

SENATE—Monday, February 2, 1970

The Senate met at 11:30 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

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

Almighty God, maker and preserver of all things visible and invisible, in this forum of free men we pause to offer our praise and thanksgiving for the good gift of this land, its institutions and its people. As Thou hast made and preserved us a nation, so wilt Thou take us in Thy keeping throughout the turbulent and difficult days in which we live. Infuse the life of all the people with a new sense of Thy presence and of all values which are eternal. O Lord, our God, help the people of this great land to understand and respect one another, to work with and for one another, in the spirit of Him who went about doing good.

Be with Thy servants in this place, emancipating them from all that obstructs Thy spirit or impedes the will to do justly, to love mercy, and to walk humbly with Thee. Grant them that wisdom and strength for their present tasks which come to those who put their whole trust in Thee, that they may distinguish the true from the false, the good from the evil, and in all their judgments to advance Thy kingdom.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, January 30, 1970, be dispensed with.

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

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar for unobjected-to bills under rule VIII.

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

LIMITATION OF STATEMENTS DURING TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to routine morning business.

The 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 today.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I am sorry that the distinguished senior Senator from New York (Mr. JAVITS) is not able to be here, because of matters over which he had no control. Therefore, the time allocated to him must, of course, be vacated.

I suggest the absence of a quorum. The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 635, S. 2707, and that the rest of the Calendar be considered in sequence.

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

INTERSTATE COMPACT ON AIR POLLUTION BETWEEN OHIO AND WEST VIRGINIA

The bill (S. 2707) to consent to the interstate compact on air pollution between the States of Ohio and West Virginia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2707

A bill to consent to the Interstate Compact on Air Pollution between the States of Ohio and West Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress consents to (1) the Interstate Compact on Air Pollution, set forth in section 2 of this Act, between the States of Ohio and West Virginia, and (2) the entering into such compact by either the Commonwealth of Pennsylvania or the State of Kentucky, or both of them, as authorized by Article XI of such compact.

Sec. 2. The compact consented to by this Act reads as follows:

"INTERSTATE COMPACT ON AIR POLLUTION

"The contracting States solemnly agree that:

"ARTICLE I

"The party States to this compact hereby provide for the control of the interstate movement of air pollutants through the establishment of an interstate agency with powers to prevent, abate, and control interstate air pollution, and where appropriate, develop and implement ambient air quality standards in any designated air quality control region common to the party States.

"Each of the party States pledges to the other faithful cooperation in the control of air pollution which originates in one State and endangers human health or welfare, animal or plant life, or property, or which interferes with the enjoyment of life or property, in the other State.

"The party States recognize that no single standard for outdoor atmosphere is applicable to all areas within the party States due to such variables as population densities, topographic and climatic characteristics and existing or projected land use and economic development. The guiding principle of this compact is that air pollution shall not endanger human health or welfare, animal or plant life, or property, or interfere with the enjoyment of life or property.

"ARTICLE II

"As used in this compact 'air pollution' means and shall be limited to the discharge into the air by the act of man of substances (liquid, solid, gaseous, organic or inorganic) in a locality, manner and amount as to endanger human health or welfare, animal or plant life, or property, or which would interfere with the enjoyment of life or property.

"ARTICLE III

"The party States hereby create the Ohio-West Virginia interstate air pollution control commission, hereafter called 'the commission'.

"The commission shall consist of five commissioners from each party State, each of whom shall be a citizen of the State he represents. In addition, the chairman of the commission shall request the President of the United States to designate a Federal representative to the commission who shall serve as an ex officio member of the commission, but without vote except as hereinafter provided. The commissioners from each party State shall be chosen by the governor of such State in accordance with the laws of such State, as follows:

"Two of the members from each State shall be chosen from appropriate State agencies, one of whom is the officer responsible for air pollution control, and one of whom is the director of health. The Governor of each party State, or his designee, shall be the third member of the commission. Two other members shall be chosen, one of whom is experienced in the field of municipal government and one of whom is experienced in the field of industrial activities.

"In choosing said two other members, the Governor shall provide for adequate representation of appropriate local interests in any air quality control region designated by the Secretary of Health, Education, and Welfare, pursuant to the provisions of section 107(A) (2) of the 'Air Quality Act of 1967,' (81 Stat. 490, 42 U.S.C.A. 1857c-2).

"The Governor of each State, unless he appoints a designee shall serve during his term of office, and if the Governor of any State appoints a designee, such designee shall serve at the will of the Governor appointing him until the expiration of the Governor's term. The commissioners who shall be appointed by virtue of the offices which they hold shall serve during their continuance in office. The term of the other two commissioners shall be five years. However, the commissioner appointed by reason of his experience in the field of municipal government and the commissioner appointed by reason of his experience in the field of industrial activities shall be appointed, one for an initial term of one year and the other for an initial term of two years. Upon the expiration of each such initial term, commissioners appointed to fill any vacancy shall be appointed for a term of five years.

"Vacancies on the commission shall be filled for the unexpired term in the same manner as appointments to full terms.

"Each State shall have but one vote and every decision, authorization or other action shall require the majority vote of the party

States. The vote of each State shall be determined by a majority of the commissioners from each party State present at the meeting where such vote is to be cast. In the event of a tie or stalemate, the federal representative to the commission shall cast the deciding vote.

"The commission may sue and be sued, and shall have a seal.

"The commission shall elect annually, from among its members, a chairman and vice chairman. The commission shall appoint an executive director who shall act as secretary, and who, together with such other commission personnel as the commission may determine, shall be bonded in such amount or amounts as the commission may require.

"Notwithstanding the civil service, personnel, or other merit systems laws of any of the party States, the commission shall appoint, remove or discharge, and fix the compensation of such personnel as may be necessary for the performance of the commissions functions. To the extent practicable, terms and conditions of employment for members of the staff of the commission shall be similar to those pertaining to comparable employees of the individual party States.

"The commission may establish and maintain, independently or in conjunction with one or more of the party States, a suitable retirement system for its employees. Employees of the commission shall be eligible for social security coverage in respect to old-age and survivors insurance: *Provided*, That the commission take such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the commission terms and conditions of employment similar to those enjoyed by employees of the party States generally.

"The commission may accept or contract for the services of personnel and other services or materials from any State, the United States or any subdivision or agency of either, from any interstate agency, or from any institution, person, firm or corporation.

"The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services conditional or otherwise, from the United States, or any agency thereof, from any State or any subdivision or agency thereof, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The identity of any donor, the amount and character of any assistance, and the conditions, if any, attached thereto shall be set forth in the annual report of the commission.

"The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

"The commission shall have power to formulate and adopt rules and regulations and perform any act which it may find necessary to carry out the provisions of this compact, and to amend such rules and regulations. All such rules and regulations shall be filed in the office of the commission for public inspection and copies of such rules and regulations shall be filed in the office in each party State in which rules and regulations of State agencies are filed and shall thereafter be made available to interested persons upon request.

"The commission annually shall make to the governor and legislature of each party

State a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been adopted by the commission. The commission may issue such additional reports as it may deem desirable. These reports shall be available for public examination.

"The commission shall have the authority to collect and disseminate information relating to its functions under, and the purpose of, this compact.

"ARTICLE IV

"The commission may, whenever it finds air pollution which originates within the area of its jurisdiction in one of the party States and has an adverse effect in the other party State, make a report recommending measures for the prevention, abatement, or control of any such air pollution. Copies of such report shall be furnished to all existing State and local air pollution control agencies with jurisdiction over the source or sources of air pollution identified in the report. In preparing any such report, the commission may confer with any appropriate national, regional or local planning body, and any governmental agency authorized to deal with matters relating to air pollution problems and may conduct such hearings and investigations as it may deem appropriate. The commission may consult with and advise the States and local governments, corporations, persons, or other entities with regard to the adoption of programs and the installation of equipment and works for the prevention, abatement, or control of air pollution.

"Without restricting the generality of the powers and duties of the commission elsewhere herein provided, the commission shall:

"(A) Develop and implement ambient air quality standards and, in accordance with such data as are available on the latest technology and economic feasibility of complying therewith, emission standards in order to prevent and control air pollution located within the area over which it has jurisdiction.

"(B) Revise and modify such standards to reflect improvements in knowledge of air pollution and its prevention and control and in accordance with such data as are available on the latest technology and economic feasibility of complying with such standards.

"(C) Engage in action which would insure the use of the latest technologically and economically feasible and effective techniques or devices for the prevention and control of air pollution in new installations proposed for construction in its area of jurisdiction.

"(D) Undertake and carry on air monitoring activities as a continuing activity.

"(E) Have authority to enter at reasonable times upon any private or public property (excluding any federal building, installation or other property) for the purpose of investigating the source, type, character and amount of any air pollutant or emission alleged to violate the standards at any time established by the commission pursuant to the provisions of this compact: *Provided, however*, That no such investigations shall extend to information relating to secret processes or methods of manufacturing or production.

"(F) Have authority, upon reasonable evidence of a violation of the standards established by the commission pursuant to the provisions of this compact, which violation presents an imminent and substantial hazard to public health, to issue public notice of such hazard and the cause thereof, by any and all appropriate means, and to issue a cease and desist order or such other reasonable order as may be deemed necessary by the commission to cause such violation to be discontinued, at such time and upon

such conditions as the commission may determine, and to enforce such order by appropriate proceedings, including but not limited to injunctive proceedings in any court of competent jurisdiction. And, further, the commission is hereby empowered to institute proceedings in any court of competent jurisdiction to enjoin any air pollution or emission which presents such an imminent and serious hazard to public health as to create an emergency.

"Before any report of the commission which specifically identifies a particular industrial or other installation, structure, or facility as a source of air pollution becomes final, the commission shall give the owner or operator of such installation, structure, or facility notice by certified mail of the anticipated adoption of such report and shall afford the owner or operator of the installation, structure, or facility not less than ten days after the mailing of such notice to file with the commission its written objections thereto. If no such objections are filed with the commission within such specified period, the report shall become final. If such objections are filed with the commission within such specified period, the commission shall afford such owner or operator not less than ten days from its receipt of such objections to discuss with the commission the findings, conclusions, and recommendations of the report before it is finally adopted by the commission.

"Within a reasonable time, as determined by the commission, after the commission furnishes a report to the appropriate existing State and local air pollution control agencies pursuant to this Article, and, if the recommendations made in such report for the prevention, abatement, or control of air pollution from a specific source or sources have not been implemented, or if the appropriate State or local air pollution control agencies have not taken sufficient action to prevent, abate or control the air pollution, the commission may, after a duly conducted and constituted hearing, on due notice issue an order or orders upon any municipality, corporation, person, or other entity causing or contributing to a violation of ambient air quality standards. At any such hearing evidence may be received and a finding made on whether, in fact, a violation of the commission's air quality standards exists and on the sources of such pollution. Any such order or orders may prescribe a timetable for the abatement or control of the air pollution involved. Any such order shall become final and binding unless a petition for review of the same shall be filed and prosecuted pursuant to the provisions of Article V of this compact.

"In a party State, any court of general jurisdiction in any county in which the air pollution originates or any United States district court for the district in which such pollution originates shall entertain and determine any action or proceeding brought by the commission to enforce an order against any municipality, corporation, person, or other entity domiciled or located within such State and whose discharge of air pollution takes place within or adjoining such State, or against any employee, department, or subdivision of such municipality, corporation, person or other entity, and shall entertain and determine any petition for review pursuant to the provision of Article V of this compact.

"ARTICLE V

"All hearings held by the commission shall be open to the public. At any hearing held pursuant to Article IV of this compact the party States, any agencies thereof, and any affected person, corporation, municipality, or other entity shall be entitled to appear in person or by representative, with or without

counsel, and may make oral or written argument, offer testimony, or take any combination of such actions. All testimony taken before the commission shall be under oath and recorded in a written transcript. The transcript so recorded shall be made available to any member of the public or to any participant in such hearing upon payment of reasonable charges as fixed by the commission. No information relating to secret processes or methods of manufacture or production shall be disclosed at any public hearing or otherwise and all such information shall be kept confidential.

"All hearings shall be had before one or more members of the commission, or before an officer or employee of the commission expressly designated to act as a hearing officer.

"Any party State or person aggrieved by any order made by the commission shall be entitled to a judicial review thereof. Such review may be had by filing a verified petition in any of the appropriate courts referred to in Article IV, setting out such order and alleging specifically that said order is:

"(a) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; or

"(b) Contrary to constitutional right, power, privilege, or immunity; or

"(c) In excess of authority or jurisdiction conferred by this compact or statutes in implementation hereof; or

"(d) Without observance of procedure required by law; or

"(e) Not within the purposes of this compact; or

"(f) Unsupported by the weight of the evidence.

"The petition for review shall be filed within thirty-five days after receipt of written notice that such order has been issued. Written notice of the filing of a petition for review and a copy of said petition shall be personally served upon the commission. Any party or person filing a petition for review shall, within fifteen days thereafter, secure from the commission a certified copy of the transcript of any hearing or hearings held in connection with the issuance of the order, review of which is sought, and shall file the same with the clerk of the court in which the action or proceeding for review is pending. An extension of time in which to file a transcript shall be granted by said court in which such action or proceeding for review is pending for good cause shown. Inability to obtain a transcript within the specified time shall be good cause. Failure to file a transcript within the period of fifteen days, or to secure an extension of time therefor, shall be cause for the dismissal of the petition for review by the court or on petition of any party of record to the original action or proceeding. Where more than one person may be aggrieved by the order, only one proceeding for review may be had and the court in which a petition for review is first properly filed shall have the jurisdiction.

"The court may, for good cause shown, admit and consider additional evidence bearing upon the issue or issues before it.

"No review of a commission order shall be had except in accordance with the provisions of this compact.

"ARTICLE VI

"The commission may establish one or more advisory and technical committees composed of such as the following: Private citizens, expert and lay personnel, representatives of industry, labor, commerce, agricultural, civic associations and officials of local, state and federal government, as it may determine, and may cooperate with and use the services of any such committee and the organizations which they represent in furthering any of its activities under this compact.

"ARTICLE VII

"Nothing in this compact shall be construed to:

"(a) Limit or otherwise affect the powers of any party State or any of its subdivisions to enact and enforce laws or ordinances for the prevention, abatement or control of air pollution within their respective borders.

"(b) Limit or otherwise affect the powers of any party State to enter into a compact or compacts with other States for the prevention, abatement or control of interstate air pollution.

"(c) Prevent or restrict any party State or any political subdivision thereof from adopting standards to achieve a higher level of ambient air quality than those adopted by the commission for the area covered by the commission's jurisdiction.

"(d) Authorize any party State or any political subdivision thereof to adopt standards which will achieve a lower level of ambient air quality than those adopted by the commission for the area covered by the commission's jurisdiction.

"ARTICLE VIII

"The commission shall submit to the governor or designated officer or officers of each party State a budget of its estimated expenditures for such period as may be required by the laws of that State for presentation to the legislature thereof.

"Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States. Aside from such support as may be available to the commission pursuant to Article III, the cost of operating and maintaining the commission shall be borne equally by the party States.

"The commission may meet any of its obligations in whole or in part with funds available to it under Article III of this compact: *Provided*, That the commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the commission makes use of funds available to it under Article III, the commission shall not incur any obligations prior to the allotment of funds by the party States adequate to meet the same.

"The expenses and any other costs for each member of the commission shall be met by the commission in accordance with such standards and procedures as it may establish in its rules and regulations.

"The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules and regulations. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the commission.

"The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the commission.

"Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

"ARTICLE IX

"This compact shall become effective when enacted into law by the States of Ohio and West Virginia and approved by the Congress of the United States. The compact shall continue in force and remain binding upon each party State until expressly repealed by any party State, but no such repeal shall take

effect until one year after the enactment of the statute repealing this compact.

"Any order of the commission issued prior to the termination of this compact shall be enforceable thereafter by any party State in the same manner as though this compact were still in force except that any appropriate officer or agency of the enforcing party State may act in the place and stead of the commission.

"ARTICLE X

"The provisions of this compact shall be reasonably and liberally construed. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision is declared to be contrary to the constitution of any party State or of the United States, or the applicability thereof to any government agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected.

"ARTICLE XI

"The present party States hereto, namely, West Virginia and Ohio, hereby agree and consent to the Commonwealth of Pennsylvania and the State of Kentucky, or either of them, becoming parties to this compact."

Sec. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-645), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to give congressional consent to a compact between the States of Ohio and West Virginia to enter into an interstate compact on air pollution. The bill further grants consent to the Commonwealth of Pennsylvania and the State of Kentucky to join in such a compact as authorized by article XI of the compact. Such congressional consent of the compact is required by article I, section 10 of the Constitution of the United States.

STATEMENT

Background

In the 90th Congress a similar bill, S. 2350, requesting the consent of the Congress to the Ohio and West Virginia air pollution compact was introduced on August 28, 1967. On December 6, 1967, the committee agreed to a request that it be discharged from consideration of the bill for a period of 60 days, and that at the end thereof the bill be again referred to the Judiciary Committee for its action thereon. This request was granted by unanimous consent of the Senate on February 20, 1968, and the bill was referred by a unanimous-consent request of the Public Works Committee for a period of 60 days, after which it was to be again referred to the Committee on the Judiciary for its jurisdictional action. On May 20, 1968, the Committee on Public Works discharged the bill and it was re-referred to the Committee on the Judiciary under the authority of the order of February 20, 1968. During the time that the bill was before the Committee on Public Works, that committee held hearings on S. 2350 and two other compacts directed to the area of air pollution control. These hearings were held on February 27, 28, 29, March 4, 5, 6, 19, 20, and 26, 1968.

Subsequent to the hearings the Committee on Public Works issued a committee print summarizing the hearings and making its recommendations in regard to S. 2350. A copy of that committee print is hereto attached and made a part hereof. Subsequent thereto

the States of Ohio and West Virginia passed enabling acts, which amended the original compact entered into as set forth in S. 2750 of the 90th Congress and included the recommendations of the Committee on Public Works. The State of Ohio passed such compact legislation during the month of May 1969. The State of West Virginia passed identical legislation during the month of February 1969. Thereafter S. 2707 was introduced by Senator Randolph in the 91st Congress. In a letter dated December 8, 1969, to the Honorable James O. Eastland, chairman of the Senate Judiciary Committee, Senator Randolph of West Virginia indicated that the staff of the Public Works Committee has reviewed S. 2707 and that all the matters discussed in the committee print have been properly accounted for and enacted by the legislatures of the two States. Senator Randolph urged affirmative action by the Judiciary Committee in order that the States of Ohio and West Virginia can go forward with their vital air pollution abatement program. A copy of this letter is attached hereto and made a part hereof.

Senator Byrd of West Virginia has also expressed his approval of this legislation in a telegram to Senator Eastland. A copy of this telegram is hereto attached and made a part thereof.

The need for the compact

The air pollution problem is one of increasing seriousness throughout the country. The purpose for which the bill S. 2350 of the 90th Congress was referred to the Public Works Committee was based on the proposition that the Public Works Committee has jurisdiction over air pollution and has processed the Clean Air Act, as amended. The purpose of the hearings before the Public Works Committee was to determine whether or not the provisions of the compact were consistent with the Clean Air Act of 1963, as amended by the Air Quality Act of 1967. The compact provided for in S. 2350 of the 90th Congress was entered into by the party States prior to enactment of the Air Quality Act of 1967.

Subsequent to these hearings the members of the Committee on Public Works forwarded a letter to the Chairman of the Judiciary Committee with recommended conditions to congressional approval of the compact. It appears that the compact provided for in S. 2707 satisfies these conditions and is consistent with the Clean Air Act, as amended.

The common boundary of West Virginia and Ohio is the Ohio River. This compact's primary and ultimate purpose is to control air pollution along this river and the adjacent areas. Contributing to the main air pollution problems of the region are major steel, aluminum, and metallurgical plants, electrical power generation stations, large chemical production units, and the other common sources associated with most regions of the country.

An abatement conference was held in Vienna, W. Va., concerning this interstate problem in March of 1967, and a conferees' report was forwarded to the Secretary of Health, Education, and Welfare for comment and action.

Consultations have been held in the Ashland-Ironton-Huntington area and in the northern panhandle of West Virginia. The Ohio River Valley, which this air pollution compact covers, is one of the fastest growing regions in West Virginia. This is particularly true in industrial growth. There are many sites which are suitable for industrial development, economical barge transportation is available for raw materials and finished products, and ample power and water are available for the development of virtually every type of industry. It is, therefore, mandatory that the air pollution problem existing in this interstate area be corrected and that

such preventive measures as may be deemed necessary be taken to prevent further air pollution of the Ohio River Valley.

The boundary between West Virginia and Ohio follows the natural flow of the Ohio River some 240 miles from East Liverpool, Ohio, to Huntington, W. Va., and beyond. The steep valleys formed by the Ohio River provide ready containment and exchange of air contaminants between these two great States. It is populated by people and industry who are intensely interested in the future of this valley and who are ready and willing to support an interstate air pollution control commission empowered to enhance the environment in this valley.

The committee has reviewed the hearings regarding the contaminants and air pollution of the Ohio River Valley, which includes the boundary between the States of Ohio and West Virginia and believes that a compact between these two States is highly desirable. It is also in the view of the committee as commendable that this compact is in accordance with the present statutes regarding air pollution, particularly the Clean Air Act.

Air pollution is without any question a serious matter and one that will grow considerably worse throughout the Nation unless there is a concerted effort and cooperation between all of the areas affected. The committee notes that this is the first compact regarding air pollution that has been discussed by the Committee on the Judiciary and it is hoped that this compact will lay a foundation for the effort and cooperation that is going to be needed, not only in the area affected by the Ohio-West Virginia compact, but will be of service as a foundation in principle for other States to attack this problem. The committee is appreciative of the work done by the Public Works Committee on the predecessor bill and expresses its thanks. The committee therefore recommends that the bill, S. 2707 be considered favorably.

OHIO-WEST VIRGINIA COMPACT ON AIR POLLUTION CONTROL IS CONSISTENT WITH FEDERAL LAW

Mr. RANDOLPH. Mr. President, as the Member who introduced the measure (S. 2707) to give congressional consent to the interstate compact on air pollution between the States of Ohio and West Virginia, I extend appreciation to the senior Senator from Mississippi (Mr. EASTLAND), the distinguished chairman of the Committee on the Judiciary, for his cooperation. I am grateful, also, to my West Virginia colleague, Senator BYRD, a member of the Judiciary Committee, for having moved to report the bill and for his forthright action here today. It is my hope that there will be timely action on the congressional consent legislation in the House.

The Ohio-West Virginia air pollution compact, authorized by the legislatures of West Virginia and Ohio, has been made consistent with the provisions of the Clean Air Act as amended by the Air Quality Act of 1967.

In 1968, the Subcommittee on Air and Water Pollution of our Committee on Public Works, which I chair, held 9 days of hearings on three compacts—the Mid-Atlantic, the Illinois-Indiana, and the Ohio-West Virginia. Chairman MUSKIE, the able Senator from Maine, chairman of the subcommittee, conducted those hearings and transmitted the recommendations of our committee to the Judiciary Committee on June 17, 1968. Those recommendations necessitated re-introduction, amendments to, and reenactment of the compacts by both the

Ohio and West Virginia Legislatures to make them fully consistent with Federal air pollution control laws.

Mr. President, our Public Works Committee's consensus is that cooperative action by the States for the purposes of preventing and controlling air pollution and enhancing the quality of the ambient air should be encouraged. It was on recommendation of our committee that provisions were made in the Clean Air Act of 1963 for States to enter into compacts. This philosophy was reiterated in the Air Quality Act of 1967.

The common boundary between West Virginia and Ohio is an appropriate region for the first interstate compact on air pollution. It is in a region with many examples of the air pollution problems that usually accompany economic development where there are major steel and metallurgical producing facilities, electric power generation plants, chemical manufacturing, and other sources of industrial pollution.

MINERAL INDUSTRY WEEK

The joint resolution (H.J. Res. 888) to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week" was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-646), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to authorize and request the President to issue a proclamation to designate the week of February 13 through February 19, 1970, as "Mineral Industry Week" and to call upon the people of the United States to observe such a week with appropriate ceremonies and activities.

STATEMENT

February 13 to 19, 1970, will mark a week in which the mineral industry will focus its full attention on meetings in Denver, Colo., to be attended by the top leaders in industry and Government.

The National Western Mining Conference's Annual Meeting will attract worldwide leaders, and the 11 Western States will formulate resolutions with which to advise their State and Federal delegates.

The American Institute of Mining, Metallurgical and Petroleum Engineers' 99th Annual Meeting will have in attendance the most brilliant men engaged in capturing and recovering basic mineral wealth for an educational seminar. At this meeting, these men will discuss ways to meet the world's requirements for minerals in a more effective manner. During this week in Denver at these deliberations the hydrocarbon symposium will focus attention on the critical fossil fuels portion of our energy base. The atomic industrial forum will consider the ever-increasing demand for uranium and energy utilization.

The Western Governors' Mining Advisory Council will deliberate on how they may more effectively serve the Governors of the various Western States. The Western Mining Association will organize an exciting new program to more effectively fulfill their compatible and great operating efforts.

The committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of House Joint Resolution 888 without amendment.

INTERNATIONAL CLERGY WEEK

The joint resolution (H.J. Res. 1051) designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, this measure should go over. I ask unanimous consent that the vote by which House Joint Resolution 1051 was passed be reconsidered and that the joint resolution be returned to the calendar.

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

COMMITTEE ON APPROPRIATIONS

The resolution (S. Res. 315) to authorize additional expenditures by the Committee on Appropriations was considered and agreed to, as follows:

S. RES. 315

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, \$35,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 204, agreed to June 16, 1969.

NATIONAL ESTUARINE POLLUTION STUDY

The concurrent resolution (S. Con. Res. 53) authorizing the printing of the National Estuarine Pollution Study as a Senate document was considered and agreed to, as follows:

S. CON. RES. 53

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, in one volume, with illustrations, the National Estuarine Pollution Study, submitted to the Congress by the Federal Water Pollution Control Administration, Department of the Interior, in accordance with section 5(g)(3), Public Law 89-753, Clean Water Restoration Act of 1966, and that there be printed three thousand five hundred additional copies of such document, of which two thousand five hundred copies shall be for the use of the Senate Committee on Public Works and one thousand copies shall be for the use of the House Committee on Public Works.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-649), explaining the purposes of the measure.

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

Senate Concurrent Resolution 53 would provide (1) that there be printed as a Senate document, in one volume, with illustrations, the National Estuarine Pollution Study, submitted to the Congress by the Federal Water Pollution Control Administration, Department of the Interior, in accordance with section 5(g)(3), Public Law 89-753, the Clean

Water Restoration Act of 1966; and (2) that there be printed 3,500 additional copies of such document, of which 2,500 copies would be for the use of the Senate Committee on Public Works and 1,000 copies would be for the use of the House Committee on Public Works.

This proposal is similar to that contained in Senate Resolution 294, referred to the Committee on Rules and Administration on December 10, 1969. Since the concurrence of the House of Representatives is required on proposal to print additional copies costing in excess of \$1,200 (44 U.S.C. 703), the Committee on Rules and Administration is expressing its approval of the proposal by reporting out this original concurrent resolution in lieu of Senate Resolution 294. At the request of the Senate Committee on Public Works, authorization has been included for the printing of 1,000 additional copies of the document for the use of the House Committee on Public Works.

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

Printing-cost estimate

To print as a document (1,500 copies)	\$10,749.84
3,500 additional copies, at \$798.73 per thousand	2,795.56
Total estimated cost, S. Con. Res. 53	13,545.40

AUTHORIZATION FOR PRINTING OF ADDITIONAL COPIES OF REPORT OF THE ACTIVITIES OF THE JOINT COMMITTEE ON DEFENSE PRODUCTION

The resolution (S. Res. 297) authorizing the printing of additional copies of the 19th Annual Report of the Activities of the Joint Committee on Defense Production was considered and agreed to, as follows:

S. RES. 297

Resolved, That there be printed for the use of the Joint Committee on Defense Production one thousand additional copies of its nineteenth annual report.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-648), explaining the purposes of the measure.

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

Senate Resolution 297 would provide that there be printed for the use of the Joint Committee on Defense Production 1,000 additional copies of its 19th annual report.

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

Printing-cost estimate: 1,000 additional copies, \$1,036.

LENA M. KETTLER

The resolution (S. Res. 348) to pay a gratuity to Lena M. Kettler was considered and agreed to, as follows:

S. RES. 348

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lena M. Kettler, widow of Edward L. Kettler, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INTERNATIONAL CLERGY WEEK

Mr. MANSFIELD. Mr. President, both sides have had a chance to look at Calendar No. 637, House Joint Resolution 1051, and both sides would like Calendar No. 637 to be called up at this time.

The PRESIDENT pro tempore. The clerk will again report Calendar No. 637.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 637, H.J. Res. 1051, a joint resolution designating the week commencing February 1, 1970, as International Clergy Week in the United States, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the consideration of Calendar No. 637?

There being no objection, the joint resolution, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-647), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to designate the week commencing February 1, 1970 as "International Clergy Week in the United States," and the President is authorized and directed to issue a proclamation inviting the people of the United States to observe this week with appropriate ceremonies and activities.

STATEMENT

Civitan International, at its annual convention in Dallas, Tex., in 1962 passed a resolution urging the observance of an International Clergy Week throughout the United States and Canada honoring clergymen of all faiths. Each year since that time Civitan has sponsored observances of this nature, and this resolution would carry out the purpose initiated by the Civitans to call attention to the religious accomplishments of the clergy of every faith and their contributions to our lives.

The date of the observance of the International Civitan Week was chosen to coincide with the sinking of the American troop transport *Dorchester* on February 3, 1943, when four chaplains, a priest, a rabbi, and two ministers, were among the 678 men lost on this destroyer.

Designation of a week as International Clergy Week is most appropriate to honor those who have dedicated their lives to the spreading of God's word; and a Presidential proclamation would call to the attention of all of the people of the United States to observe this week with appropriate ceremonies and activities.

Accordingly, the committee recommends favorable consideration of House Joint Resolution 1051, without amendment.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

DEFENSE SPENDING AND HUMAN RESOURCES SPENDING UNDER THE BUDGET

Mr. GRIFFIN. Mr. President, it is gratifying that President Nixon has not only kept his pledge and submitted a balanced budget but that his budget provides for a surplus of \$1.3 billion.

Those who are calling for a reordering of our Nation's priorities can attest to

the fact that the President has indeed reordered the priorities of this Nation in the submission of this budget and his accompanying budget message.

It is very significant, Mr. President, that defense spending as a percentage of the overall budget has been going down rather dramatically over the last several years. For example, the budget for fiscal 1961 called for defense spending of 48 percent of the total budget.

The fiscal 1969 budget called for defense spending of 44 percent. And the new 1971 budget calls for defense spending at the level of 37 percent.

At the same time, Mr. President, the percentage of the budget allocated for human resources has been dramatically on the increase over the last several years. In 1961 the percentage of the budget allocated for human resources was 30 percent. In 1969, it was 34 percent. And in fiscal 1971, it is 41 percent.

It is noteworthy, Mr. President, that during the years 1965 through 1969, the increase in the total amount budgeted has increased at the annual rate of 12 percent a year. However, over the past 3 years, 1969 to 1971, the total amount budgeted has increased at a much lower annual rate of 4.3 percent a year.

Mr. President, I believe that the budget message of the President is an excellent message and provides an outstanding blueprint for the Nation. Members of both parties and all of the American people can take great pride in the leadership and guidance that the President is providing.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. GRIFFIN. I am happy to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I also was gratified to see that, after a tremendous amount of effort and hard work by the administration, they have presented to Congress for fiscal 1971 a budget that calls for a surplus of \$1.3 billion.

I think this surplus is absolutely crucial and essential. If the Federal Reserve System was, at any time in the foreseeable future, to ease monetary restrictions and credit; certainly they have to look carefully at the integrity of the budget that is presented.

There is not any question in anyone's mind that this administration intends to maintain that surplus at all costs; but they share the responsibility with Congress. After all, the administration proposes, but we have to approve; and I think it is therefore incumbent upon us who believe in fiscal responsibility—and that viewpoint is certainly shared on both sides of the aisle—to be utterly responsible in the proposals that we make.

I think that President Nixon, would be the last to say that the function of Congress should be only to rubberstamp whatever budget is sent down by the administration. Certainly the President, who has served in both the House of Representatives and the Senate, recognizes that it is our responsibility, as the 535 elected representatives of the people, to stay as close as we possibly can to the needs of the people, as well as to their desires and wishes; and certainly, in the establishment of national priorities, Con-

gress shares a great responsibility with the administration.

Therefore, if we are not to be a rubberstamp Congress—and the President would not have us be that—we ought certainly to look at the budget as representing the best thinking that the various agencies of Government can put into it.

I intend to follow a policy, to which I would very much appreciate a reaction from the distinguished assistant minority leader, that whenever I propose a budget change that would increase expenditures beyond those levels proposed by the administration—and I feel I might sometimes see a need somewhat differently than the administration might see it—if I feel my proposal has a good chance of adoption, then I feel it incumbent upon me, and my responsibility, to suggest one of two things: First, an area where expenses can actually be reduced, which would be, I would hope, an area of lesser national priority; or, second, if I cannot find an area where expenditures can be reduced, then to propose a source of revenue that has a reasonable chance of being adopted.

In taking account of the great needs that we face, I, for one, would not be hesitant to think in terms of new taxes, if that were the only thing that could be done. But other than that—and I would much prefer expense reductions—whenever I propose a change in the priorities as suggested by the administration, I intend, when it looks as though my suggestion might have a good chance of acceptance, to propose another place where expenses might be reduced, so that we can maintain the integrity of the \$1.3 billion surplus, this is a thin surplus considering the size of the total budget, but which, I believe, is backed by the best thinking of the administration. The President, the Cabinet, and the Bureau of the Budget share a deep concern about inflation, and will fight to hold, throughout the course of this year, the surplus of \$1.3 billion as an absolute minimum.

Mr. GRIFFIN. Mr. President—

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Michigan be permitted to continue an additional 5 minutes.

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

Mr. GRIFFIN. Mr. President, if the Senator from Illinois will permit me, I would say that his suggestion and commitment to that course is as welcome as a breath of fresh air. I commend it to all Members of this body. It certainly represents, in my view, a very responsible attitude and approach for any Member of Congress who is considering the introduction of proposals that would increase the level of Federal spending. I hope others will read his remarks and follow his leadership.

MINORITY ENTERPRISE BACKED BY GENERAL MOTORS CHAIRMAN

Mr. GRIFFIN. Mr. President, a few days ago one of the leaders of American

industry spoke here in the Nation's Capital, about improving our system of competitive free enterprise in a very important respect.

James M. Roche, the chairman of the board of General Motors Corp., spoke to the question of minority ownership and participation in the free enterprise system.

Noting that more than 97 percent of all American businesses are white owned, Mr. Roche concluded that "free enterprise is not as free as it ought to be."

Addressing the U.S. Chamber of Commerce Conference on Minority Enterprise, he called for efforts to redeem the underlying premise and promise of free enterprise.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Mr. Roche's remarks, together with published accounts of his speech.

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

REMARKS OF JAMES M. ROCHE, CHAIRMAN OF GENERAL MOTORS CORP.

Thank you, Mr. Booth. I am pleased to be a part of this conference on Minority Enterprise.

The Chamber and its leaders are to be congratulated for their timely sponsorship of this meeting. In bringing together the public and private sectors, the Chamber has illustrated again the important role it plays between our government and our business community. By such actions, the Chamber helps shape and stimulate the partnership of effort between business and government that is so much a part of our American way of getting things done.

Minority enterprise stands high on the agenda of our national concern. The experiences of General Motors, as well as my association with the President's Committee on Minority Enterprise, have made me aware of the well-reasoned approach that President Nixon and Secretary Stans are taking. This was also evident from this morning's excellent program.

"Project Enterprise" is another imaginative example of how business and government can join in common endeavor. I hope every American businessman will give the most serious consideration to how he and his company can ally themselves in this effort to develop new business opportunities for our minority citizens. Not only they, but every American, will be the beneficiary of its success.

Minority enterprise is a national social endeavor in which the business community can be unusually effective. It is a job cut out for business. No one knows the difficulties of business better than the businessman. No one understands better than he the knowledge, the experience, the aptitude that business demands. No one knows better how to succeed in business than he who has succeeded.

I hope the business community will further its efforts to encourage more minority enterprise. The stakes for our country are great. And they are considerably more than economic. They involve fundamental American rights and freedoms. There is human pride and respect and dignity to be gained or lost in this effort.

To be your own boss—to own your own business—is a basic part of the American dream. It is a dream that every generation of American, every wave of immigrants, men of differing race and origin, have shared. It has been so far as long as we have been a nation—and continues today. To be in business for yourself is a dream that belongs to all Americans—not just the minority. So

should the opportunity to realize this dream belong to every American—not just the majority.

Because this dream has been so widely shared, the American system of free enterprise was born, and has prospered beyond man's imagining. Our system has produced more wealth—and shared this wealth more widely—than any other economic arrangement the world has seen. Yet, its more than dollars. To all who take part in it, free enterprise offers the chance to fulfill human instincts: to innovate, to compete, to build and to own.

We Americans affirm this principle: that every man who is qualified to begin or sustain a business should have the opportunity to do so. We say, in effect, that free enterprise should be free. It should be open to all with the capacity and willingness to venture, to stake capital on their ability and judgment, to risk in the hope of profit.

Yet it is clear that, in America today, free enterprise is not as free as it ought to be. Almost all American businesses—more than 97%—are owned by those who are white. And these account for better than 99% of the total receipts. The owners of the other 3% of American businesses—some 150,000 establishments—are found among the 30 million black, Spanish-speaking, or Indian Americans. These are the minority Americans who constitute 15% of our population. These are they who—for one reason or another—have less than an equal chance to own a business. These are the Americans this program intends to help.

Minority enterprise has many aspects. Some see it as an effort to create and locate new business in the inner cities. Others regard it as a means to assure that more businesses in the inner city will be owned by those who live there.

These attitudes confuse and distract from the moral issue of minority enterprise. They lead into discussions of black power and green power, and the whole dialogue of division. Minority enterprise should not be used to further segregation or separatism. Every business in the ghetto should not be owned by those unfortunate enough to have to live there—no more than any business outside the ghetto should be closed to them.

Instead, the opportunity should be open to every man to begin a business wherever he thinks it can best succeed. Any man who is willing to risk the considerable hazards of failure against the possible benefits of success has the right to the opportunity of starting his own business. Business ownership carries no guarantee of success. But every man deserves an equal right to try—and equal right to fail.

Minority enterprise should be another means of breaking down barriers of inequality. In business ownership, as in employment the housing and education, every man's opportunity must be made equal to another's. In minority enterprise, unfortunately, the opportunities for business ownership today are not equal. We must all work to make them equal. The task before us is as simple and as difficult as that.

There is this to be said about minority enterprise: those who advocate it expect too much from it; and those who belittle it fail to see how essential it is to the better America we must all work together to build.

Minority enterprise is not a total solution to our urban and racial problems. It is not a quick solution. Nor is it a permanent solution. And to the few businessmen for whom it will mean new competition, it is not even a pleasant solution.

Many of its advocates forget the harsh arithmetic of business failure as written in Dun and Bradstreet. Only one out of two new businesses survive as long as eighteen months. Only one out of five will still be in business in ten years. These are stiff odds, especially to those among our minorities who are already handicapped by lack of educa-

tion or business experience. These facts must be explained to them, for our minorities have had enough of unfulfilled expectations.

It must be made plain that being in business for yourself carries as much chance of failure as of success. In the competitive world of business, there is hardly any substitute for experience. Only by experience, for example, will a businessman earn a reputation that will inspire customer loyalty and attract investment capital.

Some of the strongest advocates of minority enterprise overlook the need for experience and background. They would have us assist minority entrepreneurs almost without regard for their readiness to compete against others in business. For many, for who failures would be inevitable, minority enterprise will be only another disillusionment, another shattered dream.

Yet, the encouragement of minority enterprise is essential if every man is to have an equal opportunity to prove himself against the disciplines of a free market. Minority enterprise must be fostered if we are finally to fulfill the promise of our Declaration of Independence.

So, for us in the business community, the course is clear. It is for us, who have worked within and gained from the free enterprise system, to help others to share in it. It is for us, who most cherish the freedom in free enterprise, to assure that it is freely open to everyone.

Obviously, not everyone who wants to be in business for himself can be—or should be. Some are more qualified by education and experience than others, and for these the chances of success are better. There are also lingering conditions of discrimination in our society that favor one man over another. This is what we must change—discrimination must be erased.

As we encourage minority enterprise, we must always keep in mind that we do not do a man any favor if we allow him to enter business unprepared. The bitter result will likely be failure, a waste of his capital, his years, his reputation in the community, and most tragic, his belief in himself.

This places upon us, as we work to give our minorities their equal chance, a responsibility to seek out those who are best qualified and best motivated for business. Beyond this, we must train and nurture others, equipping them with the knowledge and the experience they will need to be able to compete on equal terms.

The time and effort required to prepare a man for business ownership is considerably greater than that needed to train him for a particular job within a company. The difficulties of this preparation process must be kept in mind, both by the businessman who is helping and by the prospective entrepreneur.

We must approach the task with an openness of mind, and a positive desire to help. We need not give any man an unfair advantage, but we must give every man an equal chance. We need not resort to any bad or unjustified business practice, but we must display a greater willingness to risk, a greater resourcefulness in finding ways within established practices. We must not be bound in by precedent, but rather be flexible and alert to new ways of making the system work for our cause and not against it.

This approach to fostering minority enterprise clearly calls for extraordinary steps. It requires ingenuity, imagination, patience and—most of all—a bit of courage. It may not be the easy way, but I know it is the right way. I know it is the best for all concerned, and certainly the best for the America we are concerned about.

All of you whose companies are involved in the JOBS program and know the story. The little extra help, the right steer, the word of encouragement, the demonstrated belief—all have worked to pay dividends in

good employes. So it can be with minority enterprise. This, too, will be a modern American success story if enough of us care enough to go the extra mile to help.

If we are willing, ways will be found. This morning we received booklets prepared by the Chamber. These spell out some "Corporate Options for Increasing Minority Participation in the Economy". I commend them to your attention.

General Motors, like other major corporations, is becoming increasingly involved in programs to alleviate the problems of our minorities. We are active in providing employment opportunities, supporting educational institutions, and giving financial assistance to community housing projects.

With regard to encouraging minority enterprise, every company, every industry, will have its own special opportunities such as we have found at General Motors. Our varied needs and widespread operations lend themselves to an active search for existing minority businesses as new suppliers. They also enable us to develop new minority businesses that can supply quality goods on a competitive basis. Every company of any size is also the purchaser of a wide range of services, from simple landscaping to sophisticated computer services. These also offer opportunities for small specialized businesses. At General Motors, we have examined our purchasing policies, for both goods and services, to assure ourselves that they provide the framework within which we can help qualified enterprises in their start-up phase.

We have already taken significant initiatives to help develop minority enterprises as GM suppliers. We now purchase a variety of goods and services from young companies owned by minority citizens. For example, we buy glove-compartment boxes in Watts in California, rubber production parts in Cleveland, and metal stampings in Detroit. We are proud that more and more minority enterprise is found among our General Motors suppliers.

In addition, many businesses like General Motors have extensive distribution facilities. We have, for example, thousands of local dealers and distributors for the products we make. Ownership of these outlets, scattered across the nation, provides additional opportunities for qualified new entrepreneurs.

A familiar measure of the difficulty of minority enterprise is that only a small fraction of automobile dealers are members of minority groups. This is a revealing indication of the obstacles that confront our efforts. Ownership of an auto dealership requires an extraordinary amount of initial investment. Even a small dealership is a good-sized business in most communities. It is a high-risk, intensely competitive business, and clearly not for the inexperienced manager.

General Motors, for some time, has been searching for qualified candidates for local dealerships. Unfortunately, very few members of minority groups have had the necessary experience in managing the merchandising aspects of the automobile business. Nevertheless, we are intensifying our efforts to locate potential new dealers, persons with recognizable qualities of business aptitude, enthusiasm, aggressiveness and the willingness to risk, sacrifice and learn.

More than forty years ago, General Motors established the Motors Holdings Division. Its purpose is to provide substantial assistance in capital financing for retail dealers and distributors of GM products. Thus, General Motors stands ready to join qualified entrepreneurs as a partner in their enterprise through capital investment.

While we continue to seek those already qualified, at the same time we take promising individuals and place them within the system so they will acquire the necessary experience and background that may, in time, qualify them for dealerships. We do this within the General Motors organization,

and we also encourage our dealers to put promising future entrepreneurs in jobs where they can learn.

These practices offer advantages both to the Corporation and to the individuals. For they may progress higher within the organization or, if they are qualified, they may eventually own their own dealerships. In either case, their success benefits both them and the Corporation. We are determined to continue and expand these programs.

These are some of our efforts. By themselves, they are not much. But taken together with the work of the entire business community they can make an imprint for the better on life in America.

There is much, much more for each of us to do, working with government, with other companies, in our communities and in our own companies. The problem of minority enterprise challenges each of us greatly. We should not think of it too narrowly. We can help meet the objectives of minority enterprise if we can find ways to encourage our minorities to invest—as stockholders—in established businesses. Thus even those of modest means could acquire a stake in our economy, or as President Nixon put it, "a piece of the action". Greater stock ownership among minorities would be a means of immediately putting the system to work for those who most need its benefits.

Minority enterprise requires and deserves our fullest efforts. Every businessman who owes some of his success to free enterprise should feel obliged to help others to enter and to compete for the rewards of enterprise.

Let us focus always on the fuller freedom of opportunity that is implicit in the idea of minority enterprise. Let us focus on opportunity and recognize how our individual efforts can help fulfill the promise of America. Let us resolve that the opportunity for business ownership shall be open equally to every American, and then we can say—with pride—that we helped to make free enterprise really free.

[From the Detroit Free Press, Jan. 23, 1970]
ROCHE URGES MINORITY AID—FREE ENTERPRISE NOT FREE

WASHINGTON.—General Motors chairman James M. Roche Thursday urged American business to "give the most serious consideration" to helping minority groups develop opportunities in business.

Addressing a conference here on minority enterprise sponsored by the U.S. Chamber of Commerce, Roche said free enterprise is not as free as it ought to be.

"Almost all American businesses—more than 97 percent—are owned by those who are white. And these account for better than 99 percent of the total receipts.

"The owners of the other three percent of American business—some 150,000 establishments—are found among the 30-million black, Spanish-speaking or Indian Americans.

"These are the minority Americans who constitute 15 percent of our population . . . who for one reason or another—have less than an equal chance to own a business."

Roche said GM is currently providing employment opportunities, supporting educational institutions and giving financial assistance to community housing projects in an effort to alleviate the problems of minority groups.

Approximately 15 percent of GM's more than 600,000 hourly workers in the U.S. are from minority groups, primarily blacks. GM also has been increasing jobs for minorities among its salaried people. These have climbed from 1,785 in 1965 to 5,093 currently, a 185.3 percent rise in the five years compared with an overall increase of 3.8 percent in GM's salaried ranks.

A GM spokesman noted that the corpora-

tion has 1,329 "officials and managers" from minority groups, a 38 percent increase since 1968.

Roche mentioned purchases of glove compartment boxes from Watts in California, rubber production parts from Cleveland and metal stampings in Detroit as examples of "a wide variety of goods and services" bought by GM from "young companies owned by minority citizens."

Roche cited difficulties GM is encountering in getting qualified minority-group candidates for local automobile dealerships. "Unfortunately very few . . . have had the necessary experience in managing the merchandising aspects of the automobile business. Nevertheless we are intensifying our efforts to locate potential new dealers."

GM signed up its first two black dealers in 1967. Since then it has added five more.

He cautioned his audience about the problems inherent in assisting minority enterprises. "It must be made plain," he said, "that being in business for yourself is not a guarantee of success," he reminded them that only one of two new businesses survives as long as 18 months and that only one of five would still be in business in ten years.

"We must always keep in mind," Roche continued, "that we do not do any man a favor if we allow him to enter business unprepared."

"Every businessman who owes some of his success to free enterprise should feel obligated to help others to enter and to compete for the rewards of enterprise."

[From the Washington Post, Jan. 23, 1970]

NOT A "PANACEA"—MINORITY BUSINESS BACKED

(By Jan Nugent)

The chairman of General Motors Corp. yesterday urged the corporate community to be more resourceful and venturesome in finding ways to encourage minority-owned businesses.

"We must not be bound in by precedent, but rather be flexible and alert to new ways of making the system work for our cause and not against it," GM Chairman James M. Roche said.

At a conference on minority enterprise sponsored by the U.S. Chamber of Commerce here, Roche warned that minority-owned businesses were not a panacea for the country's social problems.

But there is this to be said for minority entrepreneurship, he continued: "Those who advocate it expect too much from it; and those who belittle it fail to see how essential it is to the better America we must all work together to build."

It is clear that, in America today, free enterprise is not as free as it ought to be, the GM official said. The task of opening the field to minorities is "a job cut out for business," Roche asserted.

General Motors has taken steps to use minority businesses as suppliers, and purchases a variety of goods and services from these companies, he continued.

Commerce Secretary Maurice Stans plugged the Administration's minority enterprise program, while admitting it suffered from a credibility gap he contended was undeserved.

Stans insisted President Nixon was deeply committed to the concept. The Commerce Secretary said little or nothing had been accomplished in the field of minority business in the past. "At least now we have a program," he noted.

To buttress his point, Stans ticked off government programs which encourage minority business; increased loans by the Small Business Administration; federal government procurement pledges; and firm commitments from franchisers to set up minority entrepreneurs in business.

MINORITY BUSINESS

WASHINGTON.—The head of General Motors said today the nation's urban and racial problems will not be solved simply by helping blacks and other minorities start their own businesses.

But GM Chairman James M. Roche said, the effort must be made to redeem the underlying promise of free enterprise.

Roche, addressing a U.S. Chamber of Commerce conference on minority enterprise, told fellow businessmen that Americans affirm the principle that "Every man deserves an equal right to try—and an equal right to fail."

"We say, in effect, that free enterprise should be free," Roche said in his prepared address. "It should be open to all with the capacity and willingness to venture, to stake capitol on their ability and judgment, to risk in the hope of profit."

Citing statistics showing that 97 percent of U.S. businesses with 99 per cent of the receipts are owned by whites, Roche said. "It is clear that in America today, free enterprise is not as free as it ought to be."

Roche warned against the use of minority enterprise "to further segregation or separatism"—to simply encourage black ownership of ghetto businesses.

"Every business in the ghetto should not be owned by those unfortunate enough to live there—no more than any business outside the ghetto should be closed to them," he said.

Overlooking "the need for experience and background" in business will lead to "only another disillusionment, another shattered dream" for the nation's minorities, Roche said.

But despite the hazards, he said, American businessmen who have succeeded in the system "should feel obliged to help others to enter and to compete for the rewards of enterprise."

THE HUMAN ELEMENT INVOLVED IN "DELIBERATE SPEED"

Mr. HOLLINGS. Mr. President, the chaos caused in the public schools by the Alexander "integration now" decision has taken on an aspect of the war in Vietnam—to the Nation generally, it is somebody else's problem. Just as long as you disrupt Mississippi and South Carolina and the South and leave us alone in New York and Chicago, then fine business. This leaves the people of my region not only distraught but also bitter. An orderly elimination of the dual school system, and a consequent legal elimination, can not be obtained with this bitterness and misunderstanding.

The reason for "deliberate speed" was the human element. We are dealing with humans in our public schools—the parents, the teachers, the legislators who draw up the budgets, the Governor and administrators who set the policy, and the taxpayers who pay the budgets. We must work together if an effective educational program is to be maintained. Judges can not run schools, and I doubt if any of our Justices have had any experience in operating a public school system. Certainly, they did not use it in the Alexander decision, for they showed no awareness for the contracts made for teachers for the school year, that busing and physical facilities are planned by the school year, that it is just as difficult to change a teacher or a pupil from his district as it is to assign a judge a case out of his district.

The schools of South Carolina have been moving with deliberate speed.

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

Mr. HOLLINGS. I am glad to yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. The Supreme Court Justices and others probably do not have children or grandchildren attending schools in which Negroes attend in great numbers. Does the Senator know of any who do have?

Mr. HOLLINGS. No; I really would not know.

I find very little propensity for understanding what is really going on. They are categorically changing the law and categorically saying that, like black and white, that is exactly the way the law reads. For over 100 years now, the schools have been operated differently, without a unitary school, which has just been invented by the Alexander decision; and they think that since they have now invented a unitary school, that is what we are supposed to provide.

Mr. BYRD of West Virginia. I imagine it would be of great interest if one could determine how many Federal judges send their children to private schools or have grandchildren in private schools.

Mr. HOLLINGS. Well, I will make this comment. I have said that the schools of South Carolina have been moving with deliberate speed. The high school I attended in Charleston, S.C., has a ratio of 40 percent black and 60 percent white.

My 17-year-old daughter attended that school, and she came up here and now is in attendance at Woodrow Wilson High School, which, under the unitary school approach, is slightly more segregated. She had to move north to become segregated in the public schools. That is my actual, personal experience.

The integration of the high school in Charleston, S.C., has been accomplished without incident. I know, as Senator, working with the trustees in the other districts of the State and with the Department of Health, Education, and Welfare that, like Kansas City, each year we have gone about as far as we can go. The direction has been clear and certain, and our policies have been guided by the equally clear constitutional principle of equal protection. No child has been denied his freedom of choice. We have had difficulties in Dorchester and a couple of other areas. But, after appropriate hearings, the court, itself, has made certain that all children are receiving an equal opportunity, regardless of race.

Viewed in the broad perspective the Senator from West Virginia will remember this particular point—we are ahead of schedule. I remember well a conversation during the 1952 hearings before the U.S. Supreme Court in the original school cases. Then Attorney Thurgood Marshall was discussing the problem with the present dean of our law school, Robert Mc. Figg, and myself. In discussing implementation, should we lose the case, Dean Figg commented that there could not be any substantial integration for at least

25 years. Mr. Thurgood Marshall commented, "nearer 50 years."

It has only been some 16 years, and already in the Deep South we have a 50-50 proportion in the public schools of my hometown. But, when you talk of years, immediately there are those who observe that a right is a right. If the Constitution gives this right to the citizen, how can the southern school boards deny or delay that right? Of them I ask, if one is given his freedom of choice, then how is he being denied or delayed a right? For an institution to be public does not necessarily mean that its composition must be racially balanced. No one would contend that the Senate is unconstitutional because we have only one Negro Member. The thrust of the 14th amendment is that rights not be denied the individual. If the individual be given the right he chooses, then the spirit and letter of the 14th amendment is complied with. To implement this guarantee, Congress should provide that the individual not be forced against his choice. This is the reason for the introduction last week of an amendment by the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Georgia (Mr. RUSSELL), and myself. This is a freedom of choice amendment, if you please, that was not drafted by southern bigots or by southern illiterates or by southerners wanting to turn the clock back or by southerners with prejudice or by southern rednecks. The words of our amendment are the words of the enlightened liberals of New York, signed by the enlightened liberal Governor of New York, Nelson Rockefeller.

This is not the first time—if the Senator from Minnesota please—we have copied New York. As law students in South Carolina, we learn the first year that the statutory law of the State of South Carolina is patterned on the Field Code or statutory law of the State of New York. I am sure that the distinguished Senator from Minnesota, as an eminent former attorney general of his State, knows the history of statutory law development in America. Oh, how we are reminded from time to time that people are the same everywhere.

Last June, the parents of New York faced up to a human problem. A bill was introduced in the lower house by Joseph J. Kunzeman. And, of course, the usual catcalls and rebuffs were heard immediately. Even the Governor threatened to veto this bill. But, pass it did, by a 2-to-1 majority, and sign it into law did the Governor of New York. Now, we of the South want equal rights. We make no appeal for special treatment. For myself, I reject a Southern strategy. But, I do appeal for a national strategy that would include the South. I am tired of being excluded, and my people are tired of being used as the "whipping boy."

To the President I would say, rather than the Southern strategy, if this is what we are going to get, with the Vice President leading the implementation, for heaven's sake let us have a Northern strategy.

Ironically, the South would receive more satisfaction if the Vice President

were assigned to New York, if he were assigned as chairman of a task force of educators of both races from New York to implement the Court decision in New York. Never has there been more discrimination in the name of eliminating discrimination than in the Washington implementation of Court decisions.

Mr. MONDALE. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. MONDALE. I am glad to hear about this appeal for a national strategy. I can recall in the Civil Rights Act of 1968 that one of the eminent colleagues of ours from the South stood up and said the North will never accept fair housing and it was hypocritical, therefore we will destroy this Civil Rights Act and we will tack on a fair housing bill. I sponsored a national Fair Housing Act and I was surprised, after that offer of help, that when we did propose a Fair Housing Act, not a single one of those who had mentioned northern hypocrisy joined us in adopting the fair housing statute. I am sure it was inadvertent. However, I accept this appeal for a national approach and I think the Senator will find warm support for it, if it is truly a national one.

Mr. HOLLINGS. Mr. President, if the Senator from Minnesota would refer to the thrust of these remarks, it is not concerned with the legal provisions of the Fair Housing Act or the school admission question. It is the implementation question we are concerned with. I do not know what the implementation has been in the State of Minnesota, or New York, on fair housing. Has the HEW sent up agents there to help him?

Mr. MONDALE. I am glad the Senator brought that up because I have been waiting and fighting to get adequate funds for fair housing enforcement. I would be most appreciative if we could have broader national support in that effort.

Mr. HOLLINGS. Well, we can certainly relieve the strain on the budget by assigning the agents we have in South Carolina to Minnesota.

Two years ago, when the distinguished Senator from Georgia (Mr. RUSSELL) introduced an amendment to the HEW Appropriations Act, it was impressed upon my mind that the Department of Health, Education, and Welfare had 17 agents in South Carolina and two in all of New York. Oh, you readily read of the Mississippi order, the Greenville, S.C., order, the Darlington, S.C., order. But, where is the Minneapolis order, the Chicago order, the New York order? The people of New York have freedom of choice, and I have seen no petition or statement by the Justice Department or the Attorney General that this action of New York is unconstitutional. I cannot find Mayor Lindsay's statement that the New York legislator acted unconstitutionally. And, my research finds no record of any statement by our distinguished colleagues from New York that New York is evasive, has acted unconstitutionally, or acted imprudently. I assume that Senators JAVITS and GOODELL support the majority action of the people of their State.

And, when the New York amendment of Senator STENNIS is called up for consideration later this week, I invite the support of the two Senators from New York.

Now, the second amendment, calling for uniformity; an evenness in the application of guidelines; in the assignment of the agents; in the bringing up of petitions by Justice; in the elimination of a dual school system in America is simply a strategy to bring the Court and the Congress, through the people, to its senses. I really do not want to bring discord to New York or to any other section of this Nation. But I know of no other way to get the attention of my colleagues in the Congress that we are headed down the road to chaos. We must be deliberate, and more objective. We must be more tolerant and understanding. When you make it appear that you are using my section as a whipping boy, they dig in their heels. Parentally and politically, we are polarized and the children suffer. The distinguished occupant of the chair (Mr. ALLEN of Alabama) knows that better than anyone else.

Public colleges and universities are supported by public funds. But, the public only allows those to enter who are economically wealthy enough to pay tuition. It has been accepted public policy that a college education for some should not be denied until the public could afford college education for all. I believe that shortly in America, we will have free tuition. But it makes no sense to tear up these public institutions in the meantime. And, similarly, each child under freedom of choice should be allowed, and should not be denied admission, into a nonsegregated, nondual school. But, economically and historically, the public schools, under the Constitution, have so operated for 100 years, so as to overnight forbid what the Alexander decision calls for by February 1—or, Mr. President, by yesterday. There is no reason to tear up the public school system of America just because a recently invented unitary school is not available to all.

Our main concern is that the privilege of education must be fairly rendered to all, that education's opportunities are not discolored by racial policies of some, and politically punitive policies by others.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

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

BUDGET MESSAGE OF THE PRESIDENT, 1971—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations:

To the Congress of the United States:

I have pledged to the American people that I would submit a balanced budget for 1971. This is particularly necessary because the cost of living has been rising rapidly for the past 5 years.

The budget I send to you today—the first for which I bear full responsibility as President—fulfills that pledge.

Outlays are estimated at \$200.8 billion, with receipts at \$202.1 billion, yielding a surplus of \$1.3 billion.

This anti-inflationary budget begins the necessary process of reordering our national priorities. For the first time in two full decades, the Federal Government will spend more money on human resource programs than on national defense.

A budget must be a blueprint for the future. In the 1971 budget, I seek not only to address today's needs, but also to anticipate tomorrow's challenges. Only with a plan that looks to the years ahead can we gain control over the long-range use of our resources, and mark a clear course for meeting national goals. Most worthwhile objectives are costly. Therefore, we must pursue our purposes in an orderly fashion, measuring our efforts to accord with the budget resources likely to be available.

A balanced plan for resource allocation does not require Federal domination. On the contrary, by placing greater reliance on private initiative and State and local governments, we can more effectively mobilize our total resources to achieve national purposes over the long run.

This comprehensive perspective was instrumental in shaping the 1971 budget.

THE BUDGET AT A GLANCE

(In billions)

Item	1969 actual	1970 estimate	1971 estimate
Receipts.....	\$187.8	\$199.4	\$202.1
Outlays.....	184.6	197.9	200.8
Surplus.....	3.2	1.5	1.3

With this budget we will move ahead to:

Meet our *international responsibilities* by seeking an honorable peace in Vietnam, by maintaining sufficient military power to deter potential aggressors, by exploring with the Soviet Union possible limitations on strategic arms, and by encouraging multilateral aid, expanded trade, and a greater measure of economic self-help for developing nations of the world.

Help restore *economic stability* by holding down spending in order to provide another budget surplus and to relieve pressure on prices—and to achieve that surplus without income or excise tax increases.

Launch a major effort to improve *environmental quality* by attacking air and water pollution, by providing more recreation opportunities, and by developing a better understanding of our environment and man's impact upon it.

Inaugurate the *Family Assistance Program*, fundamentally reforming outmoded welfare programs, by encouraging family stability and providing incentives for work and training.

Provide major advances in our programs to *reduce crime*.

Foster *basic reforms* in Government programs and processes by making entire program systems operate more effectively, and by encouraging responsible decentralization of decisionmaking.

The proposals in this budget are important steps toward these goals. Even so, taking these steps requires difficult choices.

The need to choose among alternative uses of our resources is a basic fact of budgetary life. In the past few years, too many hard choices were avoided. Inflation was permitted to steal purchasing power from us all, and to work particular hardship on the poor and the millions of Americans who live on fixed incomes, as well as on the housing industry, small businesses, and State and local governments.

Indeed, the willingness to make hard choices is the driving force behind my 1971 budget proposals.

OVERVIEW OF THE 1971 BUDGET

All Government spending flows from budget authority that is enacted by the Congress. Budget authority for 1971 is estimated at \$218.0 billion. Of the total, \$148.1 billion will require current action by the Congress, with the balance becoming available automatically as the result of past congressional actions.

Budget outlays for 1971 will be held to \$200.8 billion, which is only \$2.9 billion more than in 1970. The 1971 total consists of \$200.1 billion in expenditures and \$0.7 billion for net lending.

Revenues are estimated to be \$202.1 billion in 1971, exceeding 1970 levels by only \$2.7 billion. The small size of the increase reflects the termination of the income tax surcharge and the provisions of the recently enacted Tax Reform Act of 1969.

The surplus for 1971, an estimated \$1.3 billion, is essential both to stem persistent inflationary pressures and to relieve hard-pressed financial markets.

Budget surpluses enable us to keep Federal *debt held by the public* from rising. This measure of debt will decline slightly from \$279.5 billion at the end of fiscal year 1969 to \$278.5 billion at the end of 1970, and drop still further to an estimated \$277.3 billion by the end of 1971.

Federal civilian *employment*—as measured by those in full-time, permanent positions—will decline for the second consecutive year. This decline reflects the tight rein I am holding on employment, despite sharp increases in workload. Within this reduced total, selective increases will be permitted to meet such high priority needs as: more effective law enforcement, improvement of

the quality of our environment, expansion of airway capacity, medical care of veterans, and payment of social security benefits.

SUMMARY OF THE BUDGET AND FINANCIAL PLAN

[Fiscal years. In billions]

Description	1968 actual	1969 actual	1970 estimate	1971 estimate
Budget authority (largely appropriations):				
Previously enacted	\$133.2	\$133.9		
Proposed for current action by Congress			5.1	\$148.1
Becoming available without current action by Congress	75.9	84.0	86.7	
Deductions for offsetting receipts	-12.9	-13.9	-16.8	
Total budget authority	196.2	209.1	218.0	
Receipts, expenditures, and net lending:				
Expenditure account:				
Receipts	187.8	199.4	202.1	
Expenditures (excluding net lending)	183.1	195.0	200.1	
Expenditure account surplus	4.7	4.4	2.0	
Loan account:				
Loan disbursements	13.1	9.5	8.6	
Loan repayments	11.6	6.6	7.9	
Net lending	1.5	2.9	0.7	
Total budget:				
Receipts	187.8	199.4	202.1	
Outlays (expenditures and net lending)	184.6	197.9	200.8	
Budget surplus	3.2	1.5	1.3	
Budget financing:				
Net repayment of borrowing to the public	-1.0	-2.6	-1.2	
Other means of financing	-2.2	1.1	-0.1	
Total budget financing	-3.2	-1.5	-1.3	
Outstanding debt, end of year:				
Gross Federal debt	369.8	367.1	374.7	382.5
Debt held by the public	290.6	279.5	278.5	277.3
Outstanding Federal and federally assisted credit, end of year:				
Direct loans ¹	55.3	46.9	52.2	53.8
Guaranteed and insured loans ²	97.6	105.1	107.6	119.9
Direct loans by Government-sponsored agencies	10.9	27.2	38.5	46.6

¹ Including loans in expenditure account.² Excluding loans held by Government or Government-sponsored agencies.

