIELD. No; there is only one on the calendar.

The PRESIDING OFFICER. The resolution will be stated.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 64) to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside of the United States.

The PRESIDING OFFICER. Is there objection to its present consideration?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with amendments, on page 1, line 2, after the word "That", to strike out "(a) under the authority of section 6 of the joint resolution entitled 'Joint resolution to promote peace and stability in the Middle East,' approved March 9 1957 (71 Stat. 5; Public Law 85-7), as amended, such joint resolution is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned.

"(b) Under", on page 2, line 4, after the amendment just above stated, to insert the word "under"; and in line 5, after the word "resolution", to insert "commonly known as the Gulf of Tonkin Resolution and"; so as to make the concurrent resolution read:

> That under the authority of section 3 of the joint resolution commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in Southeast Asia", approved August 10, 1964 (78 Stat. 384; Public Law 88-408), such joint resolution is terminated effective upon the day that the second session of the Ninety-first Congress is adjourned.

Mr. MANSFIELD. Mr. President, there will be no further discussion on the Gulf of Tonkin resolution repeal tonight, I hope.

ORDER FOR RECOGNITION OF SENATOR WILLIAMS OF NEW JERSEY TOMORROW

Mr. MANSFIELD. I ask unanimous consent that when the distinguished Senator from Ohio (Mr. YOUNG) completes his remarks tomorrow, the distinguished Senator from New Jersey (Mr. WILLIAMS) be recognized for not to exceed 10 minutes.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, following the remarks of the distinguished Senator from New Jersey tomorrow, there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY, JULY 13, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the disposition of the Journal on Monday next, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 30 minutes.

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

Mr. MANSFIELD. Mr. President, I yield to the Senator from Virginia, who has a very timely statement to make.

ARLANDRIA AGAIN HIT BY FLOODS: SENATOR SPONG CITES NEED FOR AUTHORIZATION AND APPROPRIATION FOR FOUR MILE RUN FLOOD CONTROL PROJECT

Mr. SPONG. Mr. President, the Arlandria community in northern Virginia is under water at this very moment from Four Mile Run overflowing its banks. This is the third flood in less than a year, and my heart goes out to the victims who are being evacuated from their homes and businesses.

Details of the damage are unavailable. Flash floods have hit Holmes Run and Cameron Run. Local officials are busy attempting to do what they can to prevent loss of life, but little can be done to protect property.

The Arlandria community was struck twice by floods last summer. On July 22, flooding caused damage estimated at $4,315,000. Ten days later, on August 2, the stream again overflowed. Damage from the second disaster was estimated at $700,000.

Because there is a threat of floods from even a moderate rainfall, I have been attempting since the disasters last summer to secure approval of authorization and appropriation measures for a flood control project for the area. I discussed these efforts in great detail on April 14, and pointed out the time that was consumed in obtaining the necessary report from the Department of the Army.

The Senate Public Works Committee adopted a resolution 2 weeks ago today authorizing construction of the project. The committee acted under the provisions of the Flood Control Act of 1965, which permits the Senate and House Public Works Committees to authorize flood control projects having a Federal cost of less than $10 million.

I hope the resolution will receive priority consideration by the House Public Works Committee. It is imperative, Mr. President, that funds for preconstruction planning on the project be appropriated this year. I have requested the Public Works Subcommittee of the Appropriations Committee to recommend $175,000 for that purpose, and hope it will be approved.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL COSPONSORS OF BILLS

S. 3723

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. METCALF) be added as a cosponsor of S. 3723, to provide for orderly trade in textile articles of leather footwear, and for other purposes.

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

S. 3974

Mr. SPONG. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. PASTORE), be added as a cosponsor of S. 3974, to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia.

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

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 422

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Washington (Mr. MAGNUSON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. YOUNG), the Senator from Wisconsin (Mr. NELSON), the Senator from Maryland (Mr. TYDINGS), the Senator from Alaska (Mr. STEVENS), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors of Senate Resolution 422, to authorize representation of the U.S. Senate by counsel in judicial proceedings concerning the constitutional validity of the Voting Rights Act Amendments of 1970.

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

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 763

Mr. MCGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of amendment No. 763 to H.R. 17923, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

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

AMENDMENT NO. 765

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. MANSFIELD) be added to amendment No. 765 to H.R. 17123, the military procurement bill.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order, until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 46 minutes p.m.) the Senate stand in adjournment, in accordance with the previous order, until 10 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Friday, July 10, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 9, 1970:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant (junior grade):

Wayne R. Cronlund	Alexander J. Hindle, Jr.
Timothy J. Cenna	John R. Kissinger, Jr.
Warren E. Colburn, Jr.	Richard F. Cupman
Howard C. Waters	James D. Hull
James T. Doherty, Jr.	Michael Billingsley
Gregory L. Shaw	David H. Humphreys
Robert W. Henry	Stanley L. Renneker
Charles W. More	Thomas R. Lynch
Benjamin B. Peterson	Daniel D. Ryan III
Paul J. Prokop	Steven E. Hungness
Gerald L. Hale	Richard E. Burke, Jr.
George F. Hatland, Jr.	Christopher G. Kreiler
Paul H. Garrity	Gregory H. Magee
James W. Gynther	Robert L. Pokress
Robert J. Wenzel	Donald R. Shrader
William K. Bissell	James E. Smith, Jr.
Michael J. Mierzwa	David D. Frydenlund
	Jay M. Snyder

John F. Stumpff
John G. Cwiek
James D. Garrison
Stuart N. White
Donald H. Debok
John F. McGowan
Walter W. McDougall, Jr.
Frederick N. Wilder
Michael E. Moore
Robert C. Olsen, Jr.
Eric W. Miller
Joseph J. Clarke
Charles W. Wadey
Mark A. Revett
James L. Robinson
Andrew W. Anderson
Phillip W. Hawkins
Larry F. Wheatley
Robert C. Belote
Richard J. Losea
Elwood E. Stoeger
Daniel L. Carney
William R. Jurgens
Dale H. Gebhardt
Paul J. Bodenhofer
Richard C. Vlaun
George A. Flanigan
John V. Zeigler
Richard W. Ford, Jr.
Frederick J. Schmitt
Ronald J. Greto
George M. Williams
Jeffrey E. Robbins
Robert M. Acker, Jr.
Charles A. Huber, Jr.
Joseph F. Flayer
Robert A. McCoy
Glenn P. O'Brien
Robert S. Illman
Edward D. Walsh, Jr.
Andrew L. Gerfin, Jr.
Michael T. Black
William R. Bowen
James R. Hartney
David B. Anderson
Darryle M. Waldron
Peter A. Lenes
Mark D. Present
Bruce D. Wintersteen
Pablo M. Rodriguez
Theodore G. White III
Mark L. Lavache
James A. Cain
Timothy W. Josiah
Robert C. Gravino
John F. Curtis
Richard C. Barlow
Thomas R. Hamblin
Wenceslaus D. Kinal
John K. Miner
Charles H. Hill
George D. Bond II
Frederick R. Adamchal
Barry P. Kane
James B. Buckley III
Alan R. Berry
Russell A. Askey
Gary R. Calverase
Bruce E. Griffiths
Richard A. Leclerc
David H. Blomberg
Roderick A. Schultz
Richard L. Hilliker
Donald R. Grosse
George N. Naccara
Chester M. Sprague
James W. Pennington
Dwight R. Squires
Peter I. Aalberg
Gregory J. Labas
James D. Burk
Harold F. Watson
Robert W. Thorne
Robert E. Donnee
Thomas E. Rutenberg, Jr.
David C. Dubois
Gary L. Pavlik
Jeffrey J. Cotter
Fred W. Pryor
Gerald H. Kemp
Bruce A. Bergmann
Robert T. Glynn
Ronald E. DeMello
Douglas B. Brown
Robert C. Wise
Eugene A. Miklaucic
Gerald L. Ranes
John H. McLaughlin
Michael L. Duvall
Lee S. Rumley
Loren J. Chidester
James A. Moon
David A. Desiderio
John H. Nicholson
Robert L. Council
Rodger R. Logan
James P. Wysocki
Kenneth S. Shepard, Jr.
Dale K. Frieden
Charles D. Phillips
James W. Moon
William J. Missal
Michael D. Slovek
Jon W. Hall
Stanley E. Breedlove
William K. Sinn, Jr.
Eckhard E. Magsig
Harold F. Wagner
James W. Smith
Laurence P. Minott, Jr.
Curtis J. Crumpley
Charles L. Fenning
Albert R. Maggard
Willard R. Cox

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade indicated:

To be lieutenant commander

Theodore P. Brandsma

To be lieutenant

Kevin J. Barry
Joseph R. Finelli
Cullis L. Holub
Howard R. Ledbetter
David I. Scott
Robert A. Melvin, III

IN THE AIR FORCE

The following-named officer to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10, of the United States Code.

Lt. Gen. John S. Hardy, 577-52-0168FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284, and 3299:

To be major

Abene, Gasper V., [redacted]
Abrahams, Edwin G., [redacted]
Abt, Irwin E., [redacted]
Adams, George B., [redacted]
Adams, James E., [redacted]
Adams, Paul L., [redacted]
Adcock, Thomas G., [redacted]
Addicott, Charles W., [redacted]
Aicken, Larry B., [redacted]
Ainsworth, Robert L., [redacted]
Akin, George H., [redacted]
Akiyama, Frank M., [redacted]
Albright, Anthony F., [redacted]
Alexander, Joseph E., [redacted]
Allen, Robert C., [redacted]
Allison, Robert H., [redacted]
Alsheimer, Robert H., [redacted]
Alston, Pontha D., [redacted]
Alton, Gary O., [redacted]
Amerson, Hinton S., [redacted]
Amos, Julian E., [redacted]
Anderson, Curtis E., [redacted]
Anderson, David P., [redacted]
Anderson, James A., [redacted]
Anderson, Joseph L., [redacted]
Anderson, Ralph O., [redacted]
Andreacchio, Nichol, [redacted]
Annette, Robert W., [redacted]
Apperson, Jack A., [redacted]
Archer, James H., [redacted]
Areheart, Henry W. J., [redacted]
Argo, James W., [redacted]
Armstrong, Hart R., [redacted]
Armstrong, James S., [redacted]
Arnold, John M., [redacted]
Aschettino, Richard, [redacted]
Austin, Richard K., [redacted]
Austin, Thomas A., [redacted]
Bachmann, Robert R., [redacted]
Baeb, David E., [redacted]
Bagnaschi, Albert L., [redacted]
Bailey, George W., [redacted]
Baird, Richard J., [redacted]
Bakeman, Charles D., [redacted]
Baker, Roger M., Jr., [redacted]
Baldree, Charles J., [redacted]
Baldwin, George R., [redacted]
Baldwin, Richard B., [redacted]
Balint, Barry T. J., [redacted]
Banks, James C., [redacted]
Banner, Thomas A., [redacted]
Barbazette, John H., [redacted]
Barber, James J., [redacted]
Barborak, Franklin, [redacted]
Barisano, Louis, [redacted]
Barker, Harold S., Jr., [redacted]
Barker, Rex N., [redacted]
Barlow, Donald J., [redacted]
Barnard, Roy S., [redacted]
Barnes, John L., [redacted]
Barnum, Robert C., [redacted]
Barrentine, Robert, [redacted]
Barrett, Jonathan R., [redacted]
Barron, James B., [redacted]
Barry, Arthur A., [redacted]
Bartlett, Gerald T., [redacted]
Baumeister, Harold, [redacted]
Baun, Richard A., [redacted]
Baxter, Warner R., [redacted]
Bayruns, Paul C., [redacted]
Beach, Edmund J., [redacted]
Beasley, Benjamin B., [redacted]
Beaulieu, Gary P., [redacted]
Beavers, Guy M., [redacted]
Beben, Joseph A., [redacted]
Beck, Frederick S., [redacted]
Beckwith, Robert E., [redacted]
Beebe, Steven G., [redacted]
Beitz, Charles A., Jr., [redacted]
Bell, Raymond E., Jr., [redacted]
Bell, William E., [redacted]
Bellamy, Bruce M., [redacted]
Bennett, Ferrell R., [redacted]
Bennett, Lester E., [redacted]
Berg, George A., [redacted]
Bergson, Richard W., [redacted]
Bernd, Roy B., [redacted]
Berner, John J., [redacted]
Berry, William W., [redacted]
Bethke, Gerald H., [redacted]
Bezemek, Ludwig A., [redacted]
Biberstein, Billy J., [redacted]
Bickley, James B., [redacted]
Bieri, Leon D., [redacted]
Bingham, Ellis D., [redacted]
Bird, Max R., [redacted]
Bishop, Donald E., [redacted]
Bisping, Jack F., [redacted]
Bizzell, Word G., [redacted]
Blakeley, David C., [redacted]
Blaker, William J., [redacted]
Blanck, John E., [redacted]
Blank, James N., [redacted]
Blank, Lyle E., [redacted]
Blanton, Philip T., [redacted]
Blascak, Donald W., [redacted]
Bledsoe, Edward P., [redacted]
Bloomfield, John E., [redacted]
Boiani, Peter J., [redacted]
Boivin, Arcade C., II, [redacted]
Bokovoy, Jon E., [redacted]
Boll, Albert F., [redacted]
Bolt, Richard R., [redacted]
Bomar, Hobby J., Jr., [redacted]
Bone, Aubra N., [redacted]
Bonilla-Acevedo, Tomas, [redacted]
Bonner, Benjamin J., [redacted]
Bonta, Stanley G., [redacted]
Booth, Benny L., [redacted]
Boren, Charles M., [redacted]
Borer, Robert S., [redacted]
Borgstrom, Richard, [redacted]
Bostancic, James F., [redacted]
Boswell, Leonard L., [redacted]
Bourland, James M., [redacted]
Bowden, John J., [redacted]
Bowen, Cecil R., [redacted]
Bower, George L., [redacted]
Bowman, Donald C., [redacted]
Boyanowski, John G., [redacted]
Boyle, Ernest W., [redacted]
Boyle, James A., Jr., [redacted]
Braa, Emery W., [redacted]
Bradley, Robert E., [redacted]
Brann, Travis L., [redacted]
Brannen, Barney L., [redacted]
Brasuell, Perry T., [redacted]
Breen, James H., [redacted]
Briggs, Charles F., [redacted]
Briggs, Richard S., [redacted]
Briggs, Thomas J., [redacted]
Brill, James H., [redacted]
Bringham, John L. B., [redacted]
Brister, Delano R., [redacted]
Britt, Albert S., III, [redacted]
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Le Crone, Donald, [redacted]
Le Vesque, Victoria, [redacted]
Leach, Robert A., [redacted]
Leard, Robert E., [redacted]
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Logan, Laddie B., [redacted]