FISCAL HIGHLIGHTS

The 1971 budget was framed in a period of persistent price rises and is designed to help curb the inflation that has gripped our economy too long.

Economic setting.—In the years preceding my inauguration, total demands on our productive capacity increased too rapidly to maintain price stability, largely because of Federal deficits. Government spending rose by more than 50% from 1964 to 1968, fanning the flames of inflation with a 4-year deficit of \$39 billion. As a result, increases in consumer prices accelerated during this period, with a rise of almost 6% during the past year.

When I took office last January, the only responsible course was to design a policy that would curb the rising cost of living while avoiding recession and an excessive increase in unemployment.

In our first six months in office, we revised the 1970 budget inherited from the previous Administration to reduce defense expenditures by \$4.1 billion, and controllable civilian programs by \$3.4 billion more.

We also recommended needed additional revenues, including:

Continuation of the income tax surcharge at 10% until December 31, 1969, and at 5% until June 30, 1970—yielding \$7.6 billion in revenues; and

Repeal of the investment tax credit and extension of selected excise taxes and user charges, for an additional \$2.4 billion.

Responding to inflation, interest rates rose sharply. The restrictive monetary policy of the Federal Reserve System limited the flow of money and credit and created further upward pressure on rates.

Monetary and fiscal policies succeeded in moderating economic expansion as we progressed through calendar year 1969, bringing some reduction of corporate profits and the first signs of a slowing in the rate of price increases. We know from past experience that prices react slowly to changes in economic activity. Thus, it is not surprising that it is taking time to translate anti-inflationary actions into price relief.

To contain inflation, we must maintain a policy of fiscal restraint in the current fiscal year and continue it in 1971.

For 1971, total outlays can be held to an estimated \$200.8 billion only if marginal programs are reduced or eliminated, and some desirable new programs postponed.

Demanding and unpopular actions are essential to a responsible fiscal policy in today's economic setting. They must be taken to:

Reduce inflationary pressures and expectations; and

Relieve the pressure in financial markets.

Only in this way can we hope to:

Improve our balance of international payments position; and

Achieve a rate of economic growth that is compatible with our longer range objective of high employment with price stability.

Revenues and tax policy.—Total receipts are estimated at \$202.1 billion for 1971.

The small increase, only \$2.7 billion above 1970, reflects offsetting forces. Aside from the income tax surcharge, receipts would have risen \$9.7 billion under tax rates in effect through December 1969. This amount includes \$1.2 billion from planned administrative steps to speed up the collection of excise taxes and income taxes withheld by employers. Another \$1.6 billion results from the proposed revenue recommendations discussed in Part 3 of the budget.

On the other hand, total receipts will be sharply reduced by the expiration of the income tax surcharge on June 30, 1970, and by various tax reductions included in the Tax Reform Act of 1969—reductions that will depress revenues \$2.9 billion below my tax proposals in April.

BUDGET RECEIPTS

[Fiscal years. In billions]

Source	1969 actual	1970 estimate	1971 estimate
Individual income taxes	\$87.2	\$92.2	\$91.0
Corporation income taxes	36.7	37.0	35.0
Social insurance taxes and contributions	39.9	44.8	49.1
Excise taxes	15.2	15.9	17.5
All other receipts	8.7	9.4	9.5
Total budget receipts	187.8	199.4	202.1
Under existing law	187.8	199.4	200.5
Under proposed legislation		(¹)	1.6

¹ Less than \$50,000,000.

The recently enacted *Tax Reform Act* meets some—but not all—of the objective sought by the Administration. It provides:

A low-income allowance that removes the burden of paying Federal income taxes now borne by more than 6 million people with incomes below the poverty level, and reduces the tax burden of an additional 8 million people with incomes only slightly above the poverty level;

A minimum tax on income, which insures that taxpayers heretofore using certain preferences in the law to eliminate their tax liabilities will bear some tax burden; and

An increase in the personal exemption from \$600 to \$650, effective July 1, 1970 (eventually rising to \$750), and also an increase in the standard deduction.

I urge the Congress to enact the following revenue proposals:

Additional user charges in the field of transportation, so that those who benefit directly will pay a fairer share of the costs involved (as I proposed last year);

An increase in the maximum taxable wage base for social security from the present \$7,800 to \$9,000; and

Extension of the excise taxes on automobiles and telephone services at their present rates through December 31, 1971.

Controlling Government spending.—The Federal budget must meet the objectives of many individual programs at the same time that the expenditure total must conform to the resources available.

Current fiscal year.—The Congress set a spending ceiling for the Executive Branch for 1970, with provisions allowing the ceiling to be changed by congressional actions that relate to the budget.

The original ceiling set in the law was \$191.9 billion. The Congress recognized, however, that a substantial part of Federal spending in any one year is determined by prior legal obligations and is, therefore, beyond the immediate control of the Executive Branch. For this reason, the law provides that the overall ceiling can be raised by up to \$2.0 billion to take account of increases above the estimates of selected *uncontrollable* expenditures such as social security and interest on the public debt. Actions of the Congress already taken or projected in this budget are expected to add another \$1.8 billion to the ceiling, thus raising the overall ceiling to \$195.7 billion. (A more detailed analysis of the factors af-

fecting the budget ceiling is found in Part 2.)

I support the intent of the Congress to maintain firm control of Federal spending. But the \$2.0 billion allowance for increases in uncontrollable spending now appears completely unrealistic. Spending for these uncontrollable programs is now expected to be \$4.3 billion higher in 1970 than estimated last April. *This is \$2.3 billion above the amount allowed for this contingency by the Congress.*

On the other hand, we have held *controllable* spending firmly within the limits set by the Congress. Nonetheless, total 1970 spending is now estimated at \$197.9 billion, which is \$2.2 billion above the legal ceiling. The excess results entirely from the \$2.3 billion increase in outlays for the designated uncontrollable programs. There is a margin of only \$0.1 billion under the ceiling on all other spending.

I believe that an overall spending target provides a useful discipline to guide individual actions by the Congress and the Executive Branch. However, an outlay ceiling should include adequate provision for spending on uncontrollable programs.

I recommend, therefore, that the 1970 ceiling be amended in two ways. First, the fixed allowance for uncontrollable outlays should be removed for those outlays that the Congress has already placed beyond the Executive's control. Second, the ceiling itself should be amended so that the extremely slim margin between the revised ceiling and the current estimate of total outlays is sufficient to permit prudent management of the Government without forcing crippling cuts in vital programs during the few remaining months of this fiscal year. I further suggest that the Congress reconsider the real utility of having a flexible ceiling apply to the Congress while a rigid ceiling is applied to the Executive Branch.

The dedication of this Administration to expenditure control has been demonstrated by the \$7.5 billion of reductions we have already made this year. We will continue our vigorous efforts to contain Federal spending. With the cooperation of the Congress, we are determined to hold total spending for 1970 to the revised target of \$197.9 billion.

I also recommend that congressional attempts to control outlays in the future focus on the earliest stages of Government spending—authorization of programs and enactment of budget authority.

Based on our experience this past year, I believe that Congress can improve its contribution to better budgeting of national resources by taking steps to:

Make individual appropriations and other legislative actions consistent with its wishes on overall budget totals;

Provide a closer link between legislative consideration of receipts and outlays; and

Enact appropriations before the fiscal year begins, phasing the authorization and appropriation processes in a more orderly way. Many of the appropriations for the fiscal year that began last July

were not enacted until December. Two appropriation bills—totaling \$22 billion—were not enacted when Congress adjourned in December. The Executive Branch will speed its processes wherever feasible to help make more timely action possible.

It is many years, indeed a generation, since the Congress was able to finish its work in a session lasting 3 to 4 months. The Congress now works the year round. All too often, major appropriation bills are not acted upon until the final weeks of the session, perhaps as long as half a year after the beginning of the fiscal year. Obviously, this causes inefficiency and uncertainty within the executive departments and throughout the country. To bring the appropriation and the administrative cycles back into harmony, suggestions have been made to change the fiscal year to correspond to the legislative year, perhaps with new appropriations scheduled to begin January 1 rather than July 1. However, even if this change were deemed desirable, by itself it would not achieve the desired result. The Congress would also have to revise or speed its authorizing actions, which, by the Congress' own rules, must precede appropriations. I urge Congress to consider this question.

Budget year.—Outlays for 1971 will reach approximately \$200.8 billion, only \$2.9 billion, or 1.5% more than in 1970.

This is substantially less than the 6% increase in the consumer price index during the past calendar year.

The rise in total outlays in 1971 is also *substantially less* than in the increase in outlays that are virtually mandatory under present laws. For example, social insurance trust fund outlays (including Medicare) and public assistance grants (including Medicaid) alone are estimated to increase in 1971 by \$6.8 billion.

Aside from these outlays, I have reduced the total of other Federal spending below its 1970 level.

New pay raises for Federal civilian and military employees are budgeted for \$175 million in 1970 and \$1.4 billion in 1971. These increases reflect (1) the pay adjustments accompanying postal reform, (2) the principle of pay comparability of civilian jobs with similar jobs in private industry, and (3) the legal requirement that military salaries be increased in pace with the compensation of Federal civilian employees. The annual survey of the Bureau of Labor Statistics indicates that a civilian pay raise averaging 5.75% would be consistent with the present legal comparability principle. Because the need to control and contain the inflationary spiral is of paramount importance at this time, however, I recommend that the comparability pay raises (which require congressional action) be deferred six months beyond the recent pattern, and be made effective January 1971.

The 1971 budget shows a significantly different set of priorities from those contained in the budget presented by the previous Administration a year ago. Although 1971 outlays are \$5.5 billion higher than the total originally proposed a year ago for 1970, outlays for national

defense and space activities have been reduced by \$10.8 billion. The current estimate of 1970 spending for defense and space is \$4.4 billion less than that recommended last year by the outgoing Administration, and a further reduction of \$6.3 billion is proposed for 1971.

A substantial increase in postal revenues is necessary in order to avoid an excessive postal deficit, which would otherwise consume a large part of the resources made available by the difficult cuts we are making in other programs. Enactment of the pending bill to raise postal rates, in addition to other measures currently under study, will cause net outlays for the Post Office to decline by an estimated \$866 million from 1970.

The reductions I am proposing make it possible to provide funds for some of our most urgent domestic needs. This is appropriate policy. Burdened by overcommitments of the past, we must pursue our goals prudently. My budget for 1971 includes *increases of:*

\$500 million for starting the *Family Assistance Program*, to replace an unworkable and often inequitable system with one that encourages family stability, provides incentives for work and training, and offers expanded opportunities for day care.

\$275 million for the first quarterly payment under my proposed *revenue-sharing* plan, to go into effect before the end of 1971.

\$310 million for improved *crime reduction* efforts.

\$330 million for air and water pollution control, and for additional parks and open spaces, as integral parts of our efforts to enhance *environmental quality*.

\$764 million for *food assistance* programs, to help eliminate malnutrition and hunger.

SELECTED BUDGET OUTLAYS

[Fiscal years. In millions]

Description	1969 actual	1970 estimate	1971 estimate	Change 1970-1971
Social insurance trust funds.....	\$39,849	\$45,681	\$51,667	+\$5,986
Public assistance (including Medicaid).....	6,281	7,479	8,277	+798
Civilian and military pay increases.....		175	1,400	+1,225
Subtotal.....	46,130	53,335	61,344	+8,009
National defense.....	81,240	79,432	73,583	-5,848
Space.....	4,247	3,886	3,400	-486
Post Office.....	920	1,247	382	-866
Family Assistance Program.....			500	+500
Control of air and water pollution, and increased parks and open spaces.....	644	785	1,115	+330
Crime reduction.....	658	947	1,257	+310
Revenue sharing.....			275	+275
Food assistance.....	1,192	1,514	2,278	+764
Transportation.....	6,319	7,019	7,487	+468
Manpower training.....	1,193	1,368	1,720	+352

¹ Includes the projected costs of certain pay adjustments in the Postal Field Service related to postal reform.

\$468 million for *transportation* facilities and services, important ingredients in continued economic growth and job development.

\$352 million for *manpower training*,

to help more of our people to become productive and self-supporting.

Budget authority.—Budget authority—generally in the form of appropriations—must be provided by the Congress before Federal agencies can commit the Government to spend or lend funds.

I am recommending a total of \$218.0 billion of budget authority for fiscal year 1971. This includes \$216.8 billion of new obligatory authority and \$1.3 billion of lending authority.

Not all budget authority requires current congressional action. For example, existing laws provide that the receipts of social insurance trust funds be automatically appropriated as budget authority each year. Similarly, whatever is needed for interest on the public debt is automatically provided under a permanent appropriation. For activities of this nature, \$86.7 billion of budget authority for 1971 will become available automatically.

BUDGET AUTHORITY

[Fiscal years. In billions]

Description	1969 actual	1970 estimate	1971 estimate
Available through current action by the Congress:			
Previously enacted.....	\$133.2	\$133.9	
Proposed in this budget.....			\$136.8
To be requested separately:			
For supplemental requirements under present law.....		4.4	0.3
Upon enactment of proposed legislation.....		(¹)	8.2
Allowances:			
Revenue sharing.....			0.3
Civilian and military pay increases ²		0.2	1.4
Contingencies.....		0.5	1.2
Subtotal, available through current action by the Congress.....	133.2	138.9	148.1
Available without current action by the Congress (permanent authorizations):			
Trust funds (existing law).....	53.1	60.6	64.5
Interest on the public debt.....	16.6	18.8	19.0
Other.....	6.2	4.6	3.2
Deductions for offsetting receipts.....	-12.9	-13.9	-16.8
Total budget authority.....	196.2	209.1	218.0

¹ Less than \$50,000,000.

² Includes the cost of certain pay adjustments in the Postal Field Service related to postal reform.

The remaining \$148.1 billion is proposed for consideration during this session of Congress. The outlays associated with budget authority requiring current congressional action are estimated to be \$93.5 billion in 1971.

Federal debt.—This budget provides for a reduction of Federal debt held by the public of \$1.2 billion from the level on June 30, 1970, and \$2.2 billion lower than on June 30, 1969. These repayments of debt out of budget surpluses will afford some modest relief to financial markets to help meet heavy demands for housing and State and local government financing.

At the same time, federally assisted financing outside the budget—both guaranteed and insured loans and loans of Government-sponsored agencies—will be substantially higher both in 1970 and in 1971. This expansion in federally

assisted credit programs helps to cushion the impact of tight money on housing.

Gross Federal debt differs from debt held by the public in that the former also includes debt held within the Government, such as the investments of the social security trust funds in special Treasury issues. Gross Federal debt will continue to rise, from \$367.1 billion on June 30, 1969, to an estimated \$382.5 billion on June 30, 1971. The increase is more than accounted for by investments by trust funds and other Government agencies of their surplus receipts. In 1971, the surplus in the trust funds will be an estimated \$8.7 billion, compared with \$8.6 billion in 1970.

FEDERAL DEBT AND BUDGET FINANCING

[Fiscal years. In billions]

Description	1969 actual	1970 estimate	1971 estimate
Federal debt held by the public (at end of fiscal year):			
Plus: Debt held by Federal agencies and trust funds.....	\$279.5	\$278.5	\$277.3
Equals: Gross Federal debt.....	87.7	96.3	105.2
Consisting of:			
Treasury debt ¹	367.1	374.7	382.5
Other agency debt.....	352.9	362.1	370.3
	14.2	12.6	12.2
Budget financing:			
Net repayment of borrowing (-).....	-1.0	-2.6	-1.2
Other means of financing.....	-2.2	1.1	-1.1
Total budget financing.....	-3.2	-1.5	-1.3
Total budget surplus.....	3.2	1.5	1.3

¹ Excludes notes issued to the International Monetary Fund.

The *statutory debt limit* covers almost all of the gross Federal debt, but it excludes most borrowing by Federal agencies other than the Treasury. The present temporary debt limit of \$377 billion will expire on June 30, 1970, and the statutory maximum will then revert to the permanent level of \$365 billion.

An increase in the statutory limit will be necessary even though the past two budgets and the one proposed for 1971 all show surpluses of receipts over outlays. These surpluses reflect the rise in accumulated balances of trust funds that are invested in Treasury issues—thus increasing the amount of debt subject to the statutory limitation. I will recommend appropriate increases in the statutory limit prior to the end of the fiscal year.

A STRATEGY FOR THE SEVENTIES

I am pleased to present a budget that demonstrates a shift in priorities; we now begin to turn in new directions.

Changing priorities.—About 41% of estimated outlays in the 1971 budget will be devoted to human resources—spending for education and manpower, health, income security, and veterans benefits and services. Spending for national defense, despite continued improvements in our military forces, will claim a smaller percentage of the budget than in any year since 1950. Although still comparatively small, other major programs of this Administration—pollution control, crime reduction, transportation, and housing—are planned to grow substantially in the years ahead.

CHANGING PRIORITIES

[Fiscal years. Percentage distribution of total budget outlays]

Program	1961 actual	1969 actual	1971 estimate
National defense.....	48	44	37
Human resource programs ¹	30	34	41
Other.....	22	22	23
Total budget outlays.....	100	100	100

¹ Includes the following functional categories: education and manpower, health, income security, and veterans benefits and services.

Reducing outmoded or uneconomic programs.—I believe strongly that the Federal budget process can no longer confine itself to marginal increases or decreases. Much of the budget is the outcome of program decisions made in years past, or even decades ago. Today, more than two-thirds of Federal outlays are relatively uncontrollable in the near term.

We must begin to cull from the budget mass those programs that are ineffective or poorly designed and those where the original need has long since vanished. Since needs and technology change rapidly, Government programs must keep pace.

Therefore, I propose to restructure, reduce, or terminate a number of outmoded or uneconomic programs that will save \$2.1 billion in 1971. These proposals, discussed in detail in Part 2 of the budget, envision that:

Fundamental restructuring of programs will save nearly \$1.4 billion in 1971. For example, the basic concept underlying the present objectives of the Nation's stockpile of strategic and critical materials must be re-examined and modernized. Many commodities in the stockpile are now far in excess of foreseeable needs. Expanded authority will be sought to permit the disposal of \$750 million of these materials in 1971.

Program terminations will save about \$300 million from lower priority activities in 1971. Much of the total is accounted for by eliminating certain agricultural programs which have accomplished their purposes or are no longer high priority.

Reductions in uneconomic programs will total \$436 million in 1971. The largest reduction stems from actions taken in manned flight activities of the space program.

These actions will provide more than \$2 billion each year to help meet high-priority needs of today and pressing problems of the future.

Preparing for the future.—This Administration is placing heavy emphasis on the long-range implications of current decisions. We must become increasingly aware that small decisions today often lead to large cash outlays in the future. Past failure to recognize this fact is responsible for much of the current budgetary inflexibility, hampering our present progress.

The future holds great promise. But looking ahead, we can also foresee that:

The expected increase in Federal tax revenues will not be sufficient to meet all meritorious claims—a reduction in taxes, a budget surplus with high employment,

the initiation of new programs, and the expansion of existing programs—that will be made.

It will be necessary to evaluate existing programs and proposed new programs to ensure that Federal funds are raised and spent in the most effective way. We will have to shift funds from uses with relatively low effectiveness or priority to those uses that now have higher priorities.

Growth of the economy.—From fiscal years 1970 through 1975, the labor force is expected to grow from 85 million to 92 million, a net addition equal to the total employment in the State of California. Coupled with rising productivity and a return to more modest price trends, our gross national product could increase from \$960 billion in fiscal year 1970 to nearly \$1.4 trillion in 1975. It took the Nation 19 decades to reach a total output of \$700 billion, but we will double that amount by our Bicentennial.

The growth of our productive capacity will be matched by growth in demand. Population will rise from 205 million to 218 million, a net addition greater than the present population of New England. There will be 4 million new family units formed.

Pressures on the Federal budget.—This growth and change will be reflected in Federal Government finances. During fiscal years 1971–1975:

On the basis of my tax recommendations last April, and those contained in this budget, the increase in personal income, corporate profits, and other sources of revenue would have increased the yield of the tax system to \$278 billion in 1975.

However, the new Tax Reform Act will reduce that potential increase in 1975 by \$12 billion. As a result, Federal revenues will be a smaller proportion of gross national product in 1975 than in 1970.

Growth will also require additional Government services and generate greater spending. By 1975 we estimate that:

The increases in population, wages, and other factors would seem to necessitate growth in many existing Federal services, causing outlays to rise by \$28 billion—unless further economies are found.

Program terminations and restructuring recommended in this budget will reduce the growth in the budget base, however, by \$2 billion. Further cuts will be sought in the future.

New initiatives that I have already proposed or am proposing in this budget are estimated to rise to \$18 billion in outlays.

In the past, the Federal Government has been unwilling to pull all the pieces together and present the results of projecting Government finances into the future. I feel that this is an essential part of an enlightened discussion of public policies even though precise figures are, of course, impossible.

Looking ahead, the margin of discretionary Federal resources left over—in a sense, a national nest egg—for distribution to private citizens through tax reduction, for distribution to State and local governments as we move forward with the New Federalism, or for new Federal Government programs, is small.

Furthermore, the inherent uncertainty in projecting the future rate of economic growth and unforeseen international tensions could easily alter these projections to show no future resources for discretionary action.

With these qualifications in mind, we can estimate that anticipated revenues are likely to exceed projected outlays by \$22 billion in 1975—a margin equal to only 1.5% of our gross national product. Furthermore, our current estimates indicate little, if any, margin for 1972.

BUDGET PROJECTIONS¹

[Fiscal years, in billions]

Description	1971 estimate	1975 projected
Revenues:		
Tax structure proposed by Administration (April 1969) ²	\$205	\$278
Less effect of 1969 Tax Reform Act	-3	-12
Total	202	266
Outlays:		
Current program	200	228
New initiatives reflected in this budget	3	18
Less program termination, restructuring, and reduction currently proposed	-2	-2
Total	201	244
Margin remaining		22

¹ The assumptions and procedures underlying these projections are described in pt. 2 of the budget.

² Includes revenue effect of legislation proposed in this budget.

Decisions to include new spending programs in this and future budgets will recognize long-run savings that would be lost if action is not taken. For example, the proposed Family Assistance Program is designed to reform our outmoded welfare system. If enacted, it would cost an estimated \$4.4 billion in the first full year of effect. However, the incentives to preserve families intact and increase gainful employment will eventually mean a long-run increase in economic self-sufficiency, which I believe far outweighs these substantial, but essential, public costs.

The path to our goals.—Among the meritorious claims on our resources are:

Protecting our physical environment by taking further actions to reduce air and water pollution, and by providing additional parks, open spaces, and other recreation opportunities.

Maintaining our physical and economic base by improving transportation systems, and by stimulating the construction of additional low- and moderate-income housing.

Bringing better health to all, by reforming the health care delivery system, by increasing the Nation's corps of needed health personnel, and by emphasizing areas that promise important breakthroughs in medical research.

Equalizing career opportunity by investing in new methods of education, in aid to low- and middle-income college students, and in job training.

Renewing the American education system by emphasizing research and experimentation, by investing in teacher training and new community colleges, and by redressing inequities in educational financing.

Obtaining budget surpluses in order to generate additional savings so housing and State and local construction can be financed without undue reliance on Federal aid. The absence of such surpluses would tend to keep interest rates high and to make capital markets less efficient.

Reducing and realigning tax burdens further in a fair and judicious manner, when such action is prudent and desirable in the light of all other national priorities.

As long as the growth of revenues exceeds the growth of "built-in" expenditures we will be able to make some genuine progress toward these goals.

The progress that we make in pursuit of these goals must depend on their relative priority; our ability to design workable programs, and our willingness to raise the required resources.

THE SEARCH FOR PEACE

We seek a world in which all men can live in peace, freedom, and dignity.

Peace and national security.—The best way to achieve this goal is through maintaining sufficient strength to deter aggression—and cope with it where necessary—supported by effective and verifiable international agreements, and by collective security and cooperation.

One of my first official acts as President was to direct a comprehensive and orderly review of our national security policies and the programs required to carry them out. This was the most thorough re-examination of its type ever undertaken, designed to bring our strategies, forces, and priorities into proper balance.

This budget reflects the transition from old policies and strategies to the new ones stemming from our review. I have:

Initiated a plan designed to bring a just and honorable peace to Vietnam. Our approach involves a two-pronged effort to negotiate in Paris and to effect an orderly transfer to the South Vietnamese of the major responsibilities the United States has assumed in that country. We will do so in a manner that will help maintain that country's right of self-determination. While negotiations have been disappointing, progress in Vietnamization has been encouraging and has enabled Vietnamese forces to assume a greater burden on the battlefield. In accord with this plan, I have already announced a series of troop withdrawals that will reduce our authorized forces in Vietnam by 115,500 below that existing when this Administration took office.

Begun strategic arms limitations talks with the Soviet Union.

Signed the Nuclear Nonproliferation Treaty.

Begun construction of the Safeguard missile defense system, intended to protect the United States from limited nuclear attacks, including an accidental missile launch, and to protect some of our retaliatory forces.

Renounced biological weapons and initiated disposal of existing bacteriological weapons.

Appointed an advisory commission to develop a comprehensive plan for eliminating the draft and moving toward an all-volunteer military force.

Signed into law my proposal for draft reform, to shorten the maximum period of draft vulnerability to one year, thereby reducing uncertainty for millions of our young men.

Looking to the future, both our strategy and forces must be designed to honor our international commitments and to insure our national security. We must make realistic and continuing assessments of the programs required to support these objectives.

The strategy of this Administration, as I stated at Guam, is based on the expectation that our allies will shoulder substantial responsibility for their own defense. With this posture, we can safely meet our defense requirements with fewer resources.

International relations.—Early in my Administration, we sought to identify more effective ways to encourage international development and stability with a limited availability of Government funds.

I have concluded that the answers lie in greater initiative by the countries we assist, more trade, a larger role for private enterprise, and increased reliance on cooperative, multilateral efforts. I strongly support international organizations as effective channels for development assistance.

We are urging all industrialized countries to reduce trade barriers against products of special importance to developing countries. I urge enactment of trade legislation now before the Congress that would reduce trade barriers and provide more equitable adjustment assistance to industries, companies, and workers injured by import competition.

We are encouraging private enterprise, both locally based and American, to bring its dynamism to the challenge of economic development. To enlarge the role of private enterprise still further, I will establish the Overseas Private Investment Corporation—a recommendation already approved by the Congress.

Trade and private enterprise by themselves are not sufficient. I am also proposing budget authority of \$1.8 billion for the Agency for International Development to provide direct aid to developing countries. I will make further proposals to strengthen our aid programs based on a review by my task force on foreign aid.

THE QUALITY OF THE ENVIRONMENT

One of the most important new initiatives that I am proposing for the first time in this budget is to enhance the quality of life—the legacy of one generation of Americans to the next.

Our environment is becoming increasingly unpleasant and unhealthful. We are hampered by polluted air, contaminated rivers and lakes, and inadequate recreation opportunities.

Despite current budget stringency, we must find a way to move aggressively on these problems now. Delay would make our environment more unlivable, and raise the costs of what we must do in any event. I will send a Special Message to the Congress setting forth major proposals to improve and protect our surroundings.

Highest priority will go to elements of the program designed to attack water

pollution and air pollution—those problems that most directly impinge on our health and well-being.

The major responsibility to reduce pollution rests appropriately with State and local governments and the private sector. However, the Federal Government must exert leadership and provide assistance to help meet our national goals.

Clean water.—I am proposing a sustained national commitment to meet our water quality goals. I will seek legislation for a 5-year program providing grants to communities for the construction of sewage treatment facilities. This effort will grow in momentum as communities complete their plans and begin construction. When combined with State and local matching funds, this program will provide \$10 billion of construction beyond that already appropriated by the Congress.

The proposed environmental financing authority, discussed later in this Message, will help local communities finance their share of the projects.

I am proposing a fundamental reform of the municipal waste treatment program to assure that Federal funds go to areas where the benefits are clear and where State and local governments have developed adequate programs to achieve stated goals. We must also assure that cost sharing for treatment works is equitable and creates incentives for reducing the amount of waste that would otherwise have to be treated in municipal systems.

I am recommending increased assistance to State water pollution control agencies and a strengthening of enforcement provisions.

Clean air.—We are now asking the States to set standards for two major air pollutants—sulfur oxides and smoke particles. Standards for additional pollutants will be set shortly. I am proposing additional funds and manpower to help the States with this difficult task.

To help control air pollution, we will accelerate efforts to control sulfur and nitrogen oxides. We will call upon private industry to help solve the problem. The airlines have already agreed to abate aircraft smoke emission by 1972. We will increase our own spending for air pollution control by more than 30% in 1971.

Open space.—Improving the environment will also require increased efforts to provide adequate park and recreation open space—particularly in and near cities, where the need is the greatest and land prices have been escalating most rapidly. I am recommending appropriation of all the funds presently authorized for the Land and Water Conservation Fund to speed acquisition of Federal park lands and increase assistance to States to provide more recreation opportunities. Wilderness, open space, wildlife—once gone—are lost forever.

Contribution of science and technology.—Where technology has polluted, technology can purify. Solutions to many of our problems can be found only through greater understanding of our environment and man's impact upon it. We must also augment our ability to measure and predict environmental conditions and trends.

I am confident that this challenge can be met by our leading research institutions and scientists. To encourage research related to environmental and other national problems, I am recommending that appropriations for the National Science Foundation be increased.

REFORMS AND NEW DIRECTIONS

Reform is the watchword of this Administration. In years past, Federal programs all too often have failed to deliver even a reasonable share of their promises.

Reform touches on nearly every aspect of Government activity. It is demonstrated in this budget by proposals to introduce new, more effective program systems, and to modernize and make responsive Government organization and processes.

Income security programs.—When this Administration took office, many of our income security programs were in disarray and in need of long-overdue reforms. Welfare programs were discredited in the eyes of both the recipients and taxpayers. Many of our citizens were going without adequate food and nutrition. Social security benefits had become eroded by inflation. Unemployment compensation failed to cover millions of workers, and payments in many States were inadequate.

I set into motion fundamental reforms in each of these areas. I urge the Congress to move promptly on my proposals which are now awaiting action:

The Family Assistance Program would replace an inequitable and unworkable dole that often disrupts family life, with a comprehensive system for aiding all low-income families with children—including the long-neglected working poor. It features national benefit standards, promise of greater family stability, and requirements and incentives for work and job-training. This program would be closely integrated with manpower training and with the food benefits made available under the augmented food stamp program.

Social security legislation enacted in December provides an across-the-board benefit increase. I have made other proposals to correct inequities in the program, including a liberalization of the "retirement test" (the current earnings that may be allowed without reducing or eliminating social security benefits), and an increase in widow's benefits to make them comparable with what their husbands would have received.

The unemployment insurance proposals would extend coverage to an additional 5.3 million workers (including many farmworkers), increase the duration of benefit eligibility during any period of high national unemployment, and reform the financing of the system by increasing the taxable wage base.

For the Family Assistance Program, I have included outlays of \$500 million in the budget for 1971. This estimate is significantly lower than the \$4.4 billion first full-year cost of this program for a number of reasons. Time is required for the various levels of government to prepare to administer elements of the Family Assistance Program that can be put into effect during fiscal year 1971. Many State legislatures will be unable to meet

in time to implement the program. Rates of participation in a new program of this scale take time to build up, causing a delay before the program can reach its full operating level. We intend to make every effort now and after the Congress has acted to initiate this high priority program on a responsible and workable basis.

The Family Assistance Program is an essential element of the *income strategy* adopted by this Administration. This approach of directly providing income and work opportunity for the poor is based on the proposition that the goal of self-sufficiency requires continuing emphasis and that the best judge of each family's particular needs is the family itself.

Federal aid system.—The old system for providing financial aid to State and local governments has become bogged down in an administrative morass. It breeds excessive centralization of decisionmaking, and tends to sap local initiative.

This Administration has begun to decentralize domestic programs. We seek to reinvigorate institutions close to the people, and to enlist their support in the solution of local problems before they become national problems. I hope to see new life in local institutions and a new vitality in voluntary action.

Federal revenue sharing with State and local governments is one vital element of our decentralization efforts. Revenue-sharing funds will not be frozen into specified program areas. Policy officials at the State and local level will have the responsibility for using these funds to meet high-priority needs. Revenue sharing is based on a formula that encourages State and local governments to increase their own fiscal efforts. I urge prompt action on this important effort to restore balance to our federal system.

Including revenue sharing, total Federal aid to State and local governments will rise to an estimated \$28 billion in 1970, nearly four times the amount in 1961.

Recent experience has made it clear that many State and local government units are having serious difficulty securing funds in the municipal bond market. To assure more adequate access of these governments to financial markets, I shall propose the creation of an environmental financing authority to enable such governments to borrow money needed for their share of federally assisted projects for water pollution abatement.

Action is also underway to simplify administrative and technical requirements in Federal assistance programs. By cutting red tape, we can reduce processing time and decentralize decision-making. I urge completion of congressional action on my proposals to authorize joint funding of closely related grant projects and grant consolidation.

To achieve better coordination of Federal programs in the field, we have established uniform regional boundaries and regional office locations for the principal agencies involved in urban programs. This action will provide focal points for State and local officials to deal with these Federal field offices. I have

also created 10 regional councils, composed of the regional directors of the main grant-making agencies, to mesh Federal activities more closely with State and local programs.

Improved organization.—There is great need for better organization and management of the Federal governmental system. I refer to the legislative branch and the judicial branch as well as to the executive branch. The Advisory Council on Executive Organization is hard at work on plans to strengthen the ability of the Executive Branch to insure that Government programs produce the results intended by the Congress and the President.

The Congress has recently established, by law, a Council on Environmental Quality to coordinate efforts to improve our surroundings—an objective which I share.

We have reorganized the Office of Economic Opportunity to strengthen its capacity for innovation and experimentation in developing programs that effectively meet the needs of the economically disadvantaged. Other agencies, such as the Departments of Labor, Agriculture, and Housing and Urban Development, have been reorganized internally to increase their effectiveness.

A blue ribbon panel is studying the Department of Defense, its organization, research and development programs, and procurement practices. I have formed a Defense Program Review Committee to insure that major defense policy and program issues are analyzed in their strategic, economic, diplomatic, and political context.

The Nation's postal system is in need of basic reform. I have recommended complete reorganization of the Post Office along businesslike lines, and repeat my request to Congress for prompt approval.

I have also proposed strengthening our programs dealing with consumer affairs, including creation of an Office of Consumer Affairs in the Executive Office of the President and an Assistant Attorney General for Consumer Protection in the Department of Justice.

Education and manpower.—I place high priority on expanding the use of manpower programs as a means of getting people off welfare rolls and into productive employment. I have proposed a new comprehensive Manpower Training Act that will bring together a variety of separate programs and will enable State and local units to make more manpower decisions for themselves. These steps will give increased responsibility to State and local governments for planning and operating manpower programs to meet local conditions and the specific needs of each trainee. In the meantime, major operating reforms are taking place in nearly all manpower training programs to increase their effectiveness.

Computerized Job Banks will be in operation in 81 cities by 1971, providing a daily listing of available jobs to help match jobseekers with employment opportunities more rapidly.

We will continue our efforts to insure equal employment opportunities to all Americans. I have already requested the

Congress to grant enforcement powers to the Equal Employment Opportunity Commission. I reiterate that request. Under the concept of the "Philadelphia Plan," we will help provide minority groups with fair access to training and jobs with Federal contractors.

The Federal Government is making a substantial investment in the Nation's education system. In 1971, counting all the education-related efforts of Federal agencies, we will spend an estimated \$10.7 billion—the largest amount in our history.

This Administration is committed to improved performance in education programs. I have initiated proposals to provide broader support for education, including grant consolidation, and other steps, to improve the effectiveness of Federal aid. I am also recommending major new efforts to raise student achievement through research and development projects. We are evaluating and redirecting other programs to assure that Federal assistance is targeted on high priority purposes, such as disadvantaged children, and that it achieves the results we expect.

In the coming weeks I will send further recommendations to the Congress, outlining proposals for educational reform.

Crime reduction.—Some of my most important legislative proposals still awaiting congressional action are designed to launch a determined attack against crime. The budget for 1971 provides about \$1.3 billion for crime reduction, nearly double the outlays in 1969. This budget represents a first step in a comprehensive program for improving all parts of our criminal justice system—at every level of government.

To accomplish this objective, I am proposing:

A \$190 million increase in outlays for the Law Enforcement Assistance Administration for broad-purpose block grants to States. The responsibility for reducing local crime rests with agencies of State and local governments, but the Federal Government must provide effective assistance when the need is so great.

Reforms in correctional programs. Outlays will reach \$177 million for these purposes in 1971.

An intensification of the war on organized crime. I propose increasing our strike forces against organized crime to 20 in 1971, and continuing experimentation with strike forces also using State and local enforcement officers.

An enlarged and more vigorous effort to control the traffic in narcotics and dangerous drugs.

The development and testing of more effective methods for controlling and preventing crime. For the future, we must have a better understanding of criminal behavior, particularly juvenile crime and delinquency.

Transportation.—Mobility of people and goods is important to economic growth and personal satisfaction. Today, our mobility is threatened by increasing congestion and aging facilities. This Administration has proposed legislation to:

Assist urban transportation through a 12-year, \$10 billion program of grants

to communities to modernize and expand public transit facilities and services. The 1971 budget includes budget authority of \$3.1 billion to cover the first 5 years of the program.

Expand our airways and airports and maintain a high level of safety. We will accomplish this through a 10-year, \$3.1 billion program of research and investment in our national airway system, and a \$2.5 billion grant program for airfield construction and improvement. These added costs will be financed through increased *user charges*.

Revitalize our merchant marine through improved techniques of Federal aid for ship construction and operation. This 10-year program envisions building as many as 30 new ships each year, with a gradual reduction in the Federal subsidy. The approach is conditional, challenging the industry to become more efficient and less independent on Government subsidy.

Housing.—The budget includes a substantial effort to help meet our housing needs. In 1971, over 1.9 million low- and moderate-income families will be living in good homes and apartments because costs have been kept within their reach through the Federal Government's actions. Moreover, we are requesting enough authority for new commitments in 1971 to help provide almost 600,000 additional housing units for such families.

We can meet the housing needs of the Nation only if we are able to effect basic reforms in the way we now go about the task. There is growing doubt that the Nation's homebuilding industry has the resources essential to build the needed volume of housing. The housing industry suffers disproportionately from credit shortages. More plumbers, electricians, and other construction workers are needed. Vital materials like lumber may not be available in sufficient quantities at reasonable prices.

We have been actively working to solve these underlying problems. We have inaugurated *Operation Breakthrough*. This experimental effort is designed to link the development of new methods for high-volume housing production with the assurance of housing markets large enough to make volume production feasible.

Health.—In the Sixties, the Federal Government embarked on a number of new health care programs. Medicare currently covers hospital costs and physician services for 20 million aged. Medicaid provides coverage for over 10 million poor.

Serious problems remain. Foremost among them are the rapid rise in medical care prices, inadequate health services for the poor, and other health problems only recently recognized.

To cope with fast-rising demand and health costs, we need to increase the efficiency and supply of our medical resources—both physical and human. We must provide more practicing physicians, dentists, nurses, and other health manpower. I have proposed revisions in the Hill-Burton program to increase construction of facilities for outpatient care as a means of easing the pressure on

hospitalization or inpatient treatment facilities. Modernization needs will be met by a new loan guarantee program. Revisions will also be proposed in Medicaid to stimulate the use of proper, but less expensive, medical treatment outside hospitals and long-term care institutions. Increased emphasis will be given to programs to assess and demonstrate more efficient ways of providing health care.

To provide better health care to the poor, I am increasing the number and services of comprehensive health centers in low-income areas.

To combat growing health problems, I have proposed significant increases in community-based programs for the prevention or cure of drug addiction, rehabilitation of alcoholics, and family planning services and research. Last year I announced a 5-year goal to reach 5 million women who want, but are not receiving, family planning services. The new National Center for Family Planning Services, working with the Office of Economic Opportunity, will reach 2.2 million women in 1971, almost halfway toward our goal.

While continuing general support for medical research, I am also recommending substantial increases in research on cancer, heart disease, serious childhood illnesses, and dental health—where current findings promise significant advances in the future.

Space.—Man has ventured to the moon and returned—an awesome achievement.

In determining the proper pace for future space activities, we must carefully weigh the potential benefits of:

Scientific research by unmanned spacecraft;

Continued exploration of the solar system, including manned exploration of the planets; and

The application of space and aeronautics technology to the direct benefit of mankind.

I have reviewed many exciting alternatives for the future. Consistent with other national priorities, we shall seek to extend our capability in space—both manned and unmanned. I intend to do this within total space outlays 12% smaller than in 1970. In our current efforts, we will continue to stress additional uses of space technology. Our actions will make it possible to begin plans for a manned expedition to Mars.

Effective program planning and evaluation.—The American people rightly demand that Government spending be subjected to tough-minded evaluations so that their tax dollars are used in the most effective way.

I am revitalizing our Government-wide system for program planning and evaluation. Several steps have already been taken this year. I have encouraged the analysis of major policy issues to identify Federal programs that should be redirected, terminated or expanded. This process provided helpful information for many of the major problems addressed by the Executive Branch this year, and helped frame my program proposals for Family Assistance, Food Stamps, and Space.

Long-range planning is receiving increased emphasis in the Bureau of the Budget, and has provided a basis for the

longer-range perspective of this budget. To help anticipate future needs, I created a National Goals Research Staff to examine long-term trends and to explore what America's goals and priorities might be in the years to come. It is my hope that the forthcoming Bicentennial will also focus public attention on the ideals of our American heritage.

I have also taken some first steps to increase the amount of information upon which effective program planning and evaluation must be based. At my direction the Bureau of the Budget instituted a continuing audit of the timeliness of major Federal statistical series. They are now being issued more promptly than a year ago. Still further efforts to strengthen the statistical program are also underway to provide the Executive Branch, the Congress, and the public with data adequate to meet today's needs.

CONCLUSION

We have begun to travel a new road.

I am confident that this new road will lead us to an honorable peace in Southeast Asia and toward peace and freedom in the years ahead. As we travel that road of responsibility, our economy will overcome its inflationary fever and return to a sustainable rate of growth.

Domestic programs are being reshaped and revitalized to reach and involve the individual American. Guiding us in this effort are five central themes, which are essential elements of the New Federalism:

An awareness of the growing desire for fairness and equal opportunity in every facet of American life;

A recognition of the importance of the interests of the individual in the decisions that determine his destiny;

An emphasis on restructuring basic program systems to ensure that Government efforts deliver the full measure of their promise;

An understanding that national unity is needed for the setting of goals, and national diversity must be respected in the administration of services; and

A willingness to return power to the people and dignity to the individual, through financial help to State and local governments and renewed reliance on private, voluntary action.

This budget reflects these principles; it expresses the *shared purposes* of the Nation.

This budget imparts to our goals a sense of timing and commitment appropriate to a vigorous, free people seeking constantly to expand the Nation's potential and improve its performance.

RICHARD NIXON.

THE WHITE HOUSE, February 2, 1970.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to Joint Economic Committee:

To the Congress of the United States:

For many years the American people have been seeking, through their Gov-

ernment, the road to full employment with stable prices.

In the first half of the 1960's, we did have price stability—but unemployment averaged 5½ percent of the civilian labor force.

In the second half of that decade, we did have relatively full employment—but with sharply rising prices.

After 5 years of sustained unemployment followed by 5 years of sustained inflation, some have concluded that the price of finding work for the unemployed must be the hardship of inflation for all. I do not agree.

It is true that we have just passed through a decade when the economy spent most of the time far off the course of reasonably full employment and price stability. But if we apply the hard lessons learned from the sixties to the decade ahead, and add a new realism to the management of our economic policies, I believe we can attain the goal of plentiful jobs earning dollars of stable purchasing power.

Those lessons are plain:

1. We have learned that Government itself is often the cause of wide swings in the economy.

2. We have learned that there is a human element in economic affairs—habit, confidence, fear—and that the economy cannot be managed mechanically and will not suspend its laws to accommodate political wishes.

3. We have learned that 1-year planning leads to almost as much confusion as no planning at all, and that there is a need to increase public awareness of long-range trends and the consequences for future years of decisions taken now.

My 1970 Economic Report reflects these lessons. The current actions we are taking are designed to help the American economy regain its balance; the plans we are making are designed to build on that balance as our free economy grows and responds to the needs of its citizens.

"Stability of economic policy," Theodore Roosevelt pointed out, "must always be the prime economic need of this country. This stability should not be fossilization." Stability is a means to an end. The end we seek is steady growth, predictable Government action in maintaining a sound economic climate, and constant involvement of the people in setting their own priorities.

Accordingly, this Economic Report "opens up the books" as never before.

We are making available the facts and figures that will enable the people to make more intelligent judgments about the future. If we are to improve the quality of life in this Nation, we must first improve the quality of debate about our national priorities. In this Report, and in the Budget Message, long-range projections are made that will enable the people to discuss their choices more effectively in the light of what is possible.

In the real world of economics, there is a place for dreams—dreams that are realizable if we make the hard choices necessary to make them come true.

THE USES OF OUR NATIONAL OUTPUT

We have placed the Nation's larger decisions in the context of a picture of the total resources available and the com-

peting claims upon them. A summary of this analysis is contained in Chapter 3 of the Annual Report of the Council of Economic Advisers; I hope it will be studied carefully and its precedent carried forward in future years.

That analysis is neutral about which options and claims should be chosen. The purpose of the analysis is to help everyone observe the discipline of keeping claims and plans within the limits of our capacity, and to make sure that excessive claims do not prevent us from achieving our most important goals.

Even in our own highly productive and growing economy, resources are limited. There will be competition between private and government uses for our national income, competition among programs within government budgets, and competition among borrowers for the limited national savings.

Our problem, in short, will be to choose wisely what to do with our output and incomes. Large as they are, the claims upon them, what people expect of them, are even larger. If we add the expenditures that consumers will want to make with larger incomes; the investment that businesses must make to assure rising productivity; the housing construction needed to meet the current shortage and the demands of a growing population with rising incomes; the likely expenditures of State and local governments; the costs of present Federal programs plus the proposals already recommended by this administration—we find that the total would nearly exhaust the national output until 1975. And that total would not include tens of billions of dollars of new programs that are commonly urged upon the Government.

We shall have to think carefully about how to choose the claims upon the national output that will be met, since we cannot meet them all. This choice is not made exclusively or even mainly by the Federal Government. It is mostly made by the individuals who produce the output, earn the income, and decide how it should be spent. Nevertheless, a Federal Government with a budget of \$200 billion has a great influence on how the national output is used. This influence is not confined to the output the Federal Government uses itself. The taxes the Federal Government collects, the grants it makes to State and local governments, its borrowing or repayment of debt, influence the purchases of private citizens and of State and local governments.

Personal freedom will be increased when there is more economy in government and less government in the economy. Economic domination, like any other government domination, is dangerous to a free society, no matter how benevolent its aims. Freedom depends on our recognizing the line between domination and influence, between control and guidance. The quality of life in America depends on how wisely we use the great influence that Government has.

We know that existing programs of Government and probable demands of the private sector could use up all the output we can produce for several years

to come. This does not mean that we cannot do anything new. It does mean that we have to choose. If we decide to do something new, or something more, in one direction we will have to give up something elsewhere. There is no unclaimed pool of real resources from which we shall be able to satisfy new demands without sacrificing or modifying some existing claims.

If we fail to tailor our demands consciously to resources available, the likely consequences would be both misdirection of resources and inflation. We have seen this in the past 5 years. Beginning in mid-1965 the Government imposed on the economy a large increase in non-defense spending and the demands of the Vietnam war effort. It did not, however, face up soon enough to the need to cut back other demands by raising taxes or by following an adequately restrictive monetary policy. Of course, failing to take these steps did not relieve us of the necessity of cutting back. It only meant that the cutback was imposed unfairly by inflation, rather than in a more deliberate and equitable way.

THE PRESENT INFLATION

The inflation unleashed after mid-1965 had gathered powerful momentum by the time this Administration took office a year ago. The expectation of more inflation was widespread, as was skepticism of the determination of Government to control it. Businesses, anticipating rising prices and costs, were eager to invest as early as possible and were willing to incur high interest charges that they would pay later in presumably cheaper dollars. Workers demanded large wage increases to catch up with past increases in the cost of living and to keep up with expected future increases. Prices were being boosted to catch up with past cost increases and to keep up with the future.

Inflation was in full tide.

The inflationary tide could not quickly be turned. At least it could not be turned quickly without a serious recession. Such a recession would itself have brought hardship to millions of people. Moreover, it would have been another episode in the history of stop-go economic policy, when the need was to introduce an era of steadiness in policy that could yield stability in the economy.

Our purpose has been to slow down the rapid expansion of demand firmly and persistently, but not to choke off demand so abruptly as to injure the economy. The greater price stability that all desired could not, given a concern about unemployment, come quickly. This transition would take place in several steps, each of which would require time, and only at the end would increases in the price level slow down.

1969 was a year of progress in the fight against inflation. For the first time since the price spiral began, there was a sustained period of combined fiscal and monetary restraint. During 1969 the rise of Federal expenditures was slowed to an increase of \$9 billion, compared with an annual average of \$20 billion in the 3 preceding years. Instead of the rising budget deficits of earlier years there was a surplus in 1969. Instead of the money

supply expanding by 7 percent, as in 1968, it grew at a 4.4-percent annual rate in the first half of 1969 and at a 0.7-percent rate in the second half.

The growth of total spending, public and private, which was the driving force of the inflation, slowed markedly, from 9.4 percent during 1968 to 6.8 percent during 1969 and an annual rate of 4.4 percent in the fourth quarter of 1969. This decline in the growth of spending was inevitably accompanied by what in October I called "slowing pains." Gains in real production slowed down. Industrial production declined. Profits drifted lower as margins were squeezed. All of these slowing pains were increased, and the inflation prolonged, by the failure of productivity to rise, for the first time in many years.

And in the latter part of the year there were the first faint signs of gain on the price front. Instead of continuing to accelerate, the rate of inflation itself began to level out.

THE OUTLOOK FOR 1970

As we enter 1970 continuation of a low rate of growth of sales, production, and employment for several months seems probable. Thereafter, the performance of the economy will depend on both the continued resolve of the Government and the difficult-to-predict behavior of the private sector.

Government policy must now avoid three possible dangers. One is that after a brief lull the demand for output would begin to rise too rapidly and rekindle the inflationary process, as happened in 1967. This possibility cannot be ignored. The tax bill passed in December reduced revenues for the next fiscal year by close to \$3 billion, compared to my original proposals, requiring the Administration to reduce spending plans further in order to retain a surplus. Pressures for increased spending threaten to shift the budget from the surplus position to a deficit by the latter part of calendar 1970 unless the responsible fiscal course urged by the Administration is accepted by the Congress.

A second danger we must consider is that the mode rate and necessary slow-down may become more severe. The highly restrictive stance of monetary policy is one reason for considering this possibility. Moreover, there is a question whether the rate of real output can long remain essentially flat without more adverse consequences than we have so far experienced. Until now the unemployment rate has remained low, partly because employers have retained workers despite growing signs of sluggishness in sales. However, they may be unwilling to do this for long with profits shrinking.

A third danger is that although the economy remains on the path of slow rise, and avoids either serious recession or revived inflation, this is achieved with such tight credit conditions as to paralyze the housing industry, preventing needed additions to the supply of homes and apartments. A Federal budget deficit, which would require the Treasury to become again a net borrower in the capital markets, taking funds that would otherwise go to other users, might bring this about. This is one reason why I

continue to stress the importance of a strong budget position.

Our objective is to avoid these dangers as we achieve stability. A necessary condition for doing this is to keep the Federal budget in balance in the coming fiscal year.

A prudent fiscal policy, avoiding the risks of returning to budget deficits, and a prudent monetary policy, avoiding the risks of overly long and overly severe restraint, offer the best promise of relieving strains and distortions in financial markets, bringing interest rates down, and encouraging a sustainable and orderly forward movement of the economy.

After some months of slow expansion of sales, output, and employment, which seems likely, a moderately quicker pace later in the year would be consistent with continued progress in reducing the rate of inflation.

The goal of policy should therefore be moderately more rapid economic expansion in the latter part of 1970 than we have recently been experiencing or expect for several months ahead. Keeping the Federal budget in balance, as I have recommended, and a moderate degree of monetary restraint will help achieve this result. This combination of policies would also permit residential construction to revive and begin a rise toward the path of housebuilding required by our growing number of families needing homes and apartments.

As far as can now be foreseen, this pattern of developments through the year could be achieved with a gross national product for 1970 of about \$985 billion. This would be 5½ percent above that for 1969. A slowdown in the rate of increase of consumer prices is a reasonable expectation in this economic outlook.

An unfortunate cost of having allowed the inflation to run for so long is that it courts the risk of some rise in unemployment. The policy of firm and persistent disinflation on which we have embarked, however, holds out the best hope of keeping that risk low.

This risk emphasizes the importance of promptly enacting the legislation this Administration has recommended for manpower training, unemployment compensation, and welfare systems:

The proposed Manpower Training Act would not only bring about better planning and management of training programs; it would also trigger an automatic increase in appropriations for these programs if the national unemployment rate reaches 4.5 percent for 3 consecutive months.

The unemployment compensation legislation would increase coverage, encourage States to improve benefits, and provide for Federal financing of extended benefits if unemployment of insured workers exceeds 4.5 percent for 3 consecutive months.

The Proposed Family Assistance Program would provide income support for poor families with children, whether headed by a male or a female, while providing strong incentives and assistance for those who can do so to find and accept employment.

Because our expanding and dynamic

economy must have strong and innovative financial institutions if our national savings are to be utilized effectively, I shall appoint a commission to study our financial structure and make recommendations to me for needed changes.

In 1970, we are feeling the postponed pinch of the late sixties. If responsible policies had been followed then, the problems of 1970 would be much easier. But we cannot undo the errors of the past. We have no choice now but to correct them, and to avoid repeating them.

STRENGTHENING THE WORLD ECONOMY

The achievement of greater balance and stability in our own economy is also important for international finance and trade. The dollar is not only our currency; it provides the principal vehicle for world trade and payments. We are the world's largest exporter and importer, and instability in the United States—whether it involves inflation or recession—has unsettling effects on the world economy. Inflationary pressures arising in the United States have added to inflationary problems in other countries in recent years. The long inflation has also weakened our trading position. However, with the restraining of excessive demand in 1969, the deterioration in our trade balance has been arrested.

I am particularly gratified to note improvements in the international monetary scene during the past year with the introduction of Special Drawing Rights and with the realignment of several important currencies. In cooperation with other countries, we are actively investigating other ways to make the international monetary system more stable and orderly, and to give more attention to international coordination and synchronization in the management of domestic economic policies.

Although a high and rising level of international trade can add to the prosperity of the United States and other countries, imports from time to time may cause domestic dislocations. Since the gains from international trade are enjoyed by the country as a whole, it is appropriate that the costs of trade-associated dislocations be spread more evenly. The trade bill presented to the Congress in November contains practical adjustment assistance and escape-clause provisions that would soften the impact of import competition in cases where it harms our own workingmen. It also includes the repeal of the American selling price method of tariff evaluation, a step which is important in reducing the non-tariff barriers to U.S. exports.

Trade is vital to the progress of the less developed countries of the world. With other industrialized nations, the United States is exploring ways of enabling less developed nations to participate more in the growing volume of international trade.

SEVEN BASIC PRINCIPLES

Since this is my first Economic Report, it is in order for me to set out the basic principles that will continue to guide the management of economic policy in my Administration:

First, *the integrity and purchasing power of the dollar must be assured.* To re-create confidence in a secure future,

we must achieve that reasonable stability of the price level which has been so severely eroded since mid-1965. The unfairness of a steeply rising cost of living must not again be inflicted on this Nation.

Second, *our economic policy must continue to emphasize a high utilization of the Nation's productive resources.* We must maintain a vigorous and expanding economy to provide jobs for our growing labor force.

Third, *we must achieve a steadier and more evenhanded management of our economic policies.* Business and labor cannot plan, and consumers and home-buyers cannot effectively manage their affairs, when Government alternates between keeping first the accelerator and then the brake pedal to the floor.

Fourth, *Government must say what it means and mean what it says.* Economic credibility is the basis for confidence, and confidence in turn is the basis for an ongoing prosperity.

Fifth, *we must preserve and sustain the free market economy in order to raise the standard of living of every American.* The most basic improvement in our national life during the last three decades has come through the doubling of real purchasing power that our free competitive economy has delivered to the average American family. No Government programs during that period begin to approach this doubling of real income per family as a source of our improving economic well-being. Government now has both the ability and the duty to sustain a general climate for stability and growth, but it must do so in the firm conviction that only a free economy provides maximum scope for the knowledge, innovativeness, and creative powers of each individual.

Sixth, *we must involve the American people in setting goals and priorities by providing accurate, credible data on the long-range choices open to them, making possible much better informed public discussion about using the resources we will have in meeting the needs of the future.* The 1970 Annual Report of the Council of Economic Advisers is a long first step in that direction.

Finally, *the free economy of the future will rest squarely on the foundation of genuinely equal opportunity for all.* Some, because of race or national origin, find themselves situated far back of the starting line in our economy. Others by the happenstance of health, accidental injury, education, or economic background are unable to participate fully in our economic life; still others become casualties of obsolete skills. We are deeply committed to make a reality of the promise of an equal opportunity in life, so that the fruits of our economic progress and abundance will become available to all. The national conscience demands it, human dignity requires it, and our free and open economic system cannot be fully effective without it.

RICHARD NIXON.

THE WHITE HOUSE, February 2, 1970.

EGG PRODUCTS INSPECTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

proceed to the consideration of Calendar No. 630, Senate bill 2116.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. S. 2116, to provide for the inspection of certain egg products by the U.S. Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this act; 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.

Mr. AIKEN. Mr. President, S. 2116 prohibits the distribution of unwholesome shell eggs or their use in food products, and provides for mandatory continuous inspection of egg products processing plants.

The bill would generally require plants processing egg products for interstate, foreign, or intrastate commerce to operate under continuous inspection of USDA, except those exempted by the Secretary of Agriculture.

The USDA inspected egg products would have to comply with the provisions of the bill concerning adulteration, pasteurization, and the labeling and packaging requirements to be prescribed by regulations under the bill.

The USDA would cooperate with States in administering such provisions and fully reimburse the States for their assistance.

The Secretary of Agriculture would be authorized to exempt egg products processing at plants where the facilities and operating procedures meet sanitary standards as may be prescribed by the Secretary, and where the eggs received or used by such plants meet the U.S. consumer grades for shell eggs.

The USDA would inspect such plants on a periodic basis, and they would also be subject to applicable local, State, and other Federal laws.

The bill also affects shell eggs by prohibiting producers, shell egg plant operators, and other persons from selling or offering for sale or otherwise distributing in interstate, foreign, or intrastate commerce any restricted eggs—that is, dirty, check, leaker, incubator reject, loss, or inedible—capable of use as human food, except as authorized by regulations of the Secretary, or as exempted by the Secretary.

The bill is designed to guarantee that consumers will receive wholesome eggs and egg products by controlling the use of restricted eggs and by continuing the grading of eggs.

Clean and sound shell eggs are not a public health problem but eggs classified as leakers, checks, dirties, inedible, loss, and incubator rejects are frequently carriers of salmonellae and other bacteria.

Salmonellosis is one of the major foodborne illnesses affecting man and the program authorized by S. 2116 should go far in removing this source of infection.

The cost of inspection, except for overtime and holiday work in official plants, would be borne by the United States, and would be about \$5 million annually.

Mr. President, this bill was reported by the Committee on Agriculture and Forestry unanimously. There was virtually no objection to it.

I understand that the Senator from Minnesota (Mr. MONDALE) has an amendment which he proposes to offer. I have discussed this with him and also with the chairman of the committee. If the Senator will offer his amendment at this time, I shall be happy to accept it.

Mr. MONDALE. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record at this point.

The amendment offered by the Senator from Minnesota is as follows:

On page 24, strike out lines 11, 12, and 13. On page 24, line 14, strike out "(c)" and insert in lieu thereof "(b)".

Mr. AIKEN. Mr. President, the provision which the amendment would strike from the bill is only three lines long and was inserted as a sort of escape or contingency provision in the event that the Department of Agriculture found it desirable, later on, to utilize further exemptions to those already provided in the bill. I believe the best procedure now is to strike the proposed general exemption authority by agreeing to the amendment and then pass the bill.

Mr. MONDALE. Mr. President, as the sponsor of what, I believe, was the first egg inspection bill—S. 383, 90th Congress—I am glad to see that the Agriculture Committee has reported a bill which covers egg products.

The measure does not include mandatory inspection of shell eggs. I believe we will discover that some type of legislation is needed in this field as well. Since I am no longer a member of the Senate Agriculture Committee I am frank to confess that I have not had an opportunity to focus adequately on this problem area. I understand that the House of Representatives will be considering this problem and I would hope the conferees would be receptive to a broader bill if the House should enact one.

The committee bill does propose to deal with the very important area of processed eggs and I believe it is vital that we deal effectively with this initial area as the Congress earlier dealt with red meat and poultry.

The record is clear that egg products are among the leading sources of salmonellosis, one of the major foodborne illnesses affecting humans. And State activities to protect the consumer from this widespread, and sometimes fatal, illness are virtually nonexistent. In 1968, only 18 States had specific egg products laws and no State required continuous inspection.

Thus, it is very important to have a good, strong Federal program. At present, the voluntary Federal program fails to cover a substantial segment of the egg

processing industry. I believe that S. 2116 would permit a good Federal program but, unfortunately, it would not assure it.

The problem is in the unprecedented grant of exemption authority which would be given to the Secretary of Agriculture. Section 15(a) of the bill—beginning on page 22—sets out a number of quite specific exemptions which the Secretary would be permitted to grant:

First, the sale or use of shell eggs which contain no more "restricted" eggs than are allowed by tolerances in the official consumer grade standards;

Second, egg processing at plants which use only consumer-grade eggs;

Third, sale of shell eggs by producers from their own flocks directly to household consumers;

Fourth, processing and sale of egg products by producers from their own flocks directly to household consumers; and

Fifth, sale of shell eggs by packers on their own premises directly to household consumers.

Mr. President, these are quite extensive exemption authorities. As the principal author of the Wholesome Meat Act of 1967 and as a cosponsor of the Wholesome Poultry Act of 1968, I can attest that these exemptions go beyond those in the other programs. For example, slaughtering of animals by an owner is exempt from the inspection provisions of the Meat Act only if the meat is to be used by the owner himself. But here we have exemptions which permit egg producers or packers to sell eggs which are not inspected.

What I must object to is the granting of a further exemption authority in section 15(b) which is so broad that the Department of Agriculture, itself, has described it as a "blanket" exemption authority. Under it, the Secretary may, by regulation, "provide other exemptions whenever he finds that such action will be consistent with effectuating the purposes of this act." These other exemptions are nowhere specified.

The legislative history surrounding this provision gives us no basis for confidence in its wise use. In its November 13, 1969, report to the committee on the bill, the Department made no reference to the provision. Not even in the detailed summary of the bill, which was attached to the report, did the Department mention this blank-check exemption power. Similarly, in testifying before the committee on November 14, Assistant Secretary Lyng gave no reasons for needing such unprecedented discretionary authority.

The Department finally commented on this proviso briefly in a statement filed with the committee, comparing S. 2116 with H.R. 14687, a comprehensive egg and egg products bill introduced in the House by Messrs. PURCELL, FOLEY, and SMITH of Iowa. On page 69 of the committee's hearings, on S. 2116, the Department stated, in part:

We believe that this blanket exemption authority is constructive and should not be deleted. Many marketing and handling operations of shell eggs would be subject to national regulation for the first time. It is impossible to predict if certain other exemptions might be desirable and helpful within the purposes of the Act.

What other exemptions would be desirable and helpful? The Department does not tell us. I believe the Congress has not only the right, but the obligation, to find out before it gives the Department this kind of power.

In what appears to be a case of exemption overkill, the Department has another broad grant of authority in section 8(a)(1) of the bill—page 15. Here the sale of restricted eggs is prohibited "except as authorized by regulations of the Secretary" under conditions to assure that only wholesome eggs are used as food. Is not this general authority adequate to fill any gaps left in the five specific exemptions permitted under section 15(a)?

Perhaps there would be some justification for the blanket exemption authority if it were needed in the early months of the new program. There may well be some problem in applying all of the provisions of the act promptly. Under section 27, it is provided that the egg products program takes effect in only 6 months.

But the bill already protects the Department against any need for precipitate enforcement. Section 15(a)(6) authorizes the Secretary to defer initiation of the entire egg products inspection program "for such period of time during the initiation of operations" as he "determines that it is impracticable to provide inspection." So the blanket exemptions authority is not needed for getting the program started smoothly.

Here, too, the specific exemption authority which Congress would grant for the initiation period is far broader than in previous statutes. The comparable provision in the original poultry inspection program of 1957 was limited to 2 years. In both the Wholesale Meat and Poultry Acts of 1967 and 1968, the phase-in period for intrastate coverage was 2 years with a possible 1 year's extension.

Mr. President, what this boils down to is a case of quite understandable, bureaucratic interest in maximum administrative flexibility and convenience. But the Congress is being asked to sign a blank check simply because the Department of Agriculture finds it "impossible to predict" what other situations might lead it to grant additional exemptions.

I believe that Congress should not abdicate its responsibility for assuring adequate consumer protection in this important area by giving the Department such broad authority to reshape the program which we are enacting. I do not question the motives or the intentions of the Department. I do, however, question its judgment in seeking such unprecedented powers with so little explanation or justification.

I urge that section 15(b) be stricken from the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. AIKEN. Mr. President, I send six amendments to the desk and ask that they be stated. They are strictly technical, as prepared by the staff of the

Committee on Agriculture and Forestry. None of them in any way changes the meaning or the purpose of the bill.

The BILL CLERK. The Senator from Vermont (Mr. AIKEN) proposes the following amendments:

On page 19, line 4, at the beginning of the line insert "EGGS AND".

On page 19, line 13, at the beginning of the line, insert "restricted".

On page 22, line 2, strike "1114" and insert "1112".

On page 22, after the word "Secretary" in line 5, and after the word "Secretary" in line 11, insert "of Agriculture or Secretary of Health, Education, and Welfare".

On page 25, line 8, after the word "processed" insert "under an approved continuous inspection system of the government of the foreign country of origin or subdivision thereof".

On page 33, line 8, after word "regulate" insert "official".

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. And, without objection, the amendments are agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Kansas (Mr. DOLE) relating to the improvement of the quality of egg production.

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

STATEMENT BY SENATOR DOLE

In today's economy, we hear many success stories concerning business growth and production efficiencies. One of the leaders in these areas has been the poultry industry and its egg processors. This industry has developed efficient production methods and is now concerned with improving and guaranteeing the quality of its production. The industry indicated its interest in such self-improvement when Milton J. Chamberlain testified before the Committee on Agriculture and Forestry on S. 2116. Mr. Chamberlain represented the Institute of American Poultry Industries, the National Egg Council, and 16 other organizations representing statewide associations of egg and poultry producers.

I would submit my endorsement of S. 2116 in the words of Mr. Chamberlain from the text of his testimony before the committee:

"The bill is a sound and workable measure to provide for the inspection and regulation of eggs and egg products."

With such indication of cooperation from the industry involved, it seems apparent this will be a highly efficient working piece of legislation, providing new consumer protection at a minimal cost to the taxpayer.

I urge Senators to support the bill.

Mr. AIKEN. Mr. President, I might add one more thing. I have had an inquiry from the Senator from Hawaii (Mr. FONG) as to the effect of the bill on the importation of so-called thousand-year-old eggs.

I can assure the Senator from Hawaii that the pending bill will have no effect on thousand-year-old egg imports. I do

not know just what kind of food product they are classified as now, but the pending bill does not affect them in any way.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

S. 2116

An Act to provide for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with State agencies in administration of this Act; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Egg Products Inspection Act".

LEGISLATIVE FINDING

Sec. 2. Eggs and egg products are an important source of the Nation's total supply of food, and are used in food in various forms. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, not adulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this Act are either in interstate or foreign commerce, or substantially affect such commerce, and that regulation by the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, and cooperation by the States and other jurisdictions, as contemplated by this Act, are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers.

DECLARATION OF POLICY

Sec. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of certain egg products, restrictions upon the disposition of certain qualities of eggs, and uniformity of standards for eggs, and otherwise regulate the processing and distribution of eggs and egg products as hereinafter prescribed to prevent the movement or sale for human food, of eggs and egg products which are adulterated or misbranded or otherwise in violation of this Act.

DEFINITIONS

Sec. 4. For purposes of this Act—

(a) The term "adulterated" applies to any egg or egg product under one or more of the following circumstances—

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (A) if it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) if it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) if it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(b) The term "capable of use as human food" shall apply to any egg or egg product, unless it is denatured, or otherwise identified, as required by regulations prescribed by the Secretary to deter its use as human food.

(c) The term "commerce" means interstate, foreign, or intrastate commerce.

(d) The term "container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) The term "immediate container" means any consumer package; or any other container in which egg products, not consumer packaged, are packed.

(2) The term "shipping container" means any container used in packaging a product packed in an immediate container.

(e) The term "egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise

using any eggs in the preparation of human food.

(f) The term "egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(g) The term "egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.

(1) The term "check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) The term "clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) The term "dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(4) The term "incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) The term "inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots (added eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) The term "leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) The term "loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) The term "restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(h) The term "Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

(i) The term "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(j) The term "inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of this Act.

(k) The term "inspector" means:

(1) any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this Act; or

(2) any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this act, under an agreement entered into between the Secretary and the appropriate State or other agency.

(l) The term "misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Secretary under section 7 of this Act.

(m) The term "official certificate" means

any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

(n) The term "official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

(o) The term "official inspection legend" means any symbol prescribed by regulations of the Secretary showing that egg products were inspected in accordance with this Act.

(p) The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the Secretary to identify the status of any article under this Act.

(q) The term "official plant" means any plant, as determined by the Secretary, at which inspection of the processing of egg products is maintained by the Department of Agriculture under the authority of this Act.

(r) The term "official standards" means the standards of quality, grades, and weight classes for eggs, in effect upon the effective date of this Act, or as thereafter amended, under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C. 1621 et seq.).

(s) The term "pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable micro-organisms by such processes as may be prescribed by regulations of the Secretary.

(t) The term "person" means any individual, partnership, corporation, association, or other business unit.

(u) The terms "pesticide chemical," "food additive," "color additive," and "raw agricultural commodity" shall have the same meaning for purposes of this Act as under the Federal Food Drug and Cosmetic Act.

(v) The term "plant" means any place of business where egg products are processed.

(w) The term "processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(x) The term "Secretary" means the Secretary of Agriculture or his delegate.

(y) The term "State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

(z) The term "United States" means the States.

INSPECTION, REINSPECTION, CONDEMNATION

SEC. 5. (a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any egg product which is capable of use as human food and is misbranded or adulterated, the Secretary shall, whenever processing operations are being conducted, cause continuous inspection to be made, in accordance with the regulations promulgated under this Act, of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 15 of this Act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of paragraph (a)(1) of section 15 of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations.

(b) The Secretary, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(c) Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such arti-

cles shall be destroyed for human food purposes under the supervision of an inspector: *Provided*, That articles which may be reprocessed be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the Secretary determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(d) The Secretary shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 11 of this Act, as he deems appropriate to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 8 of this Act, except that the Secretary of Health, Education, and Welfare shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than plants processing egg products. Representatives of said Secretaries shall be afforded access to all such places of business for purposes of making the inspections provided for in this Act.

SANITATION, FACILITIES, AND PRACTICES

SEC. 6. (a) Each official plant shall be operated in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the Secretary to effectuate the purposes of this Act, including requirements for segregation and disposition of restricted eggs.

(b) The Secretary shall refuse to render inspection to any plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

PASTEURIZATION AND LABELING OF EGG PRODUCTS AT OFFICIAL PLANTS

SEC. 7. (a) Egg products inspected at any official plant under the authority of this Act and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the Secretary, and shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the Secretary, the official inspection legend and official plant number, of the plant where the products were processed, and such other information as the Secretary may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(b) No labeling or container shall be used for egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the Secretary. If the Secretary has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the labeling or container shall, if the Secretary so directs, be withheld

pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States court of appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194), shall be applicable to appeals taken under this section.

PROHIBITED ACTS

SEC. 8. (a) (1) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in any business in commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(2) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for commerce except that such eggs may be so possessed and used when authorized by regulations of the Secretary under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(b) (1) No person shall process any egg products for commerce at any plant except in compliance with the requirements of this Act.

(2) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in commerce any egg products required to be inspected under this Act unless they have been so inspected and are labeled and packaged in accordance with the requirements of section 7 of this Act.

(3) No operator of any official plant shall fail to comply with any requirements of paragraph (a) of section 6 of this Act or the regulations thereunder.

(4) No operator of any official plant shall allow any egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(c) No person shall violate any provision of section 10, 11, or 17 of this Act.

(d) No person shall—
(1) manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary;

(2) forge, or alter any official device, mark, or certificate;

(3) without authorization from the Secretary, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 7 of this Act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section.

(4) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(5) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(6) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary;

(7) knowingly represent that any article has been inspected or exempted, under this

Act, when, in fact, it has, respectively, not been so inspected or exempted;

(8) refuse access, at any reasonable time, to any representative of the Secretary of Agriculture or the Secretary of Health, Education, and Welfare, to any plant or other place of business subject to inspection under any provisions of this Act.

(e) No person, while an official or employee of the United States Government or any State or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

FEDERAL AND STATE COOPERATION

SEC. 9. The Secretary shall, whenever he determines that it would effectuate the purposes of this Act, cooperate with appropriate State and other governmental agencies, in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the costs incurred by them in such cooperative programs.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

SEC. 10. Inspection shall not be provided under this Act at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any restricted eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary.

RECORD AND RELATED REQUIREMENTS FOR PROCESSORS OF EGGS AND EGG PRODUCTS AND RELATED INDUSTRIES

SEC. 11. For the purpose of enforcing the provisions of this Act and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in such form and manner, as the Secretary of Agriculture or the Secretary of Health, Education, and Welfare may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of a duly authorized representative of either of said Secretaries, permit him at reasonable times to have access to and to copy all such records.

PENALTIES

SEC. 12. (a) Any person who commits any offense prohibited by section 8 of this Act shall upon conviction be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine, but if such violation involves intent to defraud, or any distribution or attempted distribution of any article that is known to be adulterated (except as defined in section 4(a)(8) of this Act), such person shall be subject to imprisonment for not more than three years or a fine of not more than \$10,000, or both. When construing or enforcing the provisions of section 8, the act, omission, or failure of any person acting

for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(b) No carrier or warehouseman shall be subject to the penalties of this Act, other than the penalties for violation of section 11 of this Act or paragraph (c) of this section 12, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this Act, or unless the carrier or warehouseman refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1112 of title 18, United States Code.

REPORTING OF VIOLATIONS

SEC. 13. Before any violation of this Act is reported by the Secretary of Agriculture or Secretary of Health, Education, and Welfare to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary of Agriculture or Secretary of Health, Education, and Welfare to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice of warning.

REGULATIONS AND ADMINISTRATION

SEC. 14. The Secretary shall promulgate such rules and regulations as he deems necessary to carry out the purposes or provisions of this Act, and shall be responsible for the administration and enforcement of this Act except as otherwise provided in paragraph (d) of section 5 of this Act.

EXEMPTIONS

SEC. 15. (a) The Secretary may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this Act—

(1) the sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerances in the official standards of United States consumer grades for shell eggs;

(2) the processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the Secretary, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of United States consumer grades for shell eggs, and the egg products processed at such plant;

(3) the sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph;

(4) The processing of egg products by any poultry producer from eggs of his own flocks' production for sale of such products directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the egg products so processed when handled in accordance with this paragraph;

(5) the sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this paragraph; and

(6) for such period of time during the initiation of operations under this Act as the Secretary determines that it is impracticable to provide inspection, the processing of egg products at any class of plants and the egg products processed at such plants.

(b) The Secretary may immediately suspend or terminate any exemption under paragraph (a) (2) or (6) of this section at any time with respect to any person, if the conditions of exemption prescribed by this section or the regulations of the Secretary are not being met. The Secretary may modify or revoke any regulation granting exemption under this Act whenever he deems such action appropriate to effectuate the purposes of this Act.

ENTRY OF MATERIALS INTO OFFICIAL PLANTS

SEC. 16. The Secretary may limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this Act.

IMPORTS

SEC. 17. (a) No restricted eggs capable of use as human food shall be imported into the United States except as authorized by regulations of the Secretary. No egg products capable of use as human food shall be imported into the United States unless they were processed under an approved continuous inspection system of the government of the foreign country of origin or subdivision thereof and are labeled and packaged in accordance with, and otherwise comply with the standards of this Act and regulations issued thereunder applicable to such articles within the United States. All such imported articles shall upon entry into the United States be deemed and treated as domestic articles subject to the other provisions of this Act: *Provided*, That they shall be labeled as required by such regulations for imported articles: *Provided further*, That nothing in this section shall apply to eggs or egg products purchased outside the United States by any individual for consumption by him and members of his household and his nonpaying guests and employees.

(b) The Secretary may prescribe the terms and conditions for the destruction of all such articles which are imported contrary to this section, unless (1) they are exported by the consignee within the time fixed therefor by the Secretary or (2) in the case of articles which are not in compliance solely because of misbranding, such articles are brought into compliance with this Act under supervision of authorized representatives of the Secretary.

(c) All charges for storage, cartage, and labor with respect to any article which is imported contrary to this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter

imported under this Act by or for such owner or consignee.

(d) The importation of any article contrary to this section is prohibited.

REFUSAL OF INSPECTION

SEC. 18. The Secretary (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) may refuse to provide or may withdraw inspection service under this Act with respect to any plant if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this Act, because the applicant or recipient or anyone responsibly connected with the applicant or recipient has been convicted in any Federal or State court, within the previous ten years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food, or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock, or employee in a managerial or executive capacity.

The determination and order of the Secretary with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States court of appeals for the circuit in which such applicant or recipient has its principal place of business or in the United States Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section.

This section shall not affect in any way other provisions of this Act for refusal of inspection services.

ADMINISTRATIVE DETENTION

SEC. 19. Whenever any eggs or egg products subject to the Act, are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this Act or that they are in any other way in violation of this Act, or whenever any restricted eggs capable of use as human food, are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary, such articles may be detained by such representative for a reasonable period but not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such articles and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the Secretary that the articles are eligible to retain such marks.

JUDICIAL SEIZURE PROCEEDINGS

SEC. 20. (a) Any eggs or egg products that are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation, in viola-

tion of this Act, or in any other way are in violation of this Act; and any restricted eggs, capable of use as human food, in the possession of any person not authorized to acquire such eggs under the regulations of the Secretary; shall be liable to be proceeded against and seized and condemned, at any time, on a complaint in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the articles are found. If the articles are condemned they shall, after entry of a decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the articles shall not be sold contrary to the provision of this Act, the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which they are sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, or the laws of the jurisdiction in which disposal is made, the court may direct that they be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the articles and they are released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant thereof. The proceedings in such cases shall conform, as nearly as may be, to the supplemental rules for certain admiralty and maritime claims, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

JURISDICTION

SEC. 21. The United States district courts and the District Court of the Virgin Islands are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other cases, arising under this Act, except as provided in section 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

APPLICABILITY OF OTHER ACTS

SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act, as amend-

ed, on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

RELATION TO OTHER AUTHORITIES

SEC. 23. (a) Requirements within the scope of this Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this Act may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of section 11 of this Act, if consistent therewith, with respect to any such plant.

(b) For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction may (1) require the use of standards of quality, condition, quantity or grade which are in addition to or different than the official standards, or (2) require labeling to show the State or other geographical area of production or origin. Labeling, packaging, or ingredient requirements, in addition to or different than those made under this Act, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, may not be imposed by any State or local jurisdiction, with respect to egg products processed at any official plant in accordance with the requirements under such Acts. However, any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of such a plant and are in violation of any of said Federal Acts or any State or local law consistent therewith. Otherwise the provisions of this Act shall not invalidate any law or other provisions of any State or other jurisdiction in the absence of a conflict with this Act.

(c) The provisions of this Act shall not affect the applicability of the Federal Food, Drug, and Cosmetic Act or the Fair Packaging and Labeling Act or other Federal laws to eggs, egg products, or other food products or diminish any authority conferred on the Secretary of Health, Education, and Welfare or other Federal officials by such other laws, except that the Secretary of Agriculture shall have exclusive jurisdiction to regulate official plants processing egg products and operations thereof as to all matters within the scope of this Act.

(d) The detainer authority conferred on representatives of the Secretary of Agriculture by section 19 of this Act shall also apply to any authorized representative of the Secretary of Health, Education, and Welfare for the purposes of paragraph (d) of section 5 of this Act, with respect to any eggs or egg products that are outside any plant processing egg products.

COST OF INSPECTION

SEC. 24. The cost of inspection rendered under the requirements of this Act, and other costs of administration of this Act, shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act.

APPROPRIATIONS

SEC. 25. Such sums as are necessary to carry out the provisions of this Act are hereby authorized to be appropriated.

SEPARABILITY OF PROVISIONS

SEC. 26. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DAY

Sec. 27. The provisions of this Act with respect to egg products shall take effect six months after enactment. Otherwise, this Act shall take effect eighteen months after enactment.

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

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

THE PRESIDENT'S BUDGET FOR FISCAL 1971

Mr. MANSFIELD. Mr. President, the President has submitted his budget for fiscal 1971 to the Congress; the days ahead will provide an opportunity for us to consider the emphasis of this administration in the allocation of the Federal resources. Last Friday the minority leader and I exchanged some comments with respect to a newspaper story on defense spending. A very cursory look at the requests of the administration—cursory only because of the limited time available since receiving it—indicates that the requests for defense spending this coming year—1971—will be significantly less than requested last year. However, the new budget requests for defense spending will exceed what the Congress appropriated last year by \$300 million if you include defense, \$69.3 billion; military construction, \$1.4 billion; and military assistance, \$454 million, for a total of \$71.1 billion. This compares with last year's appropriations totals of \$70.8 billion for all three categories, which I think is a significant advance.

Last year, the Nixon administration requested \$75.2 billion for defense spending authority exclusive of military construction and military assistance. The Congress appropriated \$69.6 billion. The Congress cut the administration's request by \$5.6 billion. This year, the administration has requested \$69.3 billion. I am hopeful that the Congress will study these requests and adjudge that a similarly large cut may be made this coming fiscal year.

Last year, the Congress cut the military assistance request of the administration by \$75 million—limiting it to \$350 million. It is not encouraging to see that the new budget requests for military assistance in the foreign aid program has risen \$104 million over last year's future to \$454 million.

It is not encouraging to note that the new budget authority for military construction is almost \$500 million over last year's requests. I think Congress will scrutinize these aspects very closely. In-

creases will be well justified prior to appropriations by Congress.

The budget does not specify how much of the reduced requests is attributable to reduced spending in Vietnam. It is safe to assume that all or most is. This is most welcome. We can look forward to the day when it is completely eliminated. Any reductions in defense budgeting, however, must be viewed in this context of where spending is reduced and what spending remains.

The personnel level for 1971 is estimated to be 150,000 men less than 1970. This would be a saving of almost \$1.5 billion alone.

The funding levels for other programs; for example, procurement and construction of new weapons systems, do not reflect a significant change. In fact, this budget contains "seed" money for many systems that will cost tens of billions in the future years if the initial commitment is made this year.

The expanded ABM will cost in the tens of billions—the money in this year's budget for the expansion is less than \$1 billion.

Similar commitments would be made with very small amounts of money this year for programs like the F-14 fighter for the Navy; the F-15 fighter for the Air Force; the AMSA bomber; the AWACS air defense system.

The Defense budget must be viewed in the context of its full impact over the years ahead not just this year. Under the previous administration, my administration, we were just as guilty then as perhaps this administration may be now in getting our noses inside the tent, and the first thing you know the camel is in there taking down the tent and all.

It is encouraging to see the total amount shrink but sometimes these shrinkages prove to be illusory, especially when one considers what will happen in the years ahead. Therefore, a close scrutiny must be made of the budget in all its aspects to assure that the momentum of the past has truly been reversed.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield to the acting minority leader.

Mr. GRIFFIN. Mr. President, I wish to add that I agree with the majority leader most wholeheartedly in his observation that a close scrutiny must be made of the budget by Congress—as was the case in the last session.

With respect to some of the other comments made by the distinguished majority leader I shall not take issue with the figures and statistics which he cites. If there are any questions concerning the Senator's earlier colloquy which he had with the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), I shall leave that to the distinguished minority leader.

While all of us realize the cost of government is on the increase, the cost of salaries alone in both the military and civilian aspects of government has been going up rather dramatically. It is most encouraging to me, as I indicated earlier in remarks, that the percentages of spending provided for in the budget have

been reordered. As I indicated before, in 1961, 48 percent of the total budget was going for national defense spending, whereas in the fiscal 1971 budget, only 37 percent of the total budget is going for defense spending. That is not to say we are not spending more; we are. But percentage-wise, the percentage allocated for defense spending has been reduced dramatically.

At the same time, the allocation of spending for human resources has been going up. In 1961, only 30 percent of the national budget was going for human programs and human resources; today such programs receive 41 percent. That is very encouraging.

To give some idea of the fact that we are cutting back on defense spending, I need only cite the statement made by Defense Secretary Laird not so long ago that the cuts already made and to be made in defense spending are going to reduce military and defense jobs by 1,250,000 workers. Those who ask for cuts in defense spending—and they should be made wherever justified—should remember that when we cut back on defense spending we cut back on jobs. If 1,250,000 workers lose their jobs as a result of defense cuts, that is a pretty dramatic indication that cuts are being made.

I do not like to see increases made in any part of the foreign aid program, but increases in our military assistance program can help our allies help themselves. Such aid would be consistent with the Nixon doctrine that we are not going to be so quick to send our troops into foreign lands but that we are going to help other nations in the free world help themselves.

Accordingly, it may well be that when we scrutinize that particular item, increasing the military assistance we give other nations so they can defend themselves may be consistent with present and future cuts in our own defense spending.

I appreciate the general tenor of the majority leader's statement, and there may be further colloquy with respect to it at a later point.

Mr. MANSFIELD. May I say the President is to be commended for reducing the budget request this year considerably from last year; but may I say also, and I say this most emphatically, the Congress is to be commended for reducing the overall budget request last year by the amount of \$7.5 billion for this fiscal year and the defense requests alone by \$5.6 billion. Going into next fiscal year Congress cut the Defense budget by \$1.5 billion. So I think with the administration and Congress working together we can make a very effective combination in reducing expenditures and in cutting appropriations; and I only hope the tandem relationship which worked so well last year will continue to work in the next fiscal year.

Mr. GRIFFIN. Mr. President, will the Senator yield for a further observation?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I do not like to be unduly argumentative, but there is this debate that has been going on about whether Congress cut the President's

budget and how much. I want to keep the record clear that the President himself revised his own budget. When we talk in terms of Congress cutting the budget, Congress cut it as originally submitted in April, but the President himself revised it, particularly in the area of defense, which leaves a different story.

Mr. MANSFIELD. Oh, no. I think it confirms what I have been stating. What the acting minority leader is saying is that President Nixon periodically submitted revisions to the budget submitted by his predecessor, President Johnson. By the end of the year when the last request of President Nixon arrived—last November I believe—the total of his request was lower than the Johnson budget. I commend him for that. I am saying that we, in turn, cut President Nixon's requests. To give the exact figure, in the field of defense it was a \$5,604,275,766 reduction. That congressional reduction was beyond the reduction President Nixon had made from the original Johnson request. At the same time for fiscal year 1971, Congress reduced fiscal expenditures below the President's budget request by \$1.437 billion or for a grand total of something in excess of \$7 billion.

This is something which Congress did and I think we should take full credit for it. We pat ourselves on the back, and realize that as a coordinate and equal branch of government we have faced up to our responsibility. I think we have performed respectfully and responsibly.

Mr. GRIFFIN. I am sure this argument is going to go on.

Mr. MANSFIELD. There is no argument. The figures speak for themselves.

Mr. GRIFFIN. I refer to the report of the Committee on Joint Expenditures of which the distinguished Democrat from Texas (Mr. MAHON) is chairman, which indicated Congress did not cut below the budget expenditures but, indeed, appropriated more; and also to say again a very important thing, and that is that President Nixon found it necessary later, after his original budget which cut President Johnson's budget, to revise his own budget again. So it depends on which one of those budget figures we want to make comparisons with.

Mr. MANSFIELD. I am just giving the facts and figures; and it is hard for me to understand why a Senator would not be willing to take credit for what this body did, regardless of party. I think it is something to crow about, something to show to the people. I think that especially in view of the financial situation, Congress acted responsibly in cutting the budget request; and we have done it for every President down through the years. I only hope this policy continues and that, together with the administration downtown, we will be able to make further cuts in expenditures and that we will be able to make further cuts in appropriations.

Mr. SCOTT subsequently said: Mr. President, for the first time in two decades, the budget for fiscal 1971 allocates more spending for the public welfare than for the national defense—a credit to President Nixon's planning and the manner in which he has conducted the office since his inauguration.

This budget is designed to return the

economy to a path of noninflationary growth after a 4-year deficit of \$39 billion and after an almost 6-percent rise in consumer prices in calendar 1969, the President has moved to establish a fiscal policy designed to cool inflation without subjecting the country to a recession.

I heartily support the President in his budgetary requests.

ADDITIONAL CALIFORNIANS KILLED IN VIETNAM

Mr. CRANSTON. Mr. President, between Friday, January 16, 1970, and Thursday, January 29, 1970, the Pentagon has notified 11 more California families of the death of a loved one in Vietnam.

Those killed were:

Sgt. Daniel E. Eckenrode, son of Mr. and Mrs. Warren J. Eckenrode, of Downey.

Pvt. Terence J. Folsom, husband of Mrs. Lindo M. Folsom, of Rancho Cordova.

Pfc. Frank D. Hammond, son of Mr. and Mrs. Orvin S. Hammond, of Ceres.

Sp4c. Henry C. Klinger, son of Mr. and Mrs. Clarence E. Benbrook, of Saugus.

Pfc. Robert M. Mildner, son of Mr. and Mrs. Theodore J. Mildner, of Santa Ana. Electrician's Mate James C. Mitchell, Jr., husband of Mrs. Rita L. Mitchell, of San Pedro.

Pfc. Edward T. Reyes, son of Mr. and Mrs. Thomas J. Reyes, of San Leandro.

Sp4c. Oscar F. Rodriguez, son of Mr. and Mrs. Samuel O. Rodriguez, of Los Angeles.

Sp4c. Victor B. Stribling, son of Vera L. Stribling, of Los Angeles.

Pfc. Dennis C. Ward, husband of Mrs. Teresa M. Ward, of Whittier.

Sgt. Floyd M. Wimer, son of Mr. Floyd R. Wimer, of Tulare.

They bring to 3,394 the total number of Californians killed in the Vietnam war.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF THE SELECTIVE SERVICE SYSTEM

A letter from the Director, Selective Service System, transmitting, pursuant to law, a report for the period January 1, 1969, through June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION CREDITING PRIOR ACTIVE COMMISSIONED SERVICE IN ANY ARMED FORCE TO OFFICERS APPOINTED IN THE REGULAR ARMY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend section 3287 of title 10, United States Code, to authorize the crediting of prior active commissioned service in any Armed force to officers appointed in the Regular Army (with an accompanying paper); to the Committee on Armed Services.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the vice president and general manager, the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, a report on receipts and expenditures of the company for the year 1969 (with an

accompanying report); to the Committee on the District of Columbia.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

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

REPORT OF THE AMERICAN ACADEMY OF ARTS AND LETTERS

A letter from the Assistant to the President, The American Academy of Arts and Letters, transmitting, pursuant to law, a report of the Academy for the year 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE COASTAL PLAINS REGIONAL COMMISSION

A letter from the Federal Cochairman, Coastal Plains Regional Commission, transmitting, pursuant to law, a report of the Commission for fiscal year 1969 (with an accompanying report); to the Committee on Public Works.

1970 NATIONAL HIGHWAY NEEDS REPORT

A letter from the Secretary of Transportation, transmitting, pursuant to law, the 1970 National Highway Needs Report, dated December 1969 (with an accompanying report); to the Committee on Public Works.

REPORT OF THE OZARKS REGIONAL COMMISSION

A letter from the Federal Cochairman, transmitting, pursuant to law, a report of the Commission, for the year ended December 31, 1969 (with an accompanying report); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution of the Kentucky House of Representatives; to the Committee on Agriculture and Forestry:

"HOUSE RESOLUTION 10

"A concurrent resolution endorsing federal price supports for burley tobacco.

"Whereas, burley tobacco is a significant segment of the total agricultural product of the commonwealth; and

"Whereas, many thousands of citizens of the commonwealth depend upon this crop for their livelihood; and

"Whereas, members of the Kentucky delegation to the Congress of the United States have expressed strong and firm support for the continuation of federal assistance to the burley tobacco farmer by way of price supports;

"Now, therefore, Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

"Section 1. That this General Assembly concurs in the position of the Kentucky delegation to the Congress of the United States which strongly endorses continuation of federal price supports for burley tobacco.

"Section 2. The clerk of the House of Representatives shall send attested copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each Senator and Representative representing Kentucky in these bodies.

"Attested:

"JOHN W. GREENE,
"Chief Clerk."

A resolution of the House of Representatives, Commonwealth of Puerto Rico; to the Committee on Finance:

"RESOLUTION TO EXPRESS THE CONCERN OF THE HOUSE OF REPRESENTATIVES BEFORE THE CHANGES TO TAKE PLACE IN THE PETROLEUM IMPORT QUOTA SYSTEM

"STATEMENT OF MOTIVES

"Whereas, the Special Committee of the President of the United States on the petroleum industry has rendered a report to the White House, containing recommendations directed toward establishing possible modifications in the present import quota system of the petroleum industry;

"Whereas, it has been proposed that the present import quota system be changed to one that imposes tariffs on the imported petroleum;

"Whereas, the petrochemical industry of Puerto Rico has been established and developed on the basis of the quotas import system of petroleum;

"Whereas, this basic industry has afforded grounds to numerous other subsidiary industries, aiding in the creation of thousands of work opportunities for the Puerto Rican workers and said industry is contributing toward the development and promotion of a sector considerably important in the Puerto Rican economy;

"Whereas, any drastic changes established in the supply system of petroleum for the petrochemical complex of Puerto Rico might seriously affect the stability of this industry and the sources of work thereby provided;

"Whereas, the Honorable Governor of Puerto Rico made known in his message the efforts he is undertaking with the present administration in Washington in connection with the petroleum imports in Puerto Rico;

"Whereas, the House of Representatives, in harmony with the efforts of the Honorable Governor, wishes to express its concern for the future of the petrochemical industry in Puerto Rico.

"Therefore, be it resolved by the House of Representatives of the Commonwealth of Puerto Rico:

"1. To express, as it is hereby expressed, the profound concern of this House of Representatives before the possibility of modifying in an adverse manner to the economy of Puerto Rico the petroleum import quota system;

"2. To respectfully request from the President of the United States that the proper foresight be taken into account so as to protect the important petrochemical industry in Puerto Rico, should the present supply system of imported petroleum be changed;

"3. That copy of this Resolution be sent by the Secretary of the House of Representatives to the Honorable President of the United States, Richard M. Nixon, to the Secretaries of the Interior and Commerce of the United States, to the Speaker of the House, and to the President of the Senate of the Congress of the United States, to the Resident Commissioner of Puerto Rico in Washington and to the press, radio and television of the country.

"And to transmit to the Honorable President of the Senate of the United States, I sign and seal these presents at my office in the Capitol, San Juan, Puerto Rico, this 16th day of January of the year 1970.

"PEDRO TORRES DÍAZ,
"Secretary."

A resolution adopted by the Veterans of Foreign Wars of the United States, Department of Maryland, Baltimore, Md., praying for the enactment of legislation to establish a national cemetery adjacent to Manassas Battlefield Park or a suitable location in the Washington Metropolitan area; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Allied Council of New Jersey Veterans Organizations,

praying for the enactment of legislation relating to educational benefits for certain veterans; to the Committee on Labor and Public Welfare.

A resolution adopted by the Allied Council of New Jersey Veterans Organizations, praying for the creation of a separate permanent Veterans Committee in the U.S. Senate; to the Committee on Rules and Administration.

BILLS INTRODUCED

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

By Mr. MURPHY:

S. 3362. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 3363. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California; to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks by Mr. MURPHY when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. HOLLAND:

S. 3364. A bill for the relief of Dr. Jorge Raul Jose Bruno Martorell y Fernandez (Jorge R. Martorell); to the Committee on the Judiciary.

By Mr. TOWER:

S. 3365. A bill for the relief of Luis C. Guerrero, Gaudelupe Guerrero, and Alfredo Guerrero; to the Committee on the Judiciary.

By Mr. FONG (for himself and Mr. INOUE):

S. 3366. A bill to make banks in American Samoa eligible for Federal deposit insurance under the Federal Deposit Insurance Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. STENNIS (for himself and Mrs. SMITH of Maine) (by request):

S. 3367. A bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test and evaluation for the armed forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the armed forces, and for other purposes; to the Committee on Armed Services.

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

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 3368. A bill to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce; to the Committee on Finance, by unanimous consent.

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

S. 3362, S. 3363, SENATE RESOLUTION 349, AND SENATE RESOLUTION 350—INTRODUCTION OF BILLS AND SUBMISSION OF RESOLUTIONS RELATING TO TITLE TO CERTAIN LANDS IN THE STATE OF CALIFORNIA

Mr. MURPHY. Mr. President, on March 4, April 29, and May 20, 1969, I introduced a series of bills in behalf of various persons who claim certain lands

along the Colorado River. These bills were all referred to the Senate Committee on Interior and Insular Affairs. With each bill I also submitted a corresponding resolution calling for the bills to be referred for consideration to the Court of Claims in accordance with the applicable section of the law. Since the resolutions pertained directly to the bills, I sought and obtained the unanimous consent of this body on each occasion to have the resolutions referred to the Senate Committee on Interior and Insular Affairs, too, as the bills had been.

I now introduce two bills similar to the ones I offered last year and submit two corresponding resolutions, and I ask unanimous consent that the bills and resolutions be referred to the Senate Committee on Interior and Insular Affairs for consideration.

The PRESIDING OFFICER. The bills and resolutions will be received; and, without objection will be referred to the Committee on Interior and Insular Affairs, as requested by the Senator from California.

The bills, introduced by Mr. MURPHY, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

S. 3362. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of Riverside, State of California; and

S. 3363. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California.

The resolutions, submitted by Mr. MURPHY, which read as follows, were referred to the Committee on Interior and Insular Affairs:

S. Res. 349

Whereas, there is pending in the Senate of the United States a bill designated as S. 3362 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California, unto Claude S. Gossett and Katherine May Gossett.

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to Section 1492 of Title 28 of the U.S. Code, a trial Commissioner to proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. RES. 350

Whereas, there is pending in the Senate of the United States a bill designated as S. 3363 to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California, unto Elmer A. Wold and Hazel R. Wold, husband and wife.

Resolved, That the Chief Commissioner of the United States Court of Claims shall designate pursuant to Section 1492 of Title 28 of the U.S. Code, a trial Commissioner to

proceed in accordance with the applicable rules to determine the facts, including facts relating to delay or laches, facts bearing upon the question whether the bar of any statute of limitations should be removed, or facts claimed to excuse the claimant for not having resorted to any established legal remedy. He shall append to his findings of facts, conclusions sufficient to inform the Congress whether the demand is a legal or equitable claim or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. 3367—INTRODUCTION OF A BILL AUTHORIZING APPROPRIATIONS DURING THE FISCAL YEAR 1971 FOR MILITARY PROCUREMENT

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, for appropriate reference, a bill to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter of transmittal will be printed in the RECORD.

The bill (S. 3367) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, introduced by Mr. STENNIS, for himself and Mrs. SMITH of Maine, by request, was received, read twice by its title and referred to the Committee on Armed Services.

The letter presented by Mr. STENNIS is as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of proposed legislation to authorize appropriations during fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the armed forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the armed forces, and for other purposes. This proposal is a part of the Department of Defense legislative program for the 91st Congress, and the Bureau of the Budget has advised that enactment of the proposal would be in accord with the program of the President.

This proposal is identical in form to the

provisions of Public Law 91-121, approved November 19, 1969, providing authorizations for appropriations as required pursuant to section 412(b), Public Law 86-149, as amended.

This proposal would provide for authorization of appropriations as needed for procurement in each of the categories of aircraft, missiles, naval vessels, and tracked combat vehicles for each of the military departments in an amount equal to the appropriations being requested for such purposes in the President's budget for fiscal year 1971. For the first time there is also included authorization of appropriation for other weapons as required by language amending section 412 (b) by section 405 of P.L. 91-121 in amounts included in the budget for fiscal year 1971. In addition, the proposal would provide fund authorization in amounts equal to the appropriations included in the President's budget for fiscal year 1971 in total for each of the research, development, test, and evaluation appropriations for the military departments and the defense agencies. Appropriations are also authorized for the Emergency Fund for research, development, test, and evaluation or procurement or production for the Department of Defense.

Title III of the proposal provides for the personnel strengths of the Selected Reserve of each reserve component of the armed forces in the number provided for by appropriations requested for these components in the President's budget for fiscal year 1971.

The proposal would also continue for fiscal year 1971 the authority now contained in section 401(a) of P.L. 89-367, as amended, for appropriations of the Department of Defense to be made available for the support of the (1) Vietnamese and other Free World Forces in Vietnam, and (2) local forces in Laos and Thailand.

As in the past, this section constitutes the authority for the inclusion in the President's budget estimates for appropriations of Department of Defense for fiscal year 1971 of the amounts to cover known requirements for the support of Vietnamese and other Free World Forces in Vietnam as well as for support of local forces in Laos and Thailand.

In addition, under the authority of this section a request for a special appropriation entitled "Combat Readiness, South Vietnamese Forces" has been included in the President's budget for fiscal year 1971. The special appropriation is in the amount of \$300 million together with authority to transfer between appropriations for the Department of Defense of \$150 million, such funds and authority to be utilized only upon the determination by the President that such action is necessary and with his approval.

The specific requirements to support the most effective program for transfer of combat responsibility to the forces of South Vietnam are being developed. The current studies are designed to develop forces, equipment, and support requirements covering accelerated Vietnamization of the conflict. These funds and the authority will be utilized only as and when needed for this purpose and will enable prompt action to accelerate Vietnamization when the requirements are finalized.

The reporting requirements of subsection (b) of section 401 cited above would be equally applicable to the support furnished Laos and Thailand under this amendment.

As in the past, top civilian and military officials of the Department of Defense will be prepared to make presentations explaining and justifying their respective programs and additionally the Department of Defense will be prepared to submit any other data required by the committee or their staffs.

Sincerely,

MELVIN R. LAIRD.

S. 3368—INTRODUCTION OF THE INTERSTATE SALES AND USE TAX ACT

Mr. MURPHY. Mr. President, I introduce, for appropriate reference, a bill to provide a uniform system for the application of State and local sales and use taxes to transactions in interstate commerce. Its title is "The Interstate Sales and Use Tax Act." The measure is cosponsored by my colleague, Senator CRANSTON.

My purpose in introducing this bill is simple and direct. I desire to focus attention on the basic issues involved in the application of State and local sales and use taxes to interstate business and to provide an opportunity for the consideration and debate of these issues on their merits.

A review of the course of developments since the Congress first directed, in 1961, that a study be made of interstate sales and use taxes, shows that there are two points which stand out boldly. One is that it has been a mistake to attempt to resolve all interstate tax problems in a single omnibus bill which would prescribe interrelated rules and guidelines for a number of taxes that are, in fact, unrelated.

The second point is that in this same period there have been a number of significant sales and use tax developments, the practical effect of which has been to render irrelevant much of the previous testimony in support of Federal legislation in this field. This is particularly true, for example, of the extended testimony dealing with catalog and mail-order sales, which has since been dealt with by the Supreme Court.

Since the first interstate taxation bill was introduced in 1965, national and local businessmen, economists and university experts in public finance, in addition to State and local tax officials, have been critical of the failure to distinguish basic differences in jurisdictional rules applicable to sales and use taxes from those applicable to the corporation income tax. The outstanding example of this confusion of rules and standards in all of the interstate taxation bills currently pending in the Committee on Finance has been the attempt to apply the principle of Public Law 86-272 to the collection of sales and use taxes.

The purpose of that law is to reduce the tax compliance burden on interstate sellers by simplifying the allocation of income among States. This is achieved by precluding the apportionment of income for net income tax purposes by any State in which a multistate seller does no more than solicit orders for acceptance at and shipment from an out-of-State point. No matter what the merits of Public Law 86-272 are for corporation income tax purposes, its application to sales and use taxes would have disastrous consequences.

If the principles of Public Law 86-272 were applied to sales and use taxes, the multistate seller would be free of tax obligations even though he maintains an unlimited number of salesmen in a State,

so long as he had no place of business in that State and the orders taken were filled by shipments from outside the State. The tax loss to State and local governments, at rates of 5 percent or more in many States, would be substantial. Of even greater concern is the very significant competitive advantage that would be granted to out-of-State sellers over local retailers. This tax advantage would lead to further penetration of local markets by the vendors given such tax immunity.

A different situation exists in the application of Public Law 86-272 to income taxes. The tax loss to any State is measured by net income from sales. Discrimination against local business is therefore less significant.

Beneficiaries of the proposed immunity from collection of sales and use taxes will include many very large multistate businesses. For example, a full-page advertisement appearing in the July 1969 issue of *Fortune* states that for the 15th consecutive year the advertiser is the world's largest direct seller of fashion jewelry and that every 12 seconds of every working day a home jewelry show of its products is held somewhere in the United States. With little or no adjustment of sales methods, sales by this company would be immune from sales or use tax collection in virtually every State if the principles of Public Law 86-272 are applied to sales and use taxes. It would obviously be impossible for any State to collect the use tax due from each of the customers of this company.

To further illustrate the fiscal and competitive consequences if Congress were to extend the principle of Public Law 86-272 to sales and use taxes, I submit an exhibit compiled from the records of the California State Board of Equalization. It shows the type of business activities engaged in by some of the companies that would be exonerated from responsibility for collection of sales and use taxes. These 22 companies annually make over \$37 million of sales through solicitation by sales representatives within California. Nationwide, their sales run into hundreds of millions of dollars a year.

I propose to provide the Congress, businessmen, consumers, and State tax officials alike with the opportunity to consider a uniform system for the application of sales and use taxes in interstate commerce which is based on the premise that there are some problems in the sales and use tax field that are different from those found in the income tax field and consequently they require different solutions.

The bill which I have introduced utilizes to the fullest the work already done by the committees of the Congress. In fact, it largely follows the framework of Congressman RODINO's bill which has recently been passed by the other body, but with two major differences. The remedial provisions of my bill are directed exclusively to the solution of today's interstate sales and use tax problems and it retains the time-tested sales and use tax jurisdiction based on sales solicitation within the State.

Mr. President, I am greatly indebted to the Chamber of Commerce of the State of California and to the State Board of Equalization whose study of this issue and expertise made possible this proposal. In addition, the California Manufacturers Association and the California Retailers Association worked closely with them. Also Governor Reagan and his administration support this measure.

Mr. President, I ask unanimous consent that this bill be referred to the Committee on Finance. I also ask unanimous consent that a copy of the bill be printed in the *RECORD*, together with the exhibit prepared by the California State Board of Equalization, and an explanatory statement containing a section-by-section comparison with H.R. 8906, the Interstate Taxation Act, introduced by Congressman RODINO.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, exhibit, and statement will be printed in the *RECORD*.

The bill (S. 3368) to regulate and foster commerce among the States by providing a uniform system for the application of sales and use taxes to interstate commerce, introduced by Mr. MURPHY, for himself and Mr. CRANSTON, was received, referred to the Committee on Finance, by unanimous consent, and ordered to be printed in the *RECORD*, as follows:

S. 3368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate Sales and Use Tax Act".

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TITLE I—JURISDICTION TO TAX

Sec. 101. Uniform Sales and Use Tax Jurisdictional Standard.

No State or political subdivision thereof shall have power to impose a sales tax or to require a person to collect a sales or use tax with respect to an interstate sale of tangible personal property for delivery in the State unless the person—

- (1) has a business location in the State,
- (2) regularly solicits orders for the sale of tangible personal property by salesmen, solicitors, or representatives in the State, unless his activity in the State consists solely of solicitation by direct mail or advertising via newspapers, radio, or television, or
- (3) regularly engages in the delivery of property in the State other than by common carrier or United States mail.

A State or political subdivision shall have power to impose a sales tax, or to require seller collection of a sales or use tax with respect to an interstate sale of tangible personal property, if it is not denied power to do so under the preceding sentence.

TITLE II—UNIFORM RULES FOR APPLICATION OF TAX

Sec. 201. Reduction of Multiple Taxation.

(a) Location of Sales.—A State or political subdivision thereof may impose a sales tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

- (1) in that State, or
- (2) in a State or political subdivision for which the tax is required to be collected.

(b) Credit for Taxes.—A credit shall be allowed against, but shall not exceed, the total amount of use taxes imposed by a State and the political subdivisions thereof with respect to tangible personal property to the extent that the taxpayer has previously paid sales tax or use tax to the seller or any other State or political subdivision thereof on account of a prior sales or use tax liability with respect to the property.

(c) Limitation on Credit for Prior Taxes.—A credit otherwise permitted under subsection (b) shall not be allowed with respect to taxes which are measured by periodic payments made under a lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(d) Vehicles and Motor Fuels.—

(1) Vehicles.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

Sec. 202. Exemption for Household Goods, Excluding Motor Vehicles, in the Case of Persons who Establish Residence.

No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, excluding motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person thirty days or more before use of the property in the State in which he establishes such residence.

Sec. 203. Treatment of Transportation Charges With Respect to Interstate Sales.

Where the freight charges or other charges for transporting tangible personal property

directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the cost to the seller of transportation by other than his facilities, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

Sec. 204. Liability of Sellers on Exempt Sales.

No seller shall be liable for the collection or payment of sales or use tax with respect to an interstate sale of tangible personal property where he has accepted from the purchaser of such property—

(1) a resale certificate or statement in writing giving the purchaser's registration number or other form of identification indicating that the purchaser is registered with the jurisdiction imposing the tax to collect or pay a sales or use tax imposed by that jurisdiction, or

(2) an exemption certificate or other written form of evidence indicating the basis for exemption.

Any such certificate or writing shall give the name and address of the purchaser, his registration number, if any, and shall be signed by the purchaser or his representative indicating the basis for exemption.

Sec. 205. Local Sales and Use Taxes.

No seller shall be required by a State or political subdivision thereof to classify interstate sales for sales or use tax accounting purposes according to geographic areas of the State in any manner other than to account for interstate sales with destinations in political subdivisions in which the seller has a business location; regularly solicits orders for the sale of tangible personal property by salesmen, solicitors, or other representatives, unless his activity in the political subdivision consists solely of solicitation by direct mail or advertising via newspapers, radio, or television; or regularly engages in the delivery of property other than by common carrier or United States mail. Where in all geographic areas of a State sales or use taxes are imposed at the same rate on the same transactions, are administered by the State, and are otherwise applied uniformly so that a seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes whether imposed by the State or by political subdivisions shall be treated as State taxes for purposes of this Act.

TITLE III—DEFINITIONS AND MISCELLANEOUS PROVISIONS

PART A—DEFINITIONS.

Sec. 301. Sales Tax.

A "sales tax" is any tax imposed with respect to retail sales, and measured by the sales price of goods or services sold, which is required by State law to be stated separately from the price by the seller, or which is customarily stated separately from the sales price.

Sec. 302. Use Tax.

A "use tax" is any nonrecurring tax measured by the purchase price or value of goods or services sold, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incidental to the ownership or possession of that property or the leasing of that property from another, including any consumption, keeping, retention, or other use of tangible personal property.

Sec. 303. Sale; Sales Price; Purchase Price.

The terms "sale", "sales price" and "purchase price" shall be deemed to include leases and rental payments.

Sec. 304. Interstate Sale.

An "interstate sale" is a sale in which the

tangible personal property sold is shipped or delivered to the purchaser, or his designee, in a State from a point outside that State.

Sec. 305. Destination.

The destination of a sale is in the State or political subdivision in which possession of the property is physically transferred to the purchaser, or his designee, or to which the property is shipped to the purchaser, or his designee, regardless of the f.o.b. point or other conditions of the sale.

Sec. 306. Designee.

For the purposes of this Act, "designee" does not include an independent contract or common carrier which receives property solely for the purpose of carriage.

Sec. 307. Business location.

(a) General Rule.—A person shall be considered to have a business location within a State only if that person—

(1) owns or leases real property within the State,

(2) has one or more employees located in the State,

(3) regularly maintains a stock of tangible personal property in the State for sale in the ordinary course of its business, or

(4) regularly leases out tangible personal property for use in the State.

For the purpose of paragraph (3), property which is on consignment in the hands of a consignee, and which is offered for sale by the consignee on his own account, shall not be considered as stock maintained by the consignor. If a person has a business location in a State solely by reason of paragraph (4), he shall be considered to have a business location in the State only with respect to such leased property.

Sec. 308. Location of Employee.

An employee shall be considered to be located in a State if—

(1) his service is performed entirely within that State, or

(2) his service is performed both within and without that State, but in the performance of his service he regularly commences his activities at, and returns to, a place within the State.

Sec. 309. State.

The term "State" means the several States of the United States and the District of Columbia.

Sec. 310. State Law.

References in this Act to "State law", "the laws of the State", and the like shall be deemed to include a State constitution, and to include the statutes and other legislative acts, judicial decision, and administrative regulations and rulings of a State and of any political subdivision.

PART B—MISCELLANEOUS PROVISIONS

Sec. 321. Prohibition Against Geographical Discrimination.

(a) In General.—No provision of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State. For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) Computation of Tax Liability Under Discriminatory Laws.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

Sec. 322. Prohibition Against Out-of-State Audit Charges.

No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies.

Sec. 323. Permissible Taxes.

The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of an excise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

Sec. 324. Liability With Respect to Unassessed Taxes.

No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person for any period ending on or before such date a sales or use tax with respect to tangible personal property, if during such period that person was not registered in the State for the purpose of collecting tax, had no business location in the State, did not regularly solicit orders for the sale of tangible personal property by salesmen, solicitors, or other representatives in the State or did not regularly engage in the delivery of property in the State other than by common carrier or United States mail.

Sec. 325. Effective Dates.

Sections 101, 321, 322 and 324 of this Act shall take effect on the date of the enactment of this Act. Section 205 shall take effect on the first day of the first calendar quarter commencing one year after the enactment of this Act. The remaining provisions of this Act shall take effect on the first day of the second calendar quarter commencing after the enactment of this Act.

The material presented by Mr. MURPHY is as follows:

EXHIBIT: SALES AND USE TAX JURISDICTIONAL LIMITATIONS IN PROPOSED FEDERAL INTERSTATE TAXATION ACTS

California based businesses would be at a competitive disadvantage with out-of-state sellers under "Interstate Taxation Acts" now pending in both houses of Congress. Tax shelters which would be available to interstate sellers under H.R. 4178 (McCulloch), H.R. 7906 (Rodino), S. 611 (Mathias), or S. 916 (Ribicoff) would also cause substantial losses of California income taxes and state and local sales and use taxes.

Among other things, each of the proposed bills would impose arbitrary and unreasonable jurisdictional standards on state and local government, jeopardize collection of local taxes under the California Bradley-Burns Uniform Local Sales and Use Tax Law, and create inequities in the apportionment of corporate income for California income tax purposes.

Common to all the bills is the jurisdictional limitation applicable to sales and use taxes. Specifically, the California Sales and Use Tax Law presently provides that an out-of-state retailer shall collect the use tax if it has an office, warehouse, representative, agent, salesman, canvasser or solicitor in this state. Under the proposed bills this requirement would not apply to interstate retailers unless they maintain a business location in this state or regularly make household deliveries in this state.

To illustrate the widespread tax and competitive impact of this restriction, we have selected the following typical businesses

from the many that make California sales without maintaining a fixed place of business or inventory within the state. Most of these businesses qualify for the H.R. 7906 sales and use tax exemption without any change in their operations. The remainder would qualify with a minimal change in their methods of delivery.

1. This firm sells ready-to-wear dresses. Sales personnel within California obtain "hostesses" to arrange a "social party." A "stylist" attends the party and exhibits sample garments. Orders are submitted by the "stylist" to, and are filled from, a point outside the state by a combined shipment to the "hostess." State and local sales and use taxes in California for the fiscal year 1967-1968 totaled \$403,500. It would no longer be subject to sales tax, nor required to collect the use tax. This translates into sales in excess of \$8 million in direct competition with California retailers.

2. A shoe manufacturer makes sales in California through commission salesmen direct to consumer customers. California sales for the fiscal year ended 6-30-68 amounted to \$350,000 with tax paid in excess of \$17,000.

3. A shoe manufacturing firm sells through sales representatives on a house to house basis. This firm paid tax of more than \$48,000 on sales of \$980,000.

4. A company sells household utensils, pots, pans, etc., through independent representatives to consumer customers on a house to house basis. Sales last year exceeded a quarter million dollars, with a tax payment in excess of \$12,500.

5. This business is conducted by two related corporations. One sells jewelry, and the other sells cosmetics, through solicitors operating within California. Their method of doing business is somewhat similar to that outlined in No. 1. Their annual state and local sales and use taxes aggregate \$175,000. Under the proposed federal restriction \$3,500,000 of sales with local solicitation would not subject the companies to the California Sales and Use Tax Laws.

6. A large greeting card firm has independent sales solicitors taking orders from consumer customers in California. Last year's volume of sales in California was almost a half million dollars, with tax paid of \$24,900.

7. A firm sells educational books through commissioned salesmen on a door to door basis. Sales made were in excess of \$525,000, tax paid of \$25,300.

8. Another firm sells on a door to door basis through commissioned salesmen, Bibles of all denominations. Sales for last year totaled more than \$460,000, and tax paid exceeded \$23,000.

9. A firm engaged in the sale of books, magazines, and record albums, has agents located in California who operate from their homes. These agents solicit orders which are filled, and shipped from a point outside the state direct to the purchaser. It would be discharged from further liability on \$7,500,000 of annual sales, on which it now pays \$375,000 in taxes. An affiliated corporation of this firm does maintain offices in California. It would be an easy matter to direct all publications of a non-taxable nature through the corporation maintaining an office in the state, and all taxable publications, and other items of a taxable nature, through the corporation with no office in the state. The enactment of this legislation would provide the opportunity for tax avoidance.

10. A firm with independent sales representatives sells dry goods direct to consumer customers. This firm's sales last year fell just short of \$500,000 and they paid tax of \$24,350.

11. A correspondence school makes sales of educational material and school supplies directly to the student, through independent sales representatives. Annual sales in Califor-

nia totaled \$732,000 with tax payable of \$36,600.

12. A corporation makes direct sales of general merchandise to credit card holders of large national firms. Individual sales amounts are small, however, the volume is quite large, with last year's sales exceeding \$450,000 and payment of tax in the amount of \$22,700.

13. This firm has 20 photographic salesmen in California who take and sell pictures to students and schools. Annual sales exceed \$800,000 with a tax liability of \$40,650.

14. This manufacturer is engaged in the sale of desks and public seating equipment to many vendees within the state. Sales are made by resident salesmen. Tax last year was in excess of \$37,000.

15. This firm supplies prescription lenses, frames, and accessories to optometrists and oculists. All sales are made through resident salesmen. The sales to California purchasers in the last fiscal year amounted to \$1,252,000 with a tax liability of \$62,600.

Four additional optical firms making sales in the same manner as described above made sales in the amount of \$1,600,00 with total tax paid of \$79,000.

16. A manufacturer and seller of yearbooks makes sales through representatives without offices to students and schools. The tax paid amounts to \$110,000.

17. Another publisher of yearbooks makes sales of these and other specialty publications in the same manner as indicated in number sixteen. Their sales are also to students and schools. The tax revenue from this account is \$120,000 per year.

18. Another company has independent sales agents soliciting orders for their products which are advertising specialties, executive gifts, metal signs, etc. This firm paid tax of \$27,050 on sales of \$540,000.

19. This taxpayer operates in California through resident salesmen making sales of uniforms to various employers and organizations throughout the state. All sales are made through taxpayer's sales representatives. California taxable sales during the last fiscal year exceeded one quarter of a million dollars.

20. A manufacturer and seller of rubber processing machinery and garbage disposers make sales as a result of solicitation by sales representatives, with no office maintained in this state. Sales for last year totaled \$1,600,000 and tax paid of \$80,000.

21. A supplier of industrial chemicals and disinfectants made sales through resident salesmen in excess of \$2,000,000 last year and paid tax in the amount of \$110,000.

22. This firm is a manufacturer of industrial mixers. Most of its sales are to bakeries and other food processing industries. Orders are solicited by an independent sales representative. Sales for the fiscal year ended June 30, 1968, exceeded \$500,000, with total tax paid in excess of \$25,000.

Sales made by the first twelve firms are direct to consumer customers who are not normally registered with the state for the purpose of reporting or paying sales or use taxes. The individual sales amounts would be so minimal as to preclude any pursuit of the consumer customer for payment of the tax. The absolute loss of revenue, as a result of this legislation, from these accounts would amount to almost \$1,200,000 annually.

At least a part of the sales of the last ten of the listed accounts are made to purchasers engaged in business in California. For this reason, some part of the tax now collected and paid to the state by these vendors would be paid directly to the state by purchasers otherwise required to file sales and use tax returns. The greater percentage, however, would be lost. The greater cost of collecting tax from purchasers would further limit the net tax yield from sales by these firms.

In addition to sellers which would be immediately excused from compliance with the California Sales and Use Tax Law, there are many others who could easily arrange to come within the protection of the "Interstate Taxation Act." Some examples follow:

A large publishing firm presently maintains sales offices in California, but does not carry stock of goods within the state. Orders are obtained by personal solicitation within California, and shipments are made from a point outside the state. Last year this publisher paid over \$400,000 in state and local sales and use taxes in California. The mere closing of the sales offices would exempt the publisher from this liability.

A firm making sales of incentive programs and related materials maintains one sales office in California. Taxable sales reported by this organization last year amounted to \$4,400,000 with a payment of \$220,000 in tax. The closing or relocation of this single sales office would eliminate the need for this firm to pay any tax.

A mail order shoe retailer has agents in California soliciting orders which are filled from a point outside the state. Sales are in excess of \$800,000 per year. An office maintained in Los Angeles could easily be closed and relieve this seller of further tax liability.

The passage of any one of the proposed "Interstate Taxation Acts" would provide the out-of-state retailer with a distinct competitive advantage over the California retailer. The limiting jurisdictional factors, which would permit unlimited direct sales solicitation within the state without tax liability, would encourage many out-of-state sellers who presently are not making sales in California, to engage in such sales activity due to the lucrative market represented by California consumer customers.

ANALYSIS OF PROPOSED "INTERSTATE SALES AND USE TAX ACT"

The draft bill follows the format and organization of H.R. 7906 but is limited to sales and use taxes. To the extent considered to be compatible with the objectives to be achieved, the exact wording and provisions of H.R. 7906 have been retained.

Title. The title was changed to the "Interstate Sales and Use Tax Act" to conform with the limited scope of the bill.

Sec. 101, Uniform Jurisdictional Standards, with Secs. 307 (Business Location) and 308 (Location of Employee) would prescribe jurisdictional standards for the imposition of sales and use taxes to interstate transactions.

The jurisdictional standards would differ from those prescribed by H.R. 7906 by subjecting a seller to the jurisdiction of any state in which is located one or more employees, or in which the seller regularly solicits orders for the sale of tangible personal property by salesmen, solicitors or other representatives or regularly engages in the delivery of property other than by common carrier or United States mail.

Title II. This was retitled "Uniform Rules for Application of Tax" to conform with the subject matter.

Sec. 201(a), Location of Sales, is the same as Sec. 301(a) of H.R. 7906.

Secs. 201(b) and (c) relate to the credit of taxes to prevent multiple taxation.

Sec. 201(b), Credit for Prior Taxes, requires the existence and payment of a prior tax liability, rather than just the earlier payment of tax, to qualify for the credit.

Sec. 201(c), Limitation on Credit for Prior Taxes, will prevent double credits measured by periodic payments under a lease. This was not in H.R. 7906.

Sec. 201(d), Vehicles and Motor Fuels, is modeled after H.R. 7906 but is modified so that 201(d)(1) applies to "vehicles" rather

than only to "motor vehicles." Truck trailers and similar vehicles subject to registration in the state would be treated the same as motor vehicles subject to registration since there appears to be no logical distinction for sales and use tax purposes.

Sec. 202, Exemption of Household Goods, is modeled after Sec. 302 of H.R. 7906. The word "including" before "motor vehicles" has been changed to "excluding." Because of the tax credit provisions this would not create any hardship, and payment of tax in another state on a large purchase such as a highway vehicle could easily be established. Use of the household goods for 30 days out of state would also be necessary in order to qualify for the exemption. This would prevent avoidance of tax by a new resident, who, under 302, could acquire goods out of state, have them shipped to the new place of residence and thus avoid tax at origin and destination. Again, because of the tax credit, there is no possibility of double taxation.

Sec. 203, Transportation Charges, is modeled after Sec. 303 of H.R. 7906, but modified to limit the exclusion to reasonable charges for delivery by facilities of the seller and the actual cost of transportation by a carrier and to require a written statement of the charges.

Sec. 204, Liability of Sellers on Exempt Sales, is a modified version of Sec. 304 in H.R. 7906. The form of written evidence is prescribed to provide a means to identify and locate the purchaser. Also, the signature of the purchaser is required. Thus, a means of establishing potential tax liability of the purchaser is provided.

Sec. 205, Local Taxes, is the same as Sec. 305 in H.R. 7906, modified to accord with the proposed changes in jurisdictional standards. To be treated as a state tax for purposes of the Act, local taxes must be imposed at the same rate on the same transactions in all geographic areas of the state and administered by the state, but the local tax base need not be identical with the state tax base.

Sec. 301, Definition of "Sales Tax," is the same as Sec. 603 of H.R. 7906.

Sec. 302, Definition of "Use Tax," is modeled after Sec. 604 of H.R. 7906 but modified by—

(1) adding after "non-recurring tax" the words "measured by the purchase price or value of goods or services sold" and

(2) adding after "ownership of that property" the words "or possession of that property."

The first modification excludes other excise taxes such as cigarette taxes, etc., and includes use taxes which are measured by the value of self-fabrication labor. The second preserves use taxes on the possession by contractors of government-owned property.

Sec. 303, Sale; Sales Price; Purchase Price, is the same as Sec. 607 of H.R. 7906 with the word "purchase price" added. This addition is required by the change in the definition of use tax.

Sec. 304, Interstate Sale, is simplified and changed to include only sales which involve interstate movement of the goods.

Sec. 305, Destination, is modeled after sec. 610 of H.R. 7906 but clarified.

Sec. 306, Designee, is qualified to exclude an independent contract or common carrier which receives property solely for the purpose of carriage. This clarifies the definitions of "interstate sale" and "destination."

Sec. 307, Business Location is in part identical to Sec. 611 of H.R. 7906. The exception with respect to the maintenance of an office for gathering news (Sec. 611(b)) and the provisions for "Special Cases" (Sec. 611(c)) have been omitted. Added is a provision relating to leases.

Sec. 308, Location of Employees, is based on Sec. 613 of H.R. 7906 but modified to eliminate the exception for employees engaged ex-

clusively in the solicitation of orders and to otherwise conform the provision to the scope of the draft bill.

Secs. 309 and 310, State; and State Law, are the same as Secs. 615 and 616 of H.R. 7906.

Sec. 321, Prohibition Against Geographical Discrimination is the same as Sec. 622 of H.R. 7906 except that a reference to gross receipts taxes has been omitted.

Sec. 322, Prohibition Against Out-of-State Audit Charges is the same as Sec. 624 of H.R. 7906, modified to exclude references to income taxes, etc.

Sec. 323, Permissible Taxes, is the same as Sec. 621 of H.R. 7906, except that in the third line the word "excise" is substituted for "franchise."

Sec. 324, Liability With Respect to Unassessed Taxes, is based on Sec. 625 of H.R. 7906 but modified to eliminate references to income taxes, etc., and to accord with provision with revised jurisdictional standards.

Sec. 325, Effective Dates, provides that the jurisdictional limitations on imposition of the tax and the provisions barring prior assessments shall be effective upon enactment of the Act. The effective date of the remaining provisions is postponed to allow time for the states to amend their tax laws to accommodate changes in state taxing powers made by the bill.

ADDITIONAL COSPONSOR OF A BILL

S. 3151

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the junior Senator from New Hampshire (Mr. McINTYRE) be added as a cosponsor of S. 3151 to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

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

SENATE RESOLUTION 349—SUBMISSION OF A RESOLUTION RELATING TO TITLE TO CERTAIN LANDS IN CALIFORNIA

Mr. MURPHY submitted a resolution (S. Res. 349) to refer the bill (S. 3362) to the Chief Commissioner of the Court of Claims for a report thereon, which was referred to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks of Mr. MURPHY when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 350—SUBMISSION OF A RESOLUTION RELATING TO TITLE TO CERTAIN LANDS IN CALIFORNIA

Mr. MURPHY submitted a resolution (S. Res. 350) to refer the bill (S. 3363) to the Chief Commissioner of the Court of Claims for a report thereon, which was referred to the Committee on Interior and Insular Affairs, by unanimous consent.