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Loop, James W., [redacted]
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Lowe, James W., [redacted]
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Macias, Raul G., [redacted]
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Osborn, John A. [redacted]
Osborne, Walton H. I. [redacted]
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Pare, Harold J. [redacted]
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Pataro, Rudolph N. [redacted]
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Serrin, Phillip A. I. [redacted]
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Sharp, Charles W. [redacted]
Shaw, Robert L. [redacted]
Shellabarger, Harold [redacted]
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Shippers, Ernon L. [redacted]
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Trola, Joseph R., [redacted]
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Vierra, Victor S., [redacted]
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Walker, Robert E., Jr., [redacted]
Wall, Walter F., [redacted]
Walls, Gregg P., [redacted]
Ward, Jerry E., [redacted]
Ward, William A., [redacted]
Waring, Mowton L., Jr., [redacted]
Watkins, Edward A., Jr., [redacted]
Watson, Gerald G., [redacted]
Watson, Jay D., Jr., [redacted]
Wattelet, Ronald R., [redacted]
Watts, Ronald L., [redacted]
Weaver, Robert A., Jr., [redacted]
Weeks, Jimmy D., [redacted]
Weeks, Richard G., [redacted]
Wehrle, Alfred L., [redacted]
Weinert, Phillip D., [redacted]
Welch, Charles W., [redacted]
Welch, Larry L., [redacted]
Wells, Donald G., [redacted]
West, Louis, [redacted]
Westerfeldt, Robert [redacted]
Westerman, Ted G., [redacted]
Westhoff, William J., [redacted]
Weston, Ray D., [redacted]
Whalen, Donald P., [redacted]
Wharton, Walter N., [redacted]
Whatley, Howard G., [redacted]
Wheatley, James K., Jr., [redacted]
Whiddon, Orren R., [redacted]
White, Billy T., [redacted]
White, Jewel G., [redacted]
Whitmire, James D., [redacted]
Whitt, Lawrence H., [redacted]
Whittle, William E., [redacted]
Wiersema, Kenneth E., [redacted]
Wilder, Allen S., Jr., [redacted]
Wiley, Chester J., [redacted]
Wilhelm, Edmund A., [redacted]
Wilkinson, John C., [redacted]
Willett, Frank W., [redacted]
Willette, William P., [redacted]
Willey, John L., [redacted]
Williams, Alonzo, [redacted]
Williams, Charles L., [redacted]
Williams, Donald E., [redacted]
Williams, Edward H., [redacted]
Williams, Graybill [redacted]
Williams, Jerry A., [redacted]
Williams, Richard R., [redacted]
Williams, Ross S., [redacted]
Williamson, James C., [redacted]
Willies, Edward J., [redacted]
Wilson, Albert H., II, [redacted]
Wilson, Daniel M., [redacted]
Wilson, Glenn H., [redacted]
Wilson, Gordon E., [redacted]
Wilson, James K., III [redacted]
Windsor, James A., [redacted]
Winn, Frank B., [redacted]
Winne, Ross W., Jr., [redacted]
Winters, Donald L., [redacted]
Wise, Harry L., Jr., [redacted]
Wiser, Robert M., [redacted]
Wishart, Leonard P., [redacted]
Witbrodt, Donald J., [redacted]
Witt, Everett L., [redacted]
Witt, Jerry V., [redacted]
Wittman, Clarence M., [redacted]
Wold, Pedar C., [redacted]
Wolfe, Robert A., [redacted]
Wolfe, William D., [redacted]
Wolfe, William M., [redacted]
Wood, Billy D., [redacted]
Woods, James R., [redacted]
Woods, Robert O., [redacted]
Woods, Robert P., [redacted]
Woods, Roger B., [redacted]
Wray, Donald P., [redacted]
Wright, Stuart E., [redacted]
Wright, Theodore K., [redacted]
Yeary, Ira W., [redacted]
Yoos, Robert E., [redacted]
Young, Charles D., [redacted]
Young, George E., Jr., [redacted]
Young, Lawrence B. H., [redacted]
Yuhn, John T., [redacted]
Yuill, Stuart J., [redacted]
Zarch, Alan R., [redacted]
Zauriskie, Cedric J., [redacted]
Zickel, Raymond E., Jr., [redacted]
Zirkle, Michael N., [redacted]
Zitz, Joseph S., [redacted]
Zychowski, Edward F., [redacted]

CHAPLAIN

To be major

Beaver, Reinard W., [redacted]
Clark, Donald D., [redacted]
Day, Roland F., [redacted]
Easley, Howard A., [redacted]
Gibbs, Charles R., II [redacted]
Grubb, Hugh M., [redacted]
Hilton, Gerald K., [redacted]
Howerton, Robert B., [redacted]
Hughes, Marvin C., [redacted]
Jett, Mace T., Jr., [redacted]
Kieschnick, Alton R., [redacted]
Mehring, Ralph A., [redacted]
Moore, Willard P., [redacted]
O'Connor, Francis X., [redacted]
Phillips, Major H., Jr., [redacted]
Ricks, Billy G., [redacted]

WOMEN'S ARMY CORPS

To be major

Caldwell, Doris L., [redacted]
Cooper, Alice E., [redacted]
Hallman, Jane I., [redacted]
Hudnall, Anne H., [redacted]
Mastropool, Gladys, [redacted]
Steinbach, Edna M., [redacted]
Whitman, Anne [redacted]

MEDICAL CORPS

To be major

Aeling, John L., [redacted].
Agee, Robert E., [redacted].
Albano, Patrick M., [redacted].
Allen, Bohn D., [redacted].
Allen, Frank H., [redacted].
Annable, Charles R., [redacted].
Anthony, Lewis G., [redacted].
Becker, Arthur A., [redacted].
Beckwith, Merton M., [redacted].
Bolick, Larry E., [redacted].
Bourgeois, Curtis H., [redacted].
Boyce, David C., [redacted].
Brainard, William C., [redacted].
Brendlinger, Dirck, [redacted].
Brown, Joseph III, [redacted].
Bullard, James R., [redacted].
Burgin, William W., Jr., [redacted].
Burton, Thomas H., [redacted].
Bussey, Frederick N., [redacted].
Cason, William P., [redacted].
Cass, Kenneth A., [redacted].
Christensen, Edward, [redacted].
Chronister, Wayne S., [redacted].
Cohen, Harvey M., [redacted].
Conrad, William C., [redacted].
Cotton, Bernice P., [redacted].
Deak, Andrew, [redacted].
Dickerson, Alfred G., [redacted].
Dimarco, Joseph C., [redacted].
Edmonds, Paul B., [redacted].
Evans, Richard, [redacted].
Fahrni, John H., [redacted].
Fariss, Bruce L., [redacted].
Ferry, Darwin J., Jr., [redacted].
Follansbee, John N., [redacted].
Fuqua, William B., [redacted].
Gates, Francis K., Jr., [redacted].
Gerhard, Clyde, [redacted].
Ghigleri, Richard E., [redacted].
Gooding, Ronald S., [redacted].
Graham, Paul A., [redacted].
Guiton, Carl R., [redacted].
Hagler, Louis, [redacted].
Hall, Augustus A., Jr., [redacted].
Hansen, George H., [redacted].
Harris, Charles H., [redacted].
Hawryluk, Orest, [redacted].
Hefter, Thomas G., [redacted].
Helmus, Wilbur F., Jr., [redacted].
Heymann, Robert L., [redacted].
Hutton, John E., Jr., [redacted].
Jones, Charles B., Jr., [redacted].
Kent, James J., [redacted].
Kleinman, Burton A., [redacted].
Kott, Daniel F., [redacted].
Kurtzman, Neil A., [redacted].
Ladner, Calvin N., [redacted].
Lawrence, Donald J., [redacted].
Lea, Charles E., [redacted].
Leazure, Jerry A., [redacted].
Lenczyk, Joseph M., [redacted].
Levine, Monroe I., [redacted].
Lichtmann, Manfred, [redacted].
Lindberg, Robert F., [redacted].
Logan, Laurence J., [redacted].
Macdonald, Joseph C., [redacted].
Madison, David S., [redacted].
Magoline, Alfred J., [redacted].
Manelis, Joseph, [redacted].
McKillop, James A., [redacted].
McLean, Robert B., [redacted].
Miller, Donald F., [redacted].
Miller, Lee H., [redacted].
Morgan, William P., [redacted].
Painter, Milford R., [redacted].
Perry, Roger W., Jr., [redacted].
Peterson, Hugh D., [redacted].
Pierce, Joseph A., Jr., [redacted].
Pitkethly, David T., [redacted].
Powell, Darryl H., [redacted].
Price, Dudley R., [redacted].
Quarantillo, Edward, [redacted].
Rahdert, Richard F., [redacted].
Randall, James R., [redacted].
Randolph, Gerald G., [redacted].
Reamy, Kenneth, [redacted].
Reed, James W., [redacted].
Reister, Henry C., II, [redacted].
Ritchey, John P., [redacted].
Rowland, Robert C., [redacted].
Runyan, Thomas E., [redacted].
Schaefer, Charles E., [redacted].
Shaver, Glyndon B., Jr., [redacted].
Shaw, Richard C., [redacted].
Shown, Thomas E., [redacted].
Smith, George M., [redacted].
Soha, Albert J., [redacted].
Sprengelmeyer, James, [redacted].
Stafford, Navarro, [redacted].
Stienmier, Richard, [redacted].
Strickland, Alva L., [redacted].
Vose, Paul C., [redacted].
Watson, Jerry F., [redacted].

DENTAL CORPS

To be major

Balaban, Bernard, [redacted].
Belenky, Michael M., [redacted].
Bohanan, Jack R., [redacted].
Bole, Charles T., II, [redacted].
Boyer, Kenneth H., [redacted].
Boylan, Peter A., [redacted].
Brasher, W. James, [redacted].
Bruner, Hugh H., Jr., [redacted].
Brusch, Walter A., [redacted].
Cavallaro, Carl J., [redacted].
Cheney, Daniel K., [redacted].
Coe, Clyde A., [redacted].
Conway, Michael H., [redacted].
Crombie, John N., [redacted].
Cucolo, Frank A., [redacted].
Dupont, Albert A., [redacted].
Harrison, John W., [redacted].
Hirsch, Edward H., [redacted].
Hoffman, Jerry I., [redacted].
Huget, Eugene F., [redacted].
Jones, John C., [redacted].
Kirk, George A., [redacted].
Lamers, Edward M., [redacted].
Larson, Wayne J., [redacted].
McCormick, Jim L., [redacted].
Moga, Michael J., [redacted].
Moore, Henry B., [redacted].
Mueninchoff, Leonard, [redacted].
Naito, Roy M., [redacted].
Nelson, Robert N., [redacted].
Overton, Eugene E., [redacted].
Posey, William R., [redacted].
Rodenburg, Carl E., [redacted].
Ruff, James M., [redacted].
Russell, Emery A., Jr., [redacted].
Schwartz, Roy S., [redacted].
Summitt, William W., [redacted].
Takala, John A., [redacted].
Thomas, William M., Jr., [redacted].
Valha, Daniel J., [redacted].
Vandrak, Robert F., [redacted].

VETERINARY CORPS

To be major

Bucci, Thomas J., [redacted].
Edwards, George C., [redacted].
Farris, Richard D., [redacted].
Jorgensen, Robert R., [redacted].
McQuilkin, Stephen, [redacted].
Spertzel, Richard D., [redacted].
Stedham, Michael A., [redacted].
Webb, Adin R., [redacted].

MEDICAL SPECIALIST CORPS

To be major

Allgood, Gerald D., [redacted].
Amidon, Charles D., Jr., [redacted].
Barber, Leroy M., Jr., [redacted].
Bayne, Calvin, [redacted].
Bischoff, Neil E., [redacted].
Bissell, Donald F., [redacted].
Bowes, Donald J, Jr., [redacted].
Brophy, Edward P., [redacted].
Brown, George L., [redacted].
Bryant, Robert P., [redacted].
Burris, Norman L., [redacted].
Cedola, Vincent J., [redacted].
Chiei, Dante A., [redacted].
Clark, Harry H., Jr., [redacted].
Clegg, George J., [redacted].
Cooper, James D., [redacted].
Crawford, John C., [redacted].
Crosley, John K., [redacted].
Danielson, John J., [redacted].
Darnauer, Paul F., [redacted].
Davis, Warren L., [redacted].
Dawson, William J., [redacted].
Drake, Charles E., [redacted].
Eakly, Ralph T., [redacted].
Eberwine, James A., [redacted].
Eldridge, Bruce F., [redacted].
Garrett, McLain G., [redacted].
Geringer, Gerald G., [redacted].
Gossage, Donald R., [redacted].
Gulevich, Wladimir, [redacted].
Harris, Davis P., [redacted].
Hartley, Brodes H., Jr., [redacted].
Haswell, Edward A., [redacted].
Helomyer, Harry F., [redacted].
Heridt, Richard M., [redacted].
Herndon, Joseph E., Jr., [redacted].
Hoyt, Max E., [redacted].
Hudson, James F., [redacted].
Hull, Donald R., [redacted].
Inge, Bobby M., [redacted].
Jenkins, Irvin E., [redacted].
Johnson, Douglas L., [redacted].
Jordan, France F., [redacted].
Kelly, John B., [redacted].
La Luzerne, Ronald, [redacted].
Levy, Louis B., [redacted].
Lowe, John W., [redacted].
Maeder, Donald F., [redacted].
Maes, Paul B., [redacted].
Massey, Robert A., [redacted].
McGinnis, John W., [redacted].
McKain, Jerry L., [redacted].
McMurray, Dallas R., [redacted].
Mealey, John J., Jr., [redacted].
Mikkelsen, Richard, [redacted].
Mills, Freddie J., [redacted].
Moran, Homer B., [redacted].
Murphy, John W., [redacted].
Murray, Ernest C., [redacted].
Naylor, Donald L., [redacted].
Neitzel, Richard F., [redacted].
Otterstedt, Charles, [redacted].
Pantalone, Julius O., [redacted].
Paul, Hinton G., Jr., [redacted].
Phillips, James A., [redacted].
Piercy, John P., [redacted].
Pitchford, Thomas L., [redacted].
Powell, Donald N., [redacted].
Powell, Harold W., [redacted].
Pulcini, Dino J., [redacted].
Rengstorff, Roy H., [redacted].
Retzlaff, Donald H., [redacted].
Sande, Sigvart, [redacted].
Antori, Luis A., [redacted].
Seeley, Sam T., [redacted].
Shaw, Dale L., [redacted].
Snell, John T., [redacted].
Steinberg, Marshall, [redacted].
Stevenson, Wilbert, [redacted].
Stubblefield, James, [redacted].
Sutton, Mark R., [redacted].
Taylor, Martin L., [redacted].
Tello, Richard C., [redacted].
Timmens, James M., [redacted].
Turner, James G., [redacted].
Upham, Robert W., Jr., [redacted].
Van Nus, Frederick, [redacted].
Van Straten, James, [redacted].
Villanueva, Teddoro, [redacted].
Walls, Neal H., [redacted].
Wangemann, Robert T., [redacted].
Wilburn James H., [redacted].
Wood, Malcolm H., Jr., [redacted].

ARMY NURSE CORPS

To be major

Bauman, Jerome H., [redacted].
Bradshaw, Hershal W., [redacted].
Burton, Cora L., [redacted].
Carlson, Vivienne C., [redacted].
Clark, Anna M., [redacted].
Cotter, Joan K., [redacted].
Farrell, Joanne T., [redacted].
Freidhoff, Erla J., [redacted].
Genito, Gerard S., [redacted].
Hanson, Carol L., [redacted].
Hartman, Jay N., [redacted].
Horan, Mary T., [redacted].
Jaskoski, Margaret, [redacted].
Johnson, Hazel W., [redacted].

Kulvi, Ruth L., [redacted].
Labbe, Elizabeth A., [redacted].
Lutz, John M., [redacted].
McGranahan, Betty [redacted].
McGraw, Lillie M., [redacted].
Mitsdarfer, Donald, [redacted].
O'Rourke, Gwendolyn, [redacted].
Rupp, Russell T., [redacted].
Scheffner, Lawrence, [redacted].
Schneider, Louis F., [redacted].
Smidt, Rezella R., [redacted].
Smith, John A., Jr., [redacted].
Smith, Roy D., [redacted].
Sullivan, Elenore F., [redacted].
Thompson, Agnes J., [redacted].
Wetsch, Thomas J., [redacted].
Wills, Mary A., [redacted].
Yoder, Ann E., [redacted].
Brown, Eloise A., [redacted].
Dobbs, Eunice R., [redacted].
Fritsch, Ann D., [redacted].
Gierhart, Jane E., [redacted].
Hobbs, Betty L., [redacted].
Hyde, Patricia L., [redacted].
Lofton, William, Jr., [redacted].
McDowell, Joyce, [redacted].
Sanchez, Aida N., [redacted].
Yeakel, Mary H., [redacted].

IN THE NAVY

The following-named officers for promotion to the grade of chief warrant officer, W–3 in the U.S. Navy, subject to qualification therefor as provided by law:

Abenante, Ralph P.
Allen, Richard R.
Archibald, Robert J., III
Atchison, Ernest R.
Babington, David C.
Balty, "A" Thomas
Bennett, Rethel C.
Bird, Charles E.
Blank, Vincent E.
Boulay, William C.
Brown, Gordon R.
Cassada, Maxey F.
Christiansen, Robert C.
Connolly, George E.
Dennis, Jackie L.
Dickinson, Edwin L.
Dougherty, James H.
Evans, Paul A.
Franklin, Harrison L.
Garrison, Billie A.
Glick, John W.
Gregory, William J.
Hall, Wilford, C.
Harville, Robert A.
Hebert, Julian B.
Herrington, Hollis F.
Hollen, Danny L.
Howell, Gilbert W.
Johnson, James D., Jr.
Johnston, Richard E.
Jones, Richard L.
Kannegieser, Andrew A.
King, Orville C., Jr.
Kondziela, Jack
Larock, Francis J.
Lipinski, John B.
Lutes, Jack
Maloney, William J.
McCormack, Walter F.
McWilliams, Burnham P.
Melton, James H.
Miller, Robert D.
Mora, Jimmie A.
Moudry, Joseph R.
Myers, Edward F.
Nally, James
O'Brian, Alfred R.
Olson, Neal D.
Owen, Harold
Parrish, Wendell L.
Pochkowski, Joseph D.
Price, Loyd H.
Rabren, Bobby R.
Reddix, Charles J.
Richards, Donald P.
Richey, James H.
Allemand, Lawrence J.
Anderson, Jackson R.
Armstrong, Hugh, Jr.
Augustad, Robert L.
Bailey, Vern E.
Beck, William A., Jr
Bergst, Donald H.
Bitzel, Gerald D.
Bouchillon, James D.
Brooks, Harold F.
Carlton, Robert F.
Cassady, John M.
Clark, Richard A.
Cunningham, Lawrence M.
Devries, James F.
Dipaolo, Francis P.
Duckworth, George E.
Finch, Dan D.
Frederick, Louis E.
Gilbert, Lawrence T.
Gray, Ivan E.
Grimes, Howell, Jr.
Hannon, Billie G.
Hawks, Oda E.
Henson, James M.
Hinman, Leroy T.
Horton, William G.
Hudson, Carl E.
Johnston, Jerry R.
Joines, James J.
Jorgenson, Richard C.
Keller, Everette R.
Kinner, Richard E.
Lafond, Paul A.
Lear, Gerald S.
Lowe, Richard W.
MacLeod, John D.
McCarthy, John J., Jr.
McManus, Theodore G.
Meade, Joe D., III
Miller, Gerald J.
Mitchell, Burl W.
Morrell, George W.
Murray, William F., Jr.
Myrick, Jerry E.
Nowak, John P.
Offe, Duane A.
Overfelt, Garland H.
Owens, James C.
Patterson, Richard L.
Posey, James A., Jr.
Proffitt, Bobby W.
Rearer, Thomas C.
Reynolds, Eugene N.
Richardson, David L.
Riddle, Billie D.
Robert, James A.
Rouse, Fred L.
Sadowski, Donald E.
Seymour, John C.
Siglin, Daniel F.
Soule, Louis M.
Spencer, Sidney T.
Stosel, Stanley L.
Sweigart, Donald R.
Tinnon, Lloyd D.
Truman, Harold S.
Turniquist, Arnold C.
Wald, Howard B.
Williams, Harold E., Jr.
Wilson, Robert T.
Windell, Marion A.
Winslette, Charles L.
Yates, Henry R., Jr.
Rogers, George C., Jr.
Ryan, James D.
Seals, William T.
Sickler, Burton H.
Sijersen, Erick J.
Spata, August
Steger, Earl L.
Stroup, William E.
Tellman, Donald F.
Tounzen, Albert O., Jr.
Tucker, Howard A.
Tyrrell, Thomas S.
Wells, Eugene A.
Wilson, Robert H.
Wiltzuis, Lawrence N.
Winslow, Robert L.
Woods, Melvin I.
Young, Harold J.

The following-named officers for promotion to the grade of chief warrant officer, W–4 in the U.S. Navy, subject to qualification therefor as provided by law:

Brown, Albert L., Jr.
Esparza, Raymond F.
Kliem, Arnold W.
Walker, Willie A.
Ellis, John W., Jr.
Gohrban, Howard F., Jr.
Thornton, Terrence E.
Waller, James R.

The following-named officers for permanent promotion to the grade of chief warrant officer, W–4 in the U.S. Navy subject to qualification therefor as provided by law:

Austin, Ellis E.
Davis, George R.
Holland, Muscoe C., Jr.
Meeler, William F., Jr.
Moore, James A.
Scharschan, Stephen J.
Spain, John H.
Uhlhorn, Elmer C.
Whyte, George L.
Conway, Lonnie E.
Glover, Fred "B"
McLaughlin, Robert B.
Mekula, John
Morgan, Ottis N.
Sloan, Wallace V.
Tarver, Carroll L.
Werts, Glenn E.
Wooten, Robert W.

The following-named officers for permanent promotion to the grade of chief warrant officer, W–2 in the U.S. Navy subject to qualification therefor as provided by law:

Ator, Roy E.
Banister, Robert L.
Berry, Jack W.
Bowers, William E.
Brown, David A.
Campbell, Cager W.
Chisholm, Leonard M.
Creel, Cecil D.
Davis, William L.
Dresbach, Melvin L.
Espy, Ira J.
Feuerbacher, August A.
Folkers, Dale C.
Garrahan, Richard
Goode, Eugene F.
Halliday, Alvin L.
Haver, Richard I.
Hughes, Charles E.
Jeffcoat, James M.
Lardner, Thomas P.
Aycock, Joe E.
Bennett, James P.
Blackmon, Joe L.
Bratsch, Roger D. J.
Cameron, Robert M.
Campbell, Leonard M.
Cornett, Ronald J.
Davis, Neil C.
Desantis, Armand J.
Dunning, James L.
Ferguson, Carl E.
Finerock, Patrick
Foster, Charles L.
Giles, James
Gregory, James A.
Hammond, Riley G.
Holiway, Weldon Y.
Huszar, Martin W.
Lane, Richard D.
Larsen, Raymond H.
Lewis, Robert G.
Londot, Jack L.
McCullough, Harvey T., Jr.
Melton, William G.
Mills-Price, Edgar J., Jr.
Moen, Rodney C.
Mullen, George A.
Northrup, Donald J.
Oliver, Richard H.
Propst, Edward R.
Renshaw, James A.
Rigg, Donald A.
Russell, Perry B.
Schier, Robert M.
Sears, James A.
Shreve, Julius G.
Smith, David W.
Sturgill, Cleveland H.
Thompson, James E.
Toomey, Thomas P.
Twombly, Bennett C.
Wilson, Jerrold B.
Yavorosky, Vincent M.
Lockey, Donald L.
Martin, David F.
McGee, Thomas E.
Miller, Richard S.
Mitchell, Donald R.
Mueller, Robert A.
Neeley, Diana
Howling, Clyde J.
Pirozzolidavid, Paul
Rasmussen, Anker M.
Rice, Charles O.
Rockwood, Donald J., Jr.
Schelin, Theodore C.
Schmid, Walter A.
Sherrill, James D.
Skaw, Larry R.
Southerland, Macy J.
Thomas, Gordon J.
Thomson, Bruce L.
Turley, Brian D.
Verbic, Alan R.
Wilson, Philip B.

Wayne E. Myers for permanent promotion to the grade of chief warrant officer, W–3 in the U.S. Navy subject to qualification therefor as provided by law.

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Allen, James S.
Fauquet, Ronald L.
Lia, James J.
Owens, Ricky L.
Thomas, Michael C.
Willis, Roger A.
Davis, Albert K.
Frye, Paul D.
Meilinggard, Bruce M.
Pounds, Thomas A.
Underwood, Jefferson G.

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Chaffee, Edmund J.
Mitchell, Billie E.
Chacon, Gerald M.
Radack, James P.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Belmont, Anthony P.
Goldbaum, Michael H.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Blades, Frederick C.
Buckendorf, William A.
Froeb, Richard L.
Hazen, Steven J.
Kamm, Patrick W.
Motes, James M., Jr.
Terpening, Larry R.
Bridenstine, James B.
Dascher, Phillip M.
Harrison, Carrington, III
Herschler, Jonathan
Mickal, Donald E., Sr.
Pratt, Richard A., II
Thompson, John W., Jr.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Blackstone, Thomas L.
Stek, Michael.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Bernhard, George K., Jr.
Flinton, Robert J.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Abrahamian, Richard B.
Butler, Lee M.
Schwan, Robert M.
Bruns, David J.
Orthmeyer, Harold J., Jr.
Sweet, Phillip M.

The following-named chief warrant officers to be ensigns in the Navy, limited duty for temporary service in the classification indicated and as permanent warrant and/or permanent and temporary warrant subject to qualification therefor as provided by law:

ADMINISTRATION

Massetti, Ennio.

AVIATION MAINTENANCE

Held, Rene.
Gates, Richard W.

Jeffrey J. McCartney (U.S. Navy officer) to be a permanent ensign in the Medical Service Corps (allied sciences) of the Navy,

subject to qualification therefor as provided by law.

The following-named enlisted personnel to be permanent ensigns in the Medical Service Corps (allied sciences) of the Navy, subject to qualification therefor as provided by law:

Bowman, Jeffrey S. Girod, Walter A.
Hunt, William G. Rainey, James M.
Yacovissi, Robert

The following-named civilian college graduates to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Bryne, Joseph B., Jr.
Schwab, Jerald M. Cothren, Toby G.

The following-named Naval Reserve officers to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Benz, Richard D. Johnson, Jerry K.

The following-named Naval Reserve officers to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Dirkers, Jerome D. Eason, Francis J.
Lavarias, Santiago P

The following-named Naval Reserve officers to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Chambers, John W. Crenshaw, Theresa L.
Dalforno, Victor M. Elo, Tom
Frogge, Jimmy D. Puselier, Francis W.
Hardy, John S., Jr. Hennessy, Joseph P., Jr.
Hogan, Michael J.
Peterson, Neil T., Jr. Hollis, Joseph B.
Reagin, David E. Ranck, Sidney G., Jr.
Spruce, Wayne E. Rodgers, Stephen J.
Youngblood, Frederick E., III Townsend, Raymond E.