(The remarks of Mr. MURPHY when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 351—SUBMISSION OF A RESOLUTION CALLING FOR MUTUAL CEASE-FIRE AND POLITICAL SETTLEMENT IN VIETNAM

Mr. MONDALE. Mr. President, in April 1967, nearly 2 years ago, the United States and the North Vietnamese began formal talks at Paris. At that time, most of us allowed ourselves the luxury of a ray of hope that the end might at least have begun.

Since that time, other steps have been taken which should have built upon this hope. The President a year ago publicly and explicitly disavowed a "military solution." A process of American withdrawal was begun, and there seemed, at long last, to be general agreement that no real permanent objectives could be gained through the American military presence.

Yet, the hope for an end to the killing and the ravage of Vietnam remains almost as faint as ever.

The peace talks are at a total impasse. The other side has not given any indication of seriously seeking an accord, and the United States has downgraded the talks by failing to provide, for the last 3 months, a permanent head of the American negotiating team.

The killing continues, with over 17,000 Americans and countless Vietnamese killed since the start of the talks.

There is absolutely no military victory in sight, even if the other side has shown signs of moving away from direct confrontation toward a more standard guerrilla strategy.

The essentially internal political problems which have torn this land since the end of World War II are as great as ever and will continue, regardless of the military strength of the Saigon government.

It is perfectly evident that nothing will come of the peace talks until something—not a "concession," but a new idea—is put forth to break the stalemate and upgrade the talks.

Mr. President, in light of these facts, which I have only briefly summarized, I submit a resolution urging the U.S. Government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides, and urging designation of a permanent head of the U.S. delegation to the Paris peace talks to effect such a proposal.

Within the comprehensive proposal for the mutual cease-fire would be provisions regarding international peace-keeping machinery, protection of all people and groups against terrorism and oppression, prompt free elections, the withdrawal of all outside military forces, the return of all military and political prisoners, and relief and aid to help begin the economic and social reconstruction of Vietnam.

I am sure that many will first hear of this resolution and ask why a proposal so reasonable and supposedly non-controversial would need the force of a Senate resolution. Have we not already offered such proposals to the North Vietnamese only to have them all rejected?

The answer is emphatically and unequivocally "No." In nearly 2 years of

negotiations at the Paris talks, no such proposal for a cease-fire has ever been put on the table.

The other side will probably maintain for some time its negative facade. But they will at least know where to begin. They will have, not a speech or a press conference from which to start, but a serious, formal, bona fide offer. Only when we move our offers from the realm of publicity to the realm of true diplomacy can we expect an equally serious response. The other side may continue to reject any such proposal. But until they have received one—in concrete terms and offered formally by a permanent ambassador to the peace talks—we cannot say with any certainty what their response will be.

Regardless of their negative public statements, there may be reasons why they would consider and eventually agree to negotiate such a proposal, even if they rejected it immediately.

Even now there may be more agreement than is apparent between the two sides. All the parties—Hanoi, the NLF, and Saigon, as well as neutralist political leaders in South Vietnam—have advocated elections as the basis of deciding who shall run the country.

The continuing presence of this proposal to end all the killing and give all parties fair access to the political process could create political pressures on the Communists in Vietnam and around the world which our current policy of "military Vietnamization," alone, does not. In the United States and around the world, all who are concerned for peace would rally in support. Widely publicized in Vietnam, such a plan would gain widespread support among the populace on both sides.

There have been recent reports of serious speculation that the other side may be contemplating a cease-fire offer to put further pressures on the administration as the 1970 elections draw near. If they are considering such an offer—for whatever reasons—it certainly encourages speculation that they might accept the kind offer we are now proposing.

But the difference between what is contained in our resolution and what is currently happening at Paris goes far beyond diplomatic protocol or modes of presentation. What we are urging is the adoption of a policy which, regardless of whatever arrangements we made for the substitution of the South Vietnamese Army for the American Army, is aimed first and foremost at ending the killing.

There must be no mistaking our current policies with respect to Vietnam. The "military Vietnamization" made official policy this fall is not directed toward an end to the killing. Although there have been claims that we no longer seek a military solution, the fact remains that this "military Vietnamization" has in no way abandoned the objective of securing a military solution to the grave internal problems in Vietnam. Instead of seeking an end to the hostilities and the killing, "military Vietnamization" is explicitly designed to perpetuate the killing—while substituting South Vietnamese boys and South Vietnamese deaths for American boys and American deaths.

I wholeheartedly support our policy of turning the war back to the South Vietnamese, who, as President Kennedy said over 6 years ago, "must ultimately win it or lose it." I support withdrawal; indeed, I believe we should be withdrawing much faster.

But, the war goes on while we withdraw, and it will go on after we withdraw.

Our current policy of "military Vietnamization" is open ended and ambiguous. On the one hand, we admit that our military presence cannot, by itself, insure freedom and self-determination for the people of South Vietnam. We say that our withdrawal, however slow, is not to be reversed, and we maintain that our ultimate goal is simply to let the people of South Vietnam choose freely and without outside interference their own form of social, economic, and political society.

On the other hand, we know that the South Vietnamese cannot accomplish by themselves what they plus up to one-half million American troops failed to accomplish for over 10 years. We know that the other side will never be subjected to a strictly military defeat, nor will it ever be brought to a military surrender.

So, where is the end to the war, and where is that point at which the promise of withdrawal becomes a reality? Is a war which, by all admission, could not be "won" now simply to fade away? Is the other side which would not surrender to the Americans and the South Vietnamese now to surrender to the South Vietnamese alone?

Again, I support withdrawal. I support the policy of turning the war back to the Vietnamese. But military Vietnamization, by itself, cannot win a war—will not stop the killings—and, for these very reasons, cannot in the long run truly get our American troops completely out of that nation.

If American troops are to be brought home, there must be a halt to the hostilities and an end to the killing. For an end to the killing, there must be negotiated cease-fire. For a cease-fire, there must be a process of "political Vietnamization." The hope that the war will just "fade away" without any kind of negotiated settlement is at best remote and at worse pure delusion.

Political Vietnamization seeks not only to lower United States casualty figures, but to end the war and end the killing. It seeks directly what all of our policies have purported to seek "ultimately"—the free self-determination of the South Vietnamese people.

Political Vietnamization means broadening the base of the government. It means seeking the basis for a compromise solution that gives all parties in the south a fair chance to advance their social goals by political rather than military means. It means giving access to the political process to all groups and factions in South Vietnam. It means guaranteeing freedom to all individuals and all groups—including freedom from terror and assassination as well as freedom of speech, press, assembly, and political activity.

And political Vietnamization may be

the long-awaited key to securing the prompted return of all U.S. prisoners—held now by the North Vietnamese in complete violation of all Geneva Conventions with respect to human treatment and the release of names.

What we are proposing, Mr. President, is that the United States begin a new peace offensive. There are no concessions involved, no threats to our "honor" or to our "commitments." There is only the offer of peace and an end to the killing through the only possible route to this objective.

Neither should this resolution become confused with those dealing with withdrawal or the timing of withdrawal. As I said, I fully support the withdrawal of American troops as fast as possible.

But so does everyone else—within the limits of his or her idea of what constitutes "as possible." The crucial question of timing gets immersed in complex questions of logistics, of what we "owe" those who have supported us, and "will there or will there not be a bloodbath if we withdraw and the Saigon government topples?"

But such questions would become simple—almost secondary—if there should be an end to all hostilities. While we debate the speed of withdrawal, let us not forget that the killing goes on, that no withdrawal will, by itself, get at the "causes" of the conflict, and that this debate could just as well be conducted within the environment of a general cease-fire as within the environment of military Vietnamization. The cease-fire does not conflict with the present policy of military Vietnamization. Rather than closing off options, it enhances the value and credibility of any deescalatory measures that might be taken toward peace.

I do not claim to know at this time all the details of what could constitute an acceptable proposal. But we do know a great deal about the necessary ingredients for such a proposal. We know that the principles of free elections under some kind of fair and impartial supervision are absolutely essential to any agreement which might be acceptable to both sides. In their own proposals at Paris both sides have cited elections as the way to decide the future of South Vietnam. Finally, the principles set forth in this resolution—the standstill cease-fire, the prompt, free elections, and the various provisions designed to guarantee security and freedom to the Vietnamese people—have been urged by Cyrus Vance, our former negotiator at the peace talks.

The major barrier has been and will continue to be the question, Who controls the country while elections are being carried out? Saigon has rejected a coalition government with representation from the other side, when there is no proof of the degree to which the National Liberation Front does, indeed, represent the uncoerced will of a significant number of South Vietnamese.

The other side—with ample historical justification—has no intention of turning the entire country over to Saigon and the Americans—something we have been unable to force them to do militarily—protected only by a vague promise by Thieu to honor "self-determination," who, at the same time threatens that he

"will never yield so much as a hamlet to the enemy."

With a standstill cease-fire which stops the killing and takes into account existing realities of power and control, such an impasse could be broken. The two sides might accept an internationally controlled election, administered by an independent electoral commission. Such a commission, in rather vague terms, has already been suggested by Presidents Nixon and Thieu. A more specific proposal, coupled with the standstill cease-fire, could then open the way toward a compromise and let the people of South Vietnam, themselves, decide freely what coalition of interests should govern that country.

Mr. President, the American and Vietnamese people have entrusted their governments and their negotiators with the responsibility to do everything possible to find a way to a just and durable peace. We must fulfill that trust. It is to this end that I offer this resolution.

I ask unanimous consent that the resolution appear in the RECORD at this point.

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

The resolution (S. Res. 351) calling for mutual cease-fire and political settlement in Vietnam, was referred to the Committee on Foreign Relations, and is printed in the RECORD, as follows:

S. RES. 351

Whereas, the United States has not formally proposed for negotiation at the Paris peace talks a mutual cease-fire as part of a comprehensive package to achieve a political and military settlement in Vietnam; and

Whereas, Americans and Vietnamese continue to die every day as the Paris talks remain at an impasse; and

Whereas, such proposal could help break through the stalemate by offering a means of ending all the killing and moving the struggle for leadership from the military to the political level, thus enabling all the South Vietnamese people to choose freely and without interference their own future government; and

Whereas, a cease-fire and political settlement is the best way to assure the earliest possible return of all U.S. forces, and release for constructive purposes the enormous resources now being expended on the war: Now, therefore, be it

Resolved, That the Senate urges the U.S. government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides, containing detailed provisions regarding:

(a) international peacekeeping machinery to oversee the cease-fire, the withdrawal of outside military forces and the protection of minorities, with safeguards to guarantee all South Vietnamese freedom of speech, assembly and the press, and protection against terrorism and political assassination;

(b) prompt free elections supervised by a joint electoral commission in which the several political tendencies are fully represented, with all parties agreeing to accept the result of the elections;

(c) release of all prisoners of war and political prisoners by both sides;

(d) relief and aid to bind the wounds of the war and to provide for social reconstruction and economic assistance to land reform and other programs leading to full economic

and political freedom for all the people of South Vietnam; and be it further

Resolved, That there should be designated a permanent head of the United States delegation to the Paris Peace talks in order to carry forward this proposal.

SENATE RESOLUTION 352—RESOLUTION RELATING TO THE DEATH OF REPRESENTATIVE GLENARD P. LIPSCOMB OF CALIFORNIA

Mr. MURPHY (for himself and Mr. CRANSTON) submitted an original resolution (S. Res. 352) relative to the death of Representative GLENARD P. LIPSCOMB of California, which was considered and agreed to.

(The resolution when submitted by Mr. MURPHY is printed in full later in the RECORD under the appropriate heading.)

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENTS

AMENDMENT NO. 470

Mr. PERCY submitted amendments, intended to be proposed by him, to the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. PERCY when he submitted the amendments appear later in the RECORD under the appropriate heading.)

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENTS

AMENDMENTS NOS. 471 THROUGH 475

Mr. ERVIN (for himself, Mr. ALLEN, Mr. EASTLAND, Mr. GURNEY, Mr. HOLLAND, Mr. SPARKMAN, Mr. TALMADGE, and Mr. THURMOND) submitted five amendments, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which were ordered to lie on the table and to be printed.

LONG-TERM FINANCING FOR EXPANDED URBAN PUBLIC TRANSPORTATION PROGRAMS—AMENDMENTS

AMENDMENTS NOS. 476 AND 477

Mr. GOODELL submitted amendments, intended to be proposed by him, to the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 449

Mr. CRANSTON. I ask unanimous consent that the names of the Senator from New York (Mr. GOODELL), the Senator from Massachusetts (Mr. KENNEDY),

and the Senator from Hawaii (Mr. INOUE) be added as cosponsors of my amendment No. 449 to S. 3154, the Mass Urban Transportation bill.

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

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

John L. Buck, of Pennsylvania, to be U.S. marshal for the middle district of Pennsylvania for the term of 4 years, vice Frank W. Cotner, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, February 9, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

A FLAW IN THE STATE OF THE UNION MESSAGE

Mr. PELL. Mr. President, the President's state of the Union message to Congress was generally well received both by Congress and, I think, by the Nation. Certainly there was little, if anything, in the message to which the great majority of Americans would take exception.

The weakness of the President's message lay in what was not said, what was not mentioned, and the lack of more specific recommendations.

The Providence Evening Bulletin, in an editorial on January 26, offered a particularly perceptive analysis of one of the main themes of the President's message—the need to combat the rising crime rate.

The editorial notes that the President's anticrime program, as outlined in his message, had "one glaring flaw"; and that flaw is that the President's message "failed to stress, or even to suggest, the importance of rooting out the social conditions that breed crime in the first place."

I could not agree more with the principal point of this analysis—that increased assistance to local law enforcement agencies, as proposed by the President, would undoubtedly be helpful in combating crime, but that such an effort may well be in the long run a futile gesture unless a real attack is also made on social roots of crime. In particular, I agree with the emphasis on the need for adequate educational programs as a part of the effort to combat crime.

Mr. President, I ask unanimous consent that the editorial entitled "Futile Gesture?" published in the Providence Evening Bulletin of January 26, be printed in the RECORD.

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

FUTILE GESTURE?

President Nixon's announcement in his State of the Union Message that he proposes to double the amount of federal spending for local law enforcement had one glaring flaw. It failed to stress, or even to suggest, the importance of rooting out the social conditions that breed crime in the first place.

If the President's words meant what they seemed to mean—and that won't be known with certainty until they are supported by firm budget figures—the federal spending for this purpose would come close to half a billion dollars in fiscal 1971. The appropriation for grants to the states and municipalities for improving their police forces and other arms of law enforcement in fiscal 1970 was more than 230 million dollars; that was a four-fold increase over the previous year. A doubling of the appropriation unquestionably would enable local police forces to expand, to intensify educational efforts, and to strengthen their technical facilities. With these purposes, there can be no quarrel.

Americans in general, particularly in the larger cities, are greatly worried about the rising rate of street crimes, crimes against the person, and burglaries, not to mention those of greater violence. Expansion of local police forces, increased efficiency and better understanding of the social forces at work are all essential to handling of the immediate problem, particularly the prevention of crimes through a show of force.

But the process of removing the causes of crime, the poverty, the discrimination that breeds frustration and hatred, the slums, the inadequate schools—this process is a long-range affair; and unless it is tackled on a massive scale now, there will be no improvement in the years ahead. The National Commission on the Causes and Prevention of Violence recently emphasized that the nation seems headed toward an armed camp psychology, with fortress-like suburbs and violence-ridden core cities.

Only a massive educational program, backed by the opportunity for people to improve their lot economically, can make an impact on this problem. It is not a matter of humanitarianism alone, although the best instincts of Americans dictate that the suffering and degradation of U.S. citizens should be dissipated as quickly as possible. It is a matter of hard-headed logic: people with a background of education in the basic values of our society, with a real share in the country's affluence, with a strong sense of belonging to the American system will not spawn criminal conduct but civic cooperation.

The bill for achieving this goal is not a small one. Half a billion dollars a year won't begin to pay it. The cost of providing adequate educational programs in the crowded and deprived sections of our great cities alone must be measured in billions. But without a fundamental attack on the social roots of crime, increased police activity will be futile.

BISHOP BARAGA FOUNDATION

Mr. GRIFFIN. Mr. President, an event occurred this month in Michigan's Upper Peninsula which promises to enrich substantially that beautiful part of the Wolverine State.

I refer to the establishment of the Bishop Baraga Foundation which is named in honor of one of Michigan's early pioneers.

Bishop Frederic Baraga, a missionary to the Indians of the Upper Great Lakes region in the early 1800's, is a much beloved figure in Michigan history.

The other day the formation of the foundation was announced in Marquette.

Mr. President, the objectives of the new foundation are most praiseworthy as they are spelled out in an editorial

published in the Marquette Mining Journal of January 14, 1970. I ask unanimous consent that the editorial be printed in the RECORD.

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

BISHOP BARAGA FOUNDATION

In the annals of American pioneering, few figures played more dramatic roles than Bishop Frederic Baraga. Before being consecrated first bishop of Upper Michigan in 1853, he spent 23 years as a missionary to the Indians of the Upper Great Lakes. They were years marked by physical danger, almost incredible hardship and the supreme dedication that have characterized the pioneer life throughout history. The colorful sobriquets that have been coined for him testify to his heroic stature—"Shepherd of the Wilderness," "The Snowshoe Priest" and "Apostle of the Lakelands." Both as a missionary and as the first bishop of the Diocese of Marquette, Father Baraga was among the prime developers of the Upper Peninsula.

It is altogether fitting that the newly organized Bishop Baraga Foundation should undertake as its first project a monument to this great man. It is fitting also that this monument, to be known as the Shrine of the Snowshoe Priest, should be erected in Baraga County, which was named after him and which was the site of his last major mission.

A non-profit corporation, the foundation plans to raise quite a few thousands of dollars to construct a very impressive memorial to Bishop Baraga above the Red Rock Bluffs overlooking Lake Superior's Keweenaw Bay between Baraga and L'Anse. The monument will be the equivalent of six stories in height. It will depict Baraga the missionary standing erect with a cross in one hand and a pair of snowshoes in the other. The Baraga figure will be 35 feet tall and will stand on a "cloud" of stainless steel supported by five laminated wood arches rising from concrete tepees representing the priest's five major missions.

The indefatigable Bernard J. Lambert of L'Anse is president of the Bishop Baraga Foundation. He is well-qualified for the assignment, having written a biography of Bishop Baraga entitled "Shepherd of the Wilderness" and having long served Baraga County as county clerk and as one of the principal promoters of the county.

The Bishop Baraga Foundation is not to be confused with the Bishop Baraga Association. The latter was established several years ago to work toward the beautification of Bishop Baraga.

The foundation, on the other hand, is pledged to serve missions of all faiths. It has listed its objectives as follows: (1) To foster a spirit of ecumenism, understanding and friendship and to perpetuate the charitable, benevolent and historic goals of Bishop Baraga by establishing a suitable memorial and developing the historical heritage of Baraga in this country; (2) serving missions of all faiths dedicated to the betterment of the spirit and conditions of mankind; (3) granting of financial aid in whatever form is deemed appropriate to the needy or deserving or to institutions serving the needy or deserving, especially those of American Indian descent for their education, health and welfare; (4) the development of sites where Baraga labored. A spokesman has said that granting of scholarships to needy individuals, especially those of Indian blood, is one of the chief objectives of the foundation.

The Bishop Baraga Foundation is a welcome addition to the human resources of the Upper Peninsula, and we wish it well.

CHARTER-FLIGHT VIOLATIONS

Mr. HOLLINGS. Mr. President, it is apparent that our Nation's scheduled air

transportation system does not operate without problems, and I think it is important for this body to be reminded from time to time of some of the difficulties with which they struggle.

I ask unanimous consent to have printed in the RECORD an article published in the Wall Street Journal of January 26 reporting a major move within the Civil Aeronautics Board to approach a major problem of charter-flight violations.

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

CHARTER-FLIGHT VIOLATIONS ALLEGED BY CAB; MORE COMPLAINTS SEEN AS STUDY CONTINUES

WASHINGTON.—The Civil Aeronautics Board is expected to follow up its first major move against charter-flight violations with more complaints of about the same magnitude.

The board's enforcement bureau filed seven separate complaints against 45 parties, including five air carriers, all of which the bureau charged conducted charter flights in violation of the Federal Aviation Act and CAB regulations.

This activity was alleged to involve forming individual members of the public, with no affinity other than the particular air travel, into groups with a fictional or too-general common relationship (such as skiing or Italian descent) to qualify for low charter group fares and flying those groups between California and Europe.

The bureau asked the board to suspend operating authority of two U.S. supplemental carriers and two foreign charter carriers. They are Overseas National Airways, New York; Capitol International Airways, Nashville; Atlantis Airways, a German carrier, and Caledonian Airways, a British line.

The fifth carrier charged is World Airways, another U.S. supplemental airline based at Oakland, Calif.; the bureau didn't request suspension of World's operating authority.

COMMENT FROM AIRLINES

According to the Associated Press, Frank Roach, Capitol International's vice president, finance, said, "We deny that we were involved in the alleged illegal activities, and we plan to make the CAB bring all their witnesses out in an open hearing." He added that Capitol International scheduled flights will continue.

J. W. Bailey, executive vice president and general manager of Overseas National, said, "We have committed no violation . . . that warrants this unprecedented and capricious action by the bureau."

In London, a spokesman for Caledonian Airways told the AP that it was "astonished" by the complaints. The spokesman added that it will continue flights to the U.S. despite the CAB claim.

The complaints also charged violations by eight travel agents, 15 charter-group organizations and 17 individuals who allegedly arranged the charters. The bureau asked the board to order all 45 parties to cease and desist from the alleged violations, and added that the complaints don't preclude institution of proceedings against the five air carriers for civil penalties. Violations of the act are subject to penalties of up to \$1,000 for each violation, and the bureau said violations by the five carriers number more than 70,000.

OPERATING VIOLATIONS

The five air carriers were charged with violating their operating authorities by carrying members of the general public under the guise of charter flights, and with engaging in unfair or deceptive practices and unfair methods of competition in violation of the law.

The batch of complaints comprise the CAB's first major action in an attempt to crack down on charter flights that don't meet existing requirements for carrying charter groups at prices discounted from individual fares. The complaints grew out of an investigation of Pacific Coast charter-group activity.

The CAB has been investigating West Coast-Europe charter flights for several months, encouraged by scheduled airlines, which have accused charter-carrying supplementals of "pirating" passengers. Supplemental carriers insist that scheduled airlines have been guilty of charter-flight provisions abuses too, though the scheduled lines are more restricted in the charter flight service they are allowed to perform.

The CAB enforcement bureau has uncovered violations involving more than 500 charter-trips and about 75,000 passengers during 1968 and 1969, Richard J. O'Melia, the bureau director, said. One organization engaged mainly in filling places on flights and operating as an indirect airline, in the CAB's view, claimed more than 80,000 members. Often, travelers joined the organization only for the trip and didn't even know its name, Mr. O'Melia said.

An investigation of East Coast charter flights is underway. It's almost as extensive as the West Coast inquiry but is concentrating more on travel agents, an enforcement bureau official said. Complaints relating to the East Coast investigation will probably be filed in about three months, he said. The West Coast investigation isn't finished, though the remaining work in that study is on a smaller scale.

Those charged with violations have 15 days to answer the complaints, and the cases will then be set for trial by a CAB hearing examiner.

SOME CHARGES ITEMIZED

Charges against Capitol International include illegally rebating part of its rates, fares and charges; violating a board order to stop violating CAB regulations and allowing free transportation without authority.

Overseas National was charged with illegally attempting to take over a large segment of the charter market through control over various chartering organizations, management corporations and a travel agency, all without required CAB approval.

The bureau also charged Overseas National with illegally failing to state the price of each flight separately; failing to obtain full payment of the charter price prior to the flight; charging a different compensation for air transportation than specified in tariffs; rebating part of its rates, fares and charges to the chartering organization and failing to report certain financial transactions properly.

World Airways was charged primarily with operating charter flights that didn't qualify for charter travel, though the CAB unit said World Airways took some steps to eliminate ineligible persons from its flights.

APPROVAL WAS LACKING

Aside from the five carriers, parties charged by the enforcement bureau are clubs, organizations, individuals and travel agents that the bureau alleged operated as indirect air carriers by selling tickets to the general public without board approval. In addition, the bureau said, these parties offered air transportation services under the names of various organizations that were formed or acted primarily to charter aircraft.

The bureau charged these parties with failing to divide cost of the travel among passengers on a pro-rate basis, instead charging an excess of that share for each passenger and thus making "substantial profits." The parties solicited members of the public and "blanketed" members of some legitimate organizations into the named organizations in order to charter flights, the bureau said.

Two of the 17 individuals, Libby Papermaster and Maria Rita Bopp, both of Los Angeles, were charged with using a special device for selling charter places. They assertedly organized paper organizations and sold seats on nonexistent charters that these purported organizations never contracted for. Then, when possible, they got the passengers in on charters of other organizations, the bureau alleged.

These passengers were amazed to find they had become temporary members of the other organizations that held charter contracts, the enforcement bureau said. Other passengers who had paid never got to travel on the promised charter flights, the Bureau said.

ONE HUNDREDTH ANNIVERSARY OF NATIONAL WEATHER SERVICES

Mrs. SMITH of Maine. Mr. President, the national weather services of the United States will be 100 years old on February 9 of this year. It was 1870 when President Ulysses S. Grant signed a joint resolution of Congress authorizing the establishment of weather services in the Government.

I think it fitting that the Senate take due note of this centennial and give appropriate recognition to the dedicated and talented men and women, civilian and military, who for the past century have spared no effort to serve the people of our Nation.

Behind the extremes of flood and drought, heat waves and blizzards, hurricanes and tornadoes, lie the day-by-day operations of a number of people upon whom we depend for advice or the weather—advice which ranges in scope from how to dress our children for school to whether or not to launch a rocket to the moon.

I am sure that Senators will join me in offering weathermen in Government, universities, and private industry congratulations on the completion of the weather services' first hundred years, and wishing them well as they begin a second century.

I ask unanimous consent that a brief history of the Nation's weather services, entitled "The First Century," be printed in the RECORD.

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

THE FIRST CENTURY

The national weather services of the United States will be 100 years old in 1970.

They enter their second century armed with a knowledge of the atmosphere, technology for observing and predicting weather, and a variety of services which could not have been dreamed of by the most visionary weatherman a hundred years ago.

On February 9, 1870, President Ulysses S. Grant signed a joint resolution of Congress authorizing the establishment of a national weather service. Later that year the first systematized, synchronous weather observations ever taken in the U.S. were made by "observer-sergeants" of the Army Signal Service at 24 stations and telegraphed to Washington.

Today thousands of observations are made daily by government agencies, volunteer citizen observers, ships, planes, automatic weather stations, and earth-orbiting satellites in an increasingly successful effort to answer the basic question, "What's the weather going to be?"

More than 200 years of weather observa-

tion and study in this country preceded the creation in 1870 of "the Division of Telegrams and Reports for the Benefit of Commerce" (the earliest name for the national weather service).

Only 24 years after the Pilgrims landed at Plymouth Rock the Reverend John Campanius Holm, chaplain for a settlement near the present site of Wilmington, Del., began making systematic weather records. His "diaries" for 1644 and 1645 form the first continuous weather records in what is now the United States.

Later, other men kept "weather diaries" from time to time, in many parts of the country. Thomas Jefferson and George Washington both had a more-than-casual interest in weather studies. Benjamin Franklin's kite-flying in a thunderstorm is widely reported, and Franklin was the first to deduce the progressive movement of a storm system as a whole.

In the 19th century, interest in weather and the possibility of coordinated observation and warning networks picked up a momentum which, in spite of several setbacks, has continued to the present. The appearance of the telegraph in 1845 made meteorology a practical science.

During the War of 1812, the Surgeon-General of the Army directed hospital surgeons to observe the weather and keep climatological records. This order initiated the first government collection of weather observations. In the 19th century and early in the 20th, there was tremendous interest in the effects of weather on health. This was the reason for the Surgeon-General's order. By 1853, 97 Army camps were keeping weather records; and many medical studies were based on these observations, including an investigation of the association of yellow fever with climate.

In the same period, other federal and state agencies set up observing networks. In 1817, Josiah Meigs, Commissioner-General of the Land Office, began a system of observations at land offices. From 1825 through the 1850's New York State Board of Regents collected weather observations from a network of 30 stations. The States of Pennsylvania and Massachusetts had similar, smaller networks.

In 1849, Professor Joseph Henry of the Smithsonian Institution established an extensive observation network by supplying weather instruments to telegraph companies. Simultaneous observations were made by local telegraph operators and sent to the Smithsonian. Maps prepared from these observations were displayed in Washington, D.C.

By 1861, Professor Henry had 600 stations making regular weather reports, but the coming of the Civil War broke up his network.

In his annual report for 1865, Professor Henry advocated the reorganization of all meteorological observations in the United States under one agency as an effective means of predicting storms and warning coastal shipping.

The director of the Cincinnati Observatory, Cleveland Abbe, created an observation network in 1869, using some of the former Smithsonian observers. He issued forecasts, which he called "probabilities."

Increase A. Lapham of Milwaukee was an observer for the Smithsonian and later for Professor Abbe. Lapham repeatedly urged the formation of a warning system for Great Lakes shipping. It was a friend and supporter of Lapham's, Congressman H. E. Paine of Wisconsin, who in 1869 introduced the bill establishing a national weather service under the Secretary of War. Lapham had convinced the Congressman that a weather warning system for the Great Lakes would save many lives and a vast amount of property. Paine saw that Lapham's suggestion, if valuable in the Great Lakes region, could be even more worthwhile for the nation as a whole.

Here, then, in February of 1870, was a beginning.

The period between 1870 and 1880 was one of rapidly expanding public services. In 1873, a river stage and flood warning service was started by the Signal Service. General weather services were extended throughout the United States by an appropriation act of 1872 providing for "... expenses of storm signals throughout the United States for the benefit of commerce and agriculture."

Soon the 383 cooperative observers still remaining in the Smithsonian's network were transferred to the Signal Service. Weather services for producers of cotton and sugar were inaugurated in the early 1880's. Cooperating with the British Meteorological Office, the Signal Service (renamed the Signal Corps) in 1885 began issuing warnings of Atlantic storms. By 1886, 290 locations were equipped with cold-wave warning flags. Forecasts of cold waves were passed along by telegraph, telephone, and railroad in an effort to give at least 30 hours' warning.

Specific investigations undertaken during these years included studies of tornadoes, moisture in the air, atmospheric electricity, use of balloons, thermometer exposure, and wet-bulb temperature conversion tables.

The 1880's were stormy times for the fledgling national weather service. The War Department became concerned that should the military services of the Signal Corps be needed, its personnel (now almost entirely absorbed in the provision of weather services) could not be spared from their weather duties. A congressional commission investigating scientific agencies in government was of the unanimous opinion that the weather services should not be a military function. Several bills proposing the transfer of the civilian weather services to the Department of Agriculture were introduced in Congress and finally, in 1890, similar bills were introduced and passed in both Houses. On October 1, 1890, President Benjamin Harrison signed into law an act effecting the transfer. At noon on July 1, 1891, the Signal Corps weather stations, telegraphic lines, apparatus, and personnel (honorably discharged) were transferred to the Department of Agriculture. The agency was called, simply, "the Weather Bureau."

As the century turned, the emphasis of the Department of Agriculture's new agency, as Congress intended, was on greater service to the farmer. Climatological services, tailored to agriculture, came to the fore even as, in 1903, the Wright brothers' first flights presaged yet another shift in emphasis.

American aviation and the Weather Bureau grew to maturity together. Aviation, however, did not come into its own until the close of World War I. In the years preceding "The Great War," the weather service was attempting to keep up with a nation on the move—both in a technological sense as the Weather Bureau became the first U.S. Government agency to adopt a new and promising communications technique known as wireless telegraphy, and quite literally as Henry Ford's "Model T" put Americans on the road and created an extremely weather-sensitive industry.

The first two decades of the 20th century had a remarkable effect on the nation's meteorological services. In 1902, Weather Bureau forecasts were sent by wireless to ships at sea. In 1905, the first wireless weather report was received from a ship at sea. Two years later, the daily exchange of weather observations with Russia and eastern Asia was inaugurated. In 1910, the Weather Bureau began issuing weekly outlooks to aid agricultural planning. The U.S. Coast Guard began an International Ice Patrol in 1912 as a result of the *Titanic* disaster. In 1913, the first fire-weather forecast was issued. An aerological section was established

in the Weather Bureau in 1914 to meet the growing needs of aviation.

As the United States entered World War I, the need for weather services specifically geared for military use was met by a special meteorological section in the Army Signal Corps. The new section was charged with providing the American Expeditionary Force in Europe—as well as Army aviation, artillery, ordnance, and gas warfare activities in the U.S.—with all the meteorological information needed. The Navy, too, took the first steps in the formation of a meteorological service during World War I.

The end of World War I brought two major developments to the history of weather services in this country: The first was in military weather services; the second in aviation weather services.

When the war ended, the meteorological activities of the Signal Corps were sharply reduced. The growth of postwar military aviation, however, created a demand for aerological information and services; and weather officers were soon assigned to all major Air Corps maneuvers. Military meteorologists also contributed to the success of such important events as the first around-the-world flight, made by Army aviators in 1924.

Prior to World War I, there were few requests for flying-weather forecasts. The civilian pilot was his own weatherman. If the weather was bad, he simply didn't fly. After the war, however, the airplane was here to stay; and important passenger and mail routes gradually put an end to "flying by the seat of the pants" operations.

In 1926, the Air Commerce Act made the Weather Bureau officially responsible for weather services to civilian aviation. The phenomenal growth of commercial flying during the next 20 years was a major factor in a similarly explosive expansion of the Weather Bureau and its services.

Weather services in many other areas advanced during the period between the two World Wars.

In 1919, the Navy's Aerological Service was established on a permanent basis. Early in 1921, the University of Wisconsin made a radiotelephony broadcast of weather forecasts—the first systematic use of the new medium. Daily radiophone weather broadcasts followed. In 1927, a prototype of the Weather Bureau's airways meteorological service was established on the west coast.

The year 1934 was a historically important one for the Weather Bureau analysis and forecasting activities. At that time, an airmass analysis section was established. Here, at last, was recognition of earlier investigations (already widely accepted) concerning the weather-causing interactions and predictability of "parcels" of air with differing water content and temperature. The Bureau officially adopted airmass analysis techniques in 1938.

In 1935, an improved 24-hour hurricane warning service was established. In 1939, the Weather Bureau initiated automatic telephone weather service in New York City. In 1940, the U.S. Coast Guard began manning ocean weather stations in the Atlantic; the Army Air Force and Navy established weather centers in Washington, D.C.; and the Weather Bureau issued its first official five-day forecast. Also in 1940, the Weather Bureau transferred from the Department of Agriculture to the Department of Commerce to "permit better coordination of Government activities relating to aviation and commerce generally, without in any way lessening the Bureau's contribution to agriculture."

About 17 months after this last action, America became embroiled in the Second World War. The Air Force and Navy brought their weather arms up to strength in a remarkably short time. In 1939, the Army

Air Corps' weather branch (which evolved from the Army Signal Corps) consisted of approximately 200 men. Five years later, in the summer of 1944 when the service reached its peak strength, there were 19,000 officers and men engaged in weather work for the Air Force. The Navy's Aerological Service with 90 officers and 600 enlisted men at the time of Pearl Harbor, had increased to 1,318 officers and approximately 5,000 enlisted men by August 1945.

During World War II, the Weather Bureau (like most other nonmilitary organizations) was short-handed. The Weather Bureau replaced many men serving in the military services with women. At the beginning of the war emergency, the Bureau had two female technical employees; by the war's end, it had over 900. While many worked as clerks, hundreds of them performed observing duties.

Wartime technology brought two major observational tools to the nation's weather services. The first was radar; the second was the high-flying rocket which eventually was to carry earth-orbiting weather satellites into space.

A third tool, the high-speed computer, was also a long-awaited arrival on the meteorological scene.

Radar, capable of scanning thousands of square miles, provides a unique 3-D view of the location, dimensions, intensity, and movement of storms, as well as changes in their character.

Weather satellites give weathermen an even broader view of cloud formations over the entire earth. Lately satellite-mounted sensors have been developed which provide temperature data from a number of layers of the atmosphere.

Computers offer a means by which complex formulas describing atmospheric processes can be juggled to produce weather predictions.

Aided by these and other technological advances in meteorology, weather services in the United States have expanded into areas undreamed of 100 years ago when terms like "nuclear fallout," "air pollution," and "spacewalk" were meaningless.

Today weather services are woven into the fabric of such agencies as the Atomic Energy Commission; the Department of Health, Education and Welfare's National Air Pollution Control Administration; and the National Aeronautics and Space Administration.

The Department of Interior's Geological Survey makes valuable contributions in the field of water resources, and Interior's Bureau of Reclamation is active in weather modification programs.

The Federal Aviation Administration, vitally interested in air traffic control, works closely with the Weather Bureau in observing and disseminating weather information for pilots.

The Department of Agriculture's Soil Conservation Service, Forest Service, and Experiment Stations, all share an interest in providing the best services available to what is perhaps the most weather-sensitive industry in the world.

The National Science Foundation through its National Center for Atmospheric Research supports a great deal of research and development work carried out by a number of scientific agencies with weather-related programs.

The Environmental Science Services Administration (ESSA), a Department of Commerce agency created in 1965, serves as a focal point for federal weather services to the general public. Within ESSA are the Weather Bureau, the ESSA Research Laboratories, the National Environmental Satellite Center, the Environmental Data Service, and the Coast and Geodetic Survey.

The American Meteorological Society, also celebrating an anniversary in 1970 (its 50th), is dedicated to "the development and dis-

semination of knowledge of meteorology in all its phases and applications, and the advancement of its professional ideals."

The next hundred years will see some drastic changes. One forecast has satellites with the most sophisticated weather sensors probing every mile of our global atmosphere, feeding the data gathered into gigantic computers issuing highly accurate long-range weather forecasts "untouched by human hands."

A "sunny" prediction, indeed. But if you think it's too optimistic, think of how talk of spaceflight, radar, and computers would have been greeted by one of those "observer-sergeants" in the Signal Corps who began the national weather services one hundred years ago.

MASSIVE RELIEF NEEDS IN EASTERN NIGERIA

Mr. KENNEDY. Mr. President, some days ago the Judiciary Subcommittee on Refugees concluded 2 days of hearings on the massive relief needs in eastern Nigeria. The information developed at these hearings—over the apparent reluctance of some in the Department of State—underscored the feeling of many observers that the situation threatened a human calamity far beyond the toll of death and stunted life produced during the 30 months of war.

Since these hearings, the subcommittee has been assured that significant progress is being made in measuring relief needs and in taking belated steps to reduce starvation and save human life.

Preliminary information on this progress, however, seems to indicate only a token effort is underway—and that, for all practical purposes, the situation has deteriorated even more.

Now we find that Col. Eugene Dewey, an American Army engineer and logistical expert attached to the Department of State to assist the Nigerians, has been unceremoniously expelled from Nigeria. Given our tacit approval and quiet support of the Lagos Government's policy and conduct during the civil war, I am appalled at its treatment of a respected expert, whose role as an emissary and technician could only assist the Nigerians in their stated intention to meet the food and medical crisis in their country.

Colonel Dewey is known not to have been a partisan in the civil war. His only concern was the breaking of logistical bottlenecks in reaching all areas of need.

Is it possible that the reason behind his rude expulsion is his complete knowledge of the staggering magnitude of the mounting disaster and the inadequate efforts being made to meet it?

Mr. President, this is a question which the subcommittee will pursue over the next several days.

LINCOLN QUOTED ON CARSWELL SPEECH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a column by David Lawrence, titled "Lincoln Quoted on Carswell Speech," which appeared in the Washington Evening Star of January 30, 1970.

There being no objection the column

was ordered to be printed in the RECORD, as follows:

LINCOLN QUOTED ON CARSWELL SPEECH (By David Lawrence)

There is much ado about what Judge G. Harrold Carswell said in a political speech in 1948 in favor of segregation—six years before the famous decision by the Supreme Court ordering desegregation of the public schools. But it so happens that Abraham Lincoln in 1858, two years before he was elected to the presidency of the United States, engaged in a series of debates with Stephen A. Douglas—against who he was running for the U.S. Senate from Illinois—and race problems were discussed at length. Lincoln spoke as follows on August 21, 1858:

"I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position.

"I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas, he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."

In another speech, on Sept. 18, 1858, Lincoln said:

"I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races—that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. . . .

"I will add to this that I have never seen to my knowledge a man, woman or child who was in favor of producing a perfect equality, social and political, between Negroes and white men."

Most people do not realize that the debate on the race question has been going on over a long period and that, prior to the 1954 "desegregation" decisions, the concept of "separate but equal" was upheld by the Supreme Court with respect to schools, housing, recreation and public vehicles.

Unquestionably, public opinion has crystallized more and more in recent years in favor of the idea that Negroes must not be discriminated against in the use of public facilities such as hotels, restaurants, and transportation. But the question of how public schools shall be "integrated" has by no means been satisfactorily resolved. The principle of "freedom of choice" is still being argued by both blacks and whites.

Many of the Negro leaders feel that there should be black schools and colleges, and there are white leaders who say that only white children should be allowed to go to certain schools. Some school authorities, however, are inclined to favor a pattern of neighborhood schools which both white and

Negro children may attend and wherein admission will be open to all children irrespective of race, who actually live within a district.

The problem of hiring and assigning teachers is perhaps the most difficult one of all. Federal authorities lately have been leaning toward the idea of setting up ratios so that a fixed quota of Negro teachers will be employed in each school. This is a difficult system to apply, because it means, in effect, that competent teachers who are white will be rejected in favor of Negro teachers who are not competent, and vice versa. The quality of education given students should, in the final analysis, be the real test.

NATIONAL ALLIANCE OF BUSINESSMEN

Mr. TOWER. Mr. President, the National Alliance of Businessmen has been in operation for 18 months. In that short time, the NAB has made a tremendous impact in the area of job training, job placement, and job recruitment. The NAB has worked very closely with the Department of Labor's JOBS—job opportunities in the business sector—program in locating and placing the previously hard core unemployed in good paying jobs in the private sector of our economy.

The alliance has really just begun to realize its far-reaching potential. By September 30 of last year, the NAB had almost 350,000 job pledges from more than 21,000 participating companies. These statistics of a program that is only in its second year represent the belief of many that the private sector is the best remedy for the Nation's urban problems, particularly those relating to job placement and job training. The emergence of the National Alliance of Businessmen as a motivating force in the field of manpower training and job placement fulfills the campaign pledge of President Nixon to involve the private sector in the manpower area. I strongly concur with this idea, and I have actively encouraged Texans engaged in private business to become involved in this area of manpower development.

Mr. President, I have received a copy of the alliance's first annual report which details the activities of the NAB's first 18 months. I ask unanimous consent that a letter to me from Secretary of Labor Schultz, praising the work of the NAB, and a portion of the first annual report which summarizes the history of the National Alliance of Businessmen, be printed in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 22, 1970.

HON. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: Since the National Alliance of Businessmen was formed two years ago, nearly 269,000 disadvantaged men and women have been hired by participating companies. The Department of Labor has worked closely with the Alliance in referring the unemployed to jobs and in providing financial support in the form of job-training contracts in this vital program.

I invite you to read the enclosed copy of the Alliance's First Annual Report so that you may learn more about what business is

doing for the disadvantaged and for America. If you are interested in visiting a program in your home district, my Department will be happy to help arrange it.

We are confident that you will believe, as I do, that government owes a vote of thanks to the National Alliance of Businessmen for its dedicated efforts in behalf of this Nation's disadvantaged citizens.

Sincerely yours,

GEORGE P. SCHULTZ,
Secretary of Labor.

HISTORY

The National Alliance of Businessmen has been in business for 18 months.

Those 18 months have sometimes proved shaky, sometimes very successful, sometimes disappointing, but more often very rewarding.

Hard facts—the numbers that business must use as a yardstick for success or failure—show that the Alliance is winning.

But, hard facts are not what it is all about. The human side cannot be measured in percentage points. And jobs mean people—their involvement in a better and happier way of life.

On January 23, 1968, the President of the United States proposed a major industry-government cooperative program to find jobs in private business for the nation's hard-core unemployed.

In his message to Congress he said government would identify the hard-core unemployed, business would identify the jobs it could find them. The two, he said, would be brought together, with industry training a man or woman for a particular job.

At that time, the President pointed out that "with the hard-core unemployed there will be extra costs. These men will be less qualified than those the employer would normally hire. So additional training will often be necessary."

"Where the company undertakes to provide these services, it is appropriate that the government pay the extra costs as part of the national manpower program."

This was to become the Alliance and JOBS, Job Opportunities in the Business Sector.

As Paul W. Kayser, this year's President of the Alliance, put it: "The Federal government has admitted it cannot do one of the most important jobs to be done in the nation today."

"In turning the tables on us the government asked businessmen to help place persons in meaningful jobs."

"By doing this we can make a major inroad on the elimination of poverty. The answer is jobs. And jobs is our business."

Latest reports from participating companies show that 268,920 persons have been hired since the Alliance came into operation. Of those, 126,047 have left for various reasons leaving 142,873 still on the payroll. The Alliance on September 30 had a total of 338,307 basic job pledges from 21,144 participating companies.

While these figures give every cause for optimism, the Alliance staff and a number of participating businessmen also recognize that the past 18 months has been a period of tough adjustments, persuading business to hire the disadvantaged unemployed and learning by trial and error about the pitfalls and problems in training them.

This is understandable. The Alliance has asked businessmen to reverse their usual hiring practices. But, then, JOBS is an unusual program. It goes against the practice of most job training programs by finding the job first, and then training the man. In the history of this country most training programs have been the in-school type—first the man is trained, then he finds a job.

When business was asked to start a crash program to help the poor, the uneducated, the dropout (not necessarily from high school, but from society), often a person with

a police record, possibly with a drinking or drug problem, it realized there were no magic keys to unlock the doors to an instant solution.

Businessmen were suddenly asked to start hiring persons they wouldn't have let past the plant gate a few years ago.

Then, and just as important, the hard-core had to be persuaded that the Alliance wasn't just another anti-poverty milk sop. As one Negro leader pointed out, there have been numerous programs to help the unemployed. So numerous in fact that many thought the Alliance was just another "trick bag."

One concern that has been voiced is that the Alliance is just training persons for entry-level jobs. This is not so; as many fail to realize. The job-search program is dealing with persons who a few years ago wouldn't have found meaningful employment. Therefore, there must be some relationship between a job and initial skill as we change the criteria of employment from qualification to need.

Once they have their foot in the door it is hoped that with future training and education the door will swing wide open. Many of the former unemployed have already moved to better jobs, either with their original employer or with others.

OUTLOOK

Those who launched the National Alliance of Businessmen did a magnificent job of guiding this unusual new enterprise through its first year. They created a strong and productive organization, built a solid base of big-company involvement, and won the acceptance of the Alliance's goals and programs throughout a large part of the business community.

Our tasks for the second year—a year of consolidation—are to maintain the momentum of the program in the original 50 cities while broadening the base of corporate involvement; to create strong and successful organizations in the new "expansion" metro offices; to establish the kind of working relationship with government whereby it will respond to our recognized needs more rapidly and effectively; and to develop an organizational structure for the future; in so doing we will build a nationwide organization with the strength and experience to expand next year to all cities throughout the country.

The Alliance's programs continue to be based on the energy and commitment of individual employers and of our 131 metro offices. The new expansion metros are rapidly developing programs which will assure the success of their first-year programs, and all metros are strengthening their operations and abilities to reach all employers in their areas. On both metro and national levels, the Alliance is expanding its efforts to involve still more of the large and middle-size companies and to encourage companies already committed to increase their pledges to hire and train the disadvantaged. We are developing ways to reach smaller employers, including the 3,300,000 American businesses which employ fewer than 50 persons, and to increase the participation of the service industries and non-profit organizations, which were not well represented in the first year. The increased participation of these industries will increase greatly the number of employers in our program and the range of jobs available. The greater stability of employment in these industries should also help to minimize the effects on our program of any potential slow-down in the national economy, which some fear may occur.

We are also working to encourage more companies to enter into training contracts with the Department of Labor under the JOBS program. Such contracts are a financial necessity for many smaller companies and enable even the largest to make the full commitment of resources and management skills needed for a fully successful program to hire, train and retain the disadvantaged.

To sum up, the partnership between business and government to find jobs for the hard-core unemployed and under-employed in the private sector of the economy has been a success beyond even the most optimistic expectations. As a result, the National Alliance of Businessmen has had to raise its sights. The goal for the year ending June 30, 1969—100,000 disadvantaged men and women on the job—was met a month ahead of schedule. We have expanded to new cities more rapidly than planned, and have raised the June 1971 goal for men and women on the job to 614,000. That we are also on target for our June 30, 1970 goal of 338,000 disadvantaged men and women hired, trained, or in training is the overwhelming consensus of our Metro Chairman in the 131 cities in which we are now at work.

We believe that the National Alliance of Businessmen will continue to do its job regardless of foreseeable obstacles. The business community has recognized the need to help the poor help themselves. It has recognized that no one can better train people for meaningful and productive jobs than business itself. It has recognized the need for American business to show the people of our nation—our customers, our stockholders, our younger people, as well as the disadvantaged—that business can and will take the leadership in meeting and solving the major national problem of hard-core unemployment and under-employment.

These efforts depend upon all the private employers of America. The National Alliance of Businessmen is proud to be at the center of this endeavor. We hope that those of you who are already part of the JOBS program will continue your efforts; we hope those of you who have not yet pledged to hire and train the disadvantaged will join us.

DONALD M. KENDALL,
Chairman.
PAUL W. KAYSER,
President.

The Alliance has moved along with remarkable speed and there have been many innovations as it grew stronger and more adaptable.

There is the "Buddy" system. The system's basic concept is to assist new employees in their new work environment through the counseling and guidance of experienced workers.

Almost a big brother, the experienced worker will help the new man with all the problems he encounters—from working problems to personal problems, from transportation problems to financial ones.

Another major tool to break down barriers between employers and the hard-core has been workshops to help supervisors and middle managers understand the problems of adjustment the hard-core face on the job.

There is still a credibility gap between the business community and the disadvantaged community. To help meet this problem a number of metro offices have set up community relations advisory boards. Made up of a cross section of disadvantaged community leaders, they meet with Alliance officials and then report back to their groups. It is hoped that in this way disadvantaged people in greater numbers will believe that the Alliance really is sincere in its desire to provide them with employment opportunities.

Despite the difficulties of a new enterprise, the Alliance exceeded its first-year goal with 102,235 disadvantaged persons working in full-time jobs by May, 1969.

Moreover, the JOBS program was expanded this year from 50 to 131 cities. The Alliance is also concentrating this year on expanding the JOBS program to smaller employers and companies in the service and non-profit industries.

In the balance the Alliance feels it has

taken a substantial forward step. Private industry is deeply involved. Thousands of persons now hold jobs at higher salaries than they have known before and all have the opportunity to advance.

A recent development of major significance was the decision in June to merge the Alliance and Plans for Progress. The purpose was to improve the efficiency of both operations without diluting their main objectives.

For the future, as for the first year, the Alliance's marching orders are: Hire, Train, Retain.

BRITAIN IS GOING METRIC, WILL THE UNITED STATES FOLLOW?

Mr. PELL. Mr. President, 90 percent of the peoples of the world have adopted or are in the process of adopting the metric system. The United States and Canada are the only two major industrialized countries which do not have plans to convert to the metric system. These facts were noted in the comments on Britain's conversion to the metric system made by Lord Ritchie-Calder, chairman of the United Kingdom's Metrication Board, in an address delivered to members of the National Metric Advisory Panel and guests this past week.

For those who are concerned about the difficulties of metric conversion in the United States, I think the remarks of Lord Ritchie-Calder regarding the success of the British efforts will allay their fears and provide a source of encouragement for a renewed American effort.

At present, although the Senate has passed an adequate authorization for the U.S. Bureau of Standards' metric study, that study is being conducted on a limited budget and with a small staff.

The United States first began the discussion of metric conversion under the leadership of Thomas Jefferson and John Adams. I think it is time we moved on with the job. Lord Ritchie-Calder reports that Britain will have gone metric by 1975. I wonder whether the United States will follow by 1976, nearly 200 years after our Founding Fathers first recommended metric conversion.

I ask unanimous consent that Lord Ritchie-Calder's remarks be printed in the RECORD.

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

BRITAIN IS GOING METRIC

(By Lord Ritchie-Calder of Balmashannar)

The word-merchants of the Oxford English Dictionary were asked to rule on what the term for going over to the metric system should be. They said that it should be "metrication". But the Board of which I am chairman is the Metrication Board. In Britain there is no "it" about going metric. By 1975, we shall have achieved what 200 years ago—July 1790—Jefferson proposed for the new United States—a rational system of measurement. It would have been sensible for the first country to adopt decimal currency (three years ahead of France) in 1792 to have cleared out the lumber-room of left-over measurements at the same time.

It has always struck me as ironical that Quincy Adams, who was personally convinced of the virtues of the metric system, should as Secretary of State in 1821 have advised Congress not to adopt it "because it would be hazardous to deviate from the practice of Great Britain". I say "ironical" because

the excuse of British industrialists dragging their feet a century later was that they did not want to deviate from the practice of their biggest customer, the United States. Now that over 53 percent of British trade is with metric countries and that over 90 percent of the peoples of the world have adopted the metric system or are in the process of going over to it, the British industrialists are the pace-makers for conversion. There are still some firms who are a bit nervous about getting out of step with America, but we are over the hill and there is no turning back.

I find the loyalty of the United States to old imperial system rather touching, especially in the Space Age when the calculations and instrumentation needed to get men to the moon are in the scientific number-language of metric. (I should love to see the computer calculating the number of barley-corns to the moon and back. As you no doubt know the foot was standardized all those centuries ago as "thirty-six barley-corns taken from the middle of the ear".) But the astronauts when they come back to earth splash down in so many fathoms—and the fathom is the length of a Viking's embrace—and so many yards from point zero. The yard, of course, was the distance from the tip of the nose to the outstretched finger of King Edgar, the Anglo-Saxon king a thousand years ago. The astronauts have been gathered up and carried off into quarantine to be debugged, decontaminated, debriefed and demetricated so that they can step out into a pound-foot-gallon country.

As the dentist says "It won't hurt a bit". We are finding that going metric is almost painless—apart from a few twinges when the nerve of sentimentality is touched and we drool over our pint. Learning metric is simple. It is *unlearning* imperial that is difficult. And that is where our younger generation is lucky.

The children who entered primary school in Britain in 1969 will be taught a much simpler system than their forerunners and will emerge thinking metric, to follow their careers in the professions, in factories, on farms, in transport, in construction, and in commerce, all of which will have gone metric to the extent that imperial units will have no more than lingering value, like the spare parts of vintage cars. That generation will have the advantage over their elders of not having to unlearn imperial, which is one of the penalties of the transition which older generations will have to face.

Confidence must not be misread as complacency. We know only too well the difficulties that lie ahead. The Board came into existence only in the middle of 1969, but it inherited the results of many years' effort by many organizations and of the initiatives taken by Government departments, industrial enterprises and individual firms. From the surveys we have made, consultations we have held and reports received by the Board's committees and staff, a pattern has emerged which is encouraging. A task which might have appeared formidable in its total complexity seems less so once it is broken down and considered as a sum of its parts.

The contemporary phase of British metrication can be dated from the report of The Committee on Weights and Measures Legislation (Hodgson Committee) set up by the President of the Board of Trade which reported in 1950. The Committee resolved the perennial debate by coming down on the side of metric as "a better system of weights and measures than imperial" and recommending that the Government "should take steps, in concert with the Commonwealth and the USA, in favour of the complete adoption of the metric system over a period of about twenty years." In 1965, the Federation of British Industry wrote to Ministers formally stating that the large majority of its members was in favour of the metric system. This

was endorsed by the Government and the F.B.I.'s successor-organization, the Confederation of British Industry, has energetically promoted the change-over. We have been the beneficiary of those efforts.

The British Standards Institution has had, and will continue to have, a crucial role. Metrication is meaningless for industry unless it is embodied in codes of industrial standards, acceptable in Britain and, so far as possible, abroad. The B.S.I. is a typically British partnership between Government and business subscribers embodying, like metrication policy, a national programme and the voluntary principle. The B.S.I. having actively promoted metrication, put in hand a systematic examination and revision of over 4,000 standards so that the pace of change throughout the economy would not be impeded by lack of essential metric materials and components. At the same time, the Institution prepared and published, in consultation with interests concerned, agreed metrication time-tables for four major industries. Those time-tables, in turn, were dependent on the production of B.S.I. metric standards by which they could become operable.

The Royal Society, in the tradition of British science, took a leading role even when "imperial" was paramount in promoting an internationally coherent system, consistent with scientific precision. It held two conferences on metrication in schools and later published booklets embodying the recommendations and conclusions. In advance of the creation of the Metrication Board, this influential initiative led to a series of decisions that examinations in universities, colleges of higher education, technical colleges and professional institutions should henceforth progressively be set in metric.

Government departments, by requiring metric specifications in publicly financed projects and in direct contracts, are decisively influencing the progress of going metric. They can, as the Ministry of Public Building and Works and the Scottish Office have done, issue instructional memoranda and guides to metrication to their own staffs and to the agents and suppliers.

In the nationalized industry sector, substantial progress has been made in planning the change. The Central Electricity Generating Board, for example, has published its programme for the change-over, issued a comprehensive metric manual, and organized training programmes in conjunction with the Electricity Supply Industry Training Board.

The construction industry, with an order-book of \$11.2 billion a year, and involving over 1 million operatives and 80,000 contracting firms, many of them small and most of them dependent on casual labor, might have seemed an intractable problem. Through the initiative of the leaders of the industry and the positive metric policy of the Ministry of Public Building and Works, the construction has become a pace-maker in metrication. To assist on-site labor the Construction Industry Training Board produced a substantial range of programme information and of training material.

Many Trade Associations, on their own volition, made plans and began the change-over before the Board came into existence. Their valuable work is described in some detail in this report.

Productivity Councils have prepared the ground. Chambers of Commerce in all parts of the country have promoted discussion. One of the gratifying discoveries of the Board was to find how matter-of-factly metrication had been examined by the farming organizations, without serious misgivings.

The pharmaceutical industry and the pharmacists who began planning as far back as 1945, had changed over to the use of metric units by March 1969. Without any fuss or bother, the traditional grains and scruples

disappeared. This is an excellent example of the metric go-between. The industry by its packaging and the dispenser handling the prescriptions could make the conversion with no trouble to the medical profession or to the public. The ease with which the change has been made is a reflection of the wisdom and thoroughness of the planning which preceded it. To the general public it just appeared to happen.

The Board is charged with seeing that the change-over shall proceed as briskly and as smoothly as possible. It is, however, important to say what the Board is not. We are not an executive body, nor do we have statutory nor mandatory powers. We do not dictate to the industrial and non-industrial sectors how they shall plan the change-over, nor do we make decisions about the units of the metric system to be adopted. Our task is to consult, to advise, to inform, to stimulate and to coordinate. In short, we are required to give coherence to the whole process, reassuring and supporting those sectors of the economy which are showing initiative in going metric, and encouraging those which are still hesitant and over-cautious. We can have a panoramic view of the whole economy which the sectors and individual enterprises themselves have not got. We can present a comprehensive picture of dispositions and events. We can establish lines of communications. We can prod the laggards. This includes not only industrialists and traders but any Government departments which do not seem to us to be playing their rightful positive role.

We can do this by ensuring an adequate information service, within, and between, the sectors. We can intervene when there are apparent gaps or where there are dangers of a programme getting out of phase. We can ensure that developments in a main sector, such as education, go forward with an awareness of what is happening in other sectors relevant to its activities. At the same time, by informing the public we can create a climate of opinion responsive to those changes.

The decision that the adoption of metric units should be voluntary has certain major consequences. The Government might have declared that after a given day metric units would be the only legal units throughout the economy. Indeed there are some who, when in difficulty about reconciling their programmes with those of suppliers and customers, have argued for a statutory "M-Day" or "M-Days". This would destroy the whole voluntary basis of the approach which the Government decided to adopt as the most congenial to the British community, with each sector working out its own programme and the Metrication Board fulfilling a central coordinating role. This approach to metrication takes into account the fact that time-tables will vary for the different sectors, that there must be a good deal of latitude within the individual time-tables, and that in some cases the processes of the change-over will take longer than others. Nevertheless there are implicit sanctions. The forces of the market-place, notably the demands of major customers, including the public authorities in central and local government and the nationalized industries are powerful. The legislative programme will determine dates when the various weights and measures will have to be legally modified, and thereafter enforced. The general adoption of agreed standards metrically based will impose conformity. Individuals and enterprises will find themselves working in a metric environment in which those still unimpressed by the inherent advantages of the metric system will find themselves the odd men out. The decision to proceed on a voluntary basis does mean, however, that the change-over will appear less decisive and less controllable than, for example, the change to decimal currency where the Gov-

ernment is in a position to make firm time-table decisions and to make the switch-over imperatively operative. It also means that in metrication the exchange of information, publicity and education in the broader sense have an even more critical role to play.

The Board is the instrument of a decision to change and is the purveyor of units which constitute the international system which the Government agreed should be adopted as the basis of the change to metric. There has been, however, a good deal of perplexity about the nature of those S.I. units and this required from the Board a quite simple guide to the metric units which would be used in everyday life. It has also been necessary to explain the advantages of having a logical coherent and internationally agreed system of weights and measures.

Apart from the merits of the units themselves, their introduction provides the opportunity and compels each undertaking to examine its structure and methods of operation when planning for the change-over. In manufacturing industry, the application of rationalization and variety reduction techniques lead to a reduction in stockholdings, simplified tooling, faster and easier calculations, and improved designs. The result should be an all-round increase in efficiency and competitive power. Because the units are in accord with most of the rest of world, this greater efficiency can lead to greater opportunities for expanded sales, notably in increased exports.

In education, the main benefit is a substantial saving of time and reduction of drudgery through simplified instruction at all levels.

In other sectors of the economy, such as the retail trade and local government, most of these advantages will also be secured, although they are not always self-evident or so immediate.

Throughout the country as a whole there will be a greater simplicity of all calculations because transactions will be conducted in decimal value and metric measure. There will, of course, be a period of familiarization when the imperial and metric systems exist side by side. We believe it is in the best interests of the nation that this period of numerical bilingualism should be kept to a minimum.

Wild unsubstantiated surmises have been made about the costs of Britain going metric. The Board, with all the experience which it incorporates in its membership, rejects as irresponsible the kind of figures which have been suggested. Indeed, we can find no statistical model on which an estimate of the overall cost to the nation could be calculated and, with the policy already determined by the sober judgment of Government and of industry, we regard the exercise as futile. Similarly, to try to quantify the long-term benefits which will assuredly accrue from increased efficiency and improved competitive power would mean no less than a computation of Britain's role henceforth in world economy. Eschewing such vanity, the Board would say, *per contra*, that, if the decision to change had not been made, we should be imposing on ourselves an avoidable economic handicap in the years ahead when we shall have to earn our living in a world which will be substantially metric.

Our remit says emphatically "The costs shall lie where they fall." We accept that as the only practical attitude. That does not mean that we are not sensitive and sympathetic to those who are faced with the immediate on-costs of the change. We are undertaking case-studies of the experiences of individual firms and hope that we can count on the cooperation of many more in determining the real expenditure on material changes and retraining programmes incurred by particular enterprises. One thing we can say without hesitation: By planning the necessary changes, with minimum delay,

firms can reduce outlay and disturbance and will ensure their share of benefits, the greater and sooner. To do so, the plans of individual enterprises must be synchronized with changes taking place throughout their own sector of the economy. That is where we can help in ensuring coordination within and between the various sectors.

During 1970 substantial progress will be made in many sectors of the economy. The British Standards Institution expects that all important standards relating to construction, industrial materials, engineering components and equipment will be available. This is an essential stage to an orderly advance within these sectors. In education too substantial progress can already be foreseen, the change to metric in examinations being a powerful stimulus.

Freight transport has set the beginning of 1972 as the target date. The road speed levels will be in kilometres per hour in 1973, and prior to that a beginning will be made in erecting new road signs incorporating distances in kilometres.

The measurement of land in metric will begin in 1970, with dual dimensioning in preparation for the full change-over in 1971 when land measurement will be wholly metric. Forestry will take a further year to achieve the complete change-over. Farming as a whole seems likely to begin to go metric in 1972, a change which should be substantially completed in 1973.

Vital industrial supplies such as aluminium, lead, copper, zinc, steel bars, flat steel products, wire mesh and electric cables will be available in 1970 to metric specifications. The production of plastics materials will be in metric terms by the end of 1971, while trade in chemicals in metric units will begin in that year and the change-over will be completed by the beginning of 1973. During 1970 the paper, board and printing industries will complete the change-over to metric.

Broadly speaking, therefore, the materials industries will by the end of 1972 substantially be producing and marketing materials in metric terms.

The engineering industries, including shipbuilding, are now going through the initial period of change, and many new designs, particularly equipment for the Armed Services, will be in metric terms from the beginning of 1970. Generally, government procurement policy is to give preference to metric supplies. In 1971 the pace will quicken. The shipbuilding industry will be substantially metric by the end of 1972, while in the engineering industry major changes will be evident by about the same time. There is, however, no simple pattern embracing changes in these diverse industries, and the nature of the change and its timing will vary widely from one sector to another.

The construction industry will continue its progress towards metrication and all new designs from now on should be in metric dimensions. Bricks, paving flags, fibre boards, concrete pipes and metal windows are now becoming available from stock. The change to metric measures for softwood, hardwood, plywood and sheet materials should take place about the middle of 1970, and by the end of the year cement and ready mixed concrete will be sold in metric quantities and flat glass to metric dimensions will be generally available.

During 1970/71 there will not be much that the public will notice. Some do-it-yourself materials will be on sale in metric quantities, notably paints and timber. The bedding industry will go metric in the beginning of 1971, and some synthetic and woolen fibres will then be available in metric quantities. Footwear sizing is to be in metric units in the fall of 1972, and generally it is at that time that we would expect the general public to become increasingly aware of the change in the shops. Of particular significance will be the change in the units

of sale of beer, milk and petrol. Another noticeable stage will be when changes in the Weights and Measures Act become effective. It will not, however, be possible to organize the change-over in the retail trade on one single M-day, and the change-over will be progressive.

We see our information task as consisting of two main parts. Our prime objective during 1970 and 1971 is to publicise what programmes the industrial and economic sectors work out, providing encouragement for the vanguard and persuasion for those a little farther behind. By producing films, exhibitions and publications we intend to keep all concerned informed about progress in their own and other sectors thereby helping to share experience. In this we hope to obtain the same measure of willing cooperation from the press and broadcasting organization as we have already experienced. But concentrating in this initial period on the economic areas where information and advice is most immediately needed does not mean that we will neglect young people and the general public. Our overall task is to help make the metric system of weights and measures intelligible, acceptable and familiar throughout the country as a whole. We intend to take every opportunity of removing misunderstandings and allaying misgivings. When action with a sector is likely to have a general effect we will be ready with advice and information for those sectors of the public who will be involved. But we do not expect to mount large-scale, intensive publicity campaigns for the larger public until nearer the time when metrication will extend into the retail and domestic sectors. To do so could only cause needless concern. Information which is not related to action, whether it be in the shops or the kitchen, would in our view be premature.

The total change on which the country has already embarked is vast in extent, but its apparent complexity is simplified when the detailed elements are identified. We have not encountered as yet any major obstacles, although we are well aware of certain specific difficulties. With proper planning we believe they can be resolved.

We think that there has been a tendency to exaggerate the difficulties and to underestimate the skills of management, the intelligence and the adaptability of the ordinary citizen when the changes required are realistically presented to them. The educational system and the industrial training organizations both as regards new training and retraining of the work force can make a major contribution to easing the problems of the transition.

We do not look for 100 percent perfect planning or a picture complete in every detail as to what is going on. Firms will move at different rates and the extent to which they need to make changes will vary greatly. The change will in the main not be in the physical equipment being used but in the use to which the equipment is put, in product design and in marketing.

We have heard some alarming and widely quoted estimates of the cost of metrication to the nation. Our examination of such facts as are available have shown these estimates cannot be substantiated. For one thing they don't attempt to assess the benefits to be derived from the change. We have sought to show the nature of those benefits, but like the costs they cannot be quantified except in the context of a particular enterprise.

There is a tendency to exaggerate the retail problem which raises difficulty only in a very narrow sector—What seems clear in all sectors is that the better the planning and the more rapidly the transition can be made, the lower the cost and the sooner the benefits are reaped. It is in factories, offices, schools and shops that the real and vital

decisions will be made and where the changes will be accomplished and the benefits gained.

READING ACHIEVEMENT IN PUBLIC CLASSROOMS

Mr. MURPHY. Mr. President, today's Washington Post contains an article with respect to a contract that the city of San Diego proposes to enter with private industry to raise reading achievement in public classrooms.

Mr. President, I was the author of the dropout prevention program which has made possible the so-called Texarkana project, which was the first performance contract in the country. I am convinced that the dropout prevention program is one of the most promising programs in the country, and the San Diego decision indicates that school districts across the country are paying attention to what happens under the dropout program.

Earlier I made public the preliminary results of Texarkana, which indicate that the company is ahead of its performance standards established in the contract.

Mr. President, I have written to all of the conferees on the Labor-HEW appropriations bill about the dropout prevention program and the bilingual program. Since these two programs are so important for the country, I ask unanimous consent that the text of my letter be printed in the RECORD.

In addition, I ask unanimous consent that the article be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., January 30, 1970.

Hon. _____,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing to urge you to increase the funding for the dropout prevention program and to hold the \$25 million for the bilingual program.

These two programs, in my judgment, are the most promising educational programs that we have. They are "high priority" programs that can and are pointing to new approaches in American education. While they are small in comparison to Title I of the Elementary and Secondary Education Act, I am convinced that their impact on education will significantly overshadow the larger Title I program. These two programs might properly be regarded as "rudders" for Title I, testing new approaches and pointing the way for the larger Title I funds.

While the Committee's approval of the \$25 million for the bilingual program indicates a growing appreciation for the potential of this program, I am personally convinced that the dropout prevention program also merits that kind of support. For example, the Texarkana project has attracted national attention. Under this project, the school system has entered into a performance contract with private industry to raise students' performance one grade level in math and one grade level in reading in 80 hours of instruction. The basic thrust of a performance contract is that one must perform in order to get paid. I recently reported some encouraging preliminary results which show that the company has raised math scores one grade level and reading scores approximately two grades in only 50 hours of instruction. As a spinoff of the Texarkana project, San Diego has entered into a \$2.4 million performance contract to raise basic scores of its students.

Also, there are other exciting programs

going on, such as the one in St. Louis. The programs are working because they are relatively small in number. Each project is required to set specific objectives, and importantly for the first time in federal contracting, each project is held accountable for achieving the objectives which they set. An educational audit from an outside source is made in addition to an intensive in-house examination to make certain of the project's performance. Thus, this is a no-nonsense approach to education with each project carrying the concept of accountability in the use of federal funds based on results obtained in reaching stated objectives which are measurable.

I do hope that you will agree with me and increase the funding for the dropout program as well as hold the full \$25 million for the bilingual program. I feel very strongly about these two programs, and I have personally tried to monitor them. I am enclosing for your information a copy of my testimony before the Appropriations Committee on this subject. I appreciate your cooperation.

With best wishes, I am,

Sincerely,

GEORGE MURPHY.

[From the Washington Post, Feb. 2, 1970]
PROFIT MOTIVE HARNESSSED IN NEW SCHOOL EXPERIMENT

(By Eric Wentworth)

The San Diego school board has just approved a \$1.4-million contract with a private company that guarantees to boost reading achievement in public classrooms.

The contract calls for Educational Developmental Laboratories, a division of McGraw-Hill publishing house, to help improve the lagging language skills of some 9,600 minority children in that Southern California city.

EDL agrees to supply a variety of instructional materials, in-service training for teachers and consulting services.

Public school contracts with private industry for this type of project are a very recent trend. But what gives this case special national interest is EDL's guarantee that the primary-school pupils would advance to agreed rates over three years. To the extent they fell short, EDL would suffer financial penalties.

The San Diego contract, contingent on federal funding, reflects a new, hard-headed approach to upgrading the nation's schools.

Advocates of this approach use terms like "accountability" as well as "guaranteed performance." Some even talk of students as "products" who, properly schooled, should have "zero reject capability" after graduation.

These men believe it is high time that schools become more efficient, more effective, more geared to achieving measurable results.

Students as well as society, they contend, will benefit. Too many students today, in their view, still lag in basic skills, still drop out, still emerge from the classroom intellectually stunted.

These "hard heads" are legion in private industry and the military services, which have a vested interest in improving the basic and specialized skills of American youth.

Industry and the military, on their own or working together, have devised numerous training programs they claim are successes the public schools should adopt.

Then there is the "learning industry" itself. McGraw-Hill's EDL is only one in a phalanx of large and small companies that have had spotty success so far in marketing their hardware, software or planning-consulting services. Giants like Westinghouse, General Electric, IBM and Xerox have plunged into this field in recent years.

Significantly, moreover "hard heads" are

turning up today among educators and education planners as well. A growing number are becoming more receptive toward the management know-how as well as the products of modern industrial technology.

Some at least—as in San Diego—even see promise in harnessing the profit motive in the cause of boosting classroom performance.

Whether the U.S. Office of Education will fund the San Diego project in the upcoming tight-budget year is uncertain. But a number of federal officials, including Education Commissioner James E. Allen Jr., find the contract approach intriguing.

These officials are keenly following the progress in Texarkana, Ark., of what is billed as the first U.S.-funded "guaranteed performance" contract.

In Texarkana, Dorsett Educational Systems, an Oklahoma teaching-machine maker which won the contract against several other bidders from around the country, has begun teaching remedial reading and mathematics. The nearly 200 junior and senior high school students involved so far were "under-achievers" in these subjects and thus potential dropouts.

Dorsett too will be paid on the basis of how fast these students attain agreed achievement levels: a bonus for those who get there ahead of schedule, less for the laggards and zero for those who don't make it at all.

The company in turn is using the profit motive to spur the students ahead. Those who perform well get S&H Green Stamps or time off to listen to folk-rock on headphones at Dorsett's six "learning centers."

Lloyd Dorsett, the company's ebullient president, was in Washington last week to describe the program and show off his machines at an event called the "1970 National Laboratory for the Advancement of Education."

This three-day get-together, which drew an estimated 3,000 people to the Washington Hilton, was itself an example of the "hard heads" in action. Its prime sponsor was the Aerospace Education Foundation, an Air Force Association offshoot that promotes the use of space-age teaching methods and devices in the nation's schools and colleges.

"Learning industry" companies showed up in force to display their wares and, in some cases, demonstrate them in mock classrooms.

Among the speakers was Leon Lessinger, former AEF president who recently left an associate commissioner's post in the U.S. Office of Education to join Georgia State University as professor of urban education.

Education, said Lessinger, is suffering "a crisis of nonachievement" despite the billions of federal, state and local dollars being spent for improvements.

Contracts, he argued, hold promise in the new quest for accountability in classroom results. "Contractors," he said, "are generally careful not to promise more than they deliver, especially if there are incentives and penalties. We have had enough of big causes and small delivery."

Another advocate of accountability is Don Davies, the Office of Education's associate commissioner for educational personnel development. "I see it," he said in a recent speech in Minneapolis, "as an 'in' concept that comes to grips with a notion too many schoolmen have too long rejected—the notion that schools and colleges should shoulder the responsibility for the learning successes or failures of their pupils."

In a related approach, the Office of Economic Opportunity recently gave \$196,313 to the Center for the Study of Public Policy in Cambridge, Mass., to design a system of school-attendance vouchers.

Low-income parents would get vouchers representing each child's prorated share of public education funds to pay for their off-

spring's schooling in either public or private classrooms.

Some education planners who like the hard-headed approach say they still need proof, however, that businesslike thinking can take root in the traditionally "soft" school environment.

The new trend, nevertheless, seems to bear out Peter F. Drucker's remark in his influential new book "The Age of Discontinuity": "Education has become too important to be left to the educators."

SHAKEDOWNS INTIMIDATE DISTRICT OF COLUMBIA STUDENTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story which appeared in the Washington Post of January 29, 1970, titled "Shakedowns Intimidate D.C. Students."

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

SHAKEDOWNS INTIMIDATE DISTRICT OF COLUMBIA STUDENTS

(By Carl Bernstein)

On Tuesday, police arrested a 12-year-old student at Simon Elementary School in Southeast Washington and accused him of robbing a classmate, Ernest Powell, 11, of a quarter.

The suspect was charged with a crime called "robbery fear"—meaning that fear was the weapon used in the alleged robbery.

Robbery-fear, which a layman might call extortion, is an accepted fact of public education in and around many of Washington's schools, according to police, students and school officials.

The problem has become so acute in at least one school—Shaw Junior High—that some students stay home out of fear, according to the principal.

"Essentially these incidents are shakedowns," says Officer James Gainer of the Washington police youth division.

"It's a continuous problem at all levels in the schools. The only thing unusual about the Simon case is that there was an arrest. Usually, the kids are too scared to complain about it."

Ernest told police he became frightened Tuesday when he saw a schoolmate walking toward him on the Simon playground at Mississippi Avenue and 4th Street SE.

The same boy had taken money from him before, after threatening to beat him, Ernest reported. Ernest also was beaten and robbed several weeks ago by three boys as he walked home from school, according to his grandmother.

So, on Tuesday, he handed his 25-cent daily allowance to a friend when he saw the same schoolmate walking toward him.

The student later charged with robbery then approached both boys and demanded the quarter he had seen Ernest pass to his friend, assistant principal Gloria S. Ingram said.

Kenneth Mathis, Ernest's 12-year-old companion, wasn't about to argue: In December, another student had taken \$1.50 from him after threatening to beat him, his mother said yesterday.

"A quarter just isn't worth getting messed up over," she observed.

Police report that Anacostia—where Simon Elementary is located—has been particularly hard-hit by student shakedowns, although there seem to be few schools in the District unaffected by the problem.

"There's even a bridge near here that the children call the toll bridge," Principal James Carter of Hart Junior High School said yesterday. The school is located at 601 Mississippi Avenue SE.

The bridge, which crosses Oxon Run near Valley Avenue, takes its name from older students who "shake down smaller children before they let them go across," Carter said.

The Hart principal, who recently testified before Congress on safety problems in District schools, said shakedowns have become less frequent since increased police protection was ordered for schools in Anacostia two months ago.

"I'm sure it's still going on though," he added. "And it's going to get worse when the weather gets warmer."

According to police, most student shakedowns are committed either by older or bigger students or groups of three or four who will pick on a lone student.

"We could do something about it," says Officer Gainer of the youth division, "but the victims are afraid to complain. They know that kids have been beaten up for talking."

Even when students complain to school officials, Gainer says, a shakedown rarely results in an arrest.

"When it comes time for a confrontation, the kid who has done it says, 'I didn't take anything; I asked for a loan.' And then the one who got robbed gets scared and says maybe it was a loan after all."

Conversations with principals, students and teachers at a dozen schools in all areas of the city yesterday resulted in assertions that students at all 12 schools have been experiencing shakedowns.

In addition to Simon, the schools checked were Carver (in Northeast), Congress Heights (SE) and Langston (NW) elementaries; Alice Deal (NW), Hart (SE), Shaw (NW), Stuart (NE) and Randall (SW) junior highs; and Western (NW), Eastern (NE) and Ballou (SE) high schools.

"We need everybody on duty in the halls all day because of the problem," said Principal Percy Ellis of Shaw Junior High at 7th Street and Rhode Island Avenue NW.

"At lunch time it's terrible . . . We have at least one (shakedown) reported every day but there are a lot more than that going on. Some of the girls do it, too."

We've had complaints where students wouldn't come to school. The mother would go to work and then the student would slip back home because he was afraid he'd lose his money or get beaten up," Ellis said.

At Alice Deal Junior High in Upper Northwest, a teacher reported that lunchtime shakedowns are becoming more frequent.

"Sometimes if a student won't turn over money he'll get his lunch tray snatched," the teacher said.

At Western High in Georgetown, students who take buses to school from the inner city say they have been shaken down by schoolmates who ride with them.

"It goes on all the time," said a sixth grader at Congress Heights Elementary School, 5th Street and Nichols Avenue SE. "There's nothin' you can do about it if there's a bunch of them or if somebody's bigger than you are . . . If you report it to the principal, they'll beat you up."

Leroy Dillard, a former principal who now is assistant to Acting School Supt. Benjamin Henley, says shakedowns "are nothing new . . . but like everything else they've taken a turn for the worse."

"Many people have considered them a minor problem before," Dillard says, "but they're a frightening and traumatic thing for many of our children . . ."

"I really believe it's a way of life for some of these kids. It's survival of the fittest; it's a reflection of our whole community. They know they're wrong, yet it is part of their living."

The shakedowns will stop, Dillard believes, "only when we get people aroused to the point where they want to make their communities, neighborhoods and schools safe."

DEATH OF 1ST SGT. H. E. BARBER, JR., U.S. MARINE CORPS, IN VIETNAM

Mr. TOWER. Mr. President, I recently received a letter which I ask unanimous consent to have printed in the RECORD. I believe that the letter is a timely reminder of the feelings of many Americans. At this time, when the opinions of a few have received so much attention, it is gratifying to know that there are those who support the President's attempts to end the conflict in Vietnam and who are willing to sacrifice for the ideals which our Nation stands for.

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

NOVEMBER 17.

DEAR SENATOR TOWER: I appreciated your letter expressing sympathy at the death of my husband, 1st Sgt. H. E. Barber, Jr., U.S. Marine Corps, in Vietnam.

He was a dedicated Marine who believed greatly in his country and wanted peace.

My request is that as you make your political decisions that they be made to keep this country great so it remains one worth dying for, and that as you talk and work for peace that it truly be an honorable peace so that his death will not have been in vain.

I thank you and Mrs. Tower for your thoughtfulness.

Yours truly,

GWEN BARBER.

FORT WORTH, TEX.

THE TRAGEDY OF BIAFRA

Mr. HUGHES. Mr. President, by all accounts, the tragedy of Biafra is continuing to deepen despite the humanitarian offers of relief assistance from President Nixon, on behalf of this country, and from other nations. The Federal Government of Nigeria must be persuaded to expand and improve the machinery for bringing food and medicine to the sick and starving children of Biafra.

The Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and I have written to President Nixon, suggesting that he use his influence toward the end of persuading the Government of Nigeria to speed the pace of relief efforts.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the letter to President Nixon.

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

U.S. SENATE,

Washington, D.C., January 28, 1970.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: We, the undersigned Senators, wish to express our appreciation and support for your prompt action on January 11 when Biafra fell. Your offer of planes and helicopters, food and money was in the highest tradition of U.S. humanitarianism and responsible foreign policy.

You also ordered all information and medical reports the United States had previously made to be turned over in good faith to the Nigerian Government.

A subsequent action on your part was to order the food pipeline to be expanded to 10,000 tons per week, and this we wholeheartedly commend.

However, there is presently being distributed far less food than is needed to prevent

the horrors of mass starvation, malnutrition and death which face million of men, women, and children.

Specifically, we urge that two major points be pursued with the Nigerian Government:

1. The United States should urge the Nigerian Government to allow food to be flown into the Ull airstrip;

2. The United States should also urge that the Government of Nigeria permit and supervise the revival of the network that distributed food before Biafra's fall. This network had 3,194 distribution points—which obviously cannot be duplicated by the Nigerian Red Cross with only 20 doctors and a few hundred employees.

In short, we urge that the Government of Nigeria permit and supervise massive, coordinated outside relief efforts to preclude the death and starvation of hundreds of thousands of Biafran people in addition to the millions who have already died.

Official observers have reported no evidence of widespread massacre of the Ibo people, as feared. However, there is a consensus among unofficial observers that unless action is taken immediately, many will die of starvation, wounds, or disease.

We have the utmost confidence in your sympathy for the suffering people and in your determination to take decisive relief action. Tragically, the job is *not getting done* and the sense of urgency we know you feel has not been translated into the action essential to avert unspeakable tragedy in Nigeria.

The world's only hope, Mr. President, is that you will use your great influence to cut through red tape and diplomatic inertia and persuade the Government of Nigeria to step up efforts to get food and medicine to its starving people before it is too late.

Sincerely,

HAROLD E. HUGHES.

ALAN CRANSTON.

THOMAS F. EAGLETON.

LABOR DEMANDS FUEL INFLATION

Mr. FANNIN. Mr. President, today the newspapers are full of stories detailing the longstanding problems of our railroads. The New York newspapers reveal that striking tugboat workers are demanding a double wage.

We have just witnessed a lengthy strike against the General Electric Co. on a nationwide basis.

Mr. President, we are standing on the brink of economic disaster in the Nation, and the union leaders seem intent on their desire to push us off.

As an example, I cite the coming negotiations between the Teamsters Union and the trucking companies. On April 1, if the Teamsters shut down trucking systems in the Nation, there will be an immediate cessation of business in 12,000 companies, and over 450,000 employees will be thrown out of work. This is only in the trucking industry itself—there is no calculating what the effect will be on industries and companies that depend on highway transportation for their operation.

The Phoenix Gazette on January 12 published an excellent editorial on the whole subject, which I think puts it in a very clear perspective. I am particularly impressed by the paragraph:

The nation is now fighting a battle to control its runaway economy, and if the Teamsters are successful in negotiating such a massive contract, it very well could give inflation the necessary thrust to rise beyond any control. In short, it could ruin us.

Mr. President, I believe this is precisely the situation, and I commend this courageous newspaper for putting it so clearly—in fact, so bluntly. We need more who will speak out in a clear fashion to make the issues clear.

I ask unanimous consent that the editorial be printed in the RECORD.

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

TO DOOM BY DIESEL TRUCKS

Circle April 1st on your calendar as a reminder that this may be the day the Teamsters Union shuts down practically all trucking systems in the nation. On March 31st contracts involving approximately 12,000 companies and 450,000 employees expire simultaneously.

In the absence of jailed Teamsters President James R. Hoffa, Acting President Frank Fitzsimmons served notice on the trucking industry that he wants a massive wage and benefit increase. The wage increase asked is \$1 an hour per year for each of three years and \$7.50 per week per year in pension and health and welfare benefits. A 2-cents-a-mile boost in the 12.3-cents-per-mile rate now paid for long distance drivers paid on a mileage basis is demanded.

Trucking interests called the proposed contract "fantastic" and sent up storm warnings. Unless demands are slashed, they said, truckers face the possibility of a nationwide lockout. This means that nonunion drivers and warehousemen would replace the striking Teamsters. If Teamsters history is any indicator, such an action by trucking firms would bring about a blood bath and a rash of destruction that would make the Civil War look like a military academy exercise. There's more to it than that, though.

What is in jeopardy is the health, welfare and economy of the nation. Much of what we consume is moved by truck entirely and practically everything shipped by rail is trucked to its final destination. But the real issue is inflation. If trucking firms pay the demands, they simply will tack the cost onto moving the goods, and the people will finally pick up the tab at the grocery, clothing store and everywhere else.

The nation now is fighting a battle to control its runaway economy, and if the Teamsters are successful in negotiating such a massive contract, it very well could give inflation the necessary thrust to rise beyond any control. In short, it could ruin us.

The Teamsters, by arranging industry-wide contract expiration dates, have become a super power—so much so they could, temporarily at least, paralyze the nation's economy, perhaps endanger its security. That is too much power for any group to hold.

We are not anti-labor; we are pro-people, and we urge the Teamsters to read the history of nations whose economy got beyond control. Then not even a truckload of money was worth freightling.

EDUCATION FOR ALL—III

Mr. PROXMIRE. Mr. President, earlier I discussed the background of America's apparent reluctance to adopt most of the human rights conventions; and I examined in some detail the Convention Against Discrimination in Education.

I would like to reiterate my conviction that the mood of the United States as we enter the decade of the 1970's will no longer permit procrastination and delay in ratification of the human rights conventions; the mood is such that the American people are beginning to demand ratification.

In a past era we had the spectacle of McCarthyism and the near passage of the Bricker amendment, both of which were symptomatic of the Nation's fear of international involvement. Nagging questions of federalism and States rights haunted our domestic tranquillity.

But in the midfifties we began to resolve some of our doubts, and our insecurities began to vanish, Congress passed civil rights legislation, and our courts outlawed discrimination in most areas of American life.

We found discrimination in education to be particularly odious and abhorrent to our fundamental goal of equal opportunity for all. It is basically wrong to discriminate in education, and this fact is recognized by the American people.

That we actively seek to eliminate all forms of discrimination in education in the United States cannot be disputed. Can we do any less in our international posture? Can we do anything less than ratify the Convention Against Discrimination in Education?

I ask unanimous consent to have printed in the RECORD a part of the report of the U.S. National Commission for UNESCO which analyzes the position of the United States on the Education Convention.

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

THE UNITED STATES AND THE EDUCATION TREATY

In the decade of the 50's McCarthyism had made suspect almost anything that had an international flavor. One of the organizations subject to attacks was UNESCO. A specific charge was that UNESCO intended to undermine and communize the educational system within the United States.

Because of the atmosphere then existing in the United States and being concerned with both the political reaction to ratification as well as to the legalistic issues that would be raised, the United States decided not to adopt the convention. But since it could not in good conscience take a position in opposition to the principles enunciated in the proposed treaty (principles essentially American in philosophy) it did support a so-called "Recommendation".

The Recommendation is similar in its assertions to the Convention. It is, however, merely what it is titled, a recommendation and nothing more. It has no binding effect on the nations which sign it and is unenforceable. It is to the treaty what our Declaration of Independence is to our Constitution.

It is, of course, the tradition in this country that operation of schools is a local matter. This continues to be true in 1969 as it was in 1960. However, since 1960, a series of Civil Rights Acts have been adopted by Congress and signed by the President. All of this indicates a whole new approach to the old states rights bugaboo that once made it seem impossible to assure equal rights in all geographical areas throughout the United States.

The most striking of these Congressional actions as they related to education on the local level was the Act of 1964. Title VI of that Act barred discrimination of public elementary and secondary schools under any program or activity of receiving federal assistance. It directed each federal agency extending financial assistance through grants, loans or most kinds of contracts to issue regulations to carry out the purpose of the statute. If compliance was not voluntarily met, the agency was authorized to cut off aid to the recipient or political entity.

There may be differences over the deliberate speed by which school desegregation has been attained in the United States. But no one any longer questions the fact that there is a constitutional right of a child to be free of discrimination in school; it is, furthermore, the stated policy of the United States to support this right.

OIL IMPORT POLICY

Mr. TOWER. Mr. President, there has been considerable speculation in both Congress and the press that the report of the Cabinet Task Force on Oil Import Control will recommend that a variable tariff system, designed to reduce U.S. oil prices by substantially increasing imports of foreign oil, be instituted in the place of the present mandatory control program.

Implementation of this proposed tariff system would completely negate the single purpose of oil import controls as contained in President Eisenhower's 1959 Proclamation No. 3279, namely:

The new program is designed to insure a stable, healthy industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted. The basis of the new program, is the certified requirements of our national security which makes it necessary that we preserve to the greatest extent possible a vigorous, healthy petroleum industry in the United States.

Utilization of a tariff system to reduce and control United States prices of oil would be directly contrary to the intent of Congress in adopting section 7 of the Trade Agreements Extension Act—the basis for oil import controls. The sole purpose was to protect the national security. Use of this basic authority as an economic lever and fine tuning device to set oil prices is not, in my opinion, appropriate.

There are many reasons which make adoption of a tariff system inadvisable:

First. National security would be endangered by becoming increasingly dependent on unreliable foreign sources, with resultant progressive inadequacy of domestic supplies to meet emergency requirements.

Second. The 1956 and 1967 crises in the Middle East which closed the Suez Canal demonstrated the essentiality of adequate U.S. oil supplies to both national and free world security. The volatile Arab-Israel situation persists and threatens to result in more serious crises, with the future domestic oil supply position less adequate than in either 1956 or 1967.

Third. There would be a serious loss of jobs, not only in the petroleum industry but also in related industries and industries selling goods and services to the petroleum industry, such as steel, cement, automobiles, and so forth.

Fourth. Tax revenues in the 32 States producing oil and gas would be sharply reduced, with a tremendous adjustment in State tax structures and loss of school tax revenues.

Fifth. Consumers of petroleum products would be at the mercy of foreign governments that could force prices upward, or deny supplies, for political purposes.

Sixth. Dependency on foreign oil would mean dependency also on foreign sources of natural gas. The combined cost of imported oil and gas from any foreign source would greatly exceed the cost of domestic oil and gas, with a higher cost to consumers for total petroleum energy.

Seventh. The imminent threat of shortages of natural gas—already recognized by the Federal Power Commission, the Interior Department and local gas distributing utilities—would become a real and serious problem.

Eighth. Our international balance of payments would suffer significantly, with oil imports increased greatly.

Ninth. A reduction in U.S. crude oil prices, together with increased tariffs, would reduce greatly the income of the domestic industry. The declining trend of domestic reserves and producing capacity would be accelerated, at a time when greater exploratory effort is needed.

Tenth. The loss in income to the domestic industry from lower prices and increased imports would be added to the loss of more than \$500 million yearly already imposed through additional taxes under the new tax "reform" act.

Eleventh. Many independent producers, who historically have drilled 80 percent of all exploratory wells in the United States, would be forced to sell out or liquidate their producing properties.

Twelfth. Stripper wells would be abandoned, with a loss of about 15 percent of total U.S. proved reserves of crude oil.

Thirteenth. Smaller, inland refineries would be forced out of business, reducing competition and losing the strategic value of their location and contribution to defense materials such as jet fuel.

Fourteenth. The liquidation of independent producer and inland refiners would result in increasing concentration which could lead to a monopolistic condition with a few large international companies dominating and controlling the U.S. petroleum industry.

Fifteenth. The north slope of Alaska probably will prove to be a significant future source of oil and gas supplies, but there are too many uncertainties at this time as to volumes, costs, and future deliveries to base security planning on these supplies to the large extent contemplated by the Cabinet task force.

Sixteenth. The new tariff system would create more problems than it would solve, resulting in an unmanageable administrative problem of dealing with constantly changing costs of production and transportation for each of the many countries and individual companies involved. Under these circumstances, favoritism toward some countries and some companies would be unavoidable.

Seventeenth. The new tariff system is based on theoretical and impractical assumptions that are undependable and could seriously impair the national security as to oil supplies.

Eighteenth. The overall effect on the U.S. economy would include losses far outweighing any temporary or illusory savings to consumers.

In the interest of serving the national security and the welfare of the consuming public the domestic petroleum industry should be encouraged—not discouraged—to increase domestic supplies of both crude oil and natural gas.

Instead of adopting a tariff system, I feel that we should restore the basic concepts, structures and integrity that were maintained during the early years of the mandatory oil import program. Exceptions and special treatments, which were injected in recent years, should be eliminated. Assurance of a reasonable and stable relationship between domestic and import supplies is the best means of maintaining U.S. oil and gas capabilities for both national security and the protection of the consumers.

The widespread publicity on probable recommendations to be made by the Cabinet task force has created serious uncertainty among domestic oil and gas producers who, as a result, are unable to plan investments and future operations. I am hopeful that their doubts and fears can soon be allayed by a reaffirmation of an import policy which, on the whole, has served the Nation well.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. PELL. Mr. President, Congress, in 1968, after many years of study and deliberation, authorized the establishment of an appropriate national memorial to President Woodrow Wilson, the Woodrow Wilson International Center for Scholars.

As chairman of the Subcommittee on the Smithsonian Institution, the subcommittee that handled the authorizing legislation, I have been following closely the progress being made toward the establishment and actual operation of this national memorial to our 28th President.

The Board of Trustees of the Center, including both Government members and public members appointed by the President, have been diligently planning a program that would carry out the congressional directive for a memorial "expressing the ideals and concerns of Woodrow Wilson" and "symbolizing and strengthening the fruitful relations between the world of learning and the world of public affairs."

In pursuit of that objective, the Woodrow Wilson International Center for Scholars will bring together, here in Washington, outstanding scholars from throughout the world to consider some of the great challenges and problems confronting man.

The Board of Trustees of the Center recently announced plans to begin operation of fellowship and guest scholar programs at the Center in October of this year. Applications for these fellowships are now being accepted by the Center with a deadline of May 1.

Mr. President, I wish to commend the Board of Trustees, particularly its Chairman, former Vice President Hubert H. Humphrey, for the imaginative and well-conceived initial program they have planned for the Center. Recognition

should also be given, I think, to the excellent work of the Center's first Director, Benjamin H. Read.

The Trustees of the Center have selected two subjects for special emphasis at the Center during its initial period, and I am particularly pleased that one of the subjects selected is the development of international law for ocean space.

As chairman of the Subcommittee on Ocean Space, of the Committee on Foreign Relations, I have a special appreciation of the need for increased understanding of the requirements for adequate international agreements for our rapidly expanding ocean environment, and I am confident that scholars at the Center can make important contributions in this area.

As a second area of special emphasis, the Trustees have selected contemporary man and his deteriorating environment, with special attention to the needs for international cooperation to cope with environmental problems. Here, too, the challenge is great, and there is a fine opportunity for constructive contributions by scholars at the Center.

Mr. President, so that Senators may be fully informed of the program planned at the Center, I ask unanimous consent that a summary of the Center's program be printed in the record at the conclusion of my remarks.

To assist them in planning the program the Board of Trustees has formed an advisory committee with a most distinguished membership.

I am gratified that the Trustees have seen fit to include several Members of the Congress on the advisory committee, and I am particularly pleased and honored to be one of those invited to serve.

Mr. President, I ask unanimous consent that a listing of the members of the Board of Trustees and the advisory committee for the Woodrow Wilson International Center for Scholars be printed in the RECORD at the conclusion of my remarks.

Mr. President, I commend the Board of Trustees for the excellent start they have made toward establishing a living memorial that promises to carry forward the spirit and vision of Woodrow Wilson.

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

NEW FELLOWSHIP AND GUEST SCHOLAR PROGRAMS, 1970-71

The Woodrow Wilson International Center for Scholars was established by Congress in 1968 to be a living memorial "expressing the ideals and concerns of Woodrow Wilson, twenty-eighth President of the United States . . . symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs." The Center was placed in the Smithsonian Institution under the direction of a fifteen-man Board of Trustees, a majority to be drawn from private life. The Trustees appointed subsequently by President Johnson and President Nixon are listed below; Mr. Hubert H. Humphrey was designated Chairman.

After a seven-month planning period, the Board of Trustees decided to open in October of 1970 in newly renovated space in the original Smithsonian Building, new fellowship and guest scholar programs dedicated

to the increase and diffusion of knowledge about the great issues of man's survival and well-being in the last three decades of the century.

Scholars at the Center, who may work independently or in groups, will be offered staff assistance in availing themselves of the rich resources—human, institutional and bibliographic—of the capital area.

FELLOWSHIP PROGRAM

Theme

The theme of the fellowship program is designed to accentuate those aspects of Wilson's ideals and concerns for which he is perhaps best known a half century after his presidency—his search for international peace and the imaginative new approaches he used to meet the pressing issues of his day—translated into current terms.

Thus, the statement of policy adopted by the Board states:

"Emphasis will be placed on studies designed to increase man's understanding of significant international, governmental and social problems, and to improve the organization of society at all levels to meet such problems. The focus will be on the public policy aspects of contemporary and emerging issues which confront many peoples and, where applicable, on comparative analyses of different cultural, regional and other approaches to such issues."

While a wide variety of studies of current problems will be welcome under this general statement of policy, the Trustees have selected two subjects on which they would like to see substantial studies undertaken and proposals developed during the opening period at the Center: (1) the development of international law for ocean space; and (2) contemporary man and his deteriorating environment, with special attention to the new forms of international cooperation needed to address certain widespread environmental problems.

Fellows

When the fellowship program is full operational, up to forty scholars—approximately half from the United States and half from other countries—will be selected to work at the Center. They will be chosen—again in approximately equal measure—from academic and nonacademic occupations and professions. The former will come from a number of the social and behavioral sciences, from the humanities, and from the natural sciences. The latter will be drawn from diverse careers including government, international organizations, law, diplomacy, labor, business, foundations and journalism. The primary concern will be to find persons whose intellect, experience and dedication will enable them to contribute to the increase and diffusion of knowledge about subjects of interest to the Center in a community of scholars devoted to like purposes.

All fellows invited will be persons of distinguished scholarly capabilities and promise. Academic participants will be limited normally to establish scholars at the postdoctoral level (or the equivalent in other countries). There will be no precise higher-degree requirements for nonacademic fellows, but their standing in their profession or occupation, higher degrees, writings and honors will be considered.

While no arbitrary age limits have been set and there will be a wide spread of ages among the fellows at the Center, it is anticipated that most scholars chosen will be in their thirties or forties.

Duration of Fellowships

The average fellowship at the Center will probably extend from several months to a year in duration, but some periods of study of only a few weeks and a limited number of long-term appointments will also be accepted.

Selection process and criteria

Nomination and application forms are available by writing to the Center. Requests for fellowships will be processed upon receipt. Requests for appointment to the opening period at the Center must be received by May 1, 1970. The normal selection schedule will call for the issuance of invitations three times each year—on the fifteenth of February, June and October. When the program is in operation, requests for appointment should be received at least nine months before the start of the period for which a fellowship is sought. In extraordinary cases, this minimum period may be waived by the Board.

In extending fellowships, the following criteria will be used: (1) scholarly capabilities and promise in areas of primary interest to the Center; (2) likelihood of contributing the complementary experiences and knowledge needed for a lively and productive intellectual community; (3) relevance of Washington area intellectual resources or people to proposed areas of study; and (4) thorough speaking and writing knowledge of English.

Facilities and support

Fellows will be provided with furnished offices in the Smithsonian Institution Building. They will have access to meeting rooms, a reference library, periodical room, lounge and dining room, secretarial and staff information services, and the research facilities of many public and private institutions in the Washington area such as the Library of Congress.

Each fellow will be asked in the first instance to seek financial support from his own institution, government, foundations, or other sources, and—until the Center's initial funding requirements are fully met—fellowship candidates with some such outside means of support may be in a preferred position. Thereafter, within a stipulated ceiling, stipends will be provided by the Center to help meet the fellow's previous year's salary rate, with cost-of-living adjustments for scholars from other countries, based on the principle that the fellowship should not involve his financial loss or gain. Certain travel expenses for the fellow and his immediate family to and from Washington and limited housing allowances will also be available.

Declaration

The Board is determined that there will be a spirit of complete freedom of inquiry in all scholarly work done at the Center. Government research contracts will not be sought nor accepted.

GUEST SCHOLAR PROGRAM

Several offices will be reserved and other space temporarily vacant will be made available, as well as luncheon privileges, library, information, secretarial and other Center staff services, for short-term use by distinguished guest scholars on arrangement with the Director of the Center. Inquiries about this program should be deferred until the summer of 1970 when the extent of such facilities and their availability will be known.

BOARD OF TRUSTEES

Board of Trustees: Hubert H. Humphrey, Chairman; Allan Nevins, Vice Chairman; James MacGregor Burns, Ernest Cuneo, Robert H. Finch, Charles A. Horsky, Barnaby Keeney, Harry C. McPherson, Jr., Daniel Patrick Moynihan, L. Quincy Mumford, James B. Rhoads, S. Dillon Ripley, John P. Roche, Kevin Roche, William P. Rogers.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

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Congress

Harry Byrd, Jr., Clifford Case, Peter Frelinghuysen, Claiborne Pell, William Spong, Frank Thompson, Harrison Williams.

WCNY-TV, SYRACUSE, N.Y., PUTS AN OMBUDSMAN ON THE AIR

Mr. GOODELL. Mr. President, I invite the attention of Senators to a unique programming concept that WCNY-TV, Syracuse, N.Y., has developed—a television ombudsman. The ombudsman or "Citizen Advocate," as the program will be called, was conceived by Mr. Thomas Petry, president and general manager of WCNY-TV, and has received a grant of \$32,856 from the Corporation for Public Broadcasting.

The "Citizen Advocate" program is truly a new approach to public affairs broadcasting, and demonstrates the great potential for public television to participate in the efforts of the community to identify and solve pressing problems.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of a news release issued on November 6 by the Corporation for Public Broadcasting and an article from the December issue of WCNY-TV's "Televiews" which describe this exciting project.

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

FIRST TELEVISION OMBUDSMAN TO GO ON AIR IN SYRACUSE AS NATIONAL PILOT FOR PUBLIC BROADCASTING

NEW YORK, November 5.—Richard Boddie, 31, will become the world's first television ombudsman next month when he goes on the air with a weekly program on WCNY-TV, Syracuse, New York.

The program, *Citizen Advocate* (or TV ombudsman), will be funded in part with a grant of \$32,856 from the Corporation for Public Broadcasting.

Announcing the grant today at a press conference in Syracuse, John W. Macy, Jr., President of the Corporation for Public Broadcasting, said "the *Citizen Advocate* series will serve as a national pilot that hopefully will enable other public television stations to adapt the Syracuse concept to their own local situations."

Mr. Boddie, appointed by the station as the unofficial ombudsman and project director, is a Doctor Juris candidate in the School of Law at Syracuse University, where he is President of the Student Bar Association. A native of Elmira, New York, he is an alumnus of Bucknell University.

As *Citizen Advocate*, Mr. Boddie, with the

help of a volunteer staff of law students, will investigate and where indicated seek action on citizen complaints against agencies of local and county government. In the weekly half-hour broadcasts, Mr. Boddie will report on his investigations and on actions taken to resolve or redress complaints. The program will make use of short film documentaries, interviews with citizens and governmental officials, and position papers on key issues.

The adaptation of the ombudsman concept to television was conceived by Thomas Petry, President and General Manager of WCNY-TV.

Mr. Macy congratulated Mr. Petry and his staff on their enterprise and initiative in devising the *Citizen Advocate* program. Terming it "a new approach to public service and public affairs programming for television," Mr. Macy said the program is part of public broadcasting's endeavor to provide means for greater citizen involvement and participation in public broadcasting and in public life generally.

Commenting on the program, Mr. Petry said "the intent of the program is to identify those problems and issues that exist within the community, examine them in detail, and seek to draw together those elements of the community that can effectively work to bring about change that will be of significant benefit to the entire community."

Mr. Petry added that the program "will also seek to rectify misconceptions about the role of government and other agencies, thereby absolving civil servants and governmental agencies from wrongful charges and unfair accusations. When appropriate, the *Citizen Advocate* will call attention to complaints which have been misdirected."

He added that the *Citizen Advocate* will not confine his activities to any specific geographic, political or economic area within WCNY-TV's central New York signal area; suburban problems will be investigated as well as those of the central city.

Mr. Petry said that "it is our intent to handle the more common individual complaints of citizens through the process of referral to the appropriate agency or segment of government. The *Citizen Advocate* program will, however, monitor the flow of such complaints for trends indicating problem areas. The main concentration of the *Citizen Advocate's* activities will initially be on those problems and issues which have already been identified as priority subjects through surveys conducted by various community groups."

CITIZEN ADVOCATE

WCNY-TV now has a "Citizen Advocate", or an unofficial TV Ombudsman on its staff to identify, investigate, and resolve problems for the residents of Central New York.

Richard B. Boddie, a Juris Doctor candidate at Syracuse University and President of the Student Bar Association at Syracuse, is the Citizen Advocate, and his function will be to respond to both written and oral complaints seeking redress against action of city, county, state, or federal agencies. He will serve as an intermediary between the government and the citizen and between the citizen and the government. Not only will he examine faults and correct wrongs, he will absolve government agencies from wrongful charges. His ultimate aim is clarification and constructive citizen involvement in community problem solving.

A grant of \$32,000 from the Corporation for Public Broadcasting will provide the basic support for the staffing and operations of the project. The announcement of the grant was made by John Macy, Jr., during his visit to Syracuse. The series will serve as a national pilot for other PTV stations that may want to adapt the Syracuse example to their local stations.

As part of the Citizen Advocate project, WCNY-TV will broadcast a weekly half-hour program on the Citizen Advocate's work. The program will consist of a report on the nature of the issues raised, the investigation of the problems, and the solutions to the problems brought to the program. Included in the telecast portions will be the use of such techniques as short film documentaries on issues raised, interviews with interested citizens, governmental leader and agency officials, discussion groups, position papers, and so forth. The "Citizen Advocate" program will also be a major part of WCNY-TV's new programming concept in which a month is devoted to exploring one topic of community concern.

The Advocate will handle the more common individual complaints of citizens through the process of referral to the appropriate agency or segment of government. The Advocate will, however, monitor the flow of such complaints for trends indicating problem areas. The main concentration of the Advocate's activities will initially be on those problems and issues that have already been identified as priority subjects through surveys conducted by various community groups.

The Advocate will not limit his activities to any specific, geographic, political, or economic area. He will seek to investigate problems that exist in suburban areas as well as those in the urban center.

Commenting on the program, Thomas Petry, General Manager of WCNY-TV, who originated the TV adaptation of the ombudsman concept, emphasized that "the intent of the program is to identify those problems and issues that exist within the community, examine them in detail, and seek to draw together to bring about change that will be of significant benefit to the entire community. We believe that the unique aspects of the Citizen Advocate program can provide to the residents of Central New York a unique opportunity to demonstrate the manner in which effective use of public television can provide a new approach to identification, examination and solution of community issues."

Boddie, who in addition to his duties as Advocate will also be Project Director, has a background of community involvement that makes him highly qualified for the role of Citizen Advocate.

A former resident of Rochester, New York, he was nominated for City Council of Rochester in 1967. He served on the Board of Directors for the Montgomery Neighborhood Center and on the Board of Directors for the American Red Cross, Rochester-Monroe County Chapter. In addition, he was co-chairman of the Rochester Junior Chamber of Commerce Housing Committee and a district advisor for the Boy Scouts of America.

In Syracuse he has served the Onondaga Neighborhood Legal Services, Inc., as a Law Clerk and as an investigator. His special area of emphasis was in consumer rights, family and juvenile law, landlord-tenant law, and community organizations.

Boddie, who will receive his Juris Doctor degree in 1970, received a BA in political science from Bucknell University, Lewisburg, Pennsylvania. While an undergraduate, he was active in the intercollegiate Debate Society, the Intercollegiate Conference on Government, and the University Men's Glee Club. He was captain of the varsity track team and A.A.U. decathlon champion, Niagara District.

Before entering law school, Boddie was assistant branch manager of the Lincoln Rochester Trust Company, Midtown Plaza Branch, in Rochester. Most recently, he was employed as law clerk with Crystal, Manes and Rifken, attorneys-at-law in Syracuse.

Boddie is the son of the Reverend Charles Emerson Boddie, D.D., President of the American Baptist College and Seminary,

Nashville, Tennessee, and Mrs. Lavinia J. Boddie of Rochester.

Boddie, his wife, Ann, and their two children live on Colvin Street in Syracuse.

HATFIELD PRAISES NIXON FOR POLLUTION FUNDS RELEASE

Mr. HATFIELD. Mr. President, I wish to praise President Nixon for his decision to allow the spending of the full \$800 million appropriated for grants for municipal sewage treatment plants under the Clean Waters Restoration Act. This action tells the Nation that the Nixon goals outlined for pollution control will be backed with action.

I was an early backer of the full billion-dollar appropriation this year. Oregon is a leader in fighting water pollution. In fact, David Dominick, Commissioner of the Federal Water Pollution Control Authority, has said:

We regard the Oregon water pollution control program as one of the strongest and most progressive in the nation.

I believed that my constituents favor a strong resolution for cleaning up our Nation's water. As the various funding levels were considered, I heard from many Oregonians in support of the full billion dollar funding. The 1969 Oregon Legislature, in a resolution stated:

Be it resolved by the Legislative Assembly of the State of Oregon: The Congress of the United States is urgently requested to provide for the fiscal year 1969 and subsequent years, the amounts authorized in the Clean Waters Restoration Act of 1966, and thus to keep faith with the states and local governments who have proceeded to do their part under the Water Quality Act of 1965 and the Clean Waters Restoration Act of 1966 . . .

Several Oregon mayors wrote in support of more funding. Mayor Russell W. Tripp, of Albany, wrote:

Albany passed a \$1.3 million bond issue for sewage treatment facility. Albany received the necessary state and federal aid and will soon open its new treatment plant. Now, we are dismayed to learn that our sister cities on rivers and streams in Oregon are not going to be able to continue this effort, but not because of their own failure. Though a full \$1 billion was authorized for fiscal year 1970 to aid localities in this effort nationally only \$214 million has been requested in the budget. No less than 88 communities in Oregon dug deeply into the pocket which finances police protection, education and other critical local needs to provide the local share for projects to clean up waterways, only to be halted by the lack of federal support for this effort. The national government must reaffirm the commitment to eliminate water pollution. I strongly urge your support for an appropriation as authorized by the Clean Water Restoration Act of 1966 . . .

Mayor Robert L. Briston, of Bend, wrote:

The Oregon State Department of Environmental Quality has given us until 1980 to construct a complete system of sewers . . . estimated our cost for constructing these sewers at approximately \$8.5 million at today's prices. If we were to sell bonds for this entire amount and pay for them over a period of 30 years it would cost us at least \$585,000 for a year to amortize these bonds. This would represent a tax rate of \$7.30 per \$1,000 true cash value. I am sure you can see that our financial problems of installing

a sewer system are all but impossible to solve using only our local funds. Redmond, Madras, and the rural areas surrounding our three Central Oregon cities are also faced with this problem. Because of our special problem in Bend, we urge your full support for appropriation of the \$1 billion authorized for financing of municipal waste treatment facilities for fiscal year 1970 . . .

Mayor Harry M. Steinbock, of Astoria, wrote:

The city of Astoria is in the process of preparing for a bond election that will provide, if passed by the people, some \$5,000,000 . . . For the impoundment and treatment of sewage currently discharged into the Columbia and Youngs Rivers. This is a sizeable expenditure for a city of our size with a current assessed valuation of \$55,738,792, and we need every bit of help that we can get from the state and federal levels. We are currently in the process of applying for a 30% grant since we can no longer apply under the program whereby the city pays 25%, the state 25%, and the federal government 50%, due to the fact that the federal government did not provide sufficient funds for their portion of the financing. We urge that you give your support toward the increase in appropriations to aid in financing of waste treatment facilities in as large a sum as necessary to take care of the situation that faces the American people. It has been the federal government who constantly promotes clean water through the television media; therefore, I think it is time that the federal government realizes its responsibility in meeting some of the financial problems that they have promoted on the local level . . .

When Congress voted last year to raise the President's budget from \$214 million to \$800 million for municipal sewage treatment plants under the Clean Waters Restoration Act we were informing the administration that this was the will of our constituents to spend more in 1970 for these serious environmental needs.

Several Oregon newspapers wrote editorials calling for more money to be appropriated. I ask unanimous consent that three representatives ones, from the Coos Bay World, the Medford Mail Tribune, and the East Oregonian, be printed at this point in the RECORD.

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

[From the Coos Bay (Oreg.) World, Oct. 4, 1969]

LET'S HEAR IT FOR CLEAN WATER

Striking while the iron is hot is a maxim that has political as much as, if not more than, any other application.

In American politics this would appear to be a vintage year for striking on some long-standing and basic issues.

Currently we have the drive to abolish the Electoral College in favor of direct popular election of the president. With the near-disaster of the 1968 election still reasonably fresh in the public mind and the political climate therefore favorable as perhaps never before, the House has passed and President Nixon has now come out in favor of the proposed constitutional amendment. There is now just the faintest chance that the procedure for electing the American president may be rescued from the 18th century and brought into the 20th by 1972.

Earlier we had taxes, the rare spectacle of congressmen in numbers exercising themselves not, as usual, over raising more but over simplifying, even easing, the citizen's

burden. With signals of an imminent taxpayers' revolt flashing all over the horizon, it was clear that the time for tax reform had clearly come. The final results aren't in yet, but both Congress and the administration have taken advantage of the mood of the moment to tackle the most far-reaching overhaul of the tax system in recent history.

In this grab bag of issues, there is yet another item, not as exciting perhaps but probably even more important in the long run, where, hopefully, Washington will show itself equally willing to follow where public opinion leads.

For a long time now pollution has rivaled the weather as a subject generating a great deal of talk but precious little action. We all know by now what we are doing to our environment, the dire predictions for the near future and how far we are falling short in taking the steps necessary to prevent them from coming to pass.

The public is clearly in favor of action. A recent Gallup Poll reported 85 per cent of the population concerned about water pollution and 73 per cent ready to spend money—i.e., taxes—to combat it. Washington also seemed to be in step with the passage of the Clean Water Act back in 1966, which was supposed to channel a steady flow of federal funds into state and local pollution-control programs.

Unfortunately, the flow has been more of a trickle. Actual fund appropriations have consistently fallen short of clean-water authorizations. In 1968, \$450 million was authorized and \$203 million finally appropriated. In 1969, it was \$214 million appropriated against \$700 million authorized. In the current budget, the administration has again asked for \$214 million, while Congress authorized a round billion.

It appears, however, that public sentiment, as expressed through a Crusade for Clean Water waged by a coalition of national organizations ranging from the League of Women Voters to the United Steel Workers, instead of the administration may have its way on this one.

It is sorely needed. Without the promised federal funds, the cleanup program would eventually collapse despite efforts by local governments, which have passed bond issues to raise their share of needed funds, and even, increasingly, industry. And that, with the consequent accelerated deterioration of our water resources, is something we can much less afford.

[From the Medford (Oreg.) Mail-Tribune, Sept. 16, 1969]

WE'RE LOSING THE CLEAN WATER FIGHT

The United States is losing the battle to provide enough sewage disposal facilities to permit us to end pollution in the waters of the nation.

This is despite the passage of the Clean Water Restoration Act back in 1966. It is also despite the passage of bond issues for the purpose in many localities throughout the country.

Both the city of Medford and the Bear Creek Valley Sanitary Authority have received authorization from voters to issue bonds totalling millions of dollars to pay for the local share of the costs of construction of badly needed facilities.

But the Congress has not provided the necessary federal matching funds. It has consistently appropriated less money than it has authorized.

And the most recent development—President Nixon's announced cut of 75 per cent of federal expenditures for construction (although nobody yet knows fully what impact it will have)—now seems to presage an even further gap between needs and performance.

A group of Congressmen (not yet including any member of the Oregon delegation) is pressing for more money for this purpose. The total authorization for clean water funds

for this fiscal year is \$1 billion. But the administration (even before the announced construction cut-back) asked for an appropriation of less than one quarter this amount—only \$214 million.

And during the years that the deficiency has been building up, it has come to total an estimated \$6 billion. It will take years to catch up with that backlog, even at an accelerated pace of construction. If the nation keeps on just pecking away at it, it will be never.

The kind of thing that the voters of Medford and the valley have done—voting new taxes on themselves to aid in the battle for clean water—makes every Congressional appropriation stretch out far beyond its own size. For most such construction is on a matching basis.

Each million in Congressional appropriations stimulates other localities to do the same, with additional millions going for the purpose. The League of Women Voters recently reported:

"... In the last 11 years, according to Federal Water Pollution Control Administration reports, (federal) investment of \$1.2 billion has stimulated construction of more than \$5 billion of waste treatment facilities in local communities. These projects serve an estimated 73.8 million people and have improved the water in about 74,000 miles of streams."

In few other areas does a dollar's worth of federal appropriations buy as much as it does in the battle for clean water, for the federal monies are exceeded by that expended by the states and local governments in a partnership.

The Eugene Register-Guard recently commented:

"... This nation is losing the crucial fight to clean up its polluted waters and to prevent others being needlessly polluted. The longer we wait to pay, the higher the price of clear water and the less the chance of getting it at any price."

We have an especially high stake in this fight here in the Rogue Valley. And anything that we, as citizens, can do to persuade the Congress to take more than niggardly and token action to improve the situation will be to our own best interests.

[From the East Oregonian, Sept. 15, 1969]

NOT ENOUGH

Congress has authorized the expenditure of a billion dollars in the current fiscal year to help cities to build and expand sewage treatment plants. The Nixon Administration is asking for only \$214 million.

This is a matter of concern for many Oregon communities, including Pendleton. Citizens of Pendleton have voted to bond for expansion of sewage treatment facilities. It has been assumed that the project will have state and federal financial assistance.

The Oregon Environmental Quality Commission, successor to the state Sanitary Authority, is going to be tough about sewage treatment. Several communities, including Pendleton, are under strict orders to cease dumping sewage that has not been fully treated into creeks and rivers. Hardly anybody is resisting the orders. Almost everybody understands the importance of halting water pollution.

The legislative and executive branches of the federal government should be responding more generously to public demand. What the Nixon Administration proposes to provide the cities this year to fight water pollution is much less than they have a right to expect.

Mr. HATFIELD. Mr. President, if only \$214 million had been spent, Oregon would receive funds only for 17 percent of its projects that are ready to go. At that rate, we would not be gaining in

Oregon in this fight, we would not even be keeping even. Oregon would have lost ground in its commitment for clean waters. At the \$600 million level, only 45 percent of eligible projects would receive funds. Actually, \$800 million will cover only 59 percent of my State's projects and the full billion would fund 73 percent.

Because Oregon is so far ahead in its work in this area—\$50 million worth of projects are ready to go—the 30 percent Federal grant plan is used. The FWPCA said Oregon grant applications total over \$16 million. At the various national funding levels, the Oregon share is:

Total:	Oregon share
\$214,000,000	\$2,429,000
\$600,000,000	6,184,000
\$800,000,000	8,134,000
\$1,000,000,000	10,076,000

I know that when I look at that Oregon share, it certainly looks small, but I realize this is true whenever a Senator examines his slice of the total pie.

Mr. President, Oregonians have a special reason for praising this decision of President Nixon. In May, voters in Oregon will vote on a constitutional amendment to allow our State to grant money to fight pollution. In this biennium, this would provide a \$50 million State commitment for fighting water pollution.

Many Oregon communities have voted local moneys to provide the share of the municipalities. This decision of President Nixon means that I can go to the citizens of Oregon and reaffirm the involvement of the Federal Government in the fight to save our Nation's water.

INFLATION—A MAIN PROBLEM OF OUR NATION

Mr. TOWER. Mr. President, President Nixon pointed out in his state of the Union message that inflation is one of the main problems of our Nation. Recently the students in the class of Mrs. Diane Barrick, in O'Henry Junior High School in Schertz, Tex., wrote to me concerning this problem. I ask unanimous consent to enter the names of these students and a representative letter in the RECORD. The concern of these young people points to the magnitude of the problem. I hope that their concern will encourage us all to direct our full efforts toward the curbing of inflation.

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

STUDENTS OF O'HENRY JUNIOR HIGH SCHOOL,
200 MAIN STREET, SCHERTZ, TEX.

Vicki Abercrombie, Peter Altman, Tonia Alvarado, Susan Anderson, William Andrews, Della Arguello, Irma Arguello, Darlene Armstrong, George Arreola, Diana Arreole, Ralph Barnett, Eddie Bath, Bobby Birdwell, Fred Blair, Chris Bole, Terry Bower, Karen Brand, Guy Bryan, Barry Buchanan, and John Bugish.

Americo Cardenas, Beth Carroll, Cynthia Carroll, Dolores Castro, Mark Caves, Carol Chafee, Stella Chapa, Geoffrey Christman, Fernando Coronado, Jr., Mary Jane Crawford, Stanley Crisp, Wayne Curry, Lee Delong, Lillian De Leon, Oscar De Leon, Sylvia De Leon, Robert Delk, Adolph Doege, James Douglas, Mary Etta Ellis, and Laura English.

Glenn Fey, David Flatzel, Teri Franz, Chuck Frey, Margaret Gage, Gilmore Garside, Elsa Garza, Silvester Garza, Donald Giles, Hilda Gomez, Dora Gonzales, John Gonzales, Mary Graham, Dolores Gutierrez, Larry Hall, Tara Hays, Mark Hinds, Stephanie Hinson, Michael E. Hirtriter, and Helen Hracho.

Elizabeth Humphreys, Patricia Ingle, Debbie A. Jewett, Ramona Johnson, Randy Keith, Jeff Kemp, Mike Krock, Vicky Kusey, Cathy Landry, Karen Linehan, Cherry Macy, Dora Martinez, Gretchen Matherne, Cheryl Mazlan, Kerry McGee, Steve Mudd, Nan Musgrave, Charles Nagel, Richard Nichols, H. Lee Nirlder, and Jeanie Palmer.

Becky Parker, Patty Paschel, Steven Peden, Diana Perez, Mary Perez, Randy Phillips, Paul Place, Robin Pogue, Elaine Price, Anna Ramirez, Mariso Redford, Scott Renno, Jaime Reyes, William Richardson, David Roberts, Debbie Roberts, Michael Rogers, Bill Schneiderhan, Guy Schwartz, and Lisa Sharp.

David Stedelman, Karen Skillings, Linda Ann Smith, Robert Smock, Diana Snoddy, Stanley Spears, Lois Stafford, Glen Stahl, Page Swanberg, Christi Stewart, Laraine Sykes, Barbara Taylor, Willis Toms, Elisa Valladares, Danny Vonata, Mark Whitcomb, Steve Wickersham, Albert Wiedner, Bernie Winklemann, Jerry White, David Wilson, John Winters, and Mark Wurzen.

DECEMBER 17, 1969.

DEAR SENATOR TOWER: In our class, we have been studying about inflation, the causes, and results. We feel that if our economy rises any more our taxes and over all spending costs will be richer than we can afford. Although, I am not voting age I can tell some of the causes.

I believe we have inflation because:

- (1) Business firms raise the prices too much.
- (2) Labor and trade unions demanded, and obtained too large wage increases.
- (3) The government spent too much on Vietnam.
- (4) They should limit money on space exploration (but we are glad we got there first).
- (5) They should limit government spending e.g. parties, campaigns, etc.
- (6) The government overtaxed and also printed new money when the debt should have been payed when the printing press was rolled out.
- (7) Consumers spent too much.
- (8) Wages higher on agriculture.

To slow down inflation, I think:

- (1) The government should spend less on Vietnam.
 - (2) Consumers should spend less.
 - (3) Consumers should borrow less.
 - (4) The government should control prices.
 - (5) The government should control wages.
- I believe, the government should spend on:
- (1) Education.
 - (2) Air pollution.
 - (3) Environmental pollution.
 - (4) Medical research.

THE ENVIRONMENT WORRIES THE WORKER

Mr. NELSON. Mr. President, the United Auto Workers has announced that the environment is going to be an issue in its 1970 negotiations. This is good news for every citizen who cares about the air and water and land and wildlife around them.

Walter Reuther, the UAW president, said in a recent press conference on collective bargaining:

I think the environmental crisis has reached such catastrophic proportions that I think the labor movement is now obligated to raise this question at the bargain-

ing table in any industry that is in a measurable way contributing to man's deteriorating living environment.

And only last week, another UAW official said:

We definitely will want to discuss the matter of polluted air in the shops. . . . The industry always tells us we have to confine ourselves to wages, hours and working conditions. Well, foul air is a lousy working condition and it sure falls under permissible bargaining topics.

At a recent air quality hearing in Cleveland, officials of the United Steelworkers and the AFL-CIO marched into the hall wearing masks over their noses and mouths to dramatize the serious problem of air pollution.

Automobile and factory pollution are the prime sources of air pollution in this country. If the workers who produce the autos and the workers who work in the factories are now aroused enough to make this a major issue in negotiations and public hearings, maybe there is hope for something to be done soon.

Mr. Reuther said that he once felt environmental questions were not proper matters to come up in collective bargaining. Now he makes clear this is no longer his belief. Mr. Douglas Fraser, who negotiates for Chrysler employees, now states that environmental questions on the job are questions which the union will deal with this year.

I am certain there are no easy answers to any of these questions.

I am also certain something must be done soon and done expertly to avoid a national catastrophe of epidemic proportions.

Earlier last year, Frank Wallick, the UAW's Washington Report editor and legislative representative, raised the question of an environmental crisis on the job for 80 million American workers. He suggested that even Members of Congress may not be immune from the problem of health hazards if ventilation in congressional buildings permits carbon monoxide to seep into the rooms and halls.

I have suggested that every American has a constitutional right to have his environment protected against indiscriminate and unnecessary degradation by a third party. While the focus for this has been on our outdoor environment, the same rights ought to be sought for people on their jobs.

As Mr. Wallick suggested:

We do not suggest that overnight every job in every place in America can become an air-conditioned paradise. . . . With a fraction of time and money we spend on military and space research, we could make some significant breakthrough in finding practical ways to lessen the noise, reduce the greasy atmosphere, purify more of the air and eliminate the mechanical dangers which millions of workers at this very moment experience on their jobs.

A New Jersey Department of Health survey of 15 factories in that State showed results of particulate sampling all exceeding the air pollution quality criteria of 65 micrograms per cubic meter of air—0.065 mg/m³. The results also show over 50 percent of the samples collected for sulphur dioxide exceed air pollution criteria. This information is all

too typical of what every American worker must experience on the job and I introduce the results of the survey contained in Mr. Wallick's testimony to illustrate the need for greater research, monitoring, and better standards to deal with the environmental crisis at the work place.

I ask unanimous consent to have printed in the Record the transcript of Mr. Reuther's press conference on the environment, a Detroit Free Press article on polluted air in the shops, the New Jersey industrial plan survey, a report on the occupational environmental crisis in the UAW Washington Report, excerpts from Mr. Wallick's testimony, a Washington Post article on what the auto industry is doing to end air pollution, and excerpts from the UAW testimony on occupational safety and health last year.

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

[From the Reuther Press Conference, Jan. 8, 1970]

Question. Mr. Reuther, in 1968 you said that the matter of pollution is not a matter to be brought up at the bargaining table but rather by industry in independent action and the private citizen and private community affairs. Do you still feel that organized labor should not use the bargaining table to improve the environment as well as the economic package of the member?