The following-named enlisted personnel to be ensigns in the Medical Service Corps of the Navy, for temporary service, subject to qualification therefor as provided by law:

Leadbeater, Warrell F. McBride, Joseph E.
Mitchell, Troy G. Hummel, James R.
Broadhurst, Ronald W. Hovis, Robert S.
Mullin, Jack A.
Bartlett, James V. Fry, Wendell J.
Manley, Edward Schweinfurth, Karl E.
Gibson, Kenneth D. Dawson, Richard L.
Roman, Michael J. West, Joseph J.
Upton, Billy G. Kochis, James B.
Bauer, Peter J. Ryan, Alan B.
Grimes, Thomas A. Brown, George R.
Todd, David J. Herman, Dean A.
Seelbach, Richard A. Blome, Michael A.
Kolesar, Joseph T. Smith, Richard L.
Moody, Johnny M. Tingley, Terry J.
Hastings, Jerry L.

The following-named enlisted personnel selected as alternates to be ensigns in the Medical Service Corps of the Navy, for temporary service, subject to qualification therefor as provided by law:

Delong, Douglas S. Joseph, William A.
Wanamaker, John C. Lewis, Morris N.
Shepherd, Jack W. Buffington, John R.
Mills, Wayne M. McNair, John D.
Boyles, Robert W. Wallace, William E.
Mullen, Michael J. Hisoire, Dennis P.

Charles W. Stone, U.S. Navy, for transfer to and appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Robert D. Fagan, U.S. Navy, for permanent promotion to the grade of lieutenant (junior grade) in the line of the Navy, subject to qualification therefor as provided by law.

Robert R. Jordan, Supply Corps, U.S. Navy, for permanent promotion to the grade of lieutenant (junior grade) in the Supply Corps, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bailey, William F., Jr. Findley, Joseph H.
Edwards, David A. Wright, Thomas W.
Fagan, Robert D.

SUPPLY CORPS

Christian, Lawrence A. Sever, Donald E., Jr.
Dougherty, Stuart A. Tucker, James T.

CIVIL ENGINEER CORPS

Alfredson, Leonard E. Hughes, Duncan S.
Dougherty, James M.

MEDICAL SERVICE CORPS

Tackitt, Robert D.

Albert L. Kaiss, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the line, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary and permanent promotions to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Aabye, William Walter
Adams, Dennis Jack
Adams, Joe Richard
Adams, Robert Jay
Adamson, John Chauncey
Alasin, Ronald Alexander
Albert, Eugene Lee
Allen, George Tyler
Allen, Robert Ripley
Allen, Thomas Edward
Alley, Ronald Dean
Amidon, Robert Bruce
Anderson, Betty Sue
Anderson, John Frederic, Jr.
Anderson, Randall Montgomery
Angyal, James Stephen
Arcana, Stephen Michael
Arneson, Robert Jeffrey
Arnold, Joe Gary
Arnow, Fredric Grant
Asmus, Lawrence James
Atkins, Terrence Grant
Ayd, Edward Harold
Adams, David Earl, Jr.
Adams, James Leo
Adams, Loran McLean
Adams, Rosalee Ann
Ahern, Richard Terry
Aldridge, Randolph Clay
Allen, Charles Luther, Jr.
Allen, Kenneth Eugene
Allen, Terry Jon
Alley, Lindsey Davis
Almy, John Hale II
Ammerman, Edward Duane
Anderson, Gary Keith
Anderson, Jon Eric
Anderson, Stephen Gary
Appleyard, Russel Loring
Arlett Stephen McLean
Arnold, James Laurence
Arnold, Thomas Edward
Ashford, Richard Frederick, Jr.
Atchison, Donald Lee
Averett, Gary Lynn
Babington, David Clark
Badman, Fred Sweet
Bailey, Chester Hinton
Baity, A. Thomas
Baker, Donald Charles
Bambenek, Charles Lee
Bannister, Clarence Quincy
Baran, Robert Austin
Barber, James Walter
Bardal, David Lavern
Barlow, Terrell Wayne
Barnes, Larry Ronald
Barrett, John Graham
Bartlett, Paul Robert
Barwick, James Francis
Bast, William Victor
Baugh, Frederick Henry
Baum, Raymond Ernest, Jr.
Bayer, Frederick Barnhart, III
Beabout, Robert Franklin
Beam, Alan Robert
Bechtel, Richard Craig
Becker, Gerard Frederick
Becker, Peter Joseph
Beckwith, Robert William
Beliech, Dewey Eldridge, Jr.
Beltz, William Russell
Bennett, Francis Elizabeth
Berg, Richard Paul
Berg, Sigval Manford, Jr.
Berkes, Leslie John
Berns, Thomas Herbert
Beverage, Parker Joy
Bieger, George Robert
Billones, August John
Babb, Anne Elizabeth
Bacon, Garwood William
Bahringer, James Paul
Bailey, Robert Chalmers
Baker, Clyde Ernest
Ball, Michael Ernest
Banks, Stephen Anthony
Barabash, Jay
Barasha, Lewis Michael, Jr.
Barber, Leland Ray
Bargar, William Lamont
Barnes, John Brooks
Barrett, John David
Barron, Floyd Archie
Barto, Lona Amon
Basquin, Philip Ward
Bates, Charles Kirk
Baum, Julian Elwood, III
Bauman, Ronald Bruce
Bayer, Ronald Keith
Beakley, James Edwin
Beaty, William Everett, III
Beck, Scott Arthur
Becker, John Joseph, Jr.
Beckhart, Sherry Dawn Sikkema
Beedle, Darvin Eino, II
Bell, John Franklin James Alexande
Bennett, Richard Wayne
Berg, Robert Dewayne
Bergner, Jon Clark
Berning, Ronald Charles
Berry, Carl Thomas, Jr.
Bibbo, Peter Paul
Bierbower, William Bruce
Bishop, Donald Clifford
Bishop, Duchess Adams
Bishop, Kenneth Ralph
Black, Gerald Lee
Black, Roy Willard
Blackburn, William Rockwell
Blair, Dennis Culter
Blake, Frank J.
Blanchard, Robert Charles
Blank, Vincent Earl
Blankenship, Leroy William
Blenkle, William George
Blodgett, George Richard
Board, George Robert
Bodenhorn, Gregory Stuart
Boger, Dan Calvin
Boggs, H. Glenn II
Bohlig, James William
Bomarito, Douglas Michael
Bonny, Ross Fredrick Jr.
Boorom, Robert Francis
Booth, Robert Walter
Borowiec, Richard Raymond
Bott, Robert Francis
Bower, Duane Bruce
Bowers, William Charles
Boyd, David Edwin
Boykin, William Swift Jr.
Bradford, James Charles
Bradley, John Earl Jr.
Brady, Donald Robert
Brandon, David Randall
Bratsch, Roger Donley John
Bray, John Kenneth
Bishop, George Robert Jr.

Bishop, Peter Birney
Black, Harold David
Black, Terrence Wade
Blackwood, Donald William
Blair, William Allen
Blake, Richard Earl
Bland, Richard David
Blankenship, Mark Russell
Blatt, Norman William
Bliss, Albert McChesney
Blume, George Herman, II
Bobo, Ronald Brown
Boehler, Don William Jr.
Bogert, James Arthur
Bogle, William Thomas Randolph
Boire, Paul Maurice
Bonas, Gerhard Hubert Jr.
Booher, Stephen Reed
Boorum, Peter Galloway
Born, John Julius
Boswell, Charles Maurice
Bowden, John Robert
Bowers, John Courtney
Boyce, Michael Thomas
Boyd, Richard Allen
Boylan, Harold Gerard Jr.
Bradley, Fred H. Jr.
Bradley, Samuel A.
Bramblett, Jack
Brandt, Robert Eugene Jr.
Bratzler, David Karl
Breeden, George Leakin, II
Brengle, James Kenneth
Brennon, Roy Leslie, Jr.
Brett, Joseph Donnis
Brickler, Gilbert Jerome, Jr.
Briscoe, James William
Brletich, Frank Richard
Broadhead, Joseph James, III
Brodeur, Joseph Paul
Brooke, John Richard
Brooks, Clinton Walter, Jr.
Brotherton, James Douglass
Brown, James Michael
Brown, James Willard
Brown, Robert Edward
Brown, Robert Leslie
Brown, Roger Conway
Brown, William Andrew
Bryant, Gary Ward
Bryant, Kenneth Paul
Bryden, Kenneth Chester
Buchanan, Richard Alan
Buck, Steven Lee
Budney, Albert Joseph
Bulkeley, Peter Wood
Bulman, Melvin John
Burda, Alois John, III
Burger, Gary Conrad
Burgess, Benjamin Franklin, III
Burin, James Michael
Burks, John Smeallie
Burnett, David Silas, Jr.
Burns, Charles Alan
Burns, Richard Francis, Jr.
Burrow, Barry Valle
Busby, Douglas Lee
Busby, John Carroll, III
Buss, Phillip Terry
Butler, William Henry
Butler, William Russell, Jr.
Buzhardt, Harry Olin, Jr.
Buzzell, Richard Howard
Byars, Mark Long
Byrd, Carroll David
Cahill, Michael Joseph
Cahn, Robert Solomon
Caldwell, Joseph Wallace
Caloway, Grover Randolph
Camp, Richard Michael
Campagnolo, Eugene Louis
Campbell, Darrell W.
Campbell, Jay Alan
Canfield, Susan Barbara
Cannon, William James
Carlin, William Philip
Carlson, Robert Stanley
Carman, Ernest Westervelt, II
Carmody, James Albert
Carpenter, Harold Francis
Carpenter, Lee Allan
Carroll, James Chester
Carron, Michael Joseph
Carter, Lynn, II
Carter, Richard Bruce
Carter, Robert Keith
Cartwright, John Beck
Cartwright, William Fuller
Casey, James Francis, Jr.
Cassat, Gary, I
Catania, John Jacob
Cavanaugh, Michael Patrick
Center, William Dillard
Chaisson, James Edgar
Champa, Louis Marko, Sr.
Charuhas, Richard Brian
Chavez, Angelo
Chernegie, Michael Alexander
Chester, Robert Allen
Christensen, Carl Cummer
Church, Michael Arthur
Clapp, William Reynold
Clark, Philip Spratt, Jr.
Clarke, Edwin Alfred
Clefton, Gordon Allen
Climer, Clyde Hollis
Coats, Michael Loyd
Coble, Melvin Alan
Cohen, Jay Martin
Colbourn, Thomas Adams
Cole, Peter William
Cole, Richard Ward
Coles, Julian Ralph
Collins, William Thomas, Jr.
Comer, Thomas Arthur
Connellan, Joseph Peter
Connors, Bruce Hartmann
Conway, Joseph Vincent, Jr.
Cook, Jeffrey Alan
Cookinham, James Bryan Hulburd
Cooley, John Sharpe
Cooper, Harold Lambert
Corey, Robert Orrin, Jr.
Corr, Howard Alan
Cosgrove, John Patrick
Cates, Clifton Bledsoe, III
Celmer, John Anthony
Cepeda, Willam Lohr
Chaloupka, Allan Bischof
Chaney, Dennis Allen
Chatham, Howard Maitland
Cheek, Manson Harold
Chesnut, Wilbur Eugene
Chisholm, Christopher Ian
Church, John Henry, Jr.
Clabaugh, Cecil Allen
Clark, James Samuel
Clark, William Stanton, Jr.
Cleal, Stephen Roger
Clements, Jerry Allen
Clover, Richard Samuel, III
Cobb, William Wilson, Jr.
Coffey, Philip George, III
Cohlmeyer, Chris Harold
Cole, Frederick Byron
Cole, Richard John II
Coleman, Richard Lewis
Collins, James Lloyd
Colvert, Robert Gary
Conaway, Robert Michael
Connelly, John Thomas
Conrad, Raymond Paul
Conyers, Robert John
Cook, Ronald Earl
Cooley, George Cornelius
Cooper, Bruce Paul
Cooper, William Richard
Cornett, Ronald Jerry
Corrigan, Gerard Michael
Cosgrove, Robert Michael
Costlow, Allan James.
Couch, Charles Andrew
Courville, James Dewey
Cox, Kenneth Lee
Craig, David Michael
Crapps, Clark Peat
Crawford, Jerry Wayne
Crego, Howard Lawrence
Crotteau, Robert Allen
Cullen, James Stephen
Cunningham, Kenneth Newton
Curran, William Maurice
Curtis, Philip James
Cyrus, David Eugene
Dale, John Lipscomb
Dam, Allan Scott
Danesi, Michael Edmund
Dantone, Harold Brelsford
Dare, James Ashton. Jr.
Daughenbaugh, John Stewart
Davies, Gregory John
Davis, Edward Lyle
Davis, Henry Louis
Davis, Robert Glenn
Davis, William Aaron, Jr.
Deholl, Robert Arbuthnot
Delaere, Lavonne Kay
Deleeuw, William
Dengler, Frank Gavin
Derry, John Harry, Jr.
Desilets, Robert Auguste
Devlin, Joseph Vincent
Cottle, William Thomas
Coumatos, Michael James
Cowan, Robert Lee, Jr.
Crabtree, Michael Calvin
Craig, James Robert
Craven, Edward Richard
Crawshaw, Robert Ord
Cristina, Anthony Edward
Crumrine, James Everett
Cunningham, David Lynn
Cunningham, Reed Ligon
Curtis, Lee Ross
Curtis, Richard Mark
Daigle, Noel Anthony
Daly, Thomas Milton
Danberg, Robert Benell
Danna, Richard, John
Dantzler, Herman Lee, Jr.
Darsney, David Paul
David, King Jack
Davis, Dudley Leroy
Davis, Gary Malcolm
Davis, John Philip
Davis, William Randall
Dawson, James Seth, III
Deimler, James Dennis
Delaney, Kevin Francis
Dempsey, John Garrett
Dennis, Jackie Lee
Desautels, Jeffrey Henry
Dettmann, Terry Robert
Devries, James Floyd
Dew, John Robert
Diblase, Gene Frederick
Dickover, David George
Diefendorf, Peter Barry
Dilley, Dennis Patrick
Dillon, David Lee
Dimock, James Robert
Dinwiddie, Hugh Norman
Dix, Richard Jack
Diwgosh, William Richard
Dodson, Timothy Joe
Donlon, Thomas Francis, Jr.
Dormer, James Warren
Dorsett, Lawrence Preston
Doty, Anthony Orr
Douglas, Charles Owen
Dow, William Graig
Doyle, John Stuart, Jr.
Dozier, Edward Chris
Drake, Frank David
Dranchak, John Charles
Drury, John Lee
Duchesneau, Robert Edward
Duecy, Charles Patrick
Dufford, George Chester, Jr.
Duggan, Robert Francis
Dumas, Jeffrey Mack
Duncan, John Hollis
Dunker, William Lawrence
Durgin, Harlan Michael
Dutton, Hubert Langston, Jr.
Dwyer, Stephen Michael
Dyer, James Richard
Dexter, Donald Nelson
Dickinson, John Duff
Dickson, Bonnie Joyce
Diffley, Peter
Dilley, Robert Thatcher, II
Dillon, Edward Stephen
Dinkelspiel, Robert Louis