Answer. I said essentially what you've quoted me as saying and every time we've tried to introduce into the bargaining process a matter that's on the fringe of what's considered to be normally collective bargaining matters, we raise all kinds of problems at the bargaining table. But I think the environmental crisis has reached such catastrophic proportions that I think the labor movement is now obligated to raise this question at the bargaining table in any industry that is in a measurable way contributing to man's deteriorating living environment. And I believe the UAW is obligated to raise this matter at the bargaining table in 1970.

Question. In what form, Mr. Reuther?

Answer. That I'm unable to say because we have not formulated that. But I think that we are obligated to raise this for discussions at the bargaining table because I think, and this is not only true of the auto industry, I think that labor ought to be obligated to do this in every industry where they feel the industry is a factor with respect to man's deteriorating living environment.

Question. What has happened between October 1968 and now to make you change?

Answer. I just think the situation has worsened to the point where I think now we've got to use every leverage to help solve this problem.

Question. Walter, what would you raise in this connection at the auto bargaining?

Answer. We will have, we will formulate our position on this and you will be given a copy of that position when we formalize our demand at our Convention. And I'm asked, do I think this now ought to be a matter that properly ought to be raised at the bargaining table, and my answer is yes.

Question. That's air and water pollution?

Answer. It's the whole question of man's living environment, which goes beyond the question of air and water pollution, although they are the two most serious and obvious areas of concern.

Question. Would you use this as some sort of a lever, or are you going to bring it up just for the sake of discussion?

Answer. Well, I think you have to reserve

that question until we formulate our demand and then you'll know precisely what we intend to do.

[From the Detroit Free Press, Jan. 25, 1970]
POLLUTED AIR IN SHOPS DUE TO BE MAJOR UAW ISSUE

(By Ralph Orr)

Auto industry spokesmen responded cautiously when Walter Reuther announced that his union intends to make pollution control a bargaining issue in contract talks with the Big Three this summer.

But two things were clear: They believe it is not a subject for the bargaining table, and they are puzzled about what forms the demands will take.

One publicist, tongue in cheek, suggested that the United Auto Workers union president might demand premium pay based on something like Detroit's MURC (Measure of Undesirable Respiratory Contaminants) Index for measuring airborne pollutants.

It was a bad joke, because something of this nature indeed will be one of the UAW demands.

"We definitely will want to discuss the matter of polluted air in the shops," said Douglas Fraser, UAW executive board member-at-large.

Others in Solidarity House agree, and point out that the foundries would be prime targets.

As one aide put it:

"The industry always tells us we have to confine ourselves to wages, hours and working conditions. Well, foul air is a lousy working condition and it sure as hell falls under permissible bargaining topics."

If the plant cleanup results in cleaner air for the community, then "you could call it a fringe benefit won by the UAW for the whole town," he said.

Like many other UAW proposals, such demands would be innovative, but there is precedent for them.

Many union contracts deal with compensation for occupational diseases. Many provide for employer-furnished goggles, safety shoes and filter masks.

Fraser said the scope of the UAW demands undoubtedly will reach beyond in-plant problems, and it is here the whole far-reaching idea takes on fuzziness.

Nobody knows what those demands will cover because the decision to inject pollution problems into the talks was not made until December.

Marcellus Ivory, UAW Region 1-A director, said the UAW executive board gave its approval after learning that rank-and-file members had suggested this step at nearly every bargaining conference.

The final determination will be made at the national union convention in April in Atlantic City.

Should Unions negotiate on national social problems?

"Why not?" asks the UAW.

"The environment is the property of everybody," one official said. "We're directly involved with an industry that is responsible for much of the pollution, from mucked-up rivers and smokestacks to exhaust gases and junked cars."

There is no law saying the fight has to be left to the scientists and editorial writers, he said.

Nobody in the automobile industry is taking pot shots at the anti-pollutionists because environmental contamination is becoming the No. 1 domestic issue and because of the auto maker's complicity.

They point out that General Motors Corp., Ford Motor Co. and Chrysler Corp. have spent millions on smoke abatement and research aimed at curbing exhaust pollutants, and plan to spend more.

But spokesmen ask what Reuther can do about pollution at the bargaining table. Demand a ban on foremen with bad breath? Or ask double time for workers assembling cars with dual exhausts because they belch twice as much gas into the atmosphere?

The bad jokes are exaggerations only to make an industry point: Pollution control is outside Reuther's balliwick.

Company spokesmen contend that environmental clean-up is the responsibility of industry and government.

"Putting pollution problems on the table would be like trying to put motherhood into bargaining," one spokesman said.

And inevitably, industry aides come back to an old phrase, "management prerogatives," which the UAW claims translates into: "It's none of the union's business."

But Fraser is undismayed by the management-rights argument.

"The whole history of bargaining is one of workers taking away management rights," he said. "They would not have made any progress if they hadn't."

Reuther announced the UAW's intentions at his January news conference in response to a reporter's question.

"The environmental crisis has reached such catastrophic proportions that I think the labor movement is obligated to raise this question with any industry that in any way is contributing to man's deteriorating environment," Reuther said.

He conceded that the decision was an about-face from his stand in 1968, when he said it was not bargaining-table material.

"The situation has worsened," he said. "We've got to use every leverage to help solve the problem."

The union's U-turn came as the industry was making new commitments against pollution and stressing the need for studies of control systems and new power sources.

Ford, for example, has announced that it will spend \$7.5 million for a carburetion engineering facility to study means of reducing vehicle emissions.

But Reuther did not take his cue from them. The UAW was the first big union to join the pollution fighters.

UAW staff members have testified before legislative committees, sponsored conferences, addressed conservation clubs and distributed leaflets by the thousands.

Reuther zeroes in on the problem whenever he speaks.

"What good is another week of paid vacation if the lake where the worker takes his family is so polluted he can't swim in it?" he asked an audience last April.

He conceded that the union will be in a gray area when it raises the pollution issue.

"Every time we have tried to introduce into the bargaining process a matter that's on the fringes, we've raised all kinds of problems," he said.

Labor experts who have learned not to shrug off innovative UAW demands expect that Reuther will come up with something tangible and provocative.

And they say that even if the pollution demands are bartered away or shoved far down the priority list in favor of gut issues like bigger paychecks, he will have laid a heavy public-relations burden on the industry.

STUDY BY NEW JERSEY DEPARTMENT OF HEALTH

Company	Location or operation	Ranges of exposure	Contaminant sampled	Company	Location or operation	Ranges of exposure	Contaminant sampled
A	Core making	1.2 mg/m ³	Silica dust.	I	Line insert	0.21-0.30 mg/m ³	Lead.
A	Sand mixing	1.2 mg/m ³	Do.	I	Buffer cleaning	0.06 mg/m ³	Do.
A	Molding	1.9 mg/m ³	Do.	I	Blow cleaning	0.80 mg/m ³	Do.
B	Unloading	12.0 mg/m ³	Do.	J	Plate pour	0.08 mg/m ³	Do.
B	Scraping	0.72 mg/m ³	Do.	J	Welding	0.08 mg/m ³	Do.
B	Filling	4.65-7.2 mg/m ³	Do.	J	Pasting	1.55 mg/m ³	Do.
C	Hand casting	0.275-0.675 mg/m ³	Zinc oxide.	J	Tube filling	3.80 mg/m ³	Do.
C	Machine casting	0.137 mg/m ³	Do.	K	Mixing	2.4-3.0 mg/m ³	Silica dust.
C	Belt grinding	2.19 mg/m ³	Do.	K	Packaging	1.4 mg/m ³	Do.
D	Charging kettles	0.5 ppm	Sulfur dioxide.	L	Welding with carbon	25-35 ppm	Sulfur dioxide.
E	Diethanolamine tank area	14 ppm	Do.	L	Welding with graphite	1-2 ppm	Do.
E	Sulfonation area	19 ppm	Do.	M	Bagging	3.2-3.6 mg/m ³	Silica dust.
E	General work area	1 ppm	Do.	M	Unloading	4.5 mg/m ³	Do.
F	Angle cutting	1.03 mg/m ³	Asbestos dust.	N	Punch press feed	1.29 mg/m ³	Asbestos dust.
F	Straight cutting	0.45 mg/m ³	Do.	N	Dumping	2.88 mg/m ³	Do.
F	Carding	0.45 mg/m ³	Do.	O	Wet sawing	1.8 mg/m ³	Silica dust.
G	Beating	2.55 mg/m ³	Do.	O	Dry grinding	5.1 mg/m ³	Do.
H	Filtration area	1 ppm	Sulfur dioxide.				

[From the UAW Washington Report, Nov. 17, 1969]

OCCUPATIONAL ENVIRONMENTAL CRISIS—UAW ALERTS CONGRESS

American workers face "an environmental crisis on their jobs," according to Frank Wallick, UAW Washington Report managing editor and Washington legislative representative, in urging passage last week of a strong and comprehensive occupational safety and health bill.

"We know very little about the dangerous and deadly effects of 6,000 toxic substances

which workers use on their jobs," he told a House labor subcommittee, asking if any heavy industry factory could pass a test for environmental quality which the U.S. Public Health Service makes for our outdoor environment.

"Every American worker has a right to expect that continuing, exhaustive research will be made on the direct and side effects of every substance to which his body or any part of it is exposed in the course of his work," Wallick said. "He does not have the guarantee today, and we fail to see that this

guarantee is assured by any of the present drafts of the bills before the subcommittee."

Lloyd Utter, UAW safety director, accompanied Wallick in making the UAW's presentation on safety. The UAW urged a massive research program well-insulated from any taint of commercial influence. A New Jersey study of 16 industrial plants was included in the UAW statement which showed that air pollution quality criteria was far below in these plants for silica dust, zinc oxide, asbestos dust, and lead. Fifty per cent of the samples collected for sulfur dioxide

exceeded air pollution criteria for some of the same plants.

"It would be a great mistake for Congress to approve safety legislation which locks in the consensus standard approach to determining safety and health standards for workers," Wallick told the subcommittee. "There are in some cases the only standards we have today, but we say you should not gamble with workers' lives by playing the consensus game. Any standard-producing establishment must be composed of impeccably disinterested personnel," he said. Wallick suggested a counterpart to the National Bureau of Standards "with some of the best brains of the country working on occupational safety and health standards, constantly testing and re-testing the substances to which the human body is exposed."

He attacked the Nixon administration bill which calls for a super-safety board and reduces the powers of the Secretary of Labor in setting safety standards and enforcing those standards.

Wallick said that the O'Hara bill affords much more protection to workers because the Secretary of Labor would have the power to shut down unsafe operations and keep them shut down until unsafe conditions were straightened out.

He urged the House subcommittee "not to paper over any of the deep and far-reaching implications" of the occupational safety and health problem and "not to settle for timid compromises which only gloss over the potential for injury, disease and death to millions of fellow human beings."

[From the Washington Post, Jan. 23, 1970]
AUTOMOBILE INDUSTRY MAKING ATTEMPTS TO
END AIR POLLUTION

(By Robert Irwin)

DETROIT.—The auto companies have launched one of their most massive publicity efforts—trying to convince people they are serious about eliminating air pollution by motor vehicles.

Just look at the pronouncements in recent weeks. The most recent is from General Motors President Edward N. Cole, who said GM is committed to taking the gasoline engine out of the air pollution problem. He believes this can be done by 1980, but says the firm would have no hesitation in abandoning the internal combustion engine for something else if need be.

It's obvious the auto companies don't want a repeat of what happened five years ago during the auto safety controversy. In the mid-1960s the industry seemed more concerned with responding to Ralph Nader than doing something positive to make cars safer. The auto companies always seemed to be one step behind. Now it's different.

OBJECTIVES LISTED

Cole apparently took the edge off a pending government statement on clean air goals for the 1975-80 period. He said he learned of the goals "from several sources" and proceeded to list the objectives.

If the goals go into effect in 1975, he said, the emission of hydrocarbons would be reduced 95 per cent from 1960 levels, carbon monoxide, 85 per cent; oxides of nitrogen, 75 per cent, and solid materials, 50 per cent. He said 1980 goals call for another 50 per cent reduction in all categories.

There is a dispute within the auto ranks as to whether this much of a reduction is really necessary. It was just last year that Charles Heinen, Chrysler's chief automobile air pollution control man, said the problem had been essentially solved.

Ralph Nader singled out that statement last month as an example of the auto industry's intentions.

The top executives have sensed that cleaning up the environment is the big issue of the 1970s. They are responding with words now but with results promised for the years

ahead. The oil companies might be advised to take a cue from the auto firms.

Cole suggested the oil men change their refining process. That's a reasonable proposal since studies have shown what changes in gasoline composition could do to reduce automobile air pollution. The initial reaction was a warning about what this would cost the public. It sounded just like the auto companies' response a few years ago on the safety issue.

ANTISMOG DEVICES

Now listen to the way George J. Huebner Jr., director of research at Chrysler engineering, describes the work to reduce auto air pollution: "There are no holds barred. This is an all-out effort. Maybe people are waiting to see if we will fall on our face. But we are not going to fall on our face."

Huebner, you may recall, was the man in charge of the Chrysler turbine car program. He's now wrapped up in developing anti-smog devices for cars in 1974 and beyond. It's expected a new generation of air pollution control devices will be used at that time because this is when a significant reduction will be made in the oxides of nitrogen from car exhaust.

"This will be a whole new ball game," he said. There are three ways to reduce substantially this material, he said. One is by using an exhaust manifold reactor; second is a catalytic converter, and third is to throw out the internal combustion engine and get something else. The third alternative would be the last resort. As for the second, he said a catalytic conveyor isn't feasible now because of the lead in gasoline. This leaves the manifold reactor.

In this approach to emission control, exhaust gases leaving the gasoline engine cylinder are mixed with air and "afterburned" in large, insulated stainless steel exhaust manifolds with several times the volume of conventional manifolds.

The problem with these devices is that they operate at very high temperatures, 2,000 degrees F, and the cylinders require a lot of nickel for strength. Huebner said the devices could consume 10 per cent of the free world's production of nickel.

There is another problem—cost. Auto men have estimated the cost of such devices at \$250 to \$300. But by the time they go into production with them, that can undoubtedly be reduced. Cost is no longer being given as the excuse for delaying the work.

Huebner and his colleagues at Chrysler have for the past two years been on a crash program to meet these national clean air goals of the future.

"This is just as challenging as working on the gas turbine," says Huebner.

ALL WORKERS HAVE A RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

(From testimony by UAW on occupational safety and health, November 13, 1969, House Select Labor Subcommittee)

Too much of the language in the proposed bill approaches this problem from the standpoint of what the employer does or does not do. We believe that the final bill which Congress adopts should contain a ringing affirmation which amounts to a worker's occupational magna charta, assuring him that he has a right to a safe and healthful job. Obviously, there may be hazards to some jobs; but the approach of sound legislation ought to be from the standpoint of what is good for the worker, not merely the employer. For far too long we have assumed that grease, noise, overhead dangers, cutting knives, fumes and all the other familiar hazards were a natural concomitant to holding a job. For far too long we have assumed that a worker had to lose his hearing or destroy his lungs to be a family breadwinner. We have no right to assume that today. With massive research, with better plant design and engineering there is the technical capa-

bility so that workers need not shorten their lives nor lose their senses to earn a living.

We do not suggest that overnight every job in every place in America can become an air-conditioned paradise. But we do say, and say it most emphatically, that the goal of this subcommittee in writing good legislation ought to guarantee that all jobs will be safe and not injurious to a worker's health. Surely, with but a fraction of time and money we spend on military and space research, we could make some significant breakthroughs in finding practical ways to lessen the noise, reduce the greasy atmosphere, purify more of the air and eliminate the mechanical dangers which millions of workers at this very moment experience at their jobs. It would be a great mistake, in our judgment, to approve an occupational safety and health law which did not contain a positive statement of a worker's right to optimum safety and health on the job, and did not provide the machinery to accomplish this very rapidly. It is within the grasp of Congress to save thousands of lives and limbs of workers and to prolong human life for these same workers.

The goal of good legislation ought to be to achieve the best working conditions for all workers, without any ifs, ands or buts or "so far as possible."

BLACKS RIOT IN FLORIDA SCHOOL TRANSITION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a news story from the Washington Post of January 30, 1970, headlined "Blacks Riot in Florida School Transition."

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

BLACKS RIOT IN FLORIDA SCHOOL TRANSITION

GAINESVILLE, Fla., January 29.—Several hundred black students ran screaming into the street from Lincoln High School today, stoning cars and attacking passersby in apparent frustration over the closing of their school. Police quelled them with tear gas.

At least two persons were reported injured in the outburst of violence at the school, due to be closed after Friday under the Supreme Court's desegregation orders.

Several cars were damaged and school windows were smashed. One man, identified as Charles Tanner, was injured by a brick that smashed his windshield. A woman was reported dragged from her car and beaten.

After the crowd dispersed, police roped off the area and authorities cancelled Friday's classes.

Lincoln is part of a school district ordered by the Supreme Court to begin operating totally desegregated schools by Feb. 1. Under school board plans, Lincoln will be closed and its students integrated with those at Gainesville High.

The black students of Lincoln and their parents have bitterly protested the closing. In December, many of them boycotted the school to protest the closing and returned only after a judge threatened to cite them for truancy.

DEMOCRACY AT WORK IN COSTA RICA

Mr. CHURCH. Mr. President, more than a half million Costa Ricans went to the polls yesterday to elect a new President, two Vice Presidents, 57 Deputies to the unicameral legislature, and 313 municipal officials. According to unofficial returns, in a peaceful and orderly transfer of power, José Figueres Fer-

rer of the National Liberation Party is the victor over Mario Echandi Jiménez of the National Unification Party. Mr. Figueres, 63 years old, is a former President and known in Latin America as an enemy of dictatorships.

Costa Rica has maintained a constitutional form of government since 1889, with the exception of two short periods in 1917 and 1948. I believe this record, compared to its neighbors, is one of which the Costa Rican people can be rightly proud. Unique in Latin America, Costa Rica spends a high percentage of its national budget on health and education with over 90 percent of the population being literate. Even more unique, it has no standing army.

As chairman of the Foreign Relations Subcommittee on Western Hemisphere Affairs, I want to take this opportunity to congratulate the new President, Mr. Figueres, and also to express to our friends in Costa Rica our esteem and admiration for their continuing democratic tradition.

I ask unanimous consent, Mr. President, that two articles describing the pre-election setting in Costa Rica be inserted here into the RECORD.

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

[From the New York Times, Feb. 1, 1970]
COSTA RICANS GO TO POLLS TODAY, PROUD OF DEMOCRATIC TRADITIONS

(By Juan de Onís)

SAN JOSE, COSTA RICA, January 31.—A young Costa Rican tourist official, recently graduated from college in the United States, today recalled the "typical American" question about his country that caused him the most chagrin.

"It was bad enough when Americans asked me if Costa Rica was an island, or a beach in Puerto Rico," he said. "But what really used to get me was to be asked, 'Who is your strongman?'"

In this little Central American country, just north of Panama, it is a point of national pride that Costa Rica is governed not by a "strongman," but by officials elected through what her citizens feel is the most genuine democratic procedure in Latin America.

About 520,000 Costa Ricans are expected to vote tomorrow in national elections for President and for a full new Legislative Assembly of 57 members.

All voters have been photographed and fingerprinted. Voting will be watched at polling places by officials of the independent Electoral Tribunal and by party observers. The procedure makes fraudulent balloting difficult.

FINAL RALLIES CANCELLED

The political campaign has been quite bitter. The two major candidates, José Figueres Ferrer of the National Liberation party and Mario Echandi Jiménez of the National Unification party, are both former presidents, with personal animosities and ideological differences.

Partisan passions expressed themselves in street brawls here last week. The Electoral Tribunal, which regulates all aspects of campaigns and elections, decided, after the political disturbances, to cancel the party rallies that had been scheduled to close the campaign this week. The tribunal's move was made, with the consent of the major parties, to reduce the atmosphere of violence.

The election is expected to be very close. Five candidates are running for the presidency.

The voters can be reasonably certain, in contrast to most Latin-American countries, that whatever the result, there will be no military intervention—because this country of 1.6 million people, does not have an army. Order and security are maintained by a national police force of 2,000 men, under the Ministry of Government. By regulation and custom, the police stay out of party politics.

CIVIL WAR FOUGHT IN 1948

In 1948, the Republican party, then in power under Rafael Calderón Guardia tried to annul, through its legislative majority, the presidential victory of Utilio Ulate, an opposition candidate.

Mr. Figueres, then a coffee grower with political aspirations, led an uprising with an irregular army of 700 men supplied with arms from Guatemala. In a five-week civil war, the insurgents defeated the then-existing Costa Rican Army and other fighting groups organized by the Communist party in support of Mr. Calderón.

The successful revolution disbanded the army, created the independent Electoral Tribunal, nationalized the banks, insurance companies and communications companies, and set up state ownership of electric power. After 18 months, Mr. Ulate was installed as president.

ARMY CAR IS REMINDER

Since 1954, national political leadership has alternated every four years, through free elections, between the National Liberation party of Mr. Figueres, who was President from 1954 to 1958, and the major opposition, including former Republican party leaders such as Mr. Echandi, President from 1958 to 1962. There are three minor parties.

[From the Washington (D.C.) Sunday Star, Feb. 1, 1970]

PEACEFUL ELECTION EXPECTED FOR COSTA RICAN PRESIDENT

(By Merwin K. Sigale)

SAN JOSE, COSTA RICA.—After a political campaign noted more for personal insults and innuendo than for serious issues, more than half a million Costa Ricans will choose a new president today in one of the few Latin American countries that still clings to a thriving democratic tradition.

Despite the proliferation of military regimes elsewhere in the hemisphere, the flow of war tensions on the Honduras-El Salvador border and the persistence of leftist terrorism in several countries, this stable Central American republic is anticipating a peaceful and honest election followed by a smooth transfer of power on May 8.

Two former presidents, Jose Figueres and Mario Echandi, are the front-running candidates for a four-year term to succeed President Jose Joaquin Trejos, who is ineligible for re-election. There are three other contenders, none of whom is conceded a chance for victory.

PRAISED BY KENNEDY

Figueres' comeback is being watched with interest in other hemisphere countries. The 63-year-old leader of Costa Rica's 1948 revolution belonged to the small group of Latin American leaders known as the "democratic left" who won the admiration and praise of President John F. Kennedy, who saw in them a progressive alternative to Fidel Castro-style upheavals.

Others in the original group have since retired or fallen from power—Romulo Betancourt of Venezuela, Luis Munoz Marin of Puerto Rico, Juan Bosch of the Dominican Republic. Bosch now espouses "dictatorship with popular support." Eduardo Frei of Chile, cast in the "democratic left" mold, completes a presidential term this year.

Figueres headed the revolutionary junta for 18 months in 1948-49, served as elected president from 1953-58 and now is again the

candidate of the National Liberation party which he founded.

MODIFIED COALITION

Echandi, a lawyer with cattle and dairy interests, was president from 1958-62 and carries the banner of the National Unification party, a modified version of the conservative coalition that carried Trejos to the presidency four years ago.

Although a Communist threat is not visible in Costa Rica, a conservative-minded nation of 1.7 million persons in an area half the size of Virginia, communism was a lively campaign issue and the focus for much of the invective that passed between the camps of Figueres and Echandi.

Figueres fought off a Marxist label pinned on him by Echandi forces and stressed his anti-Communist record.

But verbal attacks, not a new phenomenon here, were accompanied in the campaign's closing weeks by an uncommon outbreak of mayhem, though it was mild by usual Latin American standards and free of fatalities.

Street fights between flag-waving political groups in downtown San Jose heightened tensions, brought police intervention with tear gas and prompted the cancellation of all rallies and parades scheduled for the closing days of the campaign.

PLEA FOR CALM

Election officials and political leaders appealed for calm through election day. The civil guard and police forces, totaling about 5,000 men, were ordered on routine standby alert for the balloting.

The country has no army and is unique in Latin America in that respect.

The other candidates for leadership of this banana and coffee exporting country are Virgilio Calvo of the Third Front, a splinter group from the current government coalition; Jorge Monge of the Christian Democratic party, which is entering its first election, and Lisimaco Leiva of the Socialist Action party.

Socialist Action is the vehicle through which the Communists are participating in a Costa Rican election for the first time since 1962. The Communist party as such has been outlawed since 1948.

Communists are thought likely to win two or three of the 57 legislative assembly seats to be contested today.

No party is expected to win a majority of assembly seats because of expected ballot splitting. But barring a surprise showing by the fledgling Christian Democrats, either Figueres or Echandi should manage to win with the minimum 40 percent of the presidential votes needed to avoid a runoff election.

TRADE WITH EAST EUROPE

Whichever man wins, no change is foreseen in Costa Rica's pro-U.S. policies. But Figueres would likely seek trade ties with Eastern Europe and give stronger support to the Central American common market.

In domestic policies, Echandi stresses private initiative while Figueres advocates broader government programs to help the nation's "forgotten third"—the rural poor who form the base of his party's support. Both men are friendly to foreign private investments.

Except for horn-blowing automobiles that raced through San Jose streets into the wee hours with party banners flying, campaigning in the final days was limited to a propaganda blitz through the newspapers, radio and television.

A newspaper reported thousands of entries in its guess-the-outcome contest. But public enthusiasm is dimmed by some dissatisfaction with the nominees and revulsion at the candidates' invective.

Voting is compulsory for everyone 20 or over. The 1966 turnout was 81.4 percent but

is expected to drop this time, though the Supreme Electoral Tribunal is trying to curb abstentions by warning of possible "fine or arrest," plus job suspension for public employees.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILLIAMS of New Jersey obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. WILLIAMS of New Jersey. I yield. Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. 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. WILLIAMS of New Jersey. Mr. President, S. 3154, the proposed Urban Mass Transportation Assistance Act of 1969, contains comprehensive amendments to the original Mass Transit Act passed by this body in 1964. Under this legislation the Federal Government will for the first time be able to make major long-term commitments for the construction of new transit systems and for the upgrading of existing systems. Cities, States, and municipalities will at long last be able to plan major renovations in their transit systems with a firm guarantee that the Federal share of the total costs will be forthcoming.

The only purpose of this legislation is to assure all of our Nation's citizens adequate urban mass transportation. At the start of this century four out of every 10 Americans lived in urban areas. By 1960 that figure had risen to seven out of 10 and by the year 2000, 90 percent of all Americans will be living in urban areas. Obviously, transit systems created to meet the demands of the early 1900's cannot meet the needs of today's urban society.

Unfortunately, governmental planning and monetary assistance has not been adequate in meeting the transit needs of this great majority of our citizens. Currently we are spending \$37 of Federal money for highways for each

\$1 spent on mass transportation. \$36 billion has been spent on highways as compared to \$795 million for urban mass transit. This imbalance in Federal spending should and must be corrected.

METHOD OF FINANCING

On January 5, 1969, President Nixon's Task Force on Transportation, made up of distinguished citizens from many walks of life, stated:

Public mass transportation must be guaranteed a sustained source of funds and support for planning, research, and implementation.

The legislation before us today would carry out that recommendation and has the wholehearted support of the administration. This bill would provide a Federal commitment to spend \$10 billion for the improvement of urban mass transportation over the next 12 years. \$3.1 billion of this amount is specifically authorized for obligation by means of contract authority during the first 5 years of the program. Of utmost importance is the fact that immediately upon enactment all of the \$3.1 billion is available for obligation at the discretion of the Secretary of Transportation. In this manner the long-term Federal commitment which our States and cities must have in order to embark upon the construction of new and improved mass transportation facilities will for the first time become available.

To insure the expenditure of the \$3.1 billion obligation in a well-planned and orderly manner and to provide Appropriations Committee review the bill contains a year-by-year expenditure schedule for the liquidation of contractual obligations incurred. In addition the Secretary is required to report to the Congress each year on the status of the program.

Appropriations to liquidate the obligations incurred would be authorized for fiscal year 1971 in the amount of \$80 million. This figure would be progressively increased on a yearly basis to an aggregate of \$310 million, \$710 million and \$1.26 billion, reaching \$1.86 billion at the end of fiscal year 1975. Thereafter, expenditures could not exceed the aggregate figure of \$3.1 billion.

Some might question the relatively small expenditures during the initial years. However, experience shows that actual expenditures under programs of this nature are fairly small in the first year or two as cities and States begin to embark on new projects.

In order to meet the Federal commitment of \$10 billion contained in this legislation, the Secretary is required to submit authorization requests to the Congress not later than February 1, 1972 for fiscal years 1976 and 1977. Subsequent requests are to be made every 2 years not later than February 1 for the following 2 fiscal year periods. In addition to meeting the Federal commitment to urban mass transportation of not less than \$10 billion over the next 12 years, these requests would also insure long-term Federal funding by keeping the program on a continuing 5-year basis.

Concurrently with the additional authorization requests, recommendations must be submitted for any necessary ad-

justments in the schedule of appropriations for liquidation of contractual obligations should they prove to be inadequate in meeting the needs of our cities. Such adjustments would be subject to Appropriations Committee review.

Some might ask the question, why is a 5-year contractual commitment of Federal funds so essential? The answer is local governments have no regular user tax available to raise matching funds for a federally financed transit program. Fare box revenue cannot be used; it is needed to operate already financially strained transit systems. Therefore, local matching funds must be borrowed. But bond money and other means of long-term financing cannot be raised for a project that may falter for lack of continuing Federal support. A fluctuating Federal contribution, subject to the uncertainties of annual appropriations cannot be used efficiently.

The long-term program of financial assistance which this bill would authorize is necessary if we wish to meet the mass transportation needs of State and local bodies. This need must be met over a period of time—in many instances up to 5 years—which is sufficient to accomplish the planning, decisionmaking, and financing arrangements necessary for the orderly development of urban mass transportation systems.

ADVANCE ACQUISITION OF REAL PROPERTY

Acquisition of real property in advance of construction has become increasingly important as urban land increases in price. Where there is public knowledge of planned mass transit systems requiring land acquisition, speculators may acquire possession of the tracts and be in a position to make windfall profits. This is especially true when vacant land in urban areas, offering the greatest economy and least displacement is involved. If this land can be acquired in advance, by the municipality and reserved for mass transportation great savings in both time and money may be achieved.

In order to facilitate the timely acquisition of real property this bill would provide a new program of maximum 10-year loans to States and local bodies. Federal loans would be authorized for the acquisition of property which is reasonably expected to be used for urban mass transportation purposes. In addition to land acquisition these loans could include the net cost of property management and relocation.

Real property acquired in this manner would be for rights-of-way, station sites, and related purposes including terminals and other buildings, parking lots and access roads. If it were later determined that the property is not to be used for mass transit purposes, the Federal Government and the State or local public body would share on a 2-to-1 basis in any increase in value. The Federal Government would not be required to share in any losses.

STATE LIMITATION

Atlanta, Baltimore, Los Angeles, Pittsburgh, Miami, Minneapolis-St. Paul, and Seattle have either decided upon or are considering new transit systems. In addition, Boston, Chicago, Cleveland, Phil-

adelphia, and New York as well as other cities are planning major extensions of existing systems. I ask unanimous con-

sent that a chart showing the 1970-79 capital requirements for rapid transit be printed at this point in the RECORD.

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

1970-79 CAPITAL REQUIREMENTS OF THE RAPID TRANSIT INDUSTRY—PRELIMINARY SUMMARY

[Dollar amounts in millions]

City and operating agency	Existing rapid transit			Cost for new rapid transit facilities			Existing commuter railroads					
	Cost for modernizing existing plant		Total	Cost for new rapid transit facilities		Total	Data on new facilities		Rolling stock requirements			
	1970-74	1975-79		1970-74	1975-79		Number of new lines	Miles	Number of stations	Replacement cars	New cars	Total
Massachusetts Bay Transportation Authority, Boston.....	\$147		\$147	\$471.0	\$166.0	\$637.0	4	34.5	29	170	246	416
New York City Transit Authority.....	600	\$500.0	1,200	600.0	700.0	1,300.0	12	52.8	40	1,600	400	2,000
New York Commuter Railroad.....	319	138.0	457	105.0	240.0	345.0	3	12.0	2	725	260	985
Southeastern Pennsylvania Transportation Authority.....	60		60	156.0	30.5	18.7	3	14.1	18	100	125	225
Southeastern Pennsylvania Transportation Authority Commuter Railroad.....	89	9.2	98	79.4	3.2	83.0				175	28	203
Cleveland Transit System.....	11	35.0	46	200.0	35.0	235.0	2	20.0	18-20	70	100	170
Chicago Transit Authority.....	342	695.0	1,037	1,142.0		1,142.0	7	74.0		970	400	1,370
Delaware River Port Authority, South Jersey.....	3		3	61.0	59.0	120.0	3	66.0	18		80	80
New Jersey Department of Transportation Commuter Railroad.....	325		325							450		450
Port Authority Trans-Hudson Corp.....	70	31.0	101									
Bay Area Rapid Transit District.....				400.0	1,375.0	1,775.0	5	155.0			800	800
Total, commuter railroad.....			800			428.0						
Total, rapid transit.....			2,594		5,396.0							
Total.....			3,474		5,824.0							

PROPOSED RAPID TRANSIT OPERATIONS

Washington Metropolitan Area Transit Authority.....						\$2,445.0	8	97.2	86		811	811
Seattle.....						385.0	47					
Southern California Rapid Transit District.....				\$335.0	\$2,179.0	2,514.0	5	89.4	67		756	756
Metropolitan Transportation Authority, Baltimore.....				600.0	1,100.0	1,700.0	6	71.0	63		1,120	1,120
Metropolitan Atlanta Rapid Transit Authority, Atlanta.....				135.0	609.0	744.0	2	30.0	32		130	30
Port Authority of Allegheny County, Pittsburgh.....				229.0		229.0	3	29.0	22		175	175
Metropolitan Transportation Authority, Miami.....						340.0	4	24.0				
Twin Cities Area Metropolitan Transit Commission.....				53.0		53.0						
Total.....						8,410.0						
Grand total.....						17,708.0						

1st phase only.

Mr. WILLIAMS of New Jersey. These cities, which include almost all of our larger metropolitan areas, will certainly require a larger share of the money authorized under the proposed legislation than will smaller municipalities where the transit problem is not nearly as acute.

Under current law, grants for projects in any one State may not exceed in the aggregate 12½ percent of the amount of funds authorized to be obligated. In addition, there is a discretionary fund of \$12.5 million to be used in States which receive grants in excess of the statutory ceiling. In view of the need for a massive Federal commitment for long-range programs where new systems are to be built, this bill would increase the discretionary fund to 15 percent of the amount of authorized contractual obligations.

The open spaces and natural beauties of States such as Wisconsin are the envy of all, but these fortunate areas do not have the need for urban mass transportation funds equal to that of New York, New Jersey, Pennsylvania, Illinois, or California.

Having said that, I must stress, however, that it is not the committee's intent to make urban mass transportation assistance solely a big city program. The committee intends to keep the use of the discretionary fund under close surveillance so that a disproportionate amount does not go to any one State.

I know that the first and loudest objection to this bill will be, "Should

automobile owners and dairy farmers pay for mass transportation? Their money should go for highways and farm programs, not buses and trains." The answer to that is simple: We are all in the same traffic jam together and what we are trying to do is to get out of it together. This is truly a situation in which whatever helps one, helps the other. Furthermore, it is the smalltown public transportation systems that are in the greatest danger of complete collapse. For example, of the 258 transit systems abandoned since 1954, 206 served communities of less than 50,000 population. Currently, transit systems in all communities of this size carry 181 million passengers. Without adequate Federal aid, citizens in these areas could be left without any means of public transportation.

Last year the Committee on Banking and Currency held 7 days of extensive hearings on this legislation. During those hearings the widespread support and the absolute necessity of having a long-term Federal commitment for mass transportation became abundantly clear; and, during that time the merits of this legislation became equally apparent.

Support for this bill is truly bipartisan in nature. It comes not only from the heavily urban States where the need is obvious, but from our rural States as well. It comes from every geographical area of our country. Among the sponsors of this legislation are the chairman of our committee, the senior Senator from Alabama (Mr. SPARKMAN); the ranking minority member of the committee, the

senior Senator from Utah (Mr. BENNETT); the junior Senator from Texas (Mr. TOWER); the junior Senator from South Carolina (Mr. HOLLINGS); the junior Senator from New Hampshire (Mr. McINTYRE); the junior Senator from Oregon (Mr. PACKWOOD); the junior Senator from Maine (Mr. MUSKIE); the junior Senator from Iowa (Mr. HUGHES); the senior Senator from West Virginia (Mr. RANDOLPH); as well as Senators from our more heavily populated States. All recognize the urgent need to solve our Nation's mass transit problems.

This bill is also supported by Governor Rockefeller, of New York; Governor Reagan, of California; Governor Kirk, of Florida; Governor Moore, of West Virginia; Governor Ellington, of Tennessee; and Governor Mandel, of Maryland.

Perhaps the proposed legislation might more appropriately be described as non-partisan rather than bipartisan. It is endorsed by the National Governors Conference, the U.S. Conference of Mayors—League of Cities, the American Transit Association, the Institute for Rapid Transit, and the Chamber of Commerce of the United States.

This bill will aid all segments of our population. All commuters do not live in Scarsdale and work on Wall Street. Fifty to eighty percent of transit riders in most large cities have a family income of under \$4,000. As industry and business move to the suburbs, the tragic isolation of the inner city ghetto is increased. Here is the most pressing need for low-cost, efficient mass transit systems to take people to

the jobs they so desperately demand. An increase in transit fares or a curtailment of service works undue hardships on these citizens.

Money spent to train a man for a job which he cannot reach unless he owns a car, is money thrown down the drain. Forty-six percent of those people who earn less than \$3,000 a year own no car at all. The connection between jobs and transportation has dramatically been shown in the Watts area of Los Angeles; there a demonstration program provided direct bus transportation for residents to jobs in other parts of the city; ridership increased in 3 months from 800 to 2,800 daily. These new riders were on their way to work. So good transit systems are a vital part of the war on poverty. They benefit all of our citizens.

For the elderly who either cannot afford cars or who are unable to drive, improved mass transit may well be their link with the rest of the world. It can represent the difference between lonely days at home or happy days of community involvement.

Improved mass transit will also assist business by cutting the spiraling costs which stem from the time trucks and delivery vehicles lose in traffic jams. These savings can be passed on to consumers who no longer will have to underwrite the built-in charge of traffic congestion.

Not the least of the benefits of this legislation would be the reduction of air pollution caused by motor vehicle exhausts.

The bill will help in the orderly development of cities and States by opening reasonable means of access between homes and jobs. And it will help end the strangulation which each year constricts more tightly around our urban centers.

Mr. President, this bill is a major step forward in meeting our Nation's transit needs. With this legislation, we will have the funds and guaranteed Federal commitment that will enable us to move forward and aid all of our Nation's citizens.

Mr. TOWER. Mr. President, I should like to compliment the distinguished Senator from New Jersey (Mr. WILLIAMS) for the way he has presented the bill to the Senate today. I think it is a bill that is of great significance and represents a great deal of work on the part of many people.

Because all Senators have the committee report on their desks, I am not going to take the time to go into all the details of the legislation. That, of course, the Senator from New Jersey has done so well himself.

I am sure that the Senate is aware it represents the first major effort on the part of the Federal Government to deal with the problem of deteriorating transportation in our Nation's cities. Up until now, we have had studies, demonstration projects, and piecemeal grant-in-aid programs. With the passage of this bill, we will have a massive Federal commitment to move ahead on this problem.

I am sure that Senators are all aware of the longtime interest and activity in this field of the Senator from New Jersey (Mr. WILLIAMS). At the beginning of this year, he had his own program which he urged the committee to

adopt. While I have long been interested in the problem, I have not shared the Senator from New Jersey's enthusiasm for the various proposals that have come along over the years, and my skepticism about their effectiveness has caused me to vote against them in the past. However, the depth of study given the problem by President Nixon and his Secretary of Transportation, John A. Volpe, prior to the submission of a Presidential message and draft legislation last summer, convinced me that we now had a proposal worthy of support.

The bill which we have before us today is neither the original Williams proposal nor the original administration proposal. It is a good compromise. They say that legislation is, indeed, the art of the possible. It is a workable compromise between the two and represents the results of many hours of work and not only on the staff level. Senator WILLIAMS and I met personally with Secretary Volpe to discuss the various issues, and the Secretary has taken the lead within the administration in obtaining the required clearances for the changes we suggested. I am happy to say that the result is a piece of legislation which not only Senator WILLIAMS and the administration both can support but, more importantly, a piece of legislation which will get the job done.

It is because of this background that I intend to oppose substantive amendments to the committee bill. I know of no issues to be raised here on the floor which were not raised and discussed thoroughly in committee. There were no close votes on these issues; the committee developed a very strong consensus for the legislation before us. This was true in subcommittee as well.

Therefore, Mr. President, I urge rapid approval of this legislation. It has the overwhelming support of the majority members of the Banking Committee. It has the support of the Nixon administration. To my fellow Republicans, I would point out that it is one of President Nixon's 10 pieces of most domestic legislation. The sooner we get it on the books, the sooner we can proceed with the job of reviving public transportation in our Nation's cities—therefore bringing transportation to those who cannot afford or who cannot drive an automobile. I hope that the Senate will act speedily and without adding crippling amendments to this legislation which, I have emphasized, is the product of a compromise. I think it represents the best thinking of everyone who has been interested in this matter. I think it is a very good bill in its present form, and I am hopeful that it will not be delayed by a number of substantive amendments to change its character.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. WILLIAMS of New Jersey. I want to say that the Senator from Texas and I did not begin work on this bill from a position of being poles apart, but we certainly did approach the development of this legislation with significantly different views. It has been a long but personally rewarding experience to work with

the Senator from Texas to reach the compromise that has such a broad measure of support across the country from people whose daily lives are deeply involved in transportation.

We have had, as I recall it, a unanimity of view and a unanimous acceptance of the compromise which is represented by the pending bill.

Mr. TOWER. I am very much gratified that we were able to put the bill together. I have worked with the distinguished Senator from New Jersey over the years about as much as I have with any other Senator on the opposite side of the aisle, and he has always been a very pleasant gentleman to work with. He has been a man of his word. He has been a man I have always been able to disagree with agreeably on occasion. His spirit of wanting to get the job done, and subordinating any temptation to play politics with the issues, has been a singular act of statesmanship.

I am hopeful that this compromise will be accepted by the Senate.

Mr. PERCY. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. PERCY. Mr. President, I commend the bipartisan spirit in which the bill is being introduced.

Mr. President, I rise in support of S. 3154 to fund the urban mass transportation program of which I am pleased to be a cosponsor. The development of urban mass transportation is essential to the survival of urban living. Eighty percent of our 200 million population now live in urban areas. By the year 2000, it is estimated that 90 percent of a 300 million population will be living in these areas. Under the present state of mass transit, our roads are jammed, our air is polluted, our noise level straining our endurance.

Jobs exist in the midst of unemployment because public transportation is not available to link employees with employers. Business in central city areas are closing up shop while more fortunate competitors are springing up in suburban shopping centers—again because of transportation problems as well as changing living patterns caused in part by transit decay.

The state of public transportation, in fact, significantly affects every aspect of environmental, social, and economic development. Our failure to recognize this fact and to respond accordingly has materially contributed to the deterioration of our cities.

Urban transit lines have declined significantly. In 1950, there were 1,400 such companies operating 87,000 vehicles. Today, there were less than 1,100 companies operating approximately 60,000 vehicles. At the same time, the city streets have become clogged. In 1950, 40 million cars were registered; today, there are over 80 million automobiles on the road. The operating income of mass transit systems has declined seriously which has further contributed to the deterioration of public conveyances. In keeping with a decline in the number of revenue passengers carried, from 13.8 to 6.6 billion during the past two decades, operating income declined from an annual profit

of \$66 million to an annual deficit of \$160 million.

The city of Chicago is today facing a crisis in the public transportation system. Unless help is soon forthcoming, the Chicago Transit Authority will be forced to raise fares to 50 cents, the highest in the country along with Kansas City. This of course would be a tragedy to the many lower income individuals who are dependent on public transportation for employment and shopping. It would be unfair to all citizens of Chicago who will suffer the effects of increased pollution and jammed streets as those able to do so are forced over to auto transportation. And, it is unfair to the portion of the business community which is primarily dependent upon serving customers using mass transportation.

The city of Chicago and other transit systems in Illinois have been helped under existing urban mass transportation authority. Attached is an analysis of such project assistance. The legislation before us should also contribute significantly to the improvement of public transportation in these communities.

The bill authorizes the obligation of \$3.1 billion over the next 6 or more years for this purpose. But, this will not meet the immediate needs of Chicago and cities in similar financial difficulties.

In consequence, I plan to introduce an amendment to the bill before us to provide immediate financial relief for communities facing dire financial problems. My amendment authorizes the Secretary of Transportation to purchase existing capital equipment financial obligations of a transit system if it faces the threat of bankruptcy or if, through the financial necessity to raise fares, the welfare of those most dependent upon the transit system will be seriously jeopardized. I recognize that the provision of direct operating subsidies would also directly assist the CTA in maintaining its present fare structure. It is my hope that the Congress will give close attention to this idea this session of Congress. I recognize, however, that the floor is not the place to legislate such a major provision. In consequence, I am offering a much more moderate proposal at this time to save the present fare.

The CTA is faced with immediate need to meet interest payments on approximately \$60 million of financial obligations, to cover depreciation amount requirements, and to pay off such obligations through farebox revenues within the next few years. But, existing revenues is not adequate to discharge these obligations—leading to the alternative of raising fares. This is not a desirable alternative, however, for the reasons I have listed above. By driving more persons off the system, it will also further impair its ability to discharge future obligations.

The CTA faces a deficit in 1970 of about \$22 million. By relieving it of interest payments on its bonds, and its payments to depreciation revenue, less deficit will exist and thereby pressures for a fare increase will be reduced.

Naturally, the Federal contribution is not expected to entirely close this gap; State and city funds should also be contributed to this effort. It is my hope, however, to greatly reduce the burden all around. Paid passenger fares on the CTA have declined from \$1.1 billion in 1947 to about \$400 million today—a decline directly proportionate to increases in fares. This decline cannot be permitted to continue.

The bill before us will cost money. My amendment will add an additional \$250 million to be spread out over the period of 4 years with \$25 million available by July 1, 1970, \$50 million additional by July 1, 1971, \$75 million additional by July 1, 1972, and \$100 million additional by July 1, 1973. Naturally only a portion of such authorization would be available to the CTA. Other cities and towns throughout the country will also benefit which share similar circumstances. This is a modest amount to spend to save urban mass transportation in danger of collapsing, and to try to hold passengers before fare increases change transportation habits and drive them off public transportation.

In addition, such expenditures are extremely modest, compared to our highway expenditures. We have spent \$16 billion on highway construction in urban areas since the massive highway assistance program was first authorized in 1956.

In contrast, only \$548 million in capital improvement have been expended since urban mass transportation legislation was enacted in 1964. More than \$5 billion will be spent this year for new highway construction, with Federal aid frequently available to defray 90 percent of building costs, but Federal aid for urban public transportation is now less than \$200 million a year.

This imbalance cannot any longer be justified or be permitted to continue in keeping with the best interests of highway and mass transit users. The bill before us constitutes a constructive step forward. My amendment, if acceptable, will provide essential immediate relief needed in the short run. States and cities have now awakened to the danger and are initiating many innovative programs.

Greater efforts will have to be made, however. Steps must be taken to appropriate the full \$10 billion needed to fund mass transit needs when the fiscal and monetary pressures on our economy subside. Beyond that, I shall urge the Banking and Currency Committee to examine into the necessity for Congress to authorize operating subsidies for urban transportation systems and to consider providing a 90-10 matching grant formula across the board, as is generally allowed today in highway programs.

Beyond that, we need to explore far more thoroughly other measures—perhaps some drastic—to substitute mass transit for auto and even airline transportation as our roads become more clogged, our airports more jammed, and our air more polluted.

In the meantime, the bill before us represents a good step forward, and it is imperative that we pass it.

President Nixon in his economic report to Congress, received today, has rightly stated:

We shall have to think carefully about how to choose the claims upon the national output that will be met, since we cannot meet them all. . . . This does not mean we cannot do anything new. It does mean we have to choose.

The President has presented a budget for fiscal 1971 that shows a surplus of \$1.3 billion. This surplus must be preserved at all costs. To do so will require sacrifices, prudence, and restraint by Congress. President Nixon would be the last person, having served in both Houses of Congress, to say that Congress should have nothing to say about the setting of priorities on the spending of our national resources. He would be the last to say that Congress should merely rubber-stamp the proposals of the executive branch of Government. Congress is, after all, that branch of the Federal Government closest to the wishes, desires, and needs of the silent majority as well as the vocal minority.

But the President does have the right to expect that the Congress will be responsible in its proposals and take into account the critical nature of an inflationary economy and the urgent necessity to arrest steadily rising prices.

For this reason, I shall always attempt, whenever a proposal that I make for increasing the administration's budget appears that it will be successfully acted upon, thus changing our national priority of spending, to take one of two additional steps:

First, show where Federal expenditures can be realistically reduced in another area of the budget that is lower in our national scale of priorities and can logically—to the extent that it exists in politics—be demonstrated to be, or; second, propose and work for an offsetting increase in Federal revenue to preserve the budgeted surplus.

I propose this short-term emergency assistance to mass transit only as a holding operation until the full impact of the administration's Mass Transit Act of 1970—of which I am a sponsor—can begin to take effect. The administration's bill recognizes the Federal responsibility in this area of urban need and intends to do something about it.

Massive assistance is needed now because of many past years of neglect. If there is need for Newspaper Preservation Act, passed overwhelmingly by the Senate last week, there is far greater need for a Mass Transit Preservation Act this week. But passage of the proposed bill, fine as it is, will not take effect quickly enough to arrest the erosion to be expected this year and in the next few years, in certain of our existing mass transit systems. We must therefore either give the Secretary a limited amount of additional funds and authority to save failing systems today, or broaden his authority in the proposed act working within the suggested authorizations.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point of my remarks the schedule of

Urban Mass Transportation Administration approved projects in the State of Illinois to which I referred earlier.

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

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION, APPROVED PROJECTS, STATE OF ILLINOIS, AS OF DEC. 31, 1969—CAPITAL GRANTS

Grantee/project number/description	Approved	Project cost	Federal share	Grantee/project number/description	Approved	Project cost	Federal share
City of Chicago:				² American Society of Planning Officials			
ILL-UTG-1—Extend Englewood rapid transit line	Apr. 27, 1966	\$6,736,775	\$4,526,066	TRD-1 Assemble data for 1964 National Survey of Metropolitan Planning	Dec. 1, 1964	\$6,000	\$6,000
ILL-ATG-2—Kennedy rapid transit project	Mar. 13, 1967	50,117,000	33,536,333	¹ Bi-State Development Agency:			
ILL-UTG-3—Modernization Clinton Street Station	Jun. 19, 1967	433,000	288,666	² INT-MTD-8—Test express and cross county bus service	Feb. 10, 1964	536,631	357,754
ILL-UTG-4—Dan Ryan rapid transit project	Mar. 13, 1967	38,191,000	25,506,666	² INT-MTD-9—Test monthly pass in metropolitan area	Mar. 27, 1964	20,544	13,696
ILL-UTG-5—Buy 150 rapid transit cars	May 24, 1968	19,500,000	13,000,000	Subtotal, R.D. & D. grants			
ILL-UTG-8—3,135 locked-type fare boxes and equipment to implement "Exact Fare Plan"	Dec. 16, 1969	2,420,421	1,582,331	4,219,773 3,065,331			
Chicago Southern Suburban Mass Transportation District:				TECHNICAL STUDIES GRANTS			
ILL-UTG-7—130 electric commuter cars for Illinois Central Railroad	Dec. 27, 1968	38,159,780	25,219,366	City of Chicago: ILL-T9-1—Evaluate job accessibility for residents of low income	June 18, 1968	98,687	63,596
Springfield Mass Transit District: ILL-UTG-6—Buy 20 buses	June 26, 1968	656,250	437,500	State of Illinois: ILL-T9-3—Study to implement short-range program for bus and rail transportation	Oct. 17, 1968	265,980	177,320
City of Peoria: ILL-UTG-9—35 buses	Dec. 10, 1969	1,120,000	746,666	Village of Skokie: ILL-T9-2—Determine need for effective mass transit system coordinated with existing system serving metro area	Oct. 7, 1968	71,100	47,400
¹ Bi-State Development Agency (Missouri-Illinois): INT-UTG-5—Buy 52 buses; 2-way radios	June 18, 1968	2,483,542	1,322,361	¹ Bi-State Development Agency (Missouri-Illinois): INT-T9-4—Develop optimum mass transportation system	Jan. 24, 1968	400,000	266,666
INT-UTG-7—Buy 715 lock-type fare boxes; construct 6 strong rooms; buy money-storing and counting equipment	May 23, 1969	340,000	226,666	Subtotal, technical studies			
Subtotal, capital grants				837,767 554,982			
\$160,157,768 \$106,392,621				UNIVERSITY RESEARCH AND TRAINING GRANTS			
RESEARCH DEVELOPMENT AND DEMONSTRATION GRANTS/CONTRACTS				Northwestern University: URT-21—Further research studies in transportation center at the university	June 27, 1969	125,000	125,000
Chicago Transit Authority:				Illinois Institute of Technology: URT-20—Revise educational programs in 4 Departments to develop interest in careers in the area of UMT	June 27, 1969	125,000	125,000
ILL-MTD-1—"Skokie Swift" rapid transit	Jan. 21, 1964	523,825	349,217	Subtotal, university research and training			
ILL-MTD-5—Moving pedestrian passageway	June 19, 1967	595,750	397,186	250,000 250,000			
ILL-MTD-6—Electronic information system	Mar. 8, 1968	2,000,000	1,549,000	Total for the State, all programs			
TRD-68—(IAA with DHEW) Study effects of reduced fare for aging	Mar. 21, 1969	33,023	22,178	165,463,308 110,262,934			
City of Chicago: ILL-MTD-8—Test low-cost public transportation to O'Hare Airport	June 27, 1969	147,000	132,300				
Village of Skokie:							
² ILLFMTD-2—Design/test suburban bus system	June 22, 1964	357,000	238,000				

¹ Interstate agency.

² Project closed.

URBAN MASS TRANSPORTATION AMENDMENT

Mr. PERCY. Mr. President, I am introducing an amendment to S. 3154, the Urban Mass Transportation Assistance Act of 1969, to authorize the Secretary of Transportation to make financial grants to States and local public bodies to pay the interest on or to discharge the financial obligations incurred in the acquisition, construction, reconstruction, and improvement of urban transportation facilities or equipment if the transportation system in question faces imminent threat of bankruptcy, or, if in consequence of the need to increase fares to meet interest or principal payments on such obligations, the welfare of a significant number of lower income persons who are dependent upon the transportation system will be seriously adversely affected. A sum of \$250 million is authorized to be obligated under this authority with the right to spend \$25 million by July 1, 1970, \$75 million by July 1, 1971, \$150 million by July 1, 1972, and \$250 million in aggregate by July 1, 1973.

The Chicago Transit Authority is in serious financial difficulty today, revenue barely equals operating expenses. A deficit of \$22 million has been predicted for 1970. A large part of this deficit results from the need of the CTA to meet interest payments on financial obligations incurred in past years to purchase needed equipment and facilities, to cover allocations to depreciation accounts, and to discharge about \$60 million in securities within the next few years.

The financial pressures on the CTA are so severe that a rise in fare to 50 cents is imminent. This will constitute the highest fare for any major city in the coun-

try. Other communities face or will undoubtedly soon face similar fare increases. To sit back and permit this to occur is intolerable if we can possibly prevent it. Each fare increase causes even larger declines in passenger revenues. Fare increases brutally harm the poor who can ill afford further burdens upon their lean budgets but who also depend upon mass transit for employment and shopping. Fare increases force many into group riding in wornout and unsafe vehicles which thereby further clog the roads and foul the air.

We may soon be forced to provide operating subsidies to keep public transportation going. This approach will require considerable further study, however. My amendment is more moderate in tone, but can aid Chicago and other communities in avoiding debilitating fare increases until Congress is able to explore additional measures.

I ask unanimous consent that my amendment be printed at the end of my statement.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

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

AMENDMENT No. 470

On page 19, line 4, after "Sec. 4." insert "(a)".

On page 19, between lines 12 and 13, insert the following:

(b) Section 5 of such Act is further amended by inserting "(a)" after "Sec. 5." and by inserting at the end thereof the following subsections:

"(b) Notwithstanding any other provision

of this Act, the Secretary is authorized to make grants to States and local public bodies and agencies thereof to pay the interest on and to discharge obligations on securities, equipment trust certificates, or otherwise incurred in the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas. A grant may only be made under this authority where the Secretary determines that failure to make such a grant will (1) in all probability force the termination of all or a significant part of the transportation service or, (2) seriously affect adversely the welfare of a significant number of lower income persons who are dependent upon the transportation service.

"(c) To finance the grants under the subsection (b) of this section, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed \$500,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed \$25,000,000 prior to July 1, 1970, which amount may be increased to not to exceed an aggregate of \$75,000,000 prior to July 1, 1971, not to exceed an aggregate of \$150,000,000 prior to July 1, 1972, and not to exceed an aggregate of \$250,000,000 prior to July 1, 1973. Sums so appropriated shall remain available until expended."

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

Mr. PERCY. I am happy to yield to the Senator from Texas.

Mr. TOWER. This amendment was not discussed in committee. Am I correct in assuming the evil days on which the CTA has fallen were not considered in committee?

Mr. PERCY. The Senator is correct; and it is with great regret I was not able to discuss it at the time. The \$22 million potential debt of CTA in Chicago only recently came to my attention and it was only this weekend that I worked on the amendment. I realize it is not fitting and proper to legislate in major matters of this type on the floor of the Senate, but that it is preferable to have hearings.

Mr. TOWER. This is a new idea being brought to us at this time and I would not for a moment question the merits. I think it might be something we would want to look into and get the benefit of other experience around the country, as well as in Chicago.

I hope the Senator might give consideration to introducing his proposal as a bill so that we might hold hearings on it. It may be that the proposal is modest under the circumstances but it may be helpful to have committee hearings, obtain information, and deliberate on the matter.

Mr. PERCY. I would like very much to be as cooperative as possible and not ask for action until everyone has had an opportunity to study the matter thoroughly. If it is the intention of the leadership to have a vote on the bill today, that would be one matter. If the bill is going to be carried over until tomorrow, it would be my personal preference that we permit the amendment to be printed so I may have the opportunity to discuss the matter with other Senators to see what need exists in other States, and then we could have a further discussion on the floor of the Senate.

However, it would be my feeling that the best thing would be to have the matter go before the Banking and Currency Committee for hearings and consideration.

Tomorrow, I may have a suggestion that would not increase or cause the additional appropriation of money, but it might enable the Secretary to have a little more leeway in the event he has available appropriated funds which have not been expended which could be used for the need I have previously outlined. I would like Senators to have an opportunity to study it. The Senator from New York (Mr. JAVITS) asked for a copy of the amendment. The Senator from Missouri (Mr. SYMINGTON) asked for an opportunity to study the proposal. Kansas City faces a critical situation as do many other urban areas.

If this is satisfactory with the Senator from Texas and the Senator from New Jersey, I would be happy to accede to their wishes and possibly withdraw the amendment tomorrow. But not until we have had an opportunity to discuss the need further.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. WILLIAMS of New Jersey. I certainly understand the problem posed by the Senator from Illinois.

We all know why mass transportation systems are declining in this country. The lack of adequate Federal financial assistance to mass transit companies, both private and public, has caused these companies to reduce service and operate

with older and older equipment. People obviously then refuse to ride on these systems and go to their automobiles or to other methods of transportation. With declining service and increased fares the result is less and less available mass transportation.

In response to this situation—the operating deficits—that so many of our commuter mass transit companies and transit authorities are facing, I have introduced a bill that appears in our hearing record. This bill, S. 676, introduced in January of 1969, would attempt to deal with the problem in the manner which the Senator from Illinois suggests. It was our feeling in committee that as necessary as S. 676 might be, we could only take up the major legislative proposal for long-term Federal financial assistance due to our committee's workload and the limited time for hearings.

Therefore, we dealt with the basic matter of fundamental improvements for urban mass transportation systems. It would seem to me that it would be most logical and I think most necessary to consider this matter in committee with additional hearings even if this proposal were to be considered as an amendment to this bill.

Mr. PERCY. I might comment that I think the bill introduced by the distinguished Senator from New Jersey is one that deserves full hearings. We are going into a new area. Certainly, we are all reticent to have the Federal Government step into an increasingly broadened area, other than the fact that we have proved conclusively that we must maintain mass transportation. This is absolutely essential, particularly considering that so many jobs are moving from urban areas into outlying areas. Unless we are willing to clog every single street in the cities, we must have adequate public transportation to take city dwellers to where the jobs are today, which frequently means in the outlying areas. So hearings would be important. If the procedure we have been discussing would be satisfactory, I think we should like to have a little more discussion of this subject tomorrow. We can decide at that point what to do with the amendment.

Mr. TOWER. Speaking realistically, I think we will not get to a vote on the bill this evening.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TOWER. If I have the floor, I will yield.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. TOWER. I yield to the Senator from Kentucky.

Mr. COOPER. I know the bill provides an authorization of \$3.1 billion to the States.

Mr. TOWER. That is obligational authority over 5 years, not more than \$8 million of which would be obligated.

Mr. COOPER. I understand that the obligational amount would increase from year to year. Is there any provision in the Urban Mass Transportation Act, which is proposed to be amended, that requires contributions from the States and public bodies?

Mr. TOWER. Yes; one-third.

Mr. COOPER. I thank the Senator.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. BELLMON. I should like to inquire of the distinguished Senator from Texas whether the language on page 13, beginning on line 5, which provides that States and local public bodies may participate in the money provision in the bill, includes turnpike authorities when they are charged with mass transportation responsibilities.

Mr. TOWER. No, it would not include turnpike authorities unless they also had authority to include mass transit. If a turnpike authority operated solely as a turnpike authority, it would not be dealt with in the bill. But if it had mass transit authority as well, it would be an appropriate State or local body.

Mr. BELLMON. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes upon a nongermane subject.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, the able Senator, I know, perhaps is not aware of the discussions that have been conducted by the joint leadership to the effect that rule VIII covering germaneness should be more strictly applied and invoked.

Mr. JAVITS. Mr. President, will the Senator permit an interruption? I have no desire to transgress, except the manager of the bill said he had 15 minutes right now. But I will withdraw my request if the Senator wishes to press it.

Mr. BYRD of West Virginia. I do not want to inconvenience the Senator, but I want him to know that it is the joint leadership's intention to tighten up on the rule, and I hope he will not insist.

Mr. JAVITS. Very well. I withdraw my request, Mr. President, and 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. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. Glenard P. Lipscomb, late a Representative from the State of California, and

transmitted the resolutions of the House thereon.

The message announced that the House had passed a joint resolution (H.J. Res. 1072) making further continuing appropriations for the fiscal year 1970, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1072) making further continuing appropriations for the fiscal year 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

URBAN MASS TRANSPORTATION AS- SISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. RANDOLPH. Mr. President, as a cosponsor of S. 3154, I am, of course, familiar with the general provisions of the measure.

I know that Senators, in joining as cosponsors of legislation, often reserve to themselves the right to support an amendment or amendments during debate on the issue, as to this or any other matter that might come before the Senate for determination.

It has occurred to me that perhaps the able chairman, the Senator from New Jersey (Mr. WILLIAMS), who serves as floor manager of this bill, and I might discuss, in colloquy, some problems of urban mass transportation in the United States in connection with the bill now pending and amendments which may be offered thereto.

I ask the Senator from New Jersey whether it is his feeling that there is an area of financing urban mass transit which could include user charges. I realize, of course, the provision of this bill for the Federal Government to aid in the funding and thus provide the impetus that is needed to carry on this type of program. But when we are talking about trust funds, possible user charges, and any feasible financing plan that might evolve, perhaps it would be in order to discuss some of those matters at this point.

So I renew my question: How does the Senator feel about user charges? I realize they may not be as easy to establish in this area as they would be in highway trust funding, where the users are paying charges on the gasoline, oil, and other items used by cars, buses, or trucks.

Mr. WILLIAMS of New Jersey. Perhaps I do not fully understand the Senator's question. We are talking about mass transportation.

Mr. RANDOLPH. That is correct.

Mr. WILLIAMS of New Jersey. Is the Senator inquiring about affixing a user charge to mass transit?

Mr. RANDOLPH. That is right.

Mr. WILLIAMS of New Jersey. It sounds as though what the Senator has in mind is a real user charge on the fare one pays when one uses the facilities. The

most significant problem is that our attempts to carry on all of the expenses of transit—added capital and operating expenses—out of the fare box has proved to be a total failure. That is why we are here with this bill.

Mr. RANDOLPH. That is right. Certain of these programs in our cities—the operation of buses within the jurisdiction of a city government, for instance—are in great difficulty today at many points. In New York City, for example, the subways at the present time are in a bad state of repair. Maintenance has fallen very much behind, impairing the obligation to keep the subways operating efficiently. The trains are dirty, the surroundings of the subway stations and the cars that are operated are in such a condition that there is constant rebellion, in a sense, by those who use the subways. I mention New York City because it is continually highlighted in that which we hear and read.

Mr. WILLIAMS of New Jersey. Will the Senator yield at that point?

Mr. RANDOLPH. I yield.

Mr. WILLIAMS of New Jersey. That is certainly true, and it is true today. In response to a fare raise on one of the commuter runs serving New York which went into effect this morning, there was an anxiety on the part of the operating personnel on that line that a consumer revolt might become violent. They voted to go out on strike unless they were given protection against possible violence.

Mr. RANDOLPH. Does the Senator mean that the employees were afraid for their own well-being?

Mr. WILLIAMS of New Jersey. They were afraid that there would be a protest which might spill into demonstrations and then into violence. That, of course, is no way to express opposition to a fair-rate increase on a railroad; but that was their fear. In response, the railroad this morning agreed to put supervisory personnel on the trains. These are not operating personnel, they are supervisory, in order to be there to receive the protests that everybody knew would be coming. I have not heard what happened during the commuter hour in New York City this morning.

But the Senator is right—fare increases are becoming burdensome to the point where the public cannot stand the—

Mr. RANDOLPH. There is, then, a consumer reaction against the fare increase, not only in New York but in other cities as well. Is that correct?

Mr. WILLIAMS of New Jersey. That certainly is correct.

The protest is expressed in many ways, of course. But the ultimate expression of protest is finding alternate ways to get from home to the job, and that is why our Nation is becoming paralyzed with automobiles.

We also get into the multiple problems of people who cannot get a ride in an automobile and who are almost isolated from potential jobs.

Mr. RANDOLPH. Then we come to the point of exactly what I was questioning my able colleague about, and that is the user charge. The Senator spoke of a fare. There is the reaction now against the increase paid by the person who is

riding the subway train in New York City. So a user charge, from the standpoint of attaching additional money on the fare paid by the traveler, does not seem to meet the situation.

Mr. WILLIAMS of New Jersey. That is self-defeating.

Mr. RANDOLPH. That is a reason, then, for the proposed legislation, S. 3154, being before the Senate. As we who cosponsor the measure with the Senator from New Jersey, the principal sponsor, understand, it is because of the realism of the financing problem that we consider this bill in the form in which it is presented today. Is that correct?

Mr. WILLIAMS of New Jersey. That is correct, and you have expressed it with great clarity. That is exactly the situation we face.

Mr. RANDOLPH. In our highway trust fund, which finances our interstate road system in this country and the development of other highways, we have user charges paid by the person driving an automobile and the company operating a truck or a bus. These funds are committed to the construction of highways in the United States—not to maintenance but only to the construction of highways, because maintenance is the responsibility of the States and political subdivisions other than the Federal Government. I agree with my colleague that there is a pressing need, and I think we must have a mass transit program in this Nation, and the Congress must focus attention on it, as we are doing here. I am sure that my colleague, who is an exponent of this measure, would not mean to suggest that, because there is a very real need in this area, where the needs are proven, we should stop the construction of highways.

Mr. WILLIAMS of New Jersey. No, of course not. The need for highways, of course, will be with us forever. And the need for improving highway systems will also be with us forever. The automobile is a necessity, so it must be served with an adequate highway system.

As a matter of fact, if we are successful in significantly improving our mass transportation systems in this country, the highway will increasingly become a boon to people. At the same time, we will cut into travel that does not have to go in automobiles on highways. We might even work ourselves out of the situation in which the highway becomes a massive parking lot at commuting times of day.

Every time we talk about mass transit, it is said that the great, former Governor of California, Pat Brown, described the Hollywood Freeway—the Senator from California is in the Chamber; is that what it is called, the largest parking lot in the world.

If we are successful in dealing with mass transit, the freeways, the interstates, and the other highways will be far more useful than they are today.

Mr. RANDOLPH. I think the Senator from New Jersey is giving the correct appraisal of the problem and at least a partial solution. We need, then, a well-balanced transportation system, and this system must include a feasible financing plan for mass transit, by trust fund, by user charges, or by other valid and feasible plans.

As one part of the effort to create a balanced transportation system, the Highway Act of 1968 included provisions for developing fringe parking facilities on the edges of cities to tie in with public transport. Such a program, I would hope, could end the Hollywood Freeway's role as a so-called parking lot. The 1968 act also created the TOPICS program to improve traffic flow without major new construction.

To further aid in maintaining a viable public transit system, I have introduced a bill that would permit urban areas to use part of their allotment of Federal highway funds for the operation of public transportation facilities.

We are exploring the possibilities and we understand it. We provided money for the development of our highways through a Federal fund, and now we have a trust fund through which the people themselves are paying for a highway construction program. Is that not correct?

Mr. WILLIAMS of New Jersey. That is correct.

Mr. RANDOLPH. So we have to go through areas of understanding and possibly of transition.

I want to emphasize the need for a balanced transportation system as we discuss the bill, because I am sure that the Senator from New Jersey knows that there are experiments that have moved forward. Perhaps only partial success has been attached to some of them, but there is a type of craft which can skim along the waters of the Atlantic coast adjacent to New Jersey and the New York area. It is not just a passing fancy. The hydrofoil is a very real vehicle, to be studied carefully. Perhaps tens of thousands of commuters can be moved in and out of the New York City area every day to and from their places of employment by this means of transportation.

So whether it be in the air, by the use of jumbo jets or more conventional aircraft of smaller size and somewhat slower speed; whether it be by transcontinental or international airlines which add to the problems of the airports and cause bottlenecks between the airports and the downtown parts of cities—or whether it be by a combination of several forms of transportation—all of this requires careful consideration.

With much movement by air and water and, of course, by the various methods upon earth, I hope we will realize that the problem is most perplexing. It will not be easy of solution.

I commend Senators—and I am glad to join them—for the effort which we are carrying forward by the debate and the consideration of amendments to the bill itself.

At a later time during the discussion, I may wish to comment on certain phases of the proposal. But to conclude now, I feel it is highly important to realize that we should not siphon off to any substantial degree the funds which have been dedicated and will be dedicated to highway construction. By the same token, we should not shrink from our responsibility as Members of the Senate, and of Congress, to come into a closer relationship with this real problem by providing,

through mass transportation, the methods by which products, yes, but by which people, essentially, can enjoy fast, safe, and efficient movement.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. WILLIAMS of New Jersey. I should like to comment that I think it is significant and most helpful to the debate that the Senator from West Virginia has related the subject of the bill—mass transit—to the whole problem of travel that faces an increasingly metropolitanized Nation.

I recall another situation, the New York-New Jersey area particularly where so many people are now forced to use their automobiles to drive from their suburban homes into New York City to work. These are people who would rather have comfortable, efficient, reliable mass transit as an alternative. But they cannot, and that is putting the crush upon New York City. Now there is terrifying talk that people will be penalized financially, that there is going to be a car tax on cars coming into the city. They are also suggesting a substantial increase in tolls to discourage some people from coming into the city. That is a penalty which is unjustified. We are trying to develop the balance to transportation which the Senator has so ably described.

Mr. BROOKE. Mr. President, I wish to discuss a bill which deserves our careful attention and, I believe, our hearty endorsement: the Urban Mass Transportation Assistance Act of 1969. This legislation has been brought forth under the skillful guidance of the distinguished junior Senator from New Jersey (Mr. WILLIAMS) and the distinguished junior Senator from Texas (Mr. Tower). I express to them my deep appreciation and respect.

The problems surrounding this Nation's transportation crisis are demonstrated by the following facts. Since 1965, public transportation systems have suffered increasingly serious operating deficits. An operating surplus of \$149 million in 1945 became an operating deficit of \$11 million in 1965 and \$130 million in 1968. During this period, fares increased threefold; however, revenue passengers decreased by two-thirds. Since 1954, approximately 120 public transportation companies have disappeared as a result of bankruptcy, abandonment, or absorption into other companies; 70 of these were in cities of less than 25,000 population. It has been suggested that 90 additional companies are presently in financial difficulty and in some instances close to bankruptcy.

These problems are accentuated in our large urban areas. According to Census Bureau statistics, approximately 40 percent of Americans lived in urban areas at the turn of the century. Today, nearly 80 percent of Americans reside in urban areas, with the figure expected to reach 90 percent by the year 2000. Moreover, it is likely that the Nation's entire projected population increment of 150 million during the next 40 years will occur in and around our cities.

These problems are accentuated for the poor. While nearly all families with

annual incomes in excess of \$10,000 have a car, less than half of those with poverty-level incomes—that is, less than \$3,000 per year—own an automobile. Unfortunately, most of the new jobs being created for unskilled and semi-skilled workers are located in the suburbs. Thus the urban, unemployed poor are compelled to use low-quality, costly, and time-consuming public transportation to reach work if, indeed, such transportation exists at all. The economic and social isolation of the poor thus becomes more intensified. As the Kerner Commission pointed out, this lack of adequate transportation has been an important factor in the growing unrest in our cities. The social costs, and the costs to the economy, are too great to be ignored.

The report prepared for the Department of Housing and Urban Development in 1966 estimated that \$10 billion was needed to meet capital requirements for current and planned fixed rail and bus systems through 1975. Since these figures were prepared, increases in prices have occurred which require an upward adjustment of the earlier figure by \$1.8 billion. More recent estimates prepared for the Department of Transportation place 10-year requirements at between \$28 and \$34 billion, reflecting both the prospect for continued inflation and increased interest on the part of cities and local public agencies in improving urban mass transportation facilities. It should be noted that the interstate highway program was originally estimated to cost \$34 billion; however, it is now generally thought to involve Federal expenditures in excess of \$60 billion.

Federal aid for public transportation—including subways and buses—is now less than \$200 million a year with total expenditures since 1964 equaling less than the current Federal expenditures on the highway program in the last 6 months. These figures are indeed staggering.

In the last decade State and local expenditures have increased nearly threefold with debt increasing at a similar rate to the point where it now exceeds \$100 billion. Over the next 10 years the revenue-expenditure gap for the Nation's cities may well exceed \$200 billion. Accordingly, President Nixon has endorsed tax revenue sharing programs which may ease these problems. However, it must be clearly recognized that the cities and States cannot carry the burden of providing funds for capital outlays needed to provide the residents with good quality transportation.

The interstate and other highway programs represent magnificent accomplishments and demonstrate that where the Nation's will exists, as with the space program, seemingly insurmountable obstacles can be overcome. We must make that same commitment in the area of mass transportation, housing, pollution, and other programs designed to enrich the life of our disadvantaged citizens. Local governments cannot carry the financial burdens involved in one, much less all, of these major programs.

Let us briefly examine the major provisions of the Urban Mass Transportation Assistance Act of 1969. Section 1 specifies that a Federal commitment of

at least \$10 billion over a 12-year period is necessary if efficient, safe, and convenient transportation is to be provided.

Section 2 of the bill authorizes a new program of 10-year loans for the acquisition of real property recently expected to be needed and used for urban mass transit purposes within a reasonable period.

Section 3 would permit all or any part of the project costs borne by local governments to be paid from other than public sources. Presently, local sources provide one-third of net project costs and the Federal Government provides the remaining two-thirds. Of the local share, 50 percent must come from public funds unless the public agency lacks the financial ability to provide the local share. This latter requirement is removed by the present bill. Section 3 also authorizes the Secretary of Transportation to incur contractual obligations up to \$3.1 billion. Appropriations to liquidate the contractual obligation incurred would be authorized for fiscal year 1971 in the amount of \$80 million, which limitation would be progressively increased in each of the subsequent fiscal years to \$310 million, \$710 million, \$1.26 billion, until it reached \$1.86 billion at the end of fiscal year 1974. Thereafter the limit would be the maximum \$3.1 billion. Section 5 provides the Secretary with a discretionary fund equal to 15 percent of the aggregate amount of funds authorized to be obligated under the new program. This fund is to be used judiciously to bring relief to those States whose cities have already or soon will reach a 12½-percent limitation provided in the Urban Mass Transportation Act of 1964 on aggregate grants in any one State.

Critics of the bill have argued that it involves backdoor spending which shields the program from the annual appropriations process and reduces the ability of Congress to alter program priorities from year to year. It is also argued that if this means the financing is to be used, there are other Federal programs such as housing and education which deserve higher priority. I concur with the observation that there are other programs which merit priorities at least as high as that given to mass transit. This does not, however, detract from the need to support a responsible urban mass transportation program. As the Kerner Commission observed, our urban problems are multi-faceted and can only be remedied by addressing the problem areas in their entirety rather than on a piecemeal basis.

Other critics argue that the 12½-percent State limitation on capital grant projects should be retained. It should be noted, however, that California, Illinois, and Massachusetts are already approaching or surpassing that limitation. Several other States will incur similar problems shortly. Thus, the need for the new 15-percent limitation is compelling.

Finally, it is argued that the bill provides for the obligation of only \$3.1 billion. The \$10 billion commitment over a 12-year period appears in the Statement of Findings rather than in the financing provisions. With this contention, I have a great deal of sympathy. Unfortunately, the Senate Banking and Currency Com-

mittee was unable to agree upon a realistic timetable for the remaining \$6.9 billion. The committee was further persuaded by Secretary of Transportation Volpe that this office would provide Congress with a suitable timetable as the new program developed. I believe this reasoning is persuasive and therefore am not challenging the financing provisions in the present bill.

This country is facing a crisis in the field of transportation as well as in the areas of housing, welfare, education, and trade. We must treat these subjects in a responsible and timely manner if we are to ward off the consequences of inaction. I support this legislation because it represents a meaningful approach to a problem which deserves congressional attention. I believe that the Urban Mass Transportation Assistance Act of 1969 represents one of a series of acts which are designed to alleviate the problems referred to in the Kerner Commission report. In concluding, however, I must emphasize that the transportation systems built under Federal funds provided by this act must be designed to address the problems of the inner city resident as well as the suburbanite. As previously mentioned, new jobs for unskilled and semiskilled workers are often located in the suburbs as well as on the other side of the central city. Our transportation authorities must address these facts if urban mass transit is to contribute its full share to the enrichment of our cities and our way of life.

I urge that this bill, providing the tools for the task which lies ahead, receive the overwhelming support of the Senate.

Mr. KENNEDY. Mr. President, the bill we consider today is one of extreme importance to the Nation and, in particular, to my own State of Massachusetts. Although it does not provide for the full commitment of funds recommended by the President's Task Force on Transportation, it has my support. And I am hopeful that it will receive the support of all Senators.

Meeting the transportation needs of our ever-growing urban population is one of the major challenges facing the Congress and the Nation. It is also one of the most difficult to resolve. Its solution is complex and costly.

S. 3154, the bill we consider today, represents a major effort to achieve a program designed to deal with both the complexity and the cost of the problem. Senator WILLIAMS of New Jersey deserves the appreciation of all of us who share a concern for the problems of urban transportation and an interest in their solution. Without his long and hard work over the past years and his leadership in effecting a compromise between the administration bill and various Senate bills this year, we would not have the opportunity to consider this most worthwhile measure today.

There is no question that transport problems have been a major contributor to the deterioration of this Nation's cities, and to the alienation of those who live in urban areas. My own region of the country is plagued by a lack of adequate transportation facilities on all levels, but especially those designed to meet the needs of city dwellers. My own State of

Massachusetts—while early to recognize the problems created by the increased mobility of our citizens within metropolitan areas—faces a problem of such magnitude that it is difficult to imagine its solution. But it is impossible even to discuss a solution without true evidence of a national commitment of funds and technical assistance.

S. 3154 provides for the expenditure of \$3.1 billion over the next several years. The unique feature of the bill is that it provides for a "contract authority" mechanism of financing. Under this feature, the Department of Transportation is authorized to make obligations to State and local governments on the full \$3.1 billion authorization immediately upon enactment. However, because of current efforts to end the rising rate of inflation, yearly appropriations to liquidate these obligations will be limited so that for the first 5 years of the program appropriations will be held to an aggregate amount of \$1.86 billion.

The provision of this contract authority mechanism is essential to the success of the program authorized in this bill. Approval of this bill in this form will guarantee to State and local governments that the commitment of the Federal Government to the improvement and development of urban transit systems is real. Without such evidence of our commitment, I doubt very much if many State and local governments will enter into partnership with the Federal Government on this program. They have been disappointed before and are unwilling to again jeopardize their already limited financial resources on the promise of Federal funds or Federal reimbursement. Our cities are dying and they cannot be saved with rhetoric or paper promises. We must act now to fund the programs that will breathe new life into our urban areas. S. 3154 authorizes such action and, therefore, it must be approved.

Mr. President, I have long voiced my concern about the need for improved mass transit systems for our cities. I was happy to appear before the Senate Banking and Currency Committee in support of this bill. We can no longer continue to build highways through and around our core metropolitan areas. Such highways—while dividing neighborhood from neighborhood, job holder from his place of employment, children from their schools—only further contribute to an already impossible and unmanageable traffic problem in our core cities. We must look to mass transit for the solution to this most difficult and crucial problem of meeting the needs of our mobile society.

Under the programs of the Transportation Assistance Act of 1964, the city of Boston embarked on a major expansion program for its existing subway system. The Massachusetts Bay Transportation Authority is charged with the responsibility for the mass transportation facilities of Boston and 78 surrounding communities. This is the fifth largest mass transportation system in the country. Although the authority has received the largest amount of Federal assistance—a capital grant of some \$50.8 million—the major stumbling block to com-

pletion of the proposed expansion program is the lack of adequate funds.

It is estimated that projects necessary for the improvement of the system amounting to some \$300 million have not been acted on because no funds were available. Current estimates place completion of the project at \$1 billion. Under the provisions of this bill, with its guarantee of long-term Federal financing, the MBTA will have a much better chance of securing the local bond issues it needs to finance State and local shares of the project cost.

Boston desperately needs an improved and expanded rapid transit system. It is my feeling that current road and highway construction plans for the inner city will only serve to increase the already insufferable flow of automobile traffic into the core city. Not only is it impossible for the city to accommodate more cars in terms of parking and flow of traffic, but current levels of air pollution cannot be increased without constant jeopardy to the health of many of Boston's citizens.

As the Nation experiences the population growth of the next few decades we will come to the time when almost 90 percent of our population lives in urban areas. We must plan for their transport. It is obvious that our cities cannot accommodate much more in the way of private transportation.

The Nation's cities are being strangled by traffic congestion and immobility which is only increased as we continue to pave our metropolitan area. We made a commitment to the cities in the sixties that has not yet been fulfilled. Let us take another step to achieve that promise of the sixties at the dawn of the seventies.

Mr. ALLOTT. Mr. President, we have before us a most important part of the President's domestic program. The bill we are discussing was first proposed, in general form, as one of the 10 "must" pieces of legislation laid out by President Nixon soon after he took office. It has been the subject of extensive and exhaustive hearings, much controversy, and some compromise. It comes now for our consideration with a high degree of support from the members of the committee who engaged in this process, and the endorsement not only of the administration but also the chairman of the Committee on Banking and Currency and most of the majority members, as well as the ranking Republican and most of the minority members. It is truly a significant bill and well worthy of the support of the entire Senate.

The issues that are being raised on the floor of the Senate have all been raised before, and carefully examined. I do not suggest in the slightest that they should not be raised here again, because it is important that they receive the most careful attention. I want Senators to know, however, that I have examined them carefully and have come to the conclusion that in this respect the bill as reported by the committee is sound. I have an open mind to any issues that may be raised on the floor of the Senate. I hope the Senate will send the bill to the House in the same general form

in which it stands as reported by the committees.

I do this because of the urgency of the issue. Public transportation is in trouble in this country.

While the problems were apparent by the mid-1950's, they have increased in intensity in the past 5 years. The private systems have been unable to generate enough capital to replace obsolete equipment. As operating costs have risen, fares have increased. People have declined to pay more to ride in older equipment when the higher standard of living enabled them to purchase cars, which in turn jammed the highways and made commuting and downtown driving a frustrating, time-wasting experience.

The public transit industry as a whole has shown a steadily declining rate of profit from 1960's net profit of \$30 million to 1968's net loss of \$160 million. Since 1954, more than 250 bus systems have discontinued service, leaving the old, the young, the nondrivers, and the poor in extremely difficult situations. Of those systems, over 200 were in cities of less than 50,000 population.

These kinds of difficulties are not limited to any section of the country, nor to any single State or group of States.

We in Colorado, for example, are justly proud of our "wide open spaces." But like our friends in the more populous States, we have transportation problems. There are four public transportation systems in Colorado. Over the years they have provided excellent service, until in recent times they have been plagued with the same difficulties bus and trolley lines have encountered in virtually every State. Of the four, three are in serious financial trouble. So the transit problems are not big city problems; they are national problems, which we as Members of the National Congress must face on behalf of the people we represent.

As I have shown, this crisis did not suddenly come upon us, without warning or overnight. We have had plenty of time. The previous administration, over 5 years ago, called for a program to meet the need for better and healthier public transportation systems. But they did little more than talk. The funds called for in the annual messages of the President were pitifully low. Worse still, the staff assembled to handle these funds was too small and lacking in the necessary experience, support, and commitment to make the kind of attack on the problem which was needed. We felt this acutely in Colorado, because the three troubled transit systems to which I have referred were financially healthy 5 years ago, and we have watched almost helplessly as they got deeper and deeper into difficulty.

One of the reasons that the bill now before us is so large, and the requirements of it are so controversial with respect to the financing, is that it is a bill designed to make up for lost time, for years of neglect.

If I may be pardoned a somewhat partisan observation, it is interesting to me to see some of my Democratic friends now berating the President for proposing too little for this activity when for years their party proposed funds averaging

only \$200 million per year, or one-fifth of what President Nixon now recommends.

Senators know well my record with respect to the most controversial section of the bill—the section calling for contract authority. I have always opposed that kind of authority in principle, because I believe that the Appropriations Committee exercises a vital function in its annual review of the programs and actions of the various agencies of Government. I still hold that view, and will continue to oppose contract authority provisions as they are inserted in Federal programs brought before us.

But this program faces special circumstances. Within it is created a Federal-local relationship, which calls for commitments of a long term on the part of our Nation's cities. The record is absolutely clear on one point: The mayors of the Nation are agreed almost to a man that they cannot raise the local share of the significant systems which the bill would finance unless they can have assurance of Federal participation for more than a year at a time. They wanted to have a special trust fund set up to give them that assurance, but the administration, wisely in my opinion, decided that such a fund would be improper unless a valid user charge could be found.

But the President heard the pleas of the mayors and urged us to give them the assurance they sought through contract authority. Because of the crisis nature of the situation, the years of neglect of the problem, and the unique nature of the Federal-local relationship over many years of planning and construction, I am prepared in this instance to take a different view on the contract authority question and support the bill as it stands.

(At this point Mr. Young of Ohio took the chair as Presiding Officer.)

Mr. BENNETT. Mr. President, I believe that the transportation bill which has been reported by our Banking and Currency Committee is worthy of Senate enactment. I say this as one who has never before been a strong supporter of Federal assistance for local transportation systems.

On August 11 of last year I introduced a proposal for the administration to provide long-term financing for expanded urban public transportation systems. That proposal contained a recognition that a Federal commitment of at least \$10 billion over the next 12-year period would be necessary to meet public transit system demands. The intent of the proposal was to create a partnership which would provide Federal financial assistance to local communities in order that they could make the long-range plans necessary to meet their public transit needs.

In addition to the administration's proposal, other proposals were offered and were considered by our committee. The bill which we now recommend to the Senate is one which was reported without objection in the committee and has the full support of the Nixon administration. I stated earlier that I had not been a strong supporter of Federal aid to local transportation systems before. I believe, however, that the time has

now come when it is necessary for the Federal Government to participate in these systems if balanced transportation systems are to be developed. The Federal Government has rightly participated heavily in the establishment of highway systems throughout the United States. I say rightly because it was meeting a demand made upon it by the citizens of this country.

Public transportation has not been a popular mode of transportation for the past decade or so. Most people who use public transportation do so because no better alternative is available to them. Studies have been made showing that in some instances in order to attract passengers, it would be necessary to pay them a subsidy for using the facilities. This is a great change over what the situation was a relatively few years ago. Since World War II, however, public transportation facilities have declined in popularity because they lacked the convenience and the flexibility which was provided by the private automobile. Individuals traveling from widely separated areas in the suburbs found that the convenience of taking a private automobile directly from their home to their place of employment outweighed the cost sufficiently to make that their choice of transportation.

During the past 20-year period, according to American Transit Association data, revenue passengers have decreased by two-thirds and, of course, operating revenues have declined as a result. As passenger revenue declined, it was only natural for transit companies to decrease their already inadequate service to the public and increase the fare charged to passengers. This, of course, was a self-defeating move, and today public transportation systems of our urban communities, both large and small, have become even less competitive with the alternatives available.

Although most Americans have private facilities for transportation, some of our citizens do not have sufficient income to own an automobile, some cannot drive because of their age, their youth, or because of physical handicaps. The lack of adequate public transit facilities presents a real problem for these individuals.

As automobile traffic has increased, it has also caused some problems which are now becoming critical. Although we have expanded our highway capacity, congestion is an ever-increasing problem. The time has now come when, in many communities, both large and small, something must be done to improve public transportation facilities. Ordinarily, facilities would be improved as a result of consumer demand. Unfortunately, sufficient demand does not exist to take care of establishing new systems or improving present systems. The problem of improving public transit systems, therefore, is not one of the management of funds received from users but one of providing a subsidy. In studying this problem, I find that local communities are presently subsidizing transit facilities in many areas. It could be argued that the areas which have the greatest need for mass transit facilities also have the greatest financial capacity to provide for those needs. There is a great deal of truth in such a state-

ment. Our large urban centers are also major financial centers. The average income of our more densely populated States is generally significantly higher than the average income in our more sparsely populated areas. To say that the States and localities can take care of their own transit needs on the basis of such figures, however, is an oversimplification and ignores political considerations. One must keep in mind that those who generally use transit facilities are not the individuals who have the capacity to pay for them through taxes. Those who have the capacity and are taxed by the locality in the State have other transportation alternatives which they prefer to public transportation. There is also the problem of taxing those who live in the suburbs to help pay for a system located within the city, and I believe it is appropriate to mention the fact that local elected officials cannot increase taxes nearly so easily as can the Federal Government. For all of these reasons it has now become necessary to provide a Federal subsidy for public transportation systems in communities throughout our country.

This bill provides a program to assist cities through a cooperative effort in which the Federal Government would provide two-thirds of the financing while the locality would be required to provide one-third.

Because of the urbanization and the greater density of population in a few large cities, it is to be expected that a greater proportion of the total dollar funding would be allocated to major urban centers.

I would like to stress, however, that this bill is not one which provides assistance only to a few major population centers in this country.

We all recognize that some of the more moderate sized cities in this Nation and even some of the smaller cities and towns are having difficulty in maintaining their public transportation systems. I believe that the difficulty now faced by Salt Lake City, Utah, is representative of the needs of many similar cities for assistance. Salt Lake City, some of the major suburban communities, and most of the unincorporated area of Salt Lake County are presently provided public transportation by Salt Lake City Lines. Salt Lake City Lines started operation as a mass passenger transportation carrier July 1944. That is to say, the Salt Lake City Lines started then. There has been public transportation in Salt Lake City ever since 1880. I had a good friend, now long dead, who quit a good job driving a team of mules in the first transit system in Salt Lake City because he did not think there was a future in it. He was right.

For several years after 1944 the company realized substantial profits from its operations, but then patronage and revenues began to drop and this decline has continued up to the present time. Since 1948, regular passengers on Salt Lake City Lines have declined from just over 30 million passengers a year to approximately 4 million passengers during 1968. During the past 10 years while the population in the Salt Lake City area increased over 25 percent, passengers riding buses in the area have decreased by

almost 67 percent. In early 1967, Salt Lake City Lines began operating at a loss and, in August of 1968, a crisis was averted when an agreement was reached whereby Salt Lake City would subsidize the bus operation in an amount of \$210,000 during a 2-year period which expires in August of this year.

Under the agreement, Salt Lake City Corp. has an option to purchase the capital stock of the busline. That option must be exercised on or before April 10 of this year. In order to exercise the option, the city is asking the Department of Transportation for a capital facilities grant in the amount of \$800,000. I cite this experience first because it is one in which I naturally have a great interest but, second, because it is typical of many of the cities throughout the country which are not considered major urban areas.

Mr. President, the bill before us today provides for general funds to be used to subsidize public transit facilities. One of the greatest problems in developing the legislation was a decision as to how such subsidies should be financed. Everyone is familiar with the highway trust fund, and it was suggested that a trust fund should be established to assure the availability of funds for mass transit systems. The trust fund concept is generally a good one if the money going into the trust fund can be obtained through user charges. In the case of mass transit systems, as I have already explained, there is no possibility of providing for capital needs at this time through user charges. It was suggested by some that it would be appropriate to tax automobile users to provide funds for mass transit systems. The justification for such a tax was that the establishment or improvement of public facilities for transportation would relieve congestion on our highways and thus those driving automobiles would benefit as much as those using the transit facilities. Two alternatives were proposed. One of these provided that the present excise tax on automobiles be continued and that the funds be used for mass transit facilities. The other would require an increase in the Federal tax on automotive fuel or that some of the present moneys received from fuel taxes be used for mass transit. Neither of these alternatives was acceptable to the committee. The experience of our large cities which already have mass transit systems does not support the thesis that highway congestion will be reduced. The Department of Transportation recently considered transit plans in Atlanta, Baltimore, Los Angeles, Seattle, and Washington. In its 1968 highway needs report, the Department stated that in four of these five areas considering transit systems, it was estimated that the systems would serve about 5 percent of the area's total daily personal trips and 10 percent of the area's peak-hour trips. Estimates for Los Angeles were about half of these percentages. The same report noted that the normal increase in vehicular travel in urban areas is 5 percent in a period of 1 to 2 years. These findings by the Department of Transportation are significant.

They are important because they show that even with the addition of mass

transit systems, we cannot expect our traffic congestion problems to be solved, because in a period as short as 2 years, the increased automobile traffic will equal the total burden relieved by the mass transportation system. The new or improved transit systems therefore should be regarded as a supplement to rather than a substitute for other forms of transportation. I believe it would be unwise for us to expect too much from the establishment of new transit systems.

The fact that highway traffic will not be greatly alleviated also greatly weakens the case of those who feel that the transit systems should be funded by some type of tax on highway users. This bill recognizes the fact that the whole community will benefit from the establishment, maintenance, or improvement of public transportation systems. Since the whole community benefits and it is not possible to charge users an amount sufficient to cover the costs and no specific benefit can be shown to exist for any one segment of the population other than the system's users, it is appropriate that general funds be used.

General funds are usually used only after an appropriation has been made by the Congress. This provides complete control over programs. Assistance through annual appropriations has not proved successful thus far in the field of public transportation, however. It has not proved successful because these transportation systems are major investments. In order for a community or a private firm to obtain its part of the financing, it must be reasonably assured of a specific Federal Government contribution. Annual appropriations do not provide any such assurance. The proposal for financing in this legislation is similar in many ways to that which is used in providing the Federal contribution of certain housing and urban development projects. In order to attract the capital and the sponsors necessary to build housing for low-income individuals for which a Federal subsidy is granted, it is necessary to provide a subsidy over the 40-year life of the mortgage on the building. This contract authority which has been developed for that kind of need provides for annual appropriations and a review by the Congress each year but does give some degree of security to those who are risking their private funds in such a venture because the contract authority can be set up and work can be done against it on the basis of the entire period of the program rather than a single year. In this bill, we have provided contract authority for \$3½ billion for the first 5 years of the program.

We do not expect that this entire amount would be contracted immediately, but it is available if necessary so that cities can have a basis on which to obtain their proportion of the financing either through borrowing or some other source. I would like to repeat that this is not a new method of financing, nor does it make it impossible for the Appropriations Committee or the administration to bring about a reduction in expenditures.

During our consideration of this legislation in the committee, there was a serious question as to whether the \$3½ billion contract authority for the first 5 years and a \$10 billion Federal contribution over a 12-year period would be sufficient to meet the needs. I do not believe there is any value in arguing whether it is or it is not. Nobody knows. Estimates have varied widely, and we do not need to establish an amount now for the 12 years anyway. The bill provides that the Secretary shall submit at 2-year intervals his recommendations for mass transit needs and these biennial recommendations should provide us with whatever information we need to make decisions as we continue in this program.

There was also criticism of the fact that the bill allows only \$80 million to be spent during fiscal year 1971 and that limitations on succeeding years reaching an aggregate of \$3.1 billion after July 9, 1975, were not sufficient for the program. I believe that on the basis of information provided by the Secretary of Transportation, \$80 million is all that could be appropriately spent during the first year. I also believe that the other limitations are reasonable when based on the information which we now have.

It would be a disservice to the taxpayers if we were to undertake a more expansive program during the beginning years because the money could not be appropriately spent. Let me point out again, if we find that the amounts are not sufficient, we can always increase them at a later time.

In summary, Mr. President, let me recommend this bill to the Senate as a major step in the establishment of viable public transportation systems in all of our cities where such systems are needed. While I hope that the time will come when these systems will be able to operate without Federal subsidies, they cannot do so at this time.

Mr. President, it is for that reason I have changed my earlier position against public subsidies for mass transportation and join my colleagues on the Committee on Banking and Currency and with the Secretary of Transportation in recommending to the Senate that this bill be approved.

Mr. WILLIAMS of New Jersey. Mr. President, I would like to propose a unanimous-consent request for the control of time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the time on the bill be limited to 3 hours, to be equally divided.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. TOWER. To be equally divided between the Senator from New Jersey and me, or our designees.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving he right to object, does the Senator intend to ask unanimous consent for limitation of time on amendments and all amendments thereto?

Mr. WILLIAMS of New Jersey. Yes;

1 hour on each amendment, to be equally divided by the proponent of the amendment and me; and if I should favor an amendment, the time on the other side to be controlled by the Senator from Texas.

The PRESIDING OFFICER. With 3 hours on the bill?

Mr. WILLIAMS of New Jersey. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, will the Senator amend his request to provide that on each amendment and amendments thereto there be 1 hour to a side, 30 minutes controlled by the proposer of the amendment and 30 minutes by the Senator from New Jersey, unless the Senator from New Jersey is in favor of the amendment, in which case the time to be controlled by the Senator from Texas?

Mr. CRANSTON. Mr. President, reserving the right to object, I would like to ask the Senator from New Jersey, who has handled this bill so ably and who has done such hard work in connection with its preparation, if it is intended, if the agreement is accepted, that there would be final action on the bill and all amendments thereto today?

Mr. WILLIAMS of New Jersey. That is not predictable; it is not known. My speculation would be that we would not finish today.

Mr. TOWER. That is also my view.

Mr. CRANSTON. I would like to ask the Senator if it could be understood that there will not be a vote on final passage or on my amendment until tomorrow.

Mr. WILLIAMS of New Jersey. I yield to higher authority in connection with that request.

Mr. BYRD of West Virginia. Mr. President, if the Senator from New Jersey will yield, I think it can be stated that final action on the bill will not be taken before tomorrow. It is my understanding that the Senator from Michigan (Mr. HARR) has one amendment which will be offered tomorrow and he will not be here until later. I think I am correctly advised in that regard.

Mr. CRANSTON. I do not wish to object but I am looking for a way to be sure my amendment will not be considered until tomorrow. I do not wish to obstruct the Senate but I do not want my amendment considered until tomorrow.

Mr. BYRD of West Virginia. I hope the Senator from California will not object. I do not think he will have great difficulty in obtaining a vote on his amendment tomorrow. If need be, the Senator could call up his amendment today, explain it, and then get unanimous consent to put it over until tomorrow for a vote if all time on the amendment will have expired.

Mr. CRANSTON. I would be glad to do that.

Mr. WILLIAMS of New Jersey. There is adequate time on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The unanimous consent agreement subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes, debate on any amendment and amendments thereto shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from New Jersey (Mr. Williams): *Provided*, That in the event the Senator from New Jersey is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Senator from Texas (Mr. Tower) or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from New Jersey and the Senator from Texas.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 20, line 8, strike "15" and insert "1½" in lieu thereof.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized. How much time does the Senator yield himself?

Mr. PROXMIRE. I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

Mr. PROXMIRE. Mr. President, my amendment would restore the provisions of existing law which limit the maximum amount of grant funds for one State to approximately 14 percent of the total authorization. By way of contrast, S. 3154 repeals the existing limitation and permits the Secretary to spend as much as 27½ percent of the total authorization in one State, or nearly double the present percentage.

Under the present law, capital grants to any one State cannot exceed 12½ percent of the total authorization. The Secretary also has discretionary authority to approve an additional \$12.5 million over and above the 12½-percent ceiling. The \$12.5 million is approximately 1.4 percent of the total authorization to date of \$865 million, hence the maximum amount any one State could receive is 13.9 percent of the total authorization. This assumes all of the discretionary authority were used in that State. Section 5 of S. 3154 increases the discretionary authority from 1.4 percent to 15 percent of the total authorization. In other words, it increases it tenfold.

Congress originally enacted the 12½-percent ceiling to prevent all of the program funds from going to a few large urban States. Indeed, the remarks of the distinguished Senator from New Jersey, who did such a fine job in handling this bill, emphasized this was a national program in which all States take part and States such as West Virginia and Colorado and other States would play as much of a part in proportion to population as the larger States. However, during

the administration of the program it was argued that some flexibility was needed to accommodate a State whose ongoing projects threatened to exceed the ceiling because of unforeseen costs. Accordingly, Congress provided discretionary authority in 1966 to exceed the 12½-percent ceiling by up to \$12.5 million or 1.4 percent of the total authorization.

Assuming that the purpose of having discretionary authority over and above the 12½-percent ceiling is to maintain program flexibility, it is not at all clear why such a huge increase in discretionary authority is needed. Under S. 3154, discretionary authority increases more than tenfold, from 1.4 percent to 15 percent.

Moreover, given the long leadtime between obligations and expenditures, the need for this flexibility should not arise for several years—unless, of course, the Department intends to knowingly exceed the 12½-percent ceiling from the outset of the program.

The testimony of the Department of Transportation sheds little light on the basic intent. For example, Secretary Volpe said:

I would expect discretionary funds to be spread over perhaps 20 or 30 States rather than one State.

This is obviously a mathematical impossibility. If 20 States were in danger of exceeding the 12½-percent limitation, these States would have to be allocated 2½ times the total authorization.

This example shows that Secretary Volpe either was not being candid with the Congress or that he was confused about how the provision actually operates. Even the sponsor of the legislation, during the committee markup, said that the discretionary funds would be spread to as many as 10 States. This is likewise a mathematical impossibility. It means that the 10 States would be getting 125 percent of the total authorization. Even more significant, it means that the remaining 40 States would get less than nothing.

Given the confused and contradictory nature of the justification for increasing the Secretary's discretion, I can only conclude that the basic purpose is a backdoor attempt to breach the 12½-percent ceiling. If this is the purpose, the sponsors of the legislation ought to come forward in a straightforward manner and say this is what to do and debate the proposition on its merits. For example, under S. 3154, one State could receive 27½ percent of the total authorization; two States could receive 40 percent; and three States could receive over 52 percent.

As a matter of fact, six States could get 90 percent, leaving only 10 percent for the other 44 States.

Instead of increasing the amounts going to one or two States, Congress ought to see that the benefits of the program are more widely distributed. Despite the existing 12½-percent limitation, six States received 76 percent of the funds allocated through June 30, 1969. These six States contained only 32 percent of the population.

I repeat, six States did receive 76 per-

cent of the funds allocated through June 30, 1969, and those States contained only 32 percent of the population.

The proposal now in the bill is to make it possible for the funds to be even more concentrated than they are. As I have said, the funds have been concentrated to the extent of more than three-quarters of the funds going to only six States.

Put another way, 44 States with 68 percent of the population received only 21 percent of the funds—far less than their fair share. Although Milwaukee in my State has serious public transportation problems, the State has received no capital grants and only token research funds. In 5 years, the State of Alabama received \$27,000 or about \$5,400 per year.

An urbanized State such as Delaware received nothing. Other States with large urban concentrations such as Indiana, Missouri, Georgia, Louisiana, Colorado, Kentucky, Oregon, North Carolina, Minnesota, Florida, and Oklahoma received little or no funds.

The sponsors of this legislation are fond of quoting the statistic that 70 percent of Americans live in urban areas. Since mass transit is clearly an urban program, one is left with the impression that the program benefits 70 percent of the people.

What the sponsors fail to point out is that only certain urban residents in a half dozen States have benefited from the mass transit program and that the vast majority of urban Americans receive little or no benefit. This mal-distribution of grants will become even greater if the Congress approves the huge increase in discretionary funds contained under section 5 of S. 3154.

It seems to me, in view of the history of this legislation, that I would be in a strong position to offer an amendment to reduce the 12½-percent figure. But I am not doing that. I am leaving the figure at 12½ percent for any one State, but I say we should not increase the discretionary fund tenfold so that one State would get 27½ percent of the fund and six States would get virtually all of it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. I listened to the Senator's presentation with some interest, but I did not hear mention of another question, and that is the capability effectively to use the funds. Does not the Senator feel that is a very important factor in respect of this money, and does not the Senator feel it would be a great mistake to force these funds into places where they were not prepared—

The PRESIDING OFFICER. The Senator's time is expired.

Mr. PROXMIRE. I yield myself 5 additional minutes.

Mr. JAVITS. To States which were not prepared to use the funds and to just force feed them or allow the money to lapse, when the need elsewhere is so urgent?

Mr. PROXMIRE. The answer is that under the bill we would enable States which were not able to participate before to now participate, because it enables

private transit companies to get grants which they could not get before. To me that is an argument why there should be something for all the States. It is said that this is a national program, and is not just for the big States, but for all the States.

Mr. JAVITS. If the Senator will yield further, I think what the Senator says makes sense, but is that not an argument for the discretionary authority granted, so that the Secretary may have authority? If the Senator's expectations are realized, I am sure the Appropriations Committee will insist on an equitable distribution. Representing, as I do, the State with probably the biggest of these problems, I would be the first to say to the Senator that we do not want our State to be preferred and to use the money which others could use, and result in an unequal distribution; but I feel that the discretionary authority could take care of the legitimate growth of the program with people who are new to it and may not be quite ready for it.

The needs for mass urban transportation are so urgent in the large, industrial States, as I am sure the Senator knows, that it would be a shame to get into a situation where money is not used, which has happened many times in the past when there have been fixed State limitations or when the money was force-fed because it simply had to be spent and the people were not ready to use it.

Is there any reason why the Senator has any feeling that the Secretary administering this law would, if equal distribution were possible, not give the States ready to use effectively some of this money and not let them have it? It seems to me that this merely gives the Secretary authority; he is not getting a mandate.

Mr. PROXMIRE. In the first place, as I understand it, the money appropriated under the present law has been used. It has not lapsed, and this is with a 1.4 percent discretionary fund. In the second place, we have a situation under the present law where six States have had 76 percent of the funds. In the third place, if we do not intend that the Secretary should provide more than 12.5 percent to any one State, why do we change the law?

Mr. JAVITS. I think I can answer that question of the Senator. The committee has already answered it. We are changing the law because we want the money to be effectively used to relieve the condition the law is designed to relieve, and we do not want to worship some doctrinaire concept of equal distribution under which the money will be either force fed or not effectively used when they are not ready to use it.

The committee itself has answered that question, because the report, at the bottom of page 4, states:

It is the understanding and intent of the committee that this fund be used judiciously to bring relief to the States whose cities have already or soon will reach the 12½ percent limitation on aggregate grants in any one State rather than to augment substantially grants available to any one State. The committee intends to keep the use of this discretionary fund under close surveillance to insure that a disproportionate

amount of these funds do not go to any one State.

It seems to me that makes real sense. Mr. PROXMIRE. The committee may wish to keep it under close surveillance, but the fact is we are passing a law. Once we pass the law, the discretion is with the Secretary of Transportation, and Mr. Volpe will make the allocations. As a matter of fact, Mr. Volpe himself said:

I would expect discretionary funds to be spread over perhaps 20 or 30 States, rather than one State.

This obviously shows a misunderstanding of the situation. If you spread it over 20 States, 12½ percent is the amount that can go to each State before you tap the discretionary funds. This would mean you would have 2.5 times the total authorization allocated. So this discretionary fund can only apply, really, to four or five States.

Mr. JAVITS. Not necessarily, because you have a number of years in the term of the bill, and as different States come to a state of readiness, different States will benefit from the discretionary fund.

I think the idea of locking these things in is not a fair one, and I respectfully submit that the Senator should give consideration to the fact that he has omitted, in his presentation, a very key factor, to wit: Who is ready to receive it and do something useful with it?

The urgency is so great that we should not create a situation in which funds are improperly used, of lapse by virtue of the fact that nobody is ready to use them.

Mr. PROXMIRE. Mr. President, none of the funds have lapsed. All the funds appropriated have been used. This bill with my amendment would open up the opportunity for smaller States to use it, so it is less likely that we are going to have lapsed funds in the future, and we did not have them in the past.

Mr. JAVITS. But now we are going to a big program, with large amounts of authority, where real things can be done. This program has been in swaddling clothes up to this point. I agree with the Senator, it will accommodate hundreds of cities, and I think this is the way to do it and make the maximum effective use of the money.

Mr. PROXMIRE. Mr. President, as I say, accordingly, I have introduced an amendment to reduce the percentage of funds which can exceed the 12½-percent ceiling from 15 percent, as contained in the bill, to 1½ percent which is slightly higher than the percentage permitted under existing law. In other words, I am making it somewhat more generous, but not 10 times as generous. If we open the gates as suggested by the Secretary of Transportation, a handful of States are likely to run away with the lion's share of the funds.

Certainly our middle and smaller sized urban areas, in which most Americans live, have equally pressing public transportation problems. While perhaps not as spectacular, traffic jams in Milwaukee or Minneapolis are equally annoying as clogged streets in New York.

We should not discriminate against middle and smaller sized urban communities merely because the able and articulate spokesmen for mass transit

understandably wish to see as much of the funds go to the largest urban centers which they represent.

I, therefore, urge the Senate to adopt my amendment which retains the safeguards contained in existing law.

Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, will the Senator from New Jersey yield me 3 minutes?

Mr. WILLIAMS of New Jersey. I yield the Senator 3 minutes.

Mr. TOWER. Mr. President, I oppose the adoption of the amendment of the Senator from Wisconsin.

Present law—section 15 of the Urban Mass Transportation Act of 1964, as amended—limits the allocation of Federal funds that may be made available for projects in any one State to 12½ percent of the aggregate authorization. At the present time, taking into account the additional authorization of \$300 million made by the Congress last year, the State limitation is \$145.6 million—12½ percent of \$1,165 million. Essentially this means that when Federal grants to assist capital investment projects in any State total \$145.6 million, no further grants can be made in the State until the Congress has provided additional authorizations. Some relief is provided, however, by a small discretionary fund—\$12.5 million—from which the Secretary may approve additional allocations. The limit has already been reached in California and \$8.7 million has been drawn from the discretionary fund to afford temporary relief in that State. To remedy this and similar situations and to assure continuity of Federal support, the proposed Urban Mass Transportation Act of 1969, would allow the Secretary to draw upon a new discretionary fund equal to 15 percent of the authorized program—\$465 million. This plan was adopted by the administration at the suggestion of the National League of Cities and it is overwhelmingly endorsed by the Governors and mayors.

Program experience thus far supports the view that the proposed discretionary fund will permit substantially greater program flexibility without seriously reducing the effectiveness of the overall State limitation. As of June 30, 1969, only two States besides California, had come close to the ceiling: Massachusetts and Illinois.

Under the proposed legislation, it is likely that applications for support of larger and more costly fixed rail systems will be forthcoming from a number of cities. Combined with other grants within the States, this may well push several States to the 12½ percent maximum. Without the discretionary fund, some of the projects in each of these States would have to be either postponed or cut back. With the fund flexibility even if several States need to use it, ample funds will remain—especially to cover all reasonable projects in smaller cities with nonrail type transit—basically bus—systems.

Senator PROXMIRE's illustration that nearly all the money could go to a very few of the larger States is true as a statistical exercise, but not as a practical

matter. In reality, no Secretary of Transportation would make the mistake of supporting such an obvious inequity. Should he try, the Congress could and would strip him of this power.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Is it not true that under the present law, six States have received 76 percent of the funds? As a practical matter, that is what has happened. What this measure would do if my amendment fails would be to liberalize the law and make it possible for six of the States to get 90 percent of the money.

Mr. TOWER. I think that, again, is a statistical exercise. Let me note some of the small cities that have received grants. Among the cities between 50,000 and 100,000, Vallejo, Calif., has received \$77,000. Pomona, Calif., has received \$185,000. Oxnard, Calif., \$212,000. We could go on and on. The small cities have benefited tremendously by this law.

Mr. PROXMIRE. It is true that some of the smaller cities have not taken much advantage of it. Of the multimillion-dollar fund, the State of Alabama, for instance, which is ably represented by its junior Senator (Mr. ALLEN) whom I see in the Chamber, received \$27,000 over 5 years—an average of about \$5,000 a year. There are a number of States in that category. Arizona received \$20,000. Colorado received \$328,000.

So, while it is true that some of the States like California and New York have received substantial sums, it is nevertheless true that six States have received more than three-quarters of all the funds under the present law. The provisions which I attack by my amendment would provide that even more of the funds would go to only a few of the States.

Mr. TOWER. It is a fact that most of the population of this country is concentrated in a few States. Twelve or 13 States have a majority of all the people in the United States of America, and it is urban congestion which we are trying to get at here.

Mr. PROXMIRE. But the six States I refer to have only 32 percent of the population, and got 76 percent of the money. The pending bill would permit an even greater concentration of funds in a few States, not representing a majority of the population.

Mr. TOWER. I think the Senator would deny this thing any kind of flexibility, if he seeks to impose any kind of limitation, because, again, the problem occurs in the States which are most congested. The rural States are not going to benefit much anyway, with their populations disbursed and with small towns. Again, I do not think the fact that six States have received that percentage of funds has resulted in denying assistance to smaller States which required it.

Mr. PROXMIRE. I think the Senator may be correct, that the smaller States have not been denied so much assistance in the past.

This bill is a good bill in many respects. It does provide that smaller States which have not taken advantage of the program in the past because the funds could not

go to private transit companies can receive grants under the program. But they will not be able to participate very well if so much of the funds is merely to be concentrated in the large States that have initially been much more aggressive in seeking funds of this kind.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, will the Senator from New Jersey yield me 5 minutes?

Mr. WILLIAMS of New Jersey. I yield 5 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, as a Senator from the Nation's most populous State, I am painfully aware of the transportation crisis facing rural, urban, and suburban America. Throughout my State, the need for adequate public transportation is all too apparent.

I know that the problems of California are not unique. The lack of adequate, reliable public transportation is a problem confronting the entire Nation.

Although the public transportation crisis is acute in the Nation's small towns and rural areas, the most severe crisis exists in our major metropolitan areas. Thus, the greatest need for Federal financial assistance exists in these areas.

I readily admit that California has reached the present 12½ percent limitation and has been granted an additional \$8.7 million to help meet its public transportation needs. However, this should not be considered unusual.

Every transit expert in the country recognizes that the need for public transportation is the most critical in the States with large populations. And California with its 20,000,000 people has the largest population of them all.

Clearly, States such as California, New York, New Jersey, Pennsylvania, Illinois, and Ohio will need substantially more funds than States with smaller populations.

The Secretary of Transportation has a minimum degree of flexibility to deal with transportation crises that might result in several of our States.

At the urging of the Department of Transportation and other transit experts throughout the country, the Banking and Currency Committee increased the amount which would be available in the discretionary fund.

Thus, under S. 3154, the discretionary fund will be equal to 15 percent of the total amount of funds authorized by Congress for mass transit.

Senator PROXMIRE's amendment would have the effect of not allowing the Secretary of Transportation to have the flexibility he says he needs to deal with the Nation's public transportation ills.

Senator PROXMIRE argues that under S. 3154, two or three States could get all of the available Federal funds for mass transit.

Theoretically this is true; however, I cannot conceive of any administration which would use all of the Federal funds to solve the transportation problems of two States, leaving the problems in the other 48 States unresolved.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CRANSTON. I am glad to yield.

Mr. PROXMIRE. If this is the situ-

ation, if the Senator argues that this discretion might result in a tremendous concentration of the funds in a very few States with a minority of the population, and the Senator relies entirely on the good sense of the administrator, why give it to him? Why give him this authority? Why surrender this? Why should Congress give away the power we have to a secretary? In the past we have had some fine Secretaries of Transportation. The record in the past is, however, that they have concentrated funds very sharply.

Mr. CRANSTON. I would give it to him because he needs that flexibility to meet the transportation needs of the entire country, taking all aspects of that problem into account. No matter where the money is spent, it is a problem that affects people who live in the other parts of the Nation, as I will point out.

I am sure that the Senator from Wisconsin is not suggesting that the public transportation problems in one of our smaller States would require as much Federal assistance as the public transportation needs of California or New York. The proposed amendment would discriminate against California and other large States where the need for Federal assistance is immense. We simply want to put the money, as this bill would do, where the greatest need exists.

The fact that larger States will get more money than smaller States, does not mean that money will not be available to meet the public transportation needs of small States.

The lack of adequate public transportation is a national problem, not a provincial one. I am sure that the citizens of Wisconsin will benefit if Chicago, New York, San Francisco, and Los Angeles improve their transportation systems. So will the residents of the other States who often visit our Nation's great metropolitan areas on business or pleasure, and go home complaining about awful traffic jams and terrible transportation facilities.

It should be recognized, too, considering the other side of all this, that citizens from other States contribute to the flow that clogs the freeways as they move back and forth from the airports and other centers of the great metropolitan areas of America.

We, as U.S. Senators, must approach this problem with the interests of the Nation at heart. Accordingly, I urge the Senate to reject the pending amendment.

Mr. JAVITS. Mr. President, will the Senator yield me 4 minutes?

Mr. WILLIAMS of New Jersey. I yield 4 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think the real issue here is exactly as stated by the Senator from California (Mr. CRANSTON) in terms of the need, but I would like to add to that—and I am sure this would be acceptable to him—the ability to absorb and use the funds effectively.

I believe we might just as well argue that the price stabilization activities of the Commodity Credit Corporation should be limited to 12½ percent for one State, because a number of farm States get an undue portion of it, completely in inverse ratio to their population. It would make just as much sense. We do not have the great problem in many of our great

industrial States, so we do not get more of the avails than we should. But we do have this rural problem.

We might just as well say the same thing about many other subsidies and assistances which are given by Congress. That is why we are a country and not an aggregation of States.

If everything is to be divided equally, based on population, I think that would be a pretty good deal for New York and California. I think that in the aggregate we would have an infinitely greater share of what is provided by aid provisions of laws than we do today.

But, Mr. President, we all realize that when it comes to dams and waterworks and similar projects, other States, which may be very thinly populated, do need that kind of assistance. So, too, in mass transportation we need that kind of assistance and need that kind of flexibility.

I should like to join with my colleague. It seems to me very clear that no Secretary of Transportation would last very long who would deny the needs of any small State or small city which was ready to receive the money and use it effectively, if he used this discretionary authority in favor of New York, Chicago, or Los Angeles.

I trust that the Senate may legislate effectively and efficiently by rejecting the amendment.

Mr. PERCY. Mr. President, will the Senator yield me 2 minutes?

Mr. WILLIAMS of New Jersey. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. So that there is no feeling that this is just a matter of interest to California or New York, I should like to state that it certainly would be in the interest of the people of Illinois for the Secretary to have as much discretion as possible.

Sometimes a city is much further advanced in making its plans. Many times a need is much greater. I think the Secretary should have discretion to look at the needs of the country as a whole and to take into account the advanced plans in order to determine where funds can best be used, as for example where the lowest income people are dependent upon this form of transportation and would be seriously adversely affected if such transportation was not made available.

Mr. PROXMIRE. Mr. President, will the Senator yield so that I can request the yeas and nays on the amendment?

Mr. PERCY. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment. The yeas and nays were ordered.

Mr. PROXMIRE. I thank the Senator from Illinois, and I apologize.

Mr. PERCY. I am very pleased to yield, although I am sorry to find myself in opposition to the Senator's amendment. I do support the position taken by the sponsors of the bill in this case and do intend to oppose the amendment, for the reasons given.

Mr. DOMINICK. Mr. President, will the Senator from Wisconsin yield me 2 minutes?

Mr. PROXMIRE. I yield 2 minutes to the Senator from Colorado.

Mr. DOMINICK. I have been listening to this debate with great interest. The thing that puzzles me is that if the

opponents of the amendment of the Senator from Wisconsin say that no Secretary is going to do what he says is possible—namely, an additional 15 percent over and beyond 12.5 percent—why are they opposed to the amendment? Why should these provisions not be put into effect? Why should we rely on the discretionary ability of the Secretary not to pour all this money into a limited number of States, when so many of the smaller States, such as Colorado, have these problems? I do not think we have been given an answer. We have answers from New York and Illinois and other large States which are already getting the money. I should like to hear from some of the other States which do not have that much money, including Colorado.

Mr. PROXMIRE. I think the point the Senator makes is absolutely irrefutable. It has not been answered because it cannot be answered.

The fact is that right now, as I said earlier, six of the States get 76 percent of the money, under the present law. I would liberalize the law a little, but they would liberalize it tenfold.

It seems to me that the amendment is reasonable. It permits one State to receive approximately one-eighth of all the funds. It still permits a few States to get most of the funds. But it does reserve some for the smaller States to share in this program so that it can be a national program.

Mr. DOMINICK. Mr. President, will the Senator yield me 1 additional minute?

Mr. PROXMIRE. I yield.

Mr. DOMINICK. It occurs to me that in the President's state of the Union message he said we are going to do some planning as to where highways and airports are going to be, in an effort to disperse population; and if we continue to concentrate 80 or 90 percent of mass transit funds in the larger cities, we are doing nothing to disperse population. We may even increase the number of people who are already creating a problem in those metropolitan areas.

Mr. WILLIAMS of New Jersey. I yield 5 minutes to the junior Senator from New York.

Mr. GOODELL. Mr. President, in view of the colloquy which has just occurred between the Senator from Colorado and the Senator from Wisconsin, I would like to suggest to them that the answer to the question is: How would they like it if we put a limitation on subsidies for sugar beet or wheat raising, and insisted that New York State get its fair share? This would, of course, put a limitation on the States raising sugar beets and wheat and various other things. I am sure that they would want to look at the various programs set up with subsidies and grants in this country. Each is set up to try to help meet the acute need in a given area. The needs are different from one State to another.

It is obvious that New York State cannot benefit from a wheat subsidy program or a feed grain subsidy program, or one on cotton or on sugar. We are not trying to be arbitrary and limit how much will go to any State. We never have.

It is a question of who raises it and who has the problem.

The problem of mass transit lies in the areas where there are mass concentrations of population. The Senator from Colorado (Mr. DOMINICK) amuses me when he suggests that maybe we can solve the problem by not putting any money into mass transit where there are concentrations of people. We could get to the point where we will have a mass transit system, say, in Colorado Springs, or in some other area of that nature and, thereby, urge the population to come in.

We have a great mass transit problem in this country. We have to put the money where the need is.

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER (Mr. FANNIN in the chair). Does the Senator from New York yield to the Senator from Colorado?

Mr. GOODELL. I yield.

Mr. DOMINICK. I am delighted the Senator brought that up. I never said I was against mass transportation in our larger cities. I did not say that I was against the bill. All I am trying to do is to prevent 90 percent of the money going to six States. We have problems of our own in Colorado, including Denver.

I might say to the Senator from New York, I hope he has not forgotten his heritage from the northern area of New York State where they have all kinds of feed grains and other things being grown up there.

Mr. GOODELL. I might say to the distinguished Senator that so far as the State of New York is concerned we could dispense with all those farm subsidy programs and we would do better. We do not have very much in the way of farm subsidies of any nature in New York State. I have not forgotten my heritage. Many farmers from upstate New York have told me that they would rather not have a farm subsidy program than the one they have now.

But the Senator from Colorado has made the point—why raise this discretionary fund from 1.5 percent to 15 percent, if no Secretary will concentrate all this money in just these few States.

The real essence of this situation is that the Secretary is not going to concentrate it in all of those States in the same year. The purpose of the fund is to build in flexibility. Some States are ready, and have their plans, and they can move this year. Other States will be ready in 2 or 3 years. The essence of the argument against the position of the Senator from Colorado is that the cities having the largest initial need will not necessarily receive the larger share of the total authorization. In no event is there a disproportionate or an unfair share for the entire life of the new Federal program.

If the urgent needs are met, the applications from the larger cities involved are expected to taper off and larger amounts will then be available for allocation elsewhere under the program. The program is designed to meet the needs of the smaller cities in all the States also. In my State of New York a good portion of the funds will go to New

York City, but we have other problems in Niagara Falls, Buffalo, Rochester, Albany, Syracuse, and they will need some of this money. These funds will come along probably later than those for New York City. The smaller cities, however, must be assured that their transportation needs will be met.

Mr. DOMINICK. My recollection is that the city of San Francisco in California had a bond issue of \$1 billion just for its own transit system, which its own citizens were putting up. That was the cost just for one city. It seems obvious to me, therefore, that 90 percent of the money is going into six cities in six States.

Mr. GOODELL. The Senator from Colorado is a member of the party that now controls the administration and the executive branch, and I cannot believe that he thinks the administration will submit to that kind of concentration. The administrator will have the kind of flexibility he needs in a single year to

meet special problems that may occur, particularly with reference to California in one year, in New York in another year, Ohio perhaps, in a later year. It is unlikely, I agree, that Colorado will ever reach the point where they will need this amendment. But any sizable industrial, urban State may need it in a single year. Their plans are prepared and they may be ready in 3, 4, or 5 years. In that year they could go above the allocation limitation that now is provided by law. All this amendment does is give the Secretary the discretion to allocate it year by year as the needs require it, as the States and localities are ready to move.

This is an intelligent and logical way to do it. It makes no sense at all to impose an arbitrary limitation on the amount of money going to a State that is ready when other States are not ready, thereby limiting and perhaps disrupting or interrupting construction that is planned and ready to go in a State such as New York.

Mr. DOMINICK. I might say to the Senator from New York that our plans are ready to go and we already have some money that Colorado does need.

Mr. GOODELL. I know Colorado does need it, but my reference is that Colorado will not get that much money if the ceiling is lifted.

Mr. WILLIAMS of New Jersey. Mr. President, I believe that every major point in opposition to the amendment has been made.

I ask unanimous consent to have printed in the RECORD two tables prepared by the Department of Transportation, one showing "approved capital grant projects as of December 31, 1969, by city, size and amount of Federal grant"; the other, "Approved Section 9 Grants for Technical Studies, as of December 31, 1969, by city size and Federal Grant."