Divine, Thomas Frank
Dixon, William Paul
Dodd, James Lee
Doe, James Ernest
Doolin, Edward Hamilton, III
Dorratcague, Dennis Eugene
Doss, David Leon
Dougherty, Anthony W.
Douglas, Robert Eugene
Downing, William Milnor, IV
Doyle, Robert Charles
Drain, Jesse Cyrus, III
Drake, John Oliver, Jr.
Drew, Richard II
Dry, Melvin Spence
Dudderar, Raymond Albert, Jr.
Duensing, James Allyn
Duffy, Timothy William
Duke, Clinton Harrison, Jr.
Duminiak, Robert Francis
Duncan, Michael Joseph
Dunn, James Thomas
Dusa, Ronald John
Dwyer, Kevin Richard
Dyckman, Dennis Vincent
Earle, Otis Keener
East, Richard Hackett
Eastman, Guy Arthur
Eaves, Robert Arthur, Jr.
Edwards, Arthur Lee
Edwards, David Anthony
Edwards, Wilbur Everette, Jr.
Eisold, John Francis
Elliott, Lawrence Bruce
Elliott, Robert Russell
Ellis, Charles Eugene
Elmendorf, Jon Rice
Emery, Sidney Williams, Jr.
Engle, Edward Charles
Enright, Thomas Howard
Erb, Robert Stephen
Errickson, Wayne
Eskew, John Daniel
Etter, Steven Milton
Evans, Robert Stacy
Every, Robert Eugene
Fal, James Stanley
Farrell, Frank John
Fastabend, Gerald Earl
Faulkner, George Pruitt, Jr.
Fedie, Michael Lee
Fellner, William Stolk
Ferenchick, Richard John
Fernandez, William, II
Ferris, Richard Lee
Fetler, Gregory Philip
Fiandaca, Ronald Ernest
Fischer, Edward Bussey
Fishman, Gary Lance
Fitzgerald, John Stephen
Easterling, Lael Ray
Eastman, Jon Andrew
Eberth, Robert William
Edwards, Brian Alfred
Edwards, Robert Andrew
Eiserloh, Philip Lawrence
Eldred, William Lester
Elliott, Richard Francis
Elliott, Ross Tompkins
Ellis, Howard Dorf
Elsner, James Allen
Enderlein, William Phillip
Englebretson, Ronald Earl
Ensminger, Gerald David
Erickson, Richard Clark
Escajeda, Ruben
Esposito, John Philip
Evans, Patrick Lewis
Evert, Richard Downey
Ewers, Benjamin James, Jr.
Farina, John Francis
Farrell, James Peter
Fates, Richard Janney
Fawcett, Peter Formanek
Felger, Herman Victor
Fenton, John Ward
Ferguson, Robert Andrew, Jr.
Ferrell, David Michael
Fessenden, Richard Mial
Fetterly, Larry Robert
Fischer, Edward Francis
Fisher, Mark Wayne
Fitzgerald, Michael Joseph
Flaherty, Dennis James
Flaherty, James Thomas
Flanagan, Nathan Barney
Flarey, Anthony James
Flick, Hugh Meredith, Jr.
Folker, Cecil Jackson
Fontanier, Charles Eugene
Forbes, Jimmy McMillan, Jr.
Fossum, Anton Phillip
Foulsham, Charles Kenneth
Fowler, Michael Dulany
Fox, Steven Merritt
Francis, Gary Edward
Frank Timothy Michael
Freeland, Charles Douglas
Freeswick, Douglas John
Freudenthal, Paul Edward
Fromme, Benjamin Charles
Fry, Joseph Francis
Fulghum, Robert Dale
Gabona, Ernest Joseph
Gaines, Carl Amos, Jr.
Galentine, Paul Guy, III
Gardner, George Henry, III
Garrett, Charles Edward
Garrison, Alan Willard
Garwood, Richard Mallery
Gates, John Kenneth
Geer, George Barnash
Gelsomino, Michael Josepn
German, James Jay
Gibbs, Dennis Keith
Gilbert, George Roland
Gillaspie, Robert Morton
Gillespie, Lindsay Moore
Flaherty, Michael Bart
Flandreau, Mark Endicott
Fletcher, Michael Henry
Flynn, Thomas Joseph
Folker, Stanley Frank, Jr.
Fontz, Charles Roy
Forbes, Keith Cary
Fossum, Leon Keith
Fowler, Jonathan Peters
Fox, James Richard
Foye, Brian Asa
Frank, Joe Lee, III
Frederick, Ronald Jon
Freeman, Floyd Eugene
French, Richard Wayne
Froggett, Stephan John
Frostad, Theodor Bernard
Fry, Robert Marvin
Fullar, William John
Gaffney, Paul Golden, II
Gaines, Gary West
Gallery, Philip Daly, Jr.
Garrett, Cain, Jr.
Garrigues, Ned William
Gartner, Jeffrey Winter
Gaston, Everett Blair
Gaul, Michael Terrence
Geilfuss, Clayton Ramsay
Genstil, Stephen Michael
Germani, Thomas Robert
Giffin, Bryant Wayne
Gililland, Robert Patrick
Gilleskie, Robert Joseph
Gilmartin, Joseph William, Jr.
Gingrich, Stewart Lee
Givens, Larry Russell
Glaser, Richard James
Glidden, Stephen William
Glover, Terry Lee
Glutting, Joseph Christopher
Gmeiner, Rocklin Everett, Jr.
Goldberg, Ira Edward
Goldmeyer, Frederick Richard
Good, Paul Alan
Goodman, Sheldon J.
Gordon, Lyman Crandon, Jr.
Gottschalk, Glenn Frederic
Grabill, Charles Eugene, Jr.
Graham, Roy Edward, Jr.
Grannis, William Walter
Gray, Craig Albert
Green, Thomas Frederick
Greenberger, David
Greer, James Walter, Jr.
Grimes, John David
Grimm, William Frank
Gross, Christian Robert
Grun, William Frederick
Gump, Robert Edgar
Gunther, Martin Albert
Gustafson, Harry Leonard, III
Haaf, Joseph Bernard
Hagen, Michael Francis
Haggland, Alan Lee
Haines, Howard Keith, II
Halenza Susan Calhoun
Hall, Marshall Vansant
Gisch, Robert Gary
Gladics, John Steven
Glass, Gary Wayne
Glisan, Duane Leon
Glover, William Charles, Jr.
Glynn, Hugh Francis
Goetz, Daryl Lee
Goldfinch, Albert Louis
Good, David Stanley
Goode, Eugene Francis
Goodsell, Charles Michael
Gorham, Lawrence Morrison
Gowen, Charles Thomas
Graham, Daniel Earl
Granger, Patricia Carol
Grant, Gary Maxwell
Gray, Lawrence Alan
Green, William John
Greene, Darold Price
Griffin, Robert Edward, Jr.
Grimm, Barry Reid
Grinnell, Raymond James, Jr.
Grulli, Michael David
Guilbert, Shelby Sanders
Gunter, James William, Jr.
Gurley, Zenas Norman
Gygax, Felix Stephen
Hagan, Edward Francis
Hagenbruch, Robert Henry
Haglund, Bruce Thadd
Haines, Stephen George
Hall, Dale Thomas
Hall, Robert Carter
Hallauer, Russell Lewis
Hamilton, Jerry Allen
Hamilton, Reed Duncan, Jr.
Hamm, Roger Harold
Hammond, Rayford Earl
Hampson, James Price
Hankins, Irvin White, III
Hannigan, James John, III
Hanssen, Henry Raphael, Jr.
Hardin, Larry Kenneth
Harding, Wynn Allen
Harmes, William Andrew
Harmon, James William, Jr.
Harper, Weldon Lee
Harris, Joe Newton
Harty, John, III
Harvey, James Robert
Hassell, Thomas Jerrold
Haverland, Mark Albert
Hay, Donald Ross
Hayes, John McWane
Hayes, Robert Leslie
Haynsworth, Perry Beattie, Jr.
Healy, Donald Jeremiah
Hebblewhite, Harry Rives
Heffernan, Ralph Richard
Heil, Charles Clayton, Jr.
Heilmann, Thomas Carl
Heinzel, John Thomas
Heitzman, Jerry Lee
Heller, David Alan
Henderson, Joseph Kee
Hendricks, Dale Wayne
Henke, Charles Barton
Hallman, Denis Stilwell
Hamilton, John Wesley
Hamilton, Steven Monroe
Hammer, Don Charles
Hampshire, Eddie Walter
Hamre, Peter Eugene
Hannifin, Steven Patrick
Hanrahan, John Dennis
Harden, Charles Edward
Hardin, Tommie Dean

Harford, Joseph Lee
Harmon, Billy Ward
Harper, James Edward
Harris, George Scott
Hart, Larry Joe
Harvell, Michael Cleland
Harville, Robert Albert
Hatcher, Douglas Carlton
Hawkins, Robert Baran
Hayes, Jack Douglas
Hayes, Mary Anne
Hayes, Thomas
Hayward, Bruce Winslow
Hearn, Thomas William
Heckert, Craig Robert
Heid, William John
Heiles, Beverly Anne
Heintz, John Wade, Jr.
Heitzman, Gordon E.
Helfrich, Patrick Clyde
Helm, John L.
Henderson, Robert Dale
Hendrix, Royal Felix III
Hepler, Richard Brian
Herriford, Jimmy Lewis
Hester, William Leon, Jr.
Hewlett, Edward Malcolm
Higgins, James Francis, Jr.
Highsmith, Raymond Carl, Jr.
Hill, Carl Clifton, III
Hill, Donal McIlvaine
Hill, William Boyd
Hillard, John Rains
Hinsman, Donald Ernest
Hintz, Beth Marie
Hoback, Christopher W.
Hodges, George Lee, Jr.
Hodson, Eric Staf
Hoffman, Herbert Stewart, III
Hofwolt, Gerald Lee
Hogan, Richard Harden, Jr.
Holden, Hugh Frederick
Holihan, Robert George, Jr.
Hollerbach, Robert John
Hollyfield, Edward Reid
Holmes, Richard Thor
Holzapfel, Bruce Matthew
Honigschmidt, James Otto
Hood, Edward Francis Miller
Hoover, Harwood, Jr.
Hopkins, Raymond Joseph
Horn, Thomas James
Horne, Lance Cameron
Horton, William Glennwood
Hotaling, Andrew Jay
Houghton, Thomas Christopher
Howe, William Bruce
Herzberg, Donald Dale
Heubach, James William
Hicks, Stormy Thomas William
Higgs, Alfred Henry, Jr.
Hildebrandt, Philip Clay
Hill, David George
Hill, Karen Duane
Hill, William Foster
Hinkle, James Bruce
Hinson, Louie Caldwell
Hintz, Edward Joseph, Jr.
Hoban, William James
Hodgson, David Alan
Hoeche, John Wayne
Hoffman, Robert Emmett
Hogan, John Patrick
Hogan, Walton Lewis, Jr.
Holian, Francis Kevin
Hollenbeck, Bernard Guy, Jr.
Holliday, Thomas Baird
Holmberg, Arvid Leroy
Holmes, Robert Allen
Homko, Pauline Margaret
Honour, Craig Gibson
Hooker, Gilbert Norman
Hopcroft, Harry Joseph, Jr.
Hopson, James Armour, VI
Horne, Kenneth Alfred
Horney, Gregory
Hosp, Howard Lynn
Hough, Phillip Geoffrey
Houin, Eric Joseph
Howell, Michael Wayne
Howell, Ralph Marion
Huban, George Hambre Jr.
Hubert, David Leroy
Hudson, Carl Eugene
Huey, Forrest Randall
Huggins, Robert Lloyd
Hughes, John Farrell
Hull, Roger Kermit
Humphreys, Alvin Norman
Hunnicutt, John Osborne, III
Hunter, John David
Hurst, Dennis Wayne
Hutchins, John Gardner
Hydinger, John Paul
Ilgenfritz, Kenneth William
Inouye, Lance Masao
Iversen, Gary Kenneth
Jackson, William Henry, Jr.
Jacobs, Frederick Thomas
James, Bruce Edward
Janov, Bernard
Jeffords, Jean Sandra
Jensen, Gary Dean
Johann, Robert Kaylor
Johnsen, Robert Lynn
Johnson, James Walter
Johnson, John Michael
Johnson, Lairy Adrian
Johnson, Quentin Charles
Johnson, Stephen Alger
Johnston, John Duane
Jonasson, William Bradford, Jr.
Jones, Harland Wilber, Jr.
Howland, Roger Jensen
Huber, Elbert William
Hudgens, Ambrose William, Jr.
Hudson, Gerald Peter
Huffaker, Douglas Dean
Hughes, Edmond Leon
Hughes, Roger Neal
Hulme, Woodrow Wilson, II
Humphreys, James Arthur, III
Hunter, Gerald Franklyn, Jr.
Huntington, George William
Hurston, James Edward
Hyde, Richard Webster, Jr.
Ihli, Carl Bolton, Jr.
Inglis, Thomas Nelson, III
Irelan, Dennis Wayne
Jackson, Joseph Ingram, Jr.
Jacobs, Francis Theodore
Jacobson, Mark Ernst
Jankovic, Oleg
Jantz, Michael William
Jenkins, Eben Kenneth
Jedrlinic, John Anthony
Johns. Vernon Michael
Johnson, Ardian Warren, Jr.
Johnson, Jay Lynn
Johnson, Jon Craig
Johnson, Paul Francis
Johnson, Robert Stephen
Johnson, Susan Fairbanks
Joines, James Junior
Jones, Alfred Anthony
Jones, Michael Alan
Jones, Richard Leonard
Jonik, Philip Anthony
Joyce, Kevern Richard
Kalashian, Daniel
Kambic, William Joseph
Kane, John Edward, Jr.
Katauskas, Philip John
Keagy, Thomas James
Keaton, William Creath
Keefe, Richard Joseph
Keith, Philip Allen
Keller, Gary Robert
Kelly, James Scott
Kemp, John Melton
Kennedy, John Patrick
Kearn, James Franklin
Kerr, Thomas Webster
Kershaw, Roy Allen
Kick, Nelson Joseph, Jr.
Kiernan, Loyd Jullian, III
Kilmartin, Huge Edward Jr.
Kincaid, Thomas Richard
Kinnison, Gary J.
Kirkpatrick, Eric Hay
Kjeldsen, Richard Christian
Klein, John Charles III
Knapp, Larry Ray
Koch, William Radcliffe
Koenig, Karl Victor
Koller, John
Kosich, John Lewis
Kraatz, William Harry
Kratovil, Edward William
Krause, Larry Lee
Jones, Stephen King
Jorgenson, Richard Clair
Kadlick, Richard Mark
Kaler, Robert Larry
Kamp, Lothar Frank
Kane, William John
Katstos, Chirs Louis
Keane, Walter Francis Jr.
Keef, Mark Byron
Keefer, Richard Lee
Keithly, John Luther
Kellett, Raymond Arthur Jr.
Kelsey, David Bruce
Kennedy, John Francis
Kent, John Frederick
Kerr, Dona Lee
Kersey, Michael Laurence
Kevan, Mark Richard
Kiechel, Walter III
Kiffer, James Christian
Kimball, David Patten
Kinney, Richard Stephen
Kirkendall, James Edward Jr.
Kivein, Philip Burge
Klauser, James John
Knapp, John Charles
Knode, Ronald Barry
Koehler, Richard Evans
Kolarcik, Kenneth Ernest
Koopman, Theodore
Kosky, Edward Louis
Krampf, Margaret Frances
Kratovil, Robert Orville
Krawchuk, Peter
Kressel, Herbert John
Kroll, James Thomas
Krupnick, Charles Alexander
Kullberg, Wayne Robert
Labate, Henry Anthony
Ladouce, Ralph Jeffrey
Lagow, Michael Laird
Lai, Alexander
Lambert, Max Richard
Lane, William Michael
Lankford, Ronny Dean
Lantrip, Bobby Bennett
Larock, Francis, Jr.
Larue, James Lloyd
Lawrence, Robert Edwin, Jr.
Lawson, Robert James, Jr.
Layl, Jerry Neal
Leatherbury, George William
Leblanc, Paul William
Lee, David Michael
Lee, John Warren
Leffew, James Thomas
Lekander, Daniel Jon
Lenz, Jack Carl
Lesesne, Joseph Bancroft
Lewis, Mary Ruth
Lewis, Robert Ernest
Linberger, Alan Gamble
Lindoerfer, Paul Wesley
Lindstedt, Russell James II
Linn, Larry Dean
Linton, Paul Allen
Lipson, Merek Evan
Little, Robert John, Jr.
Krogstad, Bruce Norris
Krulis, Richard Paul
Kuehn, Leo Steven
Kusiak, Patrick John
Lacey, Walter Hamer II
Lafleur, Jean Russell
Lagraff, Kevin John
Lamarche, Jay Richard
Lammers, Roger Anthony
Laney, Robert Bayliss
Lanning, John Thomas
Lapicola, John Jay
Larson, Vernon James

Lascala, Bernard Joseph
Lawson, Bobby Ray
Lawton, Richard Warren
Lear, Daniel Barrett
Leaver, Stephen Coffman
Lee, Charles Allen
Lee, Douglas Edward
Lee, Robert Edward
Lehman, Leo Joseph, Jr.
Lemon, Ronald Scott
Leppert, Michael Erwin
Lewis, Edgar Barry
Lewis, Michael Nelson
Lifgren, James Arthur
Lindner, Theodore Martin
Lindsey, Charles Morgan
Lindstrom, Eric David
Linnen, David Charles
Lipinski, John Bernard
Little, Douglas Bruce
Logue, Donley Charles, Jr.
Lohla, Jerry Alan
Long, Kirk Alan
Long, Robert Lavern
Longerbone, James Michael
Lopez, Albert Richard
Lowe, Michael Baxter
Luca, Matthew Harmon
Lucey, Joseph Francis
Lund, Allan Bruce
Lydiard, John Morton, III
Lyons, John Thomas, III
Maccoy, Bruce David
Mackin, John Joseph
Madden, Donna Margaret
Madden, Thomas Francis
Magee, William Thomas, III
Malden, Jesse Joe
Malmborg, Charles Leroy
Manker, William Harold, Jr.
Mara, Theodore John
Marquis, William Phillip
Marschner, Walter David
Marshall, Philip Roundy
Marshall, William McFarland, Jr.
Martin, James Philip
Martin, Kurt Stewart
Martin, Thomas Francis
Martinson, Charles Leonard
Marvil, Stephen Patrick
Mast, James Welker
Matheson, Stephen Henry
Matthews, William Charles
Mauldin, James Davis Drane, Jr.
Lohnes, Jonathan James
Long, Philip Reeves
Longardt, Michael George
Longeway, David Michael
Louder, Frederick Charles, Jr.
Lowry, William Harlan
Lucas, Robert Gillem
Ludwig, John Elmer, III
Lundquist, Carl Iver
Lynch, Edward Junior
Lysaker, Jack Thomas
Maciejewski, John Norbert
MacNeill, Kent Van Lewis
Madden, Edward Leo
Madel, Robert William
Mahumed, Karl Arthur
Mallon, David Joseph, Jr.
Mangin, Albert Mitchell
Mann, Edward Francis, Jr.
Marenbach, Harry Alfred
Marra, John Frank
Marsh, Frank Anthony
Marshall, William Dale
Martin, Howard Edwin, III
Martin, Kenneth Wayne
Martin, Patrick Gregory
Martin, William Henry, III
Marvel, Dennis C.
Masden, Ward Beacher, Jr.
Mathers, Lee Jon
Mathis, Larry Thomas
Mauck, Charles Joel, III
Maupin, William Edward, Jr.
Maxwell, David George
Mayer, John Frederick, Jr.
Mazza, Joseph Dennis
McBride, Lawrence Cary
McCance, Richard Lee
McCarthy, John James, Jr.
McCarthy, Vincent John
McConnell, Harry George
McConnell, Michael Charles
McCormack, Jerry Wayne
McCowan, Kenneth Edwin
McDermott, Donald Gary
McDowell, Robert Lloyd
McElroy, William Charles, Jr.
McGee, James Murry
McGlashan, Douglas Scott
McGough, Charles Randall
McGowan, James William
McGrath, Thomas Joseph
McGregor, Alexander Broford
McGuire, Joseph Ruane, Jr.
McHugh, Michael Lyn
McIntyre, Samuel Peter
McKee, Phillip Francis
McLain, Larry John
McLaughlin, James Terrence
McLellan, William Ross
McMaster, Timothy Richard
McMurray, Bruce Kirkland
McNeace, Dwight William
McRoberts, James Scott
Meade, Martin Carl
Meads, Leonard Enzer
Measel, Martin Leman
Mayer, Charles Walter, Jr.
Mayo, Richard Walter
McAdoo, Richard Allen
McCaleb, Virgil Frank
McCann, Eugene Dennis
McCarthy, Joseph Edward
McClure, Halbert Steele Deleon
McDonnell, Lawrence Gregg
McCorkell, Thomas Eugene
McCormick, Michael Timothy
McCreary, Walter Ellwood
McDonough, Edward Charles
McDowell, William Lee, III
McGarity, Kevin James
McGinnis, Stephen Jack
McGlothlin, Clifton Lee
McGowan, Edward Charles, Jr.
McGrath, James Patrick
McGreevey, Henry Joseph
McGuire, John Francis, Jr.
McHatton, James Thomas
McIntosh, John Edward
McKee, John Raymond, Jr.
McKinnon, William Stephen
McLaughlin, Arthur Jay, III
McLaughlin, William Thomas
McMahon, Douglas Duvall
McMullen, Richard Floyd
McNaughton, Paul Richard
McQuerter, Kent Loryn
McRoskey, John Henry
Meadows, Robert Preston
Meany, William Michael
Meckfessel, John Frederick
Meehan, Patrick Harold
Meier, Lyle Dean
Merrill, Herbert Walker, Jr.
Metcalf, Stephen
Metzger, William Robert
Mewhinney, Thomas Reilly
Meyer, James Ray
Michajluk, Bevery Jae
Middlebrooks, Robert Durwood
Mikulis, Charles John, Jr.
Miles, James Edward
Miller, Dana Fontaine
Miller, James John
Miller, Patrick Albertus
Miller, Robert Jerel
Miller, William Conrad
Milne, George Frederick
Miltko, Stanley Edward, Jr.
Minter, Richard Graham
Mitnik, John
Mobley, Sydney Donetta
Moffett, James Francis, III
Monagle, Daniel Edward
Montgomery, James Derby, Jr.
Moon, Julian Lafayette, III
Moore, Charles William, Jr.
Moore, Frederick John
Moore, Kevin, Thomas
Moore, Michael Patrick
Moore, Thomas Joseph
Mora, Jimmie Alfred
Morell, Paul Leroy
Morgan, Vincent Schuver
Mehrtens, Frank John
Merriam, Alvin Russell
Metcalf, Michael Donald
Metzger, Joe David
Meuchel, Frank Tony
Meyer, Francis Douglas
Michael, Don Richard
Micken, Robert Warren
Mikell, Oswald Lightsey
Milam, James Aaron
Millen, Joseph Andrew
Miller, Grady Wilson, III
Miller, John Dudley, Jr.
Miller, Robert Daniel
Miller, Walter Everett
Mills, Jon Martin
Milner, John Henry, Jr.
Minno, Dennis Stephen
Mitchell, Theodore Arnold
Moak, Donald Charles
Mock, William George
Moir, William Preston
Monroe, John Frazier
Montz, Andrew Curtis
Moore, Arnold Preston
Moore, Frederick Cranford
Moore, John Anthony
Moore, Leland Thompson
Moore, Owen Edward
Moore, Walker Dupree
Moreau, Richard Baker
Morgan, James Edward
Morge, Kenneth Warren
Morgenson, James Eric
Morris, Phillip Gail
Morse, Francis Xavier
Motl, Gerald Patrick
Mueller, William Joseph
Mulhern, Edward Michael
Mullen, Michael Glenn
Mulligan, Robert Dale
Muniz, Fred Louis
Munnikhuysen, Richard Dallam
Murach, Edward Francis Joseph
Myers, David Lee
Myles, James Albert
Nathan, Stephen Paul
Nawrocki, Lawrence Meledin
Naydan, Theodore Phillip
Neal, Paul Gartrelle
Neale, Michael Tilghman
Nelson, David William
Nelson, Robert Hugo
Neumann, Adolf
Neville William Josiah, Jr.
Nibe, Richard Jerome
Nichols Kenneth Leslie
Nick, Louis Adolph, Jr.
Nimmer, David Sherman
Nobriga, Timothy Alan
Noel, Charles Edward
Noffsinger, William John
Nolan, Thomas Francis, IV
Nonoshita, Wayne Gregory
Norman, Ronald Wayne
Norris, Robert Norman, Jr.
Northrop, Robert Stiles
Morris, Charles Romulus, III
Morrissey, Michael Joseph
Mortsakis, John Nicholas
Moyers, Darryl Raymond
Muise, Jeffrey Robert
Mulholland, William Michael
Mullen, Virginia Christine
Mundy, William Edward
Munkres, Raymond Dale
Munsey, Charles Robert, Jr.
Murray, Leslie Glenn
Myers, Richard Noden
Naedel, Richard Gregory
Naughton, Richard Joseph
Nawrocki, Peter Anthony
Neal, Charles Clinton
Neal, Teddy Max
Needham, Bruce Harry

Nelson, John Stanley
Nepomuceno, Eugenio Nocon
Neville, Thomas Francis
Newton, Samuel Lambie
Nichol, James Arthur
Nicholson, Thomas Merl
Niehus, James Patrick
Nittle, Jeremy John
Noe, George Albert, Jr.
Noerager, Jon Philip
Nolan, Robert Gordon
Nolter, Joseph Charles
Nordmann, Robert George
Norris, Lowell Robert
Norris, William James
Norton, John Baker
Nosal, Leonard Jerome
Nyman, Keith Oscar
O'Brian, Alfred Reginald Walter
O'Connor, John Dale
O'Connor, Thomas Charles
Ogdahl, Arthur Theodore
Ohm, Robert Lee
O'Leary, Cornelius Francis
Olsen, John Franklin
Oltraver, Dennis Allen
O'Neil, Michael William
Opeka, Donald John
Oser, Eric Leroy
Otterson, Peder Harlan
Owen, Harold
Owendoff, Robert Scott
Owens, James Clarence
Owens, Richard Lee
Pacenza, Franklin Joseph
Paine, William Gosnell, Jr.
Palkie, Thomas George
Panchura, Michael John, Jr.
Parda, Nelson Robert
Parizek, Bruce
Parker, Jimmy Wayne
Parkhurst, Lyman Edward
Parry, Thomas Victor
Pascoe, Donald Bradley
Patrick, Urey Woodworth, III
Patton, John Collier
Payne, Richard Edward
Pearson, Robert Thomas
Pease, Alfred Anthony
Nugent, John Thomas
Ober, William Taylor
O'Brien, James Patrick
O'Connor, Thomas Charles
O'Dell, Edward James
O'Hanlon, Michael David
Ohnemus, Donald Pierre
Oliver, Thomas William, III
Olson, Jerome Arning
Onder, Jabes Andrew
O'Neill, John H., Jr.
Orzech, James Kenneth
Osth, John Andrew
Overman, William Robert
Owens, Stephen Michael
Owens, Edward Paul
Owens, James David
Owens, William Winterton, IV.
Pagett, Phil B., II
Pake, Bryant Gathings
Palmer, Raymond John, Jr.
Pankow, David Herbert
Parde, Merlin Lee
Parker, Anthony Weyburn
Parker, John Joseph
Parrish, John Michael
Partridge, Benjamin Waring, III
Patrick, Darl Paul
Patton, Bernard Warren
Patton, William Joseph
Pearson, James Anthony
Pearson, Ronald Steven
Pease, Kendell Milford, Jr.
Pegden, Burl Richard
Pelaez, Marc Yve Eugenio
Peltier, Donald Wallace
Perkins, Allen Leroy, II
Perrault, Michael Edward
Pestorius, Thomas Daniel
Petersen, Robert Elmer
Peterson, Frank James
Peterson, Robert Lee
Petrino, Richard Alan Domenick
Phelan, James Arthur
Phillips, Everett Leon
Picciuolo, Jonathan Charles
Piehl, James William
Pierman, David Charles
Pinkerton, Everett David
Pletscher, James Harvey
Plyler, Conrad A., Jr.
Polk, Deward Winston
Polk, Michael Raymond
Pond, Barbara
Poole, William Leonard
Porter, Joel Alan
Posnak, George Peter
Potter, Jay McCune
Powell, Blake L.
Powell, Darrell Russell
Powers, Richard George
Prawdzik, David Allen
Preece, Bill Rutherford
Prestero, Mark George
Prince, Michael David
Pierce, John Wentworth
Peloquin, Peter Joseph
Perine, Stephen Gray
Perkins, Earl Eugene, Jr.
Perrotta, Joseph William, Jr.
Peter, Leo Edwin, Jr.
Peterson, Arne Maurice
Peterson, Gordon Irwin, Jr.
Peterson, Walter Harry
Pfahl, Roger Alan
Phillips, Braden James
Philpott, Bruce Ray
Pickett, Ludwell Lewis
Pier, Jeffrey Ross
Pillsbury, Joel Hartley
Pinnell, Robert Brian
Plummer, Douglas Allen
Poh, Lawrence Charles Josep, Jr.
Polk, James Stanley
Pollard, Don Pearson
Ponessa, Alfred Edward
Porter, Joel
Porter, Ronald D.
Post, John Rockwell, Jr.
Potwora, Raymond Paul
Powell, Edward Bennett, Jr.
Powell, William Oscar, III
Prall, Thomas Edward
Precht, Phillip Rodney
Presecan, Thomas Norman
Pricco, James Stephen
Priscilla, Ronald John
Proctor, Kenneth Allen
Pruske, James Edward
Purvis, James Douglas Jr.
Putnam, Michael Blair
Pyrz, Kenneth Edward
Rabren, Bobby Ray
Ralston, Michael Gilbert
Ramsey, Jerry Dean
Rasfeld, Joseph Henry
Rasmussen, Christopher Lee
Ray, James Billie Jr.
Reardon, Andrew Fitzpatrick
Rearer, Thomas Charles
Redfield, Judd Hamilton III
Reeber, Christopher Joseph
Reed, Robert Bushnell Jr.
Reeves, Billy Smith
Reidhead, Ricky Morris
Reinheimer, Richard
Ricci, Ronald Vincent
Rice, Vincent Robert
Richardson, Harmond Becker III
Richardson, William Lee
Rickards, Elwood Bright Jr.
Rider, Hans Eugene
Riffer, William James
Rifkin, Dennis
Riley, Charles William
Riley, Francis Clair Jr.
Riley, Michael Andrew
Ritchie, Coy Doyle Jr.
Rivers, Charles Silas Jr.
Robben, Charles David Jr.
Robbins, Spencer Everett II
Roberts, Gary Gene
Proffitt, Bobby Wayne
Punches, Jeffrey Newton
Putnam, Frank William
Pyle, Kenneth Lawrence
Rabb, Michael Tribble
Raglin, Kenneth Alan
Ramsey, Edward Allen
Randhahn, Gary Joseph
Rasmussen, Andrew Anthony
Rather, James John
Reape, Gerald John
Reardon, Kevin John
Redeker, Steven James
Redford, Melvin Robert Jr.
Reed, James Ronald
Reedy, John G.
Regan, Kevin James
Reimert, Ronnie Charles
Ribaudo, Nicolas Ross
Rice, Arleigh Hamilton Jr.
Richardson, Arthur Lee II
Richardson, Paul Fredrick
Richey, Daniel Otto
Riddle, John Humbert
Ries, Stephen Hamilton
Riffle, Donald Lee
Rigsby, John Newton
Riley, Edward Monroe Jr.
Riley, Kathleen Ruth
Rinaldi, Ronald Albert
Rittenour, Harry Taylor
Rizzardi, Dennis Albert
Robbins, John Randolph
Roberds, Darryel Lee
Roberts, James Arnold
Roberts, Richard Newton
Roberts, William Pope
Robinson, James Howard
Roeske, Alfred Duane
Rogers, William Lynn
Rogus, David Francis
Romanowski, Stanley James
Rooke, Harold Norman
Rose, John Michael
Ross, David Bernard
Rouse, Fred Lawson
Rovetto, Gary Wayne
Rowley, Dennis James
Ruch, William Leech III
Ruhe, Barnaby Seiger
Rumpf, Daniel John
Russell, Robert Edward Moioiju
Ryan, Mark Joseph
Sacks, Brian Lee
Salez, Nelson Charles
Samms, Floyd Tamerlane Jr.
Samuelson, David Rudolph
Sandberg, Hyrum Carl III
Sandison, Gordon Thomas
Sandoz, Patrick Allen
Santee, James Liten
Sater, Alex Joel III
Sautter, Frederick Root Jr.
Sawin, James Leslie
Saxman, Jonathan Humphrey
Scales, Francis Leo
Scally, Robert Ernest
Schaeffer, Paul Anthony
Schanning, Brian Peter
Schaubel, Raymond Charles
Roberts, Wade Hampton Jr.
Robichaud, Gerald Oliver
Roby, Charles Kenneth
Rogers, George Cephas Jr.
Rogers, William Olin
Rolf, Charles Francis
Ronchetti, Gregory Henry
Roos, Neal Gerald
Rosengrant, Carl Warren
Ross, Samuel Millsaps
Roux, Jeffrey Andrew
Rowland, Charles Brett
Ruben, Frederick George
Ruffin, Paul Denson Jr.
Ruland, Thomas Christopher
Russ, John Ernest III
Ruth, Michael Allan
Sabadie, Patrick Alfonso
Sager, David Alan
Sallee, Fred Merridith
Sampson, Gary Allen

Sanchez, Richard Rhodes
Sanders, George Allen
Sandoz, John Frederick
Sanesi, Nelson Joseph, Jr.
Santoro, Michael Anthony
Satterfield, Gary Thomas
Savo, John Charles
Sawyer, William John
Saxon, Patrick Hurley
Scales, John Cayme, Jr.
Schaefer, Lowell Thomas
Schafer, James Joseph, Jr.
Shantz, Curtiss William, Jr.
Schellhaas, Richard Begue, Jr.
Schenkel, Roger Lee
Schiltz, John Allan
Schmidt, Henry Edward, Jr.
Schneider, Daniel Henry
Schnieders, James Shriver, Jr.
Schoonderwoerd, Martin Gene
Schriever, William Herbert
Schulz, Carl Joseph
Schwarz, Andrew Jerald
Schweitzer, Robert Charles
Schwikert, Frank Donald
Sciabarra, Joseph Peter
Scott, Donald Frederick
Scott, Richard Frederick
Scott, Ronald Lynn
Seiden, John Ben
Sell, John Christian
Sellers, William Lester
Serkin, Howard Charles
Shaddix, James Delano
Shaffer, Paul Bruce
Shanyfelt, Tommy Lee
Sharp, James Robert
Sheddan, James Terry, Jr.
Sholars, Robert Eastman
Showers, Michael James
Shults, Porter Revon, Jr.
Shurtz, Don Carlos
Sidner, Robert William, Jr.
Sikes, Joseph Kelly
Simmons, David Franklin
Sinclair, John Rodger
Scherkenbach, William Wagner
Schmidt, George Walker
Schminky, Roy Robert
Schneider, Richard Frederick
Scholtens, Michael Jon
Schreiber, Robert Arnold
Schrope, Richard Bruce
Schutter, Peter Arthur
Schwechten, Robert John, II
Schwertman, James Arthur
Schwinger, Mark Edward
Scott, Don Bacot
Scott, Donald William
Scott, Robert Mitchell
Scott, William Nathan, Jr.
Seiders, Marlin David, Jr.
Sellers, Richard Leland
Senft, Milton Leroy
Serley, James Edward
Shade, Robert James
Shaner, Randolph Glenn
Sharon, James Wesley
Sharp, Victor Leonard, Jr.
Shields, Joseph Carl
Shook, Richard Millard
Shroyer, William Leroy
Shumpert, Harold Corbett
Sickler, Burton Harry
Siemen, Harry Alfred, Jr.
Silverberg, Jon Friedolf
Simpson, Michael Ernest
Sine, George William, Jr.
Sink, Francis Leroy
Sisk, Arnold Jay
Sjostrom, Leonard Carl
Skipworth, William Holland
Slattery, Michael Gerald
Slocum, Patricia Sue
Smith, Alan Roy
Smith, Edward Allen, Jr.
Smith, Gordon Coleman, II
Smith, Stephen Roger
Smith, William Harold
Smolak, Michael Albert
Snell, Peter Sherman
Snyder, John Russell
Solder, Edward Lee
Sorce, Anthony Michael
Southerland, James Julien, III
Spaeth, Warren Theodore, Jr.
Speace, Charles Hayes
Speed, William Goodwin, Jr.
Speers, Thomas Edward, Jr.
Spencer, Barton Marsh
Spengler, Richard Paul
Spooner, David Ford
Spruiell, Phillip Ronald
Staebler, Charles Alexander, III
Stamm, Steven Lewis
Starke, Wayne Phillips
Starr, David Homer
Statton, Charles M., Jr.
Stehle, Charles Douglas
Stein, Eric Andrew
Stephenson, Gerald Edward
Stevens, William Edward
Sippel, Lee Jerome
Sjoberg, Douglas Martin
Skaar, Gordon Lee
Slattery, Joe Allen
Slebos, Christian Gerard
Smallwood, Kent Grey
Smith, Donald Edward
Smith, Floyd Harold
Smith, Jack Robert
Smith, William Howard
Smitheman, James Courtland
Snavely, William Wayne, Jr.,
Snyder, Donald Clinton, II
Sobyra, Michael August
Solymossy, Joseph Martin
Susaygallaher, Thomas Domingo
Southworth, David Moir
Spalsbury, Clark Stanley, Jr.
Speakman, Glendon Caldwell
Speed, William Henry, Jr.
Spellman, Donald Jerome
Spengel, Michael Francis
Spinelli, Robert Bryan
Sprey, Douglas
Squires, Robert Lewis
Staley, Miles Marvin
Stanton, Laird Wilvin
Starks, Victor James
Startt, Thomas Lee
Steere, David Campbell
Steidle, Craig Eugene
Steitz, Peter
Steussy, James Michael
Stewart, Robert Leroy
Still, Daniel William
Stine, Larry Winton
Stocke, John Thomas
Stokes, Roger William
Stone, Frederick Cecil
Stosel, Stanley Lewis
Stradley, Michael Ward
Strausbaugh, Wayne Lee
Stults, James David
Stutts, James Cornell, II
Sullivan, Edward Joseph, Jr.
Sullivan, Joseph Edward
Sullivan, William Michael, III
Sutter, James Francis
Swanson, Dale Eugene
Sweeney, Orval Lester
Szlaga, Andrew George
Taber, Theron Simeon, III
Tamulevich, Carl Joseph
Tapscott, Kennith Walker
Tauber, Richard Jacob
Taylor, John Duffy
Taylor, Marcus Gene
Taylor, Paul James
Teach, Thomas Adams
Teneyck, Thomas Willard, Jr.
Thaeker, Reginald Allen
Thomas, Benton Dean
Thomas, James Lyle
Thomas, William J.
Thompson, John Richard
Thompson, Richard Wittich
Tiedeman, George Ralph
Still, Robert Ingo
Stinson, James Alfred
Stockslager, William Eby
Stoll, Robert Edward, Jr.
Storm, Gary Alan
Stovall, John William
Strassberger, John William, Jr.
Strother, Dennis Edward
Sturges, James Walter
Sucato, Paul Joseph
Sullivan, Jerry Eugene
Sullivan, Timothy Thomas
Sundberg, Edward August
Swain, Scott Cunningham
Sweatt, William McClain, Jr.
Swenson, Carl Frederick
Tabb, William Troop, Jr.
Talipsky, John Edward
Tangren, Peter Andrew
Tarbox, Harold Chester, Jr.
Taylor, Gerald Edgar
Taylor, Loren Lee
Taylor, Norman Robert
Taylor, Richard Ford
Tellman, Donald Francis
Tess, James Henry
Thibeau, Richard James
Thomas, H. Clay, III
Thomas, Larry Walter
Thompson, David Mathew
Thompson, Kenneth Ralph
Thomson, James William McIntos
Tillotson, Kenneth Delmer
Tilseth, Don Leroy
Timmons, Thomas Francis
Tinnon, Lloyd Dean
Tirrell, William Barclay
Titus, Willard Sidney, III
Tobiason, Joel Edward
Torbert, Michael Mayne
Toussaint, Terry Alan
Trousdale, David Mangham
Trulson, Steven Alf
Tucker, Gerald Duane
Tyler, Henry David
Uchman, Allen Eugene
Upton, Thomas Gearge
Valentine, Bernard Richard, MOI
Vanderloïske, Peter Joseph
Vansaun, David
Vasiliauskas, Algimantas
Vellis, John Demetrius, II
Venator, Craig David
Vestal, Kathleen Bunnie
Vieau, Jerome Brewster
Vonsuskil, James David
Voss, Edwin John, II
Vtipil, Donald Sheridan
Wagensell, Taylor Brahs
Wakefield, Robert David
Walker, Allan Ray
Wallace, Donald Stephan
Walsh, Joseph David
Walters, Gary Allan
Waltrip, Burroughs Allen, Jr.
Ward, Dennis Lyle
Warner, Carl Dean
Tilson, Paul Evans, Jr.
Tinkel, Terrence Lee
Tippett, Terry Lee
Titus, Fred Walter, Jr.
Tkach, Michael Joseph
Tollefson, Michael Rolf
Tourigny, Leonard Robert
Treglio, James Ronald
Troutman, David Leland
Tuck, William Dean, II
Twombly, Arthur Lee
Tyrrell, Robert Grattan
Uplinger, Leon Joseph
Vail, William Dwight
Valleau, Neil Phillip
Vanderpoel, Eric
Vanstone, William Henry, Jr.
Vaughn, David Eugene
Velsor, Herbert Frank
Verschueren, Joseph
Vice, Larry Wayne
Virtue, James Paul
Vorhoff, Gilbert Harold, Jr.
Vranich, Ronald Mathew
Wachowicz, Frederick Steven
Wagner, Paul Helmut
Wales, Jon Bruce

Wallace, David William
Wallace, Ray Anderson
Walsh, Neil Patrick
Walters, Melville Joseph, III
Warburton, Frederick Thomas, Jr.
Ward, Joe Frank
Warner, Robert Sands, Jr.
Warren, Cassius Clay, Jr.
Washam, Eric Lee
Waterman, Bradford Bates, III
Watson, Tannis Robert
Way, Ervin Ross, Jr.
Weber, Charles Lawrence, Jr.
Webster, Edward Hollis, III
Welch, Lee Kimmel
Welsh, Edward Lee
Weseloh, Morris Arthur
West, Thomas Ben
Wetzel, Jeffrey Peter
Weyrick, Max Thomas William
Whitco, Denis John
White, Charles William
White, William Joseph, III
Wicklander, Edwin Richard, Jr.
Wiggins, James Howard
Wikoff, Wallace Leroy
Williams, Ivan Leroy
Williams, Kenneth Lynn
Williams, Steven Albert
Williams, William Roger
Willoughby, Paul Ralph
Wilner, Douglas David
Wilson, John William, III
Wilson, Robert Taylor
Wilson, Stephen Roy
Wilt, Thornton Willard, Jr.
Wire, Keith Raymond
Wisler, Larry Smith
Wolford, Paul Berger
Wood, Gregory James
Warren, William Lee
Washer, William Lee
Watson, Jerry Carthal
Watts, Harry Franklin, Jr.
Wease, Walter Henry, Jr.
Webster, Dana Lehr
Weiss, Donald Alan
Wells, Eugene Arthur
Werb, Alan Chapman
West, Edward Malcolm
Westman, Charles Stuart
Wexler, Stephen Alan
Whatley, James Wade
Whitcraft, John Cecil
White, Henry Francis, Jr.
Whitehouse, John Henry, Jr.
Wickman, Victor Paul
Wike, Charles Richard, Jr.
Williams, Frank Broyles, III
Williams, Jay Killian Bowman
Williams, Nathan Clark
Williams, Terrill Douglas
Willms, Gary Roland
Willson, Thomas Dexter
Wilson, John Howard
Wilson, Michael Francis
Wilson, Samuel Nathan, III
Wilson, William Ralph, Jr.
Wiltzuis, Lawrence Nicholas, Jr.
Wisdom, Hayden Rand
Witte, Gary Paul
Wolverton, Gilbert Leroy
Wood, Scott Allen
Woodlan, Donald Ray
Woodrich, Richard Henry
Woods, Larry Joe
Woodward, Richard Calvin
Work, Robert Dale
Wright, Jay Lee
Wright, William Walter
Wyatt, Randall Edward
Yankolonis, Barry Lee
Ylitalo, Joe Alan
York, Russell Clayton
Youngblood, Frederick Lee
Zahn, Howard Edward
Zavadil, John Leslie
Woodman, William Douglas
Woods, Joseph Godfrey
Woods, Thomas McCoy, III
Woollen, Edmund Boice
Wray, Donald Milford
Wright, Sherman E., Jr.
Wuest, Mary Elizabeth
Wyckoff, George Thomas
Yarborough, Thomas Stokes, Jr.
Yoder, Thomas Harry
Young, James Albert
Zacharias, Merle John
Zahner, Richard Randall

SUPPLY CORPS

Ader, James Allen, Jr.
Allen, Randall Clark
Angus, William Arthur, III
Baker, Richard Burl
Bassi, Felix Joseph
Battey, Maurice Wayne
Bedell, William Jackson
Benson, John Howard
Bernichon, Clay Edward
Brawley, Patrick William
Burn, Richard Hunt
Chestnut, James Ellis
Couture, Joseph Albert
Culver, Joseph Ernest
Cunningham, Thomas Andrew
Aljoe, Daniel William
Anderson, Wayne Eugene
Baggett, Terry Max, Jr.
Banks, John Wesley
Bateman, Tyler Johnston
Becker, Christopher Santana
Bello, John Joseph
Bergman, Gerald Vernon
Berthy, Leslie Charles
Bristol, Roger Willis
Chastain, William Wirt
Cole, Barry William
Crouch, Michael Avery
Cunningham, Lawrence Michael
Daggett, Linwood Alton
Dashiell, Robert George
Daymont, Thomas Norman
Dinga, John Phelps
Drewes, Warren John
Dunar, Andrew James
Dunnavant, David Earl
Edwards, James Richard
Erikson, Robert Warren
Faussner, Robert Eugene
Fitzgerald, Kenneth Wayne
Frank, Bernard Clarence
Greer, James Nelson
Hand, Edward Francis
Harr, David James
Hayslett, Roderick James
Henninger, Ernest Henry
Hoffner, Thomas Alan
Johnson, Delmont Scott
June, Michael Anthony
Kamin, Michael Joseph
Kesselring, Steven Dale
Krogh, Leslie Allen
Lake, Roger Allan
Lewis, Albert Michael
Linsley, William Francis
Malone, John Murray
Mason, Richard Henry
McGee, Carl Edwin
McNutt, Jerry Wayne
Miller, Kenneth Ray
Moser, Daniel Earl, Jr.
Neeb, John Gilcher
Nierman, William Charles
Davenport, Bill Trammell, Jr.
Dennison, Daniel Herbert, Jr.
Doares, Michael Gray
Drum, Eugene Robert
Dunn, Christopher Anderson
Dyer, Raymond Wayne
Enders, Robert James
Farkas, James Anthony
Finefrock, Carl George
Fox, Robert Edward
Gill, Newton Gregg
Hager, Hampton Croson, Jr.
Hanlin, John Paul
Harty, James Patrick
Healy, Stephen James
Hickman, William Allen
Inouye, Clinton Wayne
Johnston, Richard Earl
Kallal, Patrick Joseph
Kelly, Thomas Andrew
Kilpatrick, James Angelo
Kuhn, Thomas Richard
Lea, Gary Raymond
Lewis, Robert Glenn
Madden, John Eugene
Mason, Charles Roger
McConnell, John Norman
McNeil, Donald Calvin
Medford, Paul Nathaniel
Mingo, Louis Edmond
Mulva, James J., Jr.
Nemeth, John William
Nunley, Jack Bruce
Oberman, Marvin Dean
O'Neal, Floyd Wendell
Parker, Thomas Lee
Poole, Francis Xavier
Purdy, Robert Lawrence
Ramelli, Daniel Steven, III
Richmond, Robert Heston
Russell, Robert Durrell, Jr.
Saracino, Hugh F.
Schrum, Richard Ward
Sfara, Joseph Anthony
Shepherd, Robert Myrick, Jr.
Shorter, James Russell, Jr.
Stack, Joseph Charles, Jr.
Straight, Ronald Lee
Stuedemann, Richard Orrin
Tanner, Stephen Alan
Taylor, Joseph Zachary, Jr.
Thompson, Edward Earl
Triche, Ernest Joseph, III
Vance, Michael Gordon
Virtue, Richard William
Youngman, Grant Hughes
Odachowski, Edward John, Jr.
Overhouse, John David
Perkins, James McArthur
Pretulak, Ronald Theodore
Rains, David Marlin
Raudabauch, John Neil
Ruckman, Hugh Bennett, III
Ryan, James Arthur
Schauss, Robert Peter, Jr.
Sewall, Frank Bates
Shapack, Arnold Robert
Sherman, Arthur Eber
Squires, Robert Roy
Stapp, Fred Trigg, Jr.
Studders, James Philip
Sullivan, Reed Alvord
Taylor, Charles Floyd, Jr.
Theiss, Girard Paul
Thomson, James Edward
Upchurch, David Emerson
Vehlewald, Verney Virgil
Watson, David Stewart, II
Zeiler, Robert William, III

CIVIL ENGINEER CORPS

Anderson, Edward Leon
Barrett, Gerard Jude
Bellafronto, Robert Louis
Christopher, Charles David
Corrigan, Phillip George
Deacon, Brian Richard
Emison, Gerald Andrews
Gallen, Kevin Paul
Gunn, Thomas Edward
Holland, George William
Hughes, John David
Kannegieser, Andrew Anthony
Kovalcik, James Patrick
Messick, Frederick Smith, Jr.
O'Brien, Robert Gerald
Runsvold, James Michael
Spencer, Sidney Thomas
Stevens, David Lawrence
Webb, Richard David
Andrews, James Marshall, Jr.
Bartlett, James Vincent, Jr.
Casey, George Edward, Jr.
Copeland, Robert Rich
Dailey, David Leroy
Elliott, Robert E., III
Funk, Richard Bradley

Goepfert, Eric Richard
Hogg, Royal Thomas, Jr.
Hufnagel, Karl Richard
Johannesmeyer, Charles Alan
Keith, Donald Rae
Marshall, Peter Wayne
Miller, Ronald Lee
Rampe, Thomas Raymond
Sholders, Michael Verne
Stearns, Carl David
Stevenson, Herbert Scott

MEDICAL SERVICE CORPS

Aliff, William Ray
Aulls, John Griswold
Bentley, William Sturges
Blackford, James Michael
Bolshazy, Robert Stephen
Bransford, Charles Duane
Bruder, Paul Theodore
Cannon, James Robert
Chappell, Wendell Leo
Coleman, Loren Marion
Davis, Gary Thayne
Duny, Marshall Sol
Armstrong, Carl Andrew, Jr.
Bartlett, Jack Wallace
Berry, Wayne Harold
Blaylock, James Donald
Braitsch, Ted Alan
Brown, David William
Campbell, Paul Ernest
Chandler, Donald Ray
Chegash, Thomas John
Cornejo, Hector
Dould, Philip Edward
Ebersole, Richard Wilson
Edgerton, Owen Lee
Foskey, Leslie Thomas
Harrell, James Howard
Hayes, Elbert Chartrand
Iczkowski, Marcel Dennis
Kelley, Charles Anderson
Knodle, Edward Maurice
Legg, Robert Paul
Logan, Robert Stanley
McCarty, James Edwin, Jr.
McKinney, Arthur Paul
Meaney, Maurice Terrance
Miller, Fenton Crockett
Montgomery, Charles Ernest
Moyer, Kenneth Edwin, Jr.
Norvell, Robert Dayton
Oien, Eldor Roger
Parker, Cloyd Joseph
Prigmore, Marvin Earnest
Rayno, Robert Henry
Roberson, Walter Edward
Russnogle, Robert Lewis
Shaffer, Kenneth Wayne
Sixsmith, Howard Thomas, Jr.
Snyder, James Edward
Springfield, Robert Lynn
Stovall, Gary Hudson
Taylor, Robert Beck
Truran, Paul Frederick, Jr.
Waldroupe, Derrel Lee
White, Daniel Ellsworth
Windham, George Scott
Yates, Harold, Jr.
Finley, Clemeth Wallace
Hanson, Eugene Charles
Haws, Virtus Paul, Jr.
Hess, Stuart Allan
Ishmael, Rex Harlan
Kern, Monte James
Lanerie, George Ray
Lekvold, William Dean
Marks, Richard Charles
McClannahan, William M.
McKinzie, Louis Eugene
Merkel, Frederick Joseph
Mock, Leonard Ralph
Mooers, Robert Louis
New, James Caudell
Ohnemus, Francis William
Panas, Bruce Richard
Pelphrey, James Henry
Pulvermacher, Harold Edward
Reed, Paul John
Rush, Elvia Dale
Sessions, Nathan Mansfield
Shannon, Albert Francis
Smith, Jerauld Homer
Solmen, James David
Stemple, Todd Ralph
Stratton, William Frederick
Thomas, Dennis Merrill
Tyndall, John Bard
Wenrick, David Lowell
Wigle, Earl Clinton
Wooldridge, Robert Landon

NURSE CORPS

Caruso, Teresa

HOUSE OF REPRESENTATIVES—*Thursday, July 9, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Ye shall know the truth and the truth shall make you free.—John 8:32.

Eternal God, our Father, we come to Thee in this quiet moment praying that Thy spirit may shine into our hearts darkened so often by doubt and fear. Strengthen and guide us as we seek sincerely to lead our Nation in right paths, along peaceful roads, and make plain the ways we should take.

Help us to realize that freedom must be won by every generation. With Thy spirit may we keep the flag of the free flying in our land and ultimately, we pray, in our world.

Grant that all threats to liberty be met with courage and with confidence, assured that Thy power undergirds the struggle for freedom.

In Thy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 17, 1970:

H.R. 12619. An act to amend section 11 of an act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress."

On June 19, 1970:

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.;

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

On June 22, 1970:

H.R. 4249. An act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.

On June 23, 1970:

H.R. 2012. An act to amend the act of October 25, 1949 (63 Stat. 1205), authorizing the Secretary of the Interior to convey a tract of land to Lilliam I. Anderson;

H.R. 9854. An act to authorize the Secretary of the Interior to construct, operate, and maintain the East Greenacres unit, Rathdrum Prairie project, Idaho, and for other purposes;

H.R. 12860. An act to establish the Ford's Theatre National Historical Site, and for other purposes; and

H.R. 14300. An act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

On June 24, 1970:

H.R. 4204. An act to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.

On June 25, 1970:

H.R. 14810. An act to amend section 2(3) and section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs.

On June 29, 1970:

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

On June 30, 1970:

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

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended;

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;

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper; and

H.R. 17802. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

On July 2, 1970:

H.R. 16516. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

On July 6, 1970:

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products, and for other purposes;

H.R. 15712. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; and

H.R. 17399. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.