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

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION, APPROVED CAPITAL GRANT PROJECTS AS OF DEC. 31, 1969, BY CITY SIZE AND FEDERAL GRANT

City and State	1—Under 50,000	2—50,000 to 100,000	3—100,000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
Little Rock, Ark.			383,163.00			
Vallejo, Calif.		77,000.00				
Alameda and Contra Costa Counties, Calif.						179,333.00
Do.						546,666.00
San Francisco, Calif.					20,302,011.00	
San Bernardino, Calif.				281,178.00		
San Francisco, Calif.					13,100,000.00	
Pomona, Calif.		185,133.00				
Oxnard, Calif.		212,130.00				
Berkeley, Calif.			4,733,000.00			
Stockton, Calif.			387,320.00			
San Francisco, Calif.						13,200,000.00
San Diego, Calif.						5,268,000.00
Modesto, Calif.	54,733.00					
Santa Barbara, Calif.			413,846.00			
San Francisco, Calif.						26,000,000.00
Do.					127,136.00	
Montebello, Calif.	731,596.00					
Sacramento, Calif.					580,180.00	
San Francisco, Calif.						28,000,000.00
Culver City, Calif.	182,916.00					
Alameda and Contra Costa Counties, Calif.						785,366.00
San Francisco, Calif.					1,036,875.00	
Fresno, Calif.			476,790.00			
Los Angeles, Calif.		179,072.88				597,833.00
Pueblo, Calif.						
Washington, D.C.	431,550.00				154,884.00	
Coral Gables, Fla.						
St. Petersburg, Fla.					72,500	
Do.					121,712	
Do.					102,607	
Do.					103,333	
Rome, Ga.	102,800.00					
Columbus, Ga.			660,880.00			
Chicago, Ill.						4,526,066.00
Do.						33,536,333.00
Do.						288,666.00
Do.						25,506,666.00
Do.						13,000,000.00
Springfield, Ill.		437,500.00				
Chicago, Ill.						25,219,366.00
Do.						1,582,333.00
Peoria, Ill.				746,666		
Terre Haute, Ind.		171,716.20				
Fort Wayne, Ind.			1,169,133.00			
Waterloo, Iowa			369,066.00			
Cedar Rapids, Iowa		468,598.00				
Sioux City, Iowa			322,000.00			
Topeka, Kans.			200,700.00			
Wichita, Kans.				978,124		
Kenner, La.	49,060.00					
Lafayette, La.		383,348.00				
Boston, Mass.						6,077,280.00
Do.						3,136,654.32
Do.					12,000,000.00	
Do.					35,164,333.00	
Do.						50,862,000.00
Saginaw, Mich.			138,731.13			
Detroit, Mich.						263,000.00
Lansing, Mich.			250,061.52			
Detroit, Mich.			989,948.00			10,120,733.00
Kalamazoo, Mich.						
Detroit, Mich.			474,389.00			1,093,333.00
Flint, Mich.	138,500.00					
Battle Creek, Mich.			572,366.00			
Ann Arbor, Mich.				513,266		
Minneapolis, Minn.						256,483.00
Minneapolis and St. Paul, Minn.						
Columbia, Mo.	204,810.00					

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION, APPROVED CAPITAL GRANT PROJECTS AS OF DEC. 31, 1969
BY CITY SIZE AND FEDERAL GRANT—Continued

City and State	1—Under 50,000	2—50,000 to 100,000	3—100,000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
State of New Jersey						4,826,298.00
Do						6,661,250.00
Mercer County, N.J.				1,573,722		
Albuquerque, N. Mex.				817,726		
New York, N.Y.						23,420,000.00
Utica, N.Y.			528,666.00			
New York, N.Y.						30,292,866.00
Jamestown, N.Y.		209,333.00				
Rome, N.Y.		49,000.00				
Broome County, N.Y.			967,854.00			
New York, N.Y.						1,023,000.00
Niagara Falls, N.Y.			289,829.00			
Rochester, N.Y.				4,066,666.00		
Utica, N.Y.			522,974.00			
Asheville, N.C.		877,733.00				
Zanesville, Ohio	108,566.18					
Cleveland, Ohio						12,326,840.00
Springfield, Ohio		118,389.92				
Hamilton, Ohio		170,285.00				
Warren, Ohio		469,508.00				
Euclid, Ohio		1,060,666.00				
Cleveland, Ohio						8,840,066.00
Oklahoma City, Okla.					605,973.00	
Salem, Oreg.		295,513.00				
Pittsburgh, Pa.						5,908,742.00
Philadelphia, Pa.						2,923,333.00
Pittsburgh, Pa.						11,290,334.00
Philadelphia, Pa.						1,200,000.00
Erie, Pa.				1,586,604		
Altoona, Pa.			303,173.00			
Williamsport, Pa.	251,286.00					
Philadelphia, Pa.						1,150,146.00
San Juan, P.R.					506,666.00	
Do					271,932.00	
Do					502,444.00	
Do					3,910,026.00	
Providence, R.I.					1,638,000.00	
Do					1,012,133.00	
Memphis, Tenn.					1,413,570.00	
Jackson, Tenn.	203,352.00					
Memphis, Tenn.					1,707,394.00	
Dallas, Tex.					8,045,000.00	
Abilene, Tex.			244,054.00			
Corpus Christi, Tex.			704,000.00			
San Angelo, Tex.		151,922.00				
Martinsville, Va.	74,056.00					
Tacoma, Wash.			584,313.36			
State of Washington						15,216,400.00
Seattle, Wash.						3,180,286.00
Tacoma, Wash.			203,990.00			
New York City and Eastern New Jersey						5,100,000.00
Bristol, Va. and Tenn.	305,781.00					
New Haven, Conn. and New York City						28,400,000.00
Jersey City, N.J.						23,232,666.00
St. Louis, Mo.						1,322,361.00
Kansas City (Mo. and Kans.)						4,271,333.00
St. Louis, Mo.						226,666.00

DEPARTMENT OF TRANSPORTATION—URBAN MASS TRANSPORTATION ADMINISTRATION, APPROVED SEC. 9 GRANTS FOR TECHNICAL STUDIES AS OF DEC. 31, 1969, BY CITY SIZE AND FEDERAL GRANT

City and State	1—Under 50,000	2—50,000 to 100,000	3—100,000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
Mobile, Ala.				26,666		
Tucson, Ariz.				20,333		
Los Angeles, Calif.						2,253,333.00
Do						246,333.00
San Jose, Calif.					155,333.00	
Santa Clara, Calif.		156,066.00				
San Diego, Calif.						31,066.00
Pueblo, Colo.			13,242.18			
Denver, Colo.				135,000		
Do					45,406.00	
Boulder, Colo.		50,000.00				
Dade County, Fla.					226,180.00	
Hollywood, Fla.		7,500.00				
Pensacola, Fla.			18,000.00			
Tampa, Fla.						23,306.00
Atlanta, Ga.						461,933.00
Honolulu, Hawaii					180,000.00	
Chicago, Ill.						63,596.00
Skokie, Ill.		47,400.00				
Chicago, Ill.						177,320.00
New Orleans, La.					38,000.00	
Shreveport, La.				25,332		
Baltimore, Md.						900,000.00
Do						300,000.00
Do						400,000.00
Boston, Mass.						497,817.00
Brockton, Mass.			56,000.00			
Boston, Mass.					200,000.00	
Do						556,020.00
Lowell, Mass.			67,000.00			
Detroit, Mich.						120,000.00
Ann Arbor, Mich.		10,000.00				
Detroit, Mich.						121,000.00
Minneapolis and St. Paul, Minn.						396,266.00
Duluth, Minn.					22,000	
Tupelo, Miss.	9,000.00					
Great Falls, Mont.		4,833.00				

City and State	1—Under 50,000	2—50,000 to 100,000	3—100,000 to 250,000	4—250,000 to 500,000	5—500,000 to 1,000,000	6—Over 1,000,000
Omaha, Nebr.			10,000.00			
Do.				81,172		
Lincoln, Nebr.			29,004.00			
Mercer County, N.J.				11,666		
Atlantic County, N.J.			14,000.00			
Broome County, N.Y.			39,064.00			
Nassau County, N.Y.						25,014.00
Niagara Falls, N.Y.						524,000.00
Akron, Ohio					16,335.17	
Toledo, Ohio	15,590.00				21,220.00	
East Liverpool, Ohio				41,000		
Canton, Ohio					23,500.00	
Dayton, Ohio				34,662		
Tulsa, Okla.		13,600.00				
Eugene, Oreg.					43,168.00	
Portland, Oreg.						300,000.00
Pittsburgh, Pa.				16,000		
Erie, Pa.				22,566		
Lancaster, Pa.					713,800.00	
San Juan, P.R.					38,000.00	
Providence, R.I.				24,840		
Chattanooga, Tenn.				69,020		
Nashville, Tenn.						
Wichita Falls, Tex.			135,848.00			
Dallas, Tex.					400,000.00	
Salt Lake City, Utah			48,756.00			
Richmond, Va.				60,000		
Reston, Va.	30,000.00					
Seattle, Wash.						1,246,000.00
Spokane, Wash.				72,000		
Milwaukee, Wis.						220,000.00
Madison, Wis.				11,866		
Kenosha, Wis.			12,000.00			
Kansas City (Kans. and Mo.)						10,000.00
Camden, N.J.						80,000.00
Kansas City (Kans. and Mo.)						23,266.00
St. Louis, Mo.						266,666.00
Kansas City, Mo.						121,466.00

Mr. WILLIAMS of New Jersey. Mr. President, summarizing the parts of the first table, it shows that in 26 of the States which have been beneficiaries under the existing urban mass transit program, there are 70 cities having populations of under 250,000 which have received grants. However, the need for the discretionary fund, as so completely stated by many Senators, can be seen when we realize that such a fund will make aid available to cities such as Seattle, Wash., Los Angeles, Calif., Baltimore, Md., Atlanta, Ga., Pittsburgh, Pa.,

Miami, Fla., and Minneapolis-St. Paul, Minn.—all of whom are now planning new transit systems with an aggregate cost of \$8.4 billion. These systems are to be developed during the next 10 years.

These are the areas where the massive need for Federal funds could push these States through the 12.5-percent ceiling. In addition, major transit additions costing almost \$8 billion are planned for Boston, New York, Philadelphia, Camden, Newark, Cleveland, and Chicago. This is where the people are. These are

where the big problems are and the flexibility contained in this legislation would be available to meet the problems which could arise when these States reach the 12½-percent ceiling.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing urban mass transportation grants by States, cumulative through June 30, 1969.

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

URBAN MASS TRANSPORTATION PROGRAM GRANTS, BY STATE—CUMULATIVE THROUGH 6-30-69
[In thousands]

State ¹	Total, all programs	Sections 3-5 capital grants	Section 6, R & D projects	Section 9, technical studies	Sections 10-11 grants for training
Alabama	\$627,050	\$547,842	\$65,700	\$11,691	\$1,818
Alaska	27			27	
Arizona	20			20	
Arkansas	383	383			
California	135,370	117,459	14,825	2,811	275
Colorado	328	179		149	
Connecticut	16,001	15,975	26		
Delaware					
District of Columbia	4,049	155	3,832		62
Florida	1,206	852		292	62
Georgia	1,351	764		462	125
Hawaii	180			180	
Idaho					
Illinois	105,739	102,514	2,687	288	250
Indiana	1,529	1,350	179		
Iowa	1,160	1,160			
Kansas	1,191	1,179	12		
Kentucky					
Louisiana	470	432		38	
Maine					
Maryland	3,523		1,923	1,600	
Massachusetts	91,439	83,520	6,330	1,377	212
Michigan	14,992	13,686	1,055	251	
Minnesota	1,006	513		418	75
Mississippi					
Missouri	1,605	205	1,325		75
Montana	5			5	
Nebraska	226		106	120	
Nevada					
New Hampshire					
New Jersey	11,623	11,487	99	25	12
New Mexico	818	818			
New York	79,815	73,796	5,828	64	127
North Carolina	878	878			
North Dakota					
Ohio	\$24,366	\$23,101	\$1,136	\$80	\$49
Oklahoma	674	606		35	33
Oregon	353	296		57	
Pennsylvania	36,833	23,463	12,724	338	308
Rhode Island	1,696	1,638	20	38	
South Carolina					
South Dakota					
Tennessee	4,316	3,504	718	94	
Texas	10,422	9,145	700	536	41
Utah	49			49	
Vermont					
Virginia	1,458	227	1,141	90	
Washington	21,204	19,212	1,041	888	63
West Virginia	240		191		49
Wisconsin	244			244	
Wyoming					
Puerto Rico	5,805	5,191		614	
Virgin Islands					
Interstate:					
Bi-State Development Agency (MO-ILL)	2,187	1,549	371	267	
Delaware River Port Authority (PA-NJ)	80			80	
Kansas City area transportation (Kans-MO)	4,425	4,271		154	
Port Authority Trans-Hudson (NJ-NY)	28,333	28,333			
Tri-State Transportation Commission (Conn-NJ-NY)	8,402		8,402		
Washington Metropolitan Council of Government (DC-MD-VA)	671		671		
Washington Metropolitan Transit Commission (DC-MD-VA)	358		358		

¹ The "State" list is followed by the list of "Interstate" grants made for projects involving 2 or more States.

Mr. PROXMIRE. Mr. President, this shows the heavy concentration in a few States and documents the fact that only six States receive 76 percent of the money. In States like Arizona, Wisconsin, West Virginia, Colorado, Kansas, I understand that they will receive very little, under present law.

It underlines the argument I make in my amendment which would prevent an even greater concentration of funds to a few of the very large States.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I wonder if I could have some time yielded from the bill.

Mr. TOWER. Mr. President, I yield 10 minutes on the bill to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. ALLOTT. Mr. President, I was in the cloakroom when the unanimous-consent request was made, or I would not have consented to it. Therefore, it is necessary for me to utilize this time to talk about this matter.

First of all, I want to make it clear that I support the principles of the bill. I think we no longer can afford the luxury of not doing something about our transportation system under the Urban Mass Transit Act.

Under the present law, section 15 of the Urban Mass Transit Act limits compensation to 12½ percent of the total authorized funds to any one State.

The pending bill proposes that the Secretary would have a special fund totaling 15 percent of the total authorization to provide grants to the cities and States which have exceeded the 12.5-percent limit.

In the case of the pending bill, the Secretary would have available \$465 million.

It seems to me that this is too large a sum for discretionary purposes. I say that because the administration has advertised the bill as a national measure. It contends that cities, large and small, of nearly every State need urban transportation systems. And I agree with that statement. However, the 15-percent discretionary fund as a matter of practice would be used to allocate completely the grants of only those large cities in States that have exceeded the 12½-percent limitation.

As an example, at present the State of California has exceeded the 12.5-percent limitation. And the only other States likely to exceed the limitation in the next few years are Illinois, Pennsylvania, New York, and New Jersey. The discretionary fund would, in effect, allocate \$465 million to cities in those States.

That money would not be available to States like Colorado or to cities like Denver which, at this very time, is beginning the ground work stages to form a rapid transit plan for the Denver metropolitan area.

When Denver, Seattle, or some other city is ready to finance a rapid transit system, I for one do not want the Secretary to be in a position of saying, "We are sorry. We will not have funds for you or for any of the other cities you have named."

When that time comes, I believe every Senator, with perhaps the understandable exception of those Senators from the States which would benefit from the bill as it now stands, would probably support Senator PROXMIRE's amendment or a modification thereto.

If this is going to be truly a national bill, then let us have the fund available for the whole Nation. Of course, a contingency fund would be available as is the case under the present law, which is 1.5 percent, and those funds are to pay the various large cities.

Mr. President, I have tried to arrive in my mind at a solution to the problem. It is a very difficult one. As a matter of fact, it was one which I raised in the Appropriations Committee last year and which we discussed at great length at that time.

My general commitment was to limit the discretionary fund to some reasonable size.

I am concerned about one aspect of this 15 percent particularly, which I do not believe has been mentioned on the floor today. And that aspect is the cost overruns, as we have had with the BART system in California.

It seems to me that if we make those discretionary funds too large, then we are, in effect, asking or encouraging by implication cost overruns and cost escalation in these areas which are most apt to come under the provisions of this particular section of the bill on page 20.

For that reason, I have offered a substitute to the amendment of the Senator from Wisconsin. I have not solicited support of that, but I think it is a reasonable position. And I think it will still give the Secretary in the years to come plenty of leeway. It will give him more money to allocate to States under the 12½-percent provision. The amendment changes the figure from 15 percent in the pending bill, line 8, page 20, to 5 percent.

Mr. President, I would hope that this might be a reasonable resolution of this matter. I offer this not unaware of the very serious problems which the big cities face, and the bulk of this effort is going to have to go into the big cities.

I still think this would give the Secretary a reasonable degree of flexibility to take care of the matter.

When the time has expired or has been yielded back, I will call up my amendment which is now pending at the desk, which I cannot offer at the moment. However, I will call it up and then ask for a vote.

Under the circumstances, it is not proper to ask for the yeas and nays at this time since the amendment is not pending. I am sure that is the situation. I will do so at the proper time.

The PRESIDING OFFICER. The Senator can ask unanimous consent that it be in order to order the yeas and nays at this time.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may have the yeas and nays on the amendment when offered.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what is the request? I did not hear it.

Mr. ALLOTT. Mr. President, I withdraw that request, because I can ask for it later. I will do so later.

Mr. BYRD of West Virginia. Mr. President, I am sorry, I just did not understand.

Mr. ALLOTT. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, the proposal I have made would provide a discretionary fund of about 1.5 percent, which is more than the discretionary fund provided in the pending bill, which is 1.4 percent, or \$12.5 million.

To show how reasonable my proposal is, when the distinguished Senator from New Jersey (Mr. WILLIAMS) drafted the mass transit bill, which he introduced on February 15, 1969, he asked for a discretionary fund of \$50 million or about 1.5 percent of the authorized funds. My proposal would provide for a discretionary fund of almost exactly the same amount. As a matter of fact, it is \$46.5 million, very little difference.

The Allott proposal would provide \$155 million. And the proposal in the pending bill would provide something like \$486 million.

So, as I say, the amendment I offer is completely consistent with the original proposal this year of the distinguished Senator from New Jersey who, as we know, has been a leader in the mass transit field and is doing such a fine job today.

Mr. WILLIAMS of New Jersey. Mr. President, I had that lower amount in an earlier bill which I introduced a year ago. Since then due to our committee's extensive hearing on this subject, I have learned a great deal. That is why the 15-percent figure contained in the bill before us is correct. It is demonstrated to be the amount necessary for our larger States such as California and New York.

Mr. President, I have nothing further to add.

Mr. MURPHY. Mr. President, I strongly oppose this amendment. The adoption of the amendment would adversely affect California and other States—States, perhaps, where the need for mass transportation is greatest.

Section 15 of the Urban Mass Transportation Act as amended limits the amount of funds that may go to one State to 12.5 percent of the aggregate authorization. Including the \$300 million authorized by Congress last year, the State limitation is \$145.6 million. This means that no additional grants could be authorized in States exceeding the maximum limitation until the Congress makes additional authorizations.

Some flexibility and relief were provided in 1966 when Congress added a discretionary fund of \$12.5 million from which the Secretary is allowed to approve additional allocations. This is an important provision for my State because the maximum limit has already been reached in California and \$8.7 million has been drawn from the discretionary fund to provide temporary relief

to my State. The committee bill as reported changes the discretionary fund to allow this fund to equal 15 percent of the authorized program. This plan was added by the administration at the suggestion of the National League of Cities, and it has been overwhelmingly endorsed by the Governors and mayors.

I am convinced that this new discretionary fund will allow greater program flexibility. While the example pointed out by Senator PROXMIRE might be a possibility, I believe that we can assume that the administration will administer the new discretionary fund in a reasonable fashion.

The Banking and Currency Committee has indicated in its report that they intend to keep close surveillance to assure that a disproportionate amount of funds will not go to any one State.

So, Mr. President, I think that the illustration by the Senator from Wisconsin (Mr. PROXMIRE) is an interesting mental exercise, but I do not believe that in practice the discretionary fund could work that way.

As I just pointed out, neither the administration nor the Banking and Currency Committee would allow it.

It would seem a shame if the State where pollution from the automobile is so great and where the need is so obvious would be denied the necessary Federal assistance to move ahead if it desires. This amendment should be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, in view of the fact that the Senator from Colorado wants to offer a substitute amendment to my amendment, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the pending amendment has been yielded back.

Mr. ALLOTT. Mr. President, I call up my amendment in the nature of a substitute for the Proxmire amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 20, line 8, strike "15" and insert "5" in lieu thereof.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado (Mr. ALLOTT) as a substitute for the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE). 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 Louisiana (Mr. ELLENDER), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the

Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Virginia (Mr. SPONG), and the Senator from Montana (Mr. METCALF) are absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Virginia (Mr. BYRD) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Vermont (Mr. PROUTY) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from Oklahoma (Mr. BELLMON) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 25, nays 47, as follows:

[No. 27 Leg.]

YEAS—25

Aiken	Dominick	Pearson
Allott	Fannin	Pell
Bennett	Fong	Russell
Boggs	Hansen	Stevens
Burdick	Hartke	Talmadge
Cook	Hatfield	Williams, Del.
Cooper	Hruska	Young, N. Dak.
Cotton	Jordan, Idaho	
Curtis	Moss	

NAYS—47

Allen	Holland	Nelson
Anderson	Hollings	Percy
Bible	Hughes	Proxmire
Brooke	Inouye	Randolph
Byrd, W. Va.	Javits	Scott
Cannon	Jordan, N.C.	Smith, Maine
Case	Long	Smith, Ill.
Church	Magnuson	Sparkman
Cranston	Mansfield	Stennis
Eagleton	Mathias	Symington
Eastland	McCarthy	Thurmond
Ervin	McClellan	Tower
Fulbright	McGovern	Tydings
Godell	Miller	Williams, N.J.
Griffin	Mondale	Young, Ohio
Harris	Murphy	

NOT VOTING—28

Baker	Gurney	Packwood
Bayh	Hart	Pastore
Bellmon	Jackson	Proutty
Byrd, Va.	Kennedy	Ribicoff
Dodd	McGee	Saxbe
Dole	McIntyre	Schweiker
Ellender	Metcalfe	Spong
Goldwater	Montoya	Yarborough
Gore	Mundt	
Gravel	Muskie	

So Mr. ALLOTT's amendment, offered as a substitute for Mr. PROXMIRE's amendment, was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE). 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 Louisiana (Mr. ELLENDER), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Indiana (Mr. BAYH), the Senator from Virginia (Mr. BYRD), the Senator from Virginia (Mr. SPONG) and the Senator from Montana (Mr. METCALF) are absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD), the Senator from Louisiana (Mr. ELLENDER), the Senator from Washington (Mr. JACKSON), and the Senator from Rhode Island (Mr. PASTORE) would each vote "yea."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Vermont (Mr. PROUTY), and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 49, nays 26, as follows:

[No. 28 Leg.]

YEAS—49

Aiken	Fannin	McGovern
Allen	Fong	Miller
Allott	Fulbright	Mondale
Bellmon	Hansen	Moss
Bible	Hartke	Nelson
Boggs	Holland	Pell
Burdick	Hollings	Proxmire
Byrd, W. Va.	Hruska	Randolph
Cannon	Hughes	Stennis
Church	Inouye	Symington
Cooper	Jordan, N.C.	Thurmond
Cotton	Jordan, Idaho	Tydings
Curtis	Long	Williams, Del.
Dominick	Magnuson	Young, N. Dak.
Eagleton	Mansfield	Young, Ohio
Eastland	McClellan	
Ervin	McGee	

NAYS—26

Anderson	Hatfield	Scott
Bennett	Javits	Smith, Maine
Brooke	Kennedy	Smith, Ill.
Case	Mathias	Sparkman
Cook	McCarthy	Stevens
Cranston	Murphy	Talmadge
Goodell	Pearson	Tower
Giffin	Percy	Williams, N.J.
Harris	Russell	

NOT VOTING—25

Baker	Gurney	Pastore
Bayh	Hart	Prouty
Byrd, Va.	Jackson	Ribicoff
Dodd	McIntyre	Saxbe
Dole	Metcalf	Schweiker
Ellender	Montoya	Spong
Goldwater	Mundt	Yarborough
Gore	Muskie	
Gravel	Packwood	

So Mr. PROXMIRE's amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. WILLIAMS of Delaware. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I ask the Senator from New Jersey if he will yield 10 minutes on the bill.

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. PROXMIRE. Mr. President, section 3(b) of the bill authorizes the Secretary of Transportation to obligate up to \$3.1 billion in contract authority upon enactment without further recourse to the Appropriations Committees. A subsequent appropriation would be required to liquidate the obligation but the Congress would have little real choice since the full faith and credit of the United States would have already been pledged by the Secretary when he approved the contract. Thus, the contract authority form of financing shields the program from the annual appropriations process and reduces the ability of Congress to alter program priorities from year to year. If we learned anything in recent years about our budgetary process, it is that our spending is getting out of control. We no longer can control it, as we should control it, by the appropriation process.

The main argument for the contract authority method of financing is that it is needed to assure the long-range Federal financial commitment to mass transportation which our local governments need if they are to upgrade their transportation systems. Of course, the same argument could be made for many other Federal programs including housing, model cities, air and water pollution control, and education.

As important as mass transportation is, many feel that other Federal programs are of an even higher order of social priority. For example, the report of the Kerner Commission recommended increased expenditures for job programs, education, housing, welfare, urban renewal, and model cities. Mass transit did not make the list.

If we are to resort to unusual backdoor spending procedures for mass transit, an even more compelling case can be made to provide similar treatment for housing and model cities. The 1968 housing act establishes a 10-year goal of building 6 million units for low- and

moderate-income families but nowhere do we provide a long-range financial commitment to this goal comparable to the commitment which S. 3154, the pending bill, makes to mass transit.

If Congress approves 5-year contract authority for the mass transit program, we can expect to make similar commitments for other socially urgent programs. Thus, Congress may gradually relinquish control over spending priorities as a greater percentage of our general tax revenues are encumbered by programs which bypass the annual appropriation review.

CONTRACT AUTHORITY

I originally had an amendment to delete the contract authority method of financing in favor of the regular appropriation procedure. Under the bill, it would be theoretically possible for the Secretary to obligate the entire \$3.1 billion in the first year without going to the Appropriations Committee.

However, the administration has just released its budget figures for fiscal year 1971. The budget shows that the Department plans to obligate only \$105 million out of the \$3.1 billion during the first year.

Given this statement of intent by the administration to obligate only \$105 million, my objections to the use of contract authority have been partially answered. The picture has drastically changed.

The Appropriations Committee would have ample opportunity to restrict the use of contract authority in subsequent years if it developed that a higher level of spending could not be justified.

Mr. President, I have discussed this matter with a number of members of the Committee on Appropriations, particularly with the distinguished Senator from Mississippi (Mr. STENNIS), who is the chairman of the Subcommittee on the Department of Transportation of the Committee on Appropriations, and I yield to Senator STENNIS at this point.

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. President, I have a brief statement. The Senator from Wisconsin and I have discussed one angle of the matter, and I understood that he wanted certain illustrations of limitations on contract authority covered for the record.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PROXMIRE. Would the Senator indicate whether there is any precedent for a limitation by the Appropriations Committee on this kind of contract authority? Does he feel that there would be an opportunity for the Appropriations Committee to limit this, or would we be compelled to appropriate the entire amount once this authorization bill is passed?

Mr. STENNIS. Mr. President, there are instances in which, even though there is a certain amount of contract authority, as we call it, for any given year, the Committee on Appropriations will take a second look at it; and, instead of permitting that contract authority to continue for the amount as designated in the authorization bill, the Committee will recommend to the Senate a cap or a ceiling on it. That has been adopted by Congress

in its second look process for that year in more than a few instances.

The most recent one of which I know is in the current fiscal year 1970. The House put four amendments in the transportation bill, placing a ceiling that was lower than the authorization itself provided for.

I refer now to the transportation bill for fiscal year 1970. On page 9 of that printed act as it finally passed, there were four different instances of limitations or ceilings being put on by Congress. I will illustrate the instances. The first is highway beautification, an item of \$25 million in contract authority, was reduced to the amount of \$16 million.

Another item was for State and community highway safety, \$100 million, and that was reduced for fiscal 1970 to \$70 million.

Another in that same bill was for forest highways, and that was put in at \$18 million instead of the \$33 million that was authorized.

Another was the public land highways which was put in at \$8 million instead of \$16 million.

These happened in previous years and in other appropriation acts. In fact, in recent years, there has not been any of this contract authorization for general purposes like this that was authorized excepting, of course, the Highway Act.

Mr. PROXMIRE. Mr. President, as I understand it, that means that of the \$3.1 billion which is authorized in the bill, the administration indicates it will obligate only \$105 million this year. That means that the Committee on Appropriations will be free to provide restrictions subsequently on the sum, or at least take a good, strong, second look based on the availability of funds and the priorities which Congress feels mass transportation should have.

Mr. STENNIS. That is correct, except it is not the Committee on Appropriations that does this; it is Congress.

Mr. PROXMIRE. The Senator is correct. I meant to say Congress.

Mr. STENNIS. It is initiated by the Committee on Appropriations. If the Senator would yield to me further, I want to make clear that I am not totally opposed to some mass transportation funds. I think, number one, that we are getting into a field here that will well cost \$100 billion if, in the course of several years, this thing is going to be equitably distributed around. It will take those massive sums of money and I doubt we are willing and able to go deeper and deeper into the program and establish priorities this much more in its favor.

That \$100 billion is not an estimate carefully prepared, but it just a general amount that I believe this program will cost. It will be a tremendous sum for grants to cities for mass transportation.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. BELLMON in the chair). Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. STENNIS. I yield.

Mr. WILLIAMS of New Jersey. Does the Senator realize that this legislation carries a \$10 billion figure for 12 years? I

thought I heard the Senator say \$100 billion.

Mr. STENNIS. I said, if it will be equitably distributed throughout all the Nation—

Mr. WILLIAMS of New Jersey. For what period of time?

Mr. STENNIS. And applied over a period of years—I do not know—15, 20 years. These matters have to be stepped up. This does not go very far when we go to taking them all in, all the way from Seattle to Miami, all the way from Maine to southern California. These things grow.

Mr. President, I think we are getting in deeper than we intend. I have very strongly supported all the pilot programs for better ways to have fast train transportation, and all phases of it, and have vigorously supported that. I can also support some mass transit, if it is going to be conditioned in a city where it really needs the money for the poor people to get to and from their work. I would rather set it up on a program of that kind than just have these mass transportation grants to these cities.

I find, in looking over the list, that some of the most prosperous parts of this Nation are the ones which will get the largest sums of money. It is a compliment to be mentioned here—my friend from the State of Washington—the great city of Seattle—I have never been more impressed with a city than I was with Seattle on my first real visit there 2 or 3 years ago, with such booming industry and a strong economy. But, lo and behold, when we took up the appropriations bill a few days later, I found that they were enjoying a very nice grant. If it is for poor people who cannot pay their way, that is one thing, but I think that cities like Jackson, Miss., or any of the rest of them, as a general proposition, should be able to take care of their own mass transportation costs. That has been my position on these bills all along.

I just made a quick check here. The contract authority is running away with the Appropriations Committee. We should call attention to the fact that there is around \$7 billion in the budget, announced today in new contract authority. This is an addition. This is for new programs, new money in the budget. That amount, \$7 billion, added for this fiscal year, that we are just beginning to appropriate for, is for new and additional programs of contract authority.

This is money paid directly out of the Treasury. We are taxing people to get it, people like charwomen. They have to pay a tax under the present revenue laws. I think that if we are going to keep on adding these things, we should take the responsibility to appropriate the money, but when we pass the contract authority, the appropriation is a formality, unless we resort to this device that I have mentioned. It is direct revenue taken out of the people's pockets.

We have the highway fund, which is the trust fund. I support a users' tax for needed additions to our airports. I wish we could go on and get that bill passed, but it is a big point with me, too. I think

that the responsibility should rest directly on us, since we are using the money that is taxed from the people directly. We should take the responsibility to make appropriations everywhere.

I would be glad to try to answer any questions I can. I am not an authority on this subject. But as a member of the Committee on Appropriations, and as chairman of the Subcommittee on Transportation, I felt that I had a responsibility to the Senate.

Mr. PROXMIRE. Let me say to the distinguished Senator from Mississippi that I very deeply appreciate his remarks. I share with him his support for mass transportation. I recognize that it is a desirable and necessary program, and very important to literally millions of people who have great difficulty in getting to and from work, and that the cities cannot do the job without Federal money and Federal help. But we have to put this in proportion to all the other obligations we have, especially in the field of housing and many other areas where there is a terrific demand for money from the Treasury. If we establish absolute contract authority once more, we will be getting to the point where we are bound by what previous Congresses have done, and we will not be able to have any flexibility in controlling spending—in control of fiscal policy.

We will not be able to cut spending to make way for a higher priority program. We paralyze the power of Congress to shift more funds into housing out of mass transit, for example. So while I would agree that mass transportation should have a priority and is important, there are other things equally or more important. If we are not careful, the Appropriations Committee will get into the position where we have so much contract authority we do not have the discretion we need.

I am withdrawing my amendment which would have attempted to put mass transportation into the same appropriations position as other appropriations and deprive it of contract authority. I will not offer that amendment because I am confident the Senator from Mississippi and his committee will give this very careful and thoughtful scrutiny and will provide a reasonable limitation so that we are not bound in the future to provide appropriations out of proportion to the priority it demands.

ORDER FOR ADJOURNMENT

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

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

FISCAL 1971 MILITARY BUDGET

Mr. WILLIAMS of New Jersey. Mr. President, I yield 2 minutes to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the fiscal year 1971 military budget request has just been received by the Congress. I

have not had the opportunity to analyze or study the matter in any detail. I would therefore emphasize that I have no firm opinions or conclusions at this time. I do however want to make the following statement in order to provide certain information for the Senate on the matter.

Preliminary to my discussion of the procurement authorization request, I will briefly refer to the military budget as a whole. The amount being requested by President Nixon for fiscal year 1971 is \$71.251 billion in the form of new obligational authority. This figure does include the amount requested for military construction but does not include any requests that may be forthcoming in the supplemental appropriation. It is my understanding that there will be certain Government-wide pay raises recommended for all civilians and military personnel and the Defense supplemental appropriation will have to fund its share of any added amount.

In order to make meaningful comparisons of prior years with the \$71.2 billion figure the following should be noted. The Johnson budget for fiscal year 1970 as submitted was \$80.6 billion. To this amount should be added however \$2.3 billion for subsequent pay raises making the total \$82.9 billion. President Nixon revised the budget downward to \$77.6 billion. To this amount must be added the same amount for pay raises making the total \$79.9 billion. The last comparative figure is \$73.9 billion which is the current fiscal year 1970 DOD budget approved by the Congress and which includes both military construction and the pay raises of last year.

Mr. President, I will now turn to the amount being requested for the authorization of military procurement and for research and development. The total in this budget for fiscal year 1971 is \$20,271,000,000. Of this amount \$12,869,000,000 is for procurement and \$7.4 billion for R. & D. This total compares with the \$20.7 billion authorized for fiscal year 1970 and \$19.3 billion which was finally appropriated for these categories. The original request for procurement and R. & D. for fiscal year 1970 was \$23.1 billion in the Johnson request and \$21.9 billion in the Nixon request.

I am inserting a table which provides certain detailed comparisons on this entire matter and ask unanimous consent that it be inserted in the RECORD immediately following the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. Mr. President, we are told by the President and the Secretary of Defense that the military budget for fiscal year 1971 is "austere." However, I assure the Senate that we will go over the fiscal year 1971 authorization bill very carefully and thoroughly just as we did last year. We will make every effort to cut away any fat that may be in the military program but, at the same time, we want to be certain that we do not cut into or injure the vital and essential bone and muscle. My basic philosophy is that, within reasonable limits, our military posture and national security de-

pend more on the effectiveness, modernity and caliber of our men in uniform and our weapons and equipment than they do on sheer numbers.

The Committee on Armed Services will expedite consideration of and action upon the fiscal year 1971 bill to the greatest extent which is reasonably possible. We will commence hearings on February 18, 1970, with Secretary of Defense Melvin Laird as the first witness. Although the classified subject matter will require that most of the hearings be in executive session, we will hold open sessions whenever security permits. Soon after the hearing commences we hope to fix and announce a target date for its conclusion.

Last year I appointed three subcommittees which were of invaluable assistance to the full committee during the consideration and markup of the bill and the discussion of it on the floor of the Senate. I have appointed the same subcommittees for this year and I know that they will give timely and thorough consideration to the subject matters assigned to them. These subcommittees are already at work and will commence hearings this week. They are:

Research and Development: Senators McINTYRE, chairman; YOUNG of Ohio, BYRD of Virginia, MURPHY, and BROOKE.

Bomber Defense: Senators STENNIS, chairman; INOUE, McINTYRE, SMITH, DOMINICK, and MURPHY.

Tactical Air Power: Senators CANNON, chairman; SYMINGTON, JACKSON, YOUNG of Ohio, THURMOND, TOWER, and GOLDWATER.

As I said we will complete action on the authorization bill just as soon as possible. When we do so it will be reported to the floor and I will ask the distinguished majority leader to schedule it for debate at the earliest practicable date. I recognize, of course, that a bill of this magnitude and importance should be debated and discussed at reasonable length and in all necessary detail. At the same time, however, I am sure that the Members of the Senate will recognize the necessity for acting upon this legislation just as soon as possible and will exercise restraint and judgment and confine the debate to pertinent matters and keep it within reasonable limits. With proper planning and cooperation by all we can consider, discuss, and act

upon all of the important issues and dispose of the bill without unnecessary delay.

Before closing I want to say again that it is my personal belief that it provides better insurance for us to have a superior and highly motivated force of well-trained men equipped with modern and efficient weapons than to waste our money and our resources by attempting to match our potential adversaries with a large force and inferior equipment. It is a fact of military budgeting and financing that the quickest and surest way to cut defense expenditures is to reduce the military manpower and this, in my opinion, is an added reason for us to go to a smaller but more powerful and effective military force. Striking power and success on the battlefield does not depend on numbers alone.

Mr. President, in conclusion let me say that even before the committee takes final action on the bill, it will be my purpose to keep the Senate advised about any special or significant developments so that it can be informed of what may be expected in connection with the military programs. I will do this from time to time as circumstances dictate.

EXHIBIT 1

MILITARY PROCUREMENT AND R.D.T. & E. AUTHORIZATION REQUEST, DEPARTMENT OF DEFENSE

[In thousands of dollars]

	Authorization requested, Apr. 15, 1969, fiscal year 1970	Authorized, fiscal year 1970	Appropriated, fiscal year 1970	Authorization requested, fiscal year 1971		Authorization requested, Apr. 15, 1969, fiscal year 1970	Authorized, fiscal year 1970	Appropriated, fiscal year 1970	Authorization requested, fiscal year 1971
Procurement:					Prior-year programs.....				278,900
Aircraft:					Total.....	13,741,260	13,414,460	11,942,700	12,869,889
Army.....	941,500	570,400	554,400	294,500	Research, development, test, and evaluation:				
Navy and Marine Corps.....	2,409,200	2,391,200	1,826,200	2,452,200	Army.....	1,849,500	1,646,055	1,596,820	1,717,900
Air Force.....	4,100,200	3,965,700	3,730,800	3,314,900	Navy (including Marine Corps).....	2,211,500	1,968,235	2,186,400	2,197,300
Missiles:					Air Force.....	3,561,200	3,156,552	3,060,600	2,909,700
Army.....	957,660	880,460	831,900	1,086,600	Defense agencies.....	500,200	450,200	450,000	470,700
Navy.....	851,300	851,300	818,800	975,500	Emergency fund.....	100,000	75,000	75,000	50,000
Marine Corps.....	20,100	20,100	3,400	27,600	Prior-year programs.....				56,000
Air Force.....	1,486,400	1,486,400	1,448,100	1,530,600	Total.....	8,222,400	7,296,042	7,368,820	7,401,600
Naval vessels: Navy.....	2,631,400	2,983,200	2,490,300	2,578,900	Grand total.....	21,963,660	20,710,502	19,311,520	20,271,489
Tracked combat vehicles:									
Army.....	305,800	228,000	201,100	206,200					
Marine Corps.....	37,700	37,700	37,700	48,700					
Other weapons:									
Army.....				68,200					
Navy.....				2,789					
Marine Corps.....				4,400					

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1969

The Senate continued with the consideration of the bill (S. 3154) to provide long-term financing for expanded urban public transportation programs, and for other purposes.

Mr. HOLLAND. Mr. President, will the Senator yield to me so that I may direct some questions to him?

Mr. WILLIAMS of New Jersey. Mr. President, I yield for that purpose.

Mr. HOLLAND. Mr. President, as I understand this authorization to incur obligations which is given to the Secretary, it is to cover both agreements for grants and agreements for loans. Although the word "loans" is not specifically used in subsection (c) of the bill. The words used are, "grants or otherwise."

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. That covers both grants and loans.

Mr. WILLIAMS of New Jersey. To which part of the bill is the Senator referring?

Mr. HOLLAND. I am referring to the section that has been discussed by the Senator from Mississippi and the Senator from Wisconsin in the last few minutes. I refer to subsection (c) on page 17 of the bill.

The wording is:

To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed \$3,100,000,000.

I understand that the "or otherwise" includes the loans spoken of in the earlier part of the bill.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. I note that the Secretary is given this contractual authority, but the contractual authority is limited by the amounts of authorizations and appropriations stated later in that subsection.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. They are an authorization of \$80 million prior to July 1, 1971, \$310 million in the aggregate—after including what is done before that—prior to July 1, 1972, and so on with other amounts until the entire \$3.1 billion is covered without any limitation date on that \$3.1 billion.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. That would mean that the limitation time would be within the 10 years covered by the act.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. Would it be adequate, assuming that an amendment were offered and agreed to, to permit the contracting obligation to extend for amounts that were authorized to be paid within the existing year which we are appropriating for, plus 1 year, with authority to authorize the appropriations for 1 additional year. Would that give the leeway that the programs required?

Mr. WILLIAMS of New Jersey. Did the Senator say is that a parliamentary possibility?

Mr. HOLLAND. It is, of course, a parliamentary possibility. I am talking about the practicalities of the matter. I do not want to unduly cripple the program.

Mr. WILLIAMS of New Jersey. Mr. President, in terms of the need that has been described to the committee at our hearings from all of the people who testified, a 5-year Federal commitment is necessary for adequate planning and development. It is also necessary if construction is to be carried out with a reliable, known source of money. Communities themselves cannot go to their people and raise the money without such a commitment. As you know, they have their own responsibility to raise one-third of the total amount.

To do that, they have to go on the ballot, generally with a bond issue. These bond issues have been falling, because the supplementary Federal amount for the project could not be stated with any degree of certainty. That is why the bill has a 5-year contract authority provision.

Mr. HOLLAND. Mr. President, the Senator understands, and I understand the bill to mean that while contractual obligation is given for a total of \$3.1 billion, the payment of the contractual authority is also limited by the figures shown in the appropriations authorization.

Mr. WILLIAMS of New Jersey. The Senator is exactly correct.

Mr. HOLLAND. The Senator understands, I hope, as I do, that the additional nearly \$7 billion which is covered here has to be subsequently authorized by Congress.

Mr. WILLIAMS of New Jersey. The Senator is correct.

Mr. HOLLAND. And if the contractual obligation authority is not wisely used in the opinion of Congress, it will not need to extend contractual obligating authority, but can go back to the traditional method of year-by-year appropriations.

Mr. WILLIAMS of New Jersey. I understand that, and I think it is a wise limitation.

Mr. HOLLAND. Mr. President, with that understanding, I shall support the bill. I do not want to cripple the cities and the other areas which need this relief. But I do not want to see Congress surrender its responsibility or its authority on this matter.

I think I understand that the Senator and his committee have found it is necessary to have some contractual obligation authority in the total amount of \$3.1 billion given to make this program work, with the distinct understanding that if it is not wisely administered, Con-

gress has the authority to act otherwise when it comes to the other \$7 billion additional involved in the bill during the entire 10-year period.

Mr. WILLIAMS of New Jersey. The Senator is correct. That is the way the committee understands it. And certainly no one could have been more helpful in clarifying the somewhat complex contracting method contained in this legislation. The Senator from Florida has done us a great service in clarifying it for the record.

I will say that the support of the Senator is, of course, most gratefully acknowledged by those who support this bill.

Mr. HOLLAND. Mr. President, I want to say to the Senator that we are grateful to the Senators who have worked out this matter. The Senator from Florida has cities in his State that are in trouble transportationwise, as other cities are. We want to have a program that will work. Subject to the understanding I now have, I propose to support the pending bill.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Has the Proxmire amendment been withdrawn and time yielded back on that amendment?

The PRESIDING OFFICER. The amendment was never offered.

Mr. STEVENS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 13, line 12, following "public highways" insert a comma followed by "except that until such time as the Alaska Marine Highway System shall be included in the Interstate Highway System, facilities and equipment for use in the Alaska Marine Highway System shall be eligible".

Mr. STEVENS. Mr. President, Alaska's mountainous coastal geography has made highway or railway construction connecting the towns and cities of southeastern Alaska tremendously difficult and as yet prohibitively expensive. For this reason the State of Alaska has developed an extensive marine highway which serves as the transportation link for the southeastern population centers.

The fact that the transportation system is a marine ferry system should not per se exclude it from mass transportation legislation under the provision which excludes public highways. This is particularly true because Alaska at this time is not included in the Interstate Highway System and cannot receive assistance from that program.

To determine whether the Alaska marine highway, which transports passengers to and from the urban centers in the southeastern portion of the State is excluded from consideration under the Urban Mass Transportation Act, I am submitting an amendment to the mass transportation bill which simply provides that the Alaska marine highway system shall not be precluded from applying for grants and loans under the act and that the Secretary of Transpor-

tation shall not be precluded from making grants or loans to the system if it otherwise qualifies.

Mr. President, in the interest of time I shall not speak on the amendment too long. The State of Alaska has made application for moneys under the Mass Transportation Act for the Alaska marine highway. Those applications have been turned down. We understand from the rulings that have been made that unfortunately, as far as the Department of Transportation is concerned, apparently our marine highway system is a highway when talking about moneys under the mass transportation system and that it is not a highway when we are talking about the Interstate Highway System. We are the only State that is not included in the interstate highway program.

I am offering this amendment because, if it is defeated, it will establish the fact that the marine highway system is not included in the urban mass transit program. Then, when the interstate highway program comes before the Senate, I intend to offer amendments to see that this discrimination is eliminated and that the Alaska marine highway is treated as a part of the Interstate Highway System.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from Texas as much time as he needs to discuss the Alaska marine highway.

Mr. TOWER. Mr. President, I understand the Senator from Alaska offers this amendment because he believes this highway does not come under the authority of the Interstate Highway System.

Mr. STEVENS. I am trying to establish that fact definitely. If the amendment is rejected, we will have a clear record in connection with this matter.

When we apply for money from the mass transportation program, we are told to go to the highway fund; and when we apply to the highway fund, we are told to go to the mass transportation program, and so we do not get moneys from either fund. If we are not included in this program, I hope we are included in the Interstate Highway System.

Mr. TOWER. There is testimony before the committee on this bill. During the hearings the Senator from Oregon (Mr. Packwood) asked Mr. Volpe this question and Mr. Volpe replied as follows:

Senator PACKWOOD. Yes. In Oregon we do and I would judge in most States where you have ferries used to ferry automobiles across the river that you take it out of the highway trust fund. Take the operations and capital expenditure of the ferry out of it.

Secretary VOLPE. I am told that, where there is a narrow link in which a ferry could be more properly utilized for connecting two highways than building a bridge, the highway funds have been utilized to provide service.

Mr. STEVENS. But we do not have highways. The ferries are our highways. When we ask for moneys from one fund we are told to go to another fund. We are caught between the two systems. I want

to make sure that the definition of highways does include our ferries.

Mr. TOWER. I think the place where the Senator should be trying to legislate is before the Committee on Commerce to get this in the highway trust fund. I do not believe it comes within the purview of this bill.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield back my time.

Mr. WILLIAMS of New Jersey. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was rejected.

Mr. TOWER. Mr. President, I yield myself 3 minutes on the bill. It is my understanding that there are at least three, perhaps four amendments, to be considered tomorrow. I would think we might be able to get to the third reading tomorrow night. Therefore, I was wondering if the Senator from California (Mr. CRANSTON) could make his amendment the pending business.

Mr. CRANSTON. Mr. President, I propose to do that at the appropriate time.

Mr. President, will the Senator yield me time to ask two questions relating to the bill?

Mr. WILLIAMS of New Jersey. Mr. President, I yield such time as he may need to the Senator from California.

Mr. CRANSTON. Mr. President, in Los Angeles, many residents of Watts and East Los Angeles are totally stranded because of the lack of adequate transportation.

In Watts, many sections of the city are well beyond 60-minute travel time in peak and off peak hours. Ninety minute travel time by bus is insufficient time to allow Watts residents to reach Santa Monica, Hollywood, Glendale, Pasadena, Whittier, Torrance, and other communities that are 7 to 18 miles distant. There is a lack of direct service often coupled with double fares.

In East Los Angeles, the same problems exist. Virtually the whole southern half of the Los Angeles metropolitan area is beyond East Los Angeles transit reach, except by inadequate three or four vehicle service.

Adequate public transportation is essential to provide access to shopping, medical care, community service centers, and other community facilities, in addition to providing the existing home-to-work service.

It is essential to supplement existing scheduled bus and taxi service with a system of smaller vehicles flexibly routed and scheduled.

It is essential to utilize the personnel, equipment, and facilities already available within the communities and expand them as required by new services.

As initial starts, it is estimated that nearly 3,000 Watts residents would use immediately on a daily basis the unfulfilled transit services. In East Los Angeles, this would be over 1,500 residents.

Such necessary services include—home to work, transit feeder, shopping trips, travel to service centers, medical trips, and senior citizens trips.

In Los Angeles, the Watts Labor Community Action Committee and the East Los Angeles Improvement Association have been coming to grips with local transportation needs under demonstration grants from the Department of Transportation. It is important that the authority of the Department of Transportation in regard to operating grants be made very clear.

I am concerned about the legislative history of S. 3154, a bill to provide long-term financing for expanded urban mass transportation programs.

Examining the section on loan and grant eligibility, section 2 of S. 3154, which amends section 3 of the Urban Mass Transportation Act of 1964, Senator WILLIAMS, is it not the intent of the legislation and the committee that S. 3154 provides the Secretary of Transportation with the authority to make grants that meet the full range of special and general community transit needs, particularly those communities within cities that have a significant population of low-income residents?

Mr. WILLIAMS of New Jersey. The answer is "yes." In my opening statement I mentioned the areas the Senator has just referred to. That is the purpose of this legislation.

Mr. CRANSTON. I appreciate that response very much.

Also, would not public transit systems be eligible for loans or grants, including nonprofit community-based transit systems and agencies of State or local bodies, provided the applicants, upon determination of the Secretary of Transportation, have or will have, first, the legal, financial, and technical capacity to carry out the proposed project, and, second, satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment?

Mr. WILLIAMS of New Jersey. Those are the criteria and conditions, and the answer is "Yes."

Mr. CRANSTON. I thank the Senator. Those responses are extremely helpful to the people of California and other areas.

AMENDMENT NO. 449

Mr. President, if it is now in order, I call up my amendment No. 449, in behalf of myself and Senators MURPHY, CASE, GRAVEL, HART, MUSKIE, NELSON, RIBICOFF, GOODELL, KENNEDY, and INOUE, and ask that it be made the pending business before the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read the amendment (No. 449) as follows:

AMENDMENT No. 449

On page 17, lines 22 and 23, strike out "\$3,100,000,000" and insert in lieu thereof "\$10,000,000,000".

On page 18, line 8, strike out "\$3,100,000,000" and insert in lieu thereof "\$10,000,000,000".

Mr. CRANSTON. Mr. President, I yield myself such time as I may require.

Today I rise to speak on one of the most critical problems facing our country in the seventies—the desperate plight of our public transportation system.

Although we live in the richest, most technologically advanced country in the

world, adequate, reliable, and inexpensive public transportation is virtually nonexistent.

Other countries with fewer resources, such as Mexico, Canada, and France, have public transportation systems superior to any system in operation in this country.

If we truly want to improve the quality of life for all Americans as emphasized by the President in his state of the Union message, the development of a modern, efficient public transportation system is absolutely essential.

The lack of adequate public transportation is one of the main reasons for the decreasing amount of breathable air, and the increasing amount of decay and blight, which is commonplace in so many urban areas throughout the country.

Highway systems are strangling our cities and countryside in coils of concrete, and smothering them in exhaust fumes.

We have become far too dependent on the automobile and its internal combustion engine which proliferates our alarming environmental pollution. Many of our cities are considering banning automobile use during smog alerts.

Clearly, we can find better ways to move many of our people through our cities and across our countryside.

The development of reliable, inexpensive public transportation will not only help solve our pollution problem, but is also absolutely essential if we sincerely want to revitalize our cities and end urban sprawl.

Many millions of our citizens—our fellow Americans—have virtually no chance to improve their quality of life. For these citizens are trapped in urban slums, existing from day to day in rat-infested tenements. These fellow Americans want employment to better themselves. However, jobs remain vacant because there is no reliable, inexpensive public transportation to get them to these jobs.

The problem of getting to and from work for residents of the core city is becoming increasingly acute, since many companies now locate their plants in suburban areas surrounding the city because of favorable tax treatment.

In Los Angeles, residents of East Los Angeles must travel 19 miles to Santa Monica to work at a large aircraft plant. The roundtrip costs \$1.40, and takes a total of 4 hours. Residents of Watts traveling to Santa Monica for employment must pay \$1.65 for a roundtrip which takes a total of well over 5 hours.

Similar situations exist in major metropolitan areas throughout the country. I do not want to give anyone the impression that the lack of adequate public transportation is a problem which solely concerns our large metropolitan areas. Nothing could be further from the truth.

Last Friday, I inserted in the Record a list of 124 small cities throughout the Nation that have discontinued all public transportation service since 1954.

I am sure all of you know of bus lines in your State that are operating at or near a state of economic oblivion. Thus, in these towns and cities, the old and infirm who are unable to operate automobiles, and the poor who cannot afford

to operate automobiles are literally immobile.

We cannot in good conscience allow this state of affairs to continue.

Clearly, local governments cannot alone bear the costs of providing adequate public transportation for its citizens. Innovative proposals are being rejected from Los Angeles to Atlanta by already severely overtaxed local property owners.

Federal financial assistance is a must if we are to begin to solve our public transportation problems.

I was disappointed that the President rejected the trust fund method of financing in proposing legislation to provide Federal assistance. That method has proven its effectiveness and its trustworthiness, being largely responsible for the success of our federally aided highway system. The trust fund concept allows funds to be earmarked for public transportation. Moreover, the amount of Federal funds available would not be subject to the whims of Congress.

It would be possible to make a reasonable estimate as to the amount of Federal funds that would be available each year. This would allow local communities to plan public transportation systems with the certain knowledge that—when their plans were approved by the Department of Transportation—adequate Federal funds would be available on a dependable basis.

Unfortunately, proposed public transportation legislation utilizing the trust fund method of financing could not be reported out of the Banking and Currency Committee—mainly because of opposition by the Nixon administration.

Last year Senator HARRISON WILLIAMS, the leading advocate in the Senate for Federal assistance for public transportation, held 7 days of hearings on various legislative proposals designed to meet these needs. As a result of the hearings, the Mass Transportation Assistance Act of 1969, S. 3154, was drafted and subsequently reported favorably out of the Banking and Currency Committee.

S. 3154 utilizes the contract method of financing which is an acceptable alternative to the preferred trust fund method of financing.

Last August, President Nixon recognized the need for substantial Federal assistance when he proposed that \$10 billion be made available out of the general funds over a 12-year period to help meet the Nation's mass transportation needs.

The able Senator from New Jersey (Mr. WILLIAMS), who has done magnificent work on this bill and in this general field, referred to the need for that sum—\$10 billion—in his statement to the Senate when he presented this Mass Transportation Act to the Senate.

The bill itself refers to the need for \$10 billion. But the bill commits not \$10 billion but \$3.1 billion.

I propose, through my amendment, to commit that \$10 billion.

As Senator WILLIAMS has explained, S. 3154 provides that the Secretary of Transportation shall have the authority to obligate funds totaling \$3.1 billion to various localities with the full faith and

credit of the U.S. Government behind such obligations.

Under S. 3154, actual expenditures would be limited to \$1.86 billion over a 5-year period.

I agree in principle with S. 3154, but I believe that the financial commitment made under this legislation is totally inadequate to meet the proven needs.

For instance, in my State in the past 5 years, BART—Bay Area Rapid Transit—has alone spent over \$800 million on its new mass, but incomplete, transit system. It is expected that the completed system will cost around \$1.5 billion.

In Los Angeles, where the need for mass transit is one of the most critical in the country, it is projected that \$2.5 billion must be spent over the next 8 years to meet the transportation needs of the inner city alone.

It is estimated by the New York City Transportation Department that in the next 5 years, \$1 billion could be spent solely in New York City for its public transportation needs.

Right here in the Nation's Capital, it is projected that \$2.5 billion will be spent on the rapid mass transit system.

These examples are indicative of the need for funds which exist in all the major metropolitan areas of the country.

The transportation crisis facing our country calls for massive and immediate action.

We cannot settle for small sums which simply oil the creaking wheels of the status quo.

In order that various localities may seriously begin to plan their public transportation systems, we in Congress must make it manifestly clear that we are totally committed to spending the \$10 billion the President said was needed.

Accordingly, I am offering an amendment to S. 3154 which would make \$10 billion available for obligation rather than the \$3.1 billion contained in the bill.

Although I believe that the authorized rate of actual expenditures in the first 5 years is unduly restrictive, my amendment would not change that rate—so it would not unbalance the President's new budget or any impending budgets, nor would it in any way affect or impede the administration's fight against inflation.

Opponents of my amendment argue that a \$6.9 billion increase in the obligation authority will falsely reflect an increase in the President's budget, thereby fueling the flames of inflation.

It is inconceivable to me how the authority to obligate funds—not a requirement to spend those funds at any specified time—is inflationary.

This is especially true since the President himself has total discretion, under this bill, as to when and how much of those funds ought to be obligated.

Clearly, my amendment is not inflationary. It simply commits the necessary funds in order that plans may be drafted by communities, big and small, across our land with confidence that the Federal Government supports them.

I earnestly seek bipartisan support for my amendment—and I am delighted that bipartisanship is already reflected in the cosponsors who are backing it.

I hope also for the support of Senators from States without huge cities but with smaller cities and towns as well as the

support of Senators from States with great metropolitan areas. That, too, is demonstrated already among the cosponsors.

Bipartisan and geographical support is already shown, too, by the fact that Mayor Lindsay of New York on the east coast, Mayor Alioto of San Francisco on the west coast, and Mayor Stokes of Cleveland in the heartland of our Nation, support my effort to commit \$10 billion to mass transportation.

Mr. President, the lack of adequate, reliable, inexpensive transportation, is a problem which concerns us all.

I hope and trust that we all will work together to solve this problem, giving it the magnitude of financial support it requires.

THE PRESIDING OFFICER. Who yields time?

Mr. BYRD of West Virginia. Mr. President, how much time remains on the bill?

THE PRESIDING OFFICER. Sixty-three minutes to the Senator from New Jersey and 76 minutes to the Senator from Texas.

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

ORDER OF BUSINESS

Mr. MURPHY. Mr. President—
Mr. TOWER. Mr. President, how much time does the Senator want?

Mr. MURPHY. I thought we were approaching the finish of business for the day, and I would like to make a statement at the conclusion of the day's business.

Mr. BYRD of West Virginia. Mr. President, I may advise the Senator from California that we are approaching the finish of business for today, but we are operating under controlled time.

Mr. MURPHY. Then I will withhold the statement until we are no longer under controlled time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that we provide a brief period for the transaction of additional routine morning business.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from California is recognized.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the time taken for the quorum call not be charged to either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.
Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD of West Virginia. Mr. President, are we now operating under a unanimous consent for the conduct of routine morning business?

THE PRESIDING OFFICER. That is correct.

ADMIRAL RAYMOND AMES
SPRUANCE

Mr. MURPHY. Mr. President, in the death of Adm. Raymond Ames Spruance on December 13, 1969, the Nation is bereft of one of its finest fighting admirals, a distinguished Ambassador, and a man devoted to the ideals of America.

His naval career, destined to be filled with many achievements, began as a midshipman in the Naval Academy class of 1907. Even then he exhibited a quiet modesty, a characteristic for which he was so well known years later.

As a young officer, Admiral Spruance's naval career reveals a pattern of excellence and of seeking nothing except to serve well in whatever the task assigned. He early earned distinction as an outstanding destroyer skipper, commanding destroyers *Bainbridge*, *Aaron Ward*, and *Percival* at intervals in the years from 1913 to 1921. One of his superiors was Comdr.—later Fleet Admiral—William F. Halsey, who, in an official report stated:

Commander Spruance is one of the best all-around officers I have ever served with . . . I invariably seek his opinion on knotty problems.

Years later Admiral Halsey's words proved particularly apt when he and Admiral Spruance, as commanders of the 3d and 5th Fleets, swept the Japanese Navy from the Pacific.

Nowhere did Admiral Spruance serve his country better than at the Battle of Midway when he gave the Nation its most crucial naval victory of World War II. In May and June 1942 as Japanese plans for the capture of Midway Island got underway, Admiral Halsey was taken ill and temporarily had to relinquish command of his task force. Admiral Spruance was appointed in his place.

On the fourth of June 1942, planes from Admiral Spruance's two carriers, *Hornet* and *Enterprise*, and from Admiral Fletcher's *Yorktown* sank three Japanese carriers, wrecking the enemy's offensive. When *Yorktown* was crippled, Admiral Spruance assumed overall command, pursued the enemy, and wrought damage that cost the Japanese another carrier and a heavy cruiser.

With characteristic modesty he credited much of the Midway victory to good fortune and to the excellent planning of the Pacific Fleet's commander in chief, Adm. Chester W. Nimitz. Nevertheless, outnumbered but aggressively and superbly handled, Spruance's ships and fighting men had won one of the world's greatest naval battles—and one upon which the fate of the Pacific war rested.

In mid-1942 Admiral Spruance took up duties as Chief of Staff to Admiral Nimitz who appreciated his strategic genius, his analytical mind, and his gift for outlining complex ideas in simple terms. Together they developed and began to execute the famed "island hopping" strategy against Japan. Bases to be captured in the Gilberts and Marshalls would support further thrusts into the Carolines, Marianas, Philippines, and eventually to Japan itself. In mid-1943 Nimitz placed Spruance in command of the planned invasion of the Gilberts. His fleet took the objective in

November 1943—the first major amphibious strike against the Japanese empire. The capture of Majuro in the Marshalls, specifically designed by Admiral Spruance to give the U.S. Fleet an excellent anchorage, served as a starting point for strikes against the remaining Central Pacific enemy bases.

The capture of the Marianas in June 1944 brought U.S. land-based bombers in range of the Japanese homeland. Admiral Spruance's 5th Fleet insured success by its smashing defeat of the Japanese fleet in the Battle of the Philippine Sea. For one day of heavy air action, Spruance's naval pilots completely wiped out the enemy aircraft strength and sank or damaged several large ships. From this point on, Japan's carrier strength was eliminated as a major strike force.

Spruance's fleet next returned to action in the Iwo Jima operation and the landing on Okinawa. In the kamikaze onslaughts Spruance's flagship was hit but the fleet commander was unhurt.

When the atomic bomb attacks brought the war to an abrupt end, Admiral Spruance was planning for the invasion of Japan. Had it taken place, he would have been in command of the landings.

During the fall of 1945, Admiral Spruance directed the Navy's part of the occupation of Japan. With victory in hand he relaxed his well-known reluctance to meet the press. But his natural modesty and high regard for security continued to insure that he would be the least-widely known of our important wartime leaders.

In November 1945, Admiral Spruance relieved Fleet Admiral Nimitz as commander in chief Pacific Fleet, but shortly thereafter was named to the presidency of the Naval War College. Here he spent the next 2 years guiding the Navy's advanced studies in strategy and tactics, and instilling the lessons learned in the recent war.

On July 1, 1948, Admiral Spruance retired to his home in California after 45 years of naval service.

But less than 4 years later, events combined to place him back in service to his country when President Truman named him as Ambassador to the Republic of the Philippines, where from 1952 to 1955 he ably represented the United States in negotiating a number of important agreements.

After a much regretted departure from his diplomatic post, he again chose to retire to his home in Pebble Beach, Calif., where he lived quietly until his recent death. Fittingly, his final resting place is beside that of Admiral Nimitz at the Golden Gate Cemetery, in San Francisco. It is appropriate to set forth here Admiral Nimitz's words on his old comrade-in-arms:

It is given to few Americans to serve their country so effectively and at such high levels as did this man. His career will serve as an example and a challenge to service personnel and diplomats alike.

The great American victories of Midway, the Marshalls, Iwo Jima, and the Philippine Sea that smashed the Japanese Navy are symbols of the special

genius that was Admiral Spruance's. In his quiet, unspectacular fashion, he achieved further distinction as a diplomatist. His accomplishments have earned him an enduring place in our Nation's history.

Mr. President, Admiral Spruance was hailed by the Reader's Digest in April 1957 and on September 16, 1969, shortly after his death, by the San Francisco Examiner. I ask unanimous consent that these words of tribute to a fine American be printed in the RECORD at this point.

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

[From the Reader's Digest, April 1957]

THERE WAS A MAN

(By William L. Worden)

Like a charging mastiff annoyed by a flea, the cruiser *Indianapolis* cut power suddenly. As our landing craft raced alongside, a ladder banged down and sailors hurriedly hauled up my duffie bag. Then, before I had reached the quarterdeck, the big ship was under way once more, her engines throbbing. Behind us, on Saipan, the artillery cursed monotonously.

At the door of the admiral's office a small, straight-backed man met me. His greeting was neutral—neither friendly nor cold. His voice was almost excessively quiet.

"You may as well know, Mr. Worden," he said, "that I did not want you, or any press correspondent aboard my ship. I was overruled, however, and now that you're here, I want you to do a good job. First, I think you should read these"—he indicated two bulky files of messages—"so that you'll understand our problem. I'll explain later anything that isn't clear."

Admiral Raymond A. Spruance, commander of the U.S. Fifth Fleet, turned away. Presently I was leafing through the files, which no one less than a top admiral would have dared show a civilian war correspondent. Even for an amateur, the story wasn't hard to sort out. The day was June 17, 1944. U.S. amphibious forces were attacking Saipan. Hundreds of American transports, supply vessels and landing craft were frighteningly vulnerable, landing Marines and soldiers on the beach. And somewhere in the Pacific, west of Saipan, a Japanese fleet was reported loose. Somebody had to find and stop that fleet before its planes or ships got in among these sitting ducks.

At four that afternoon Admiral Spruance summoned me. Together we paced the deck, forward and aft, while he explained the situation. As we walked, the *Indianapolis*, Spruance's flagship, began to overtake the Fifth Fleet—the most powerful the world had ever known—strung out in lines across the sea. We moved past aircraft carriers and cruisers, battleships so new they still smelled like the shipyards, tired destroyers which had not been home for years.

"This is the first time in many months that the Japanese fleet has been out in force," said the admiral. "Of course we'd like to find it—to destroy it might shorten the war by a good deal."

Spruance paused to acknowledge a message, then went on. "My first mission, however, is to protect the landing ships at Saipan. Until we know exactly where the enemy is, we must be positive that we are between his possible locations and those landing ships."

"We'll go west until midnight, so as to be in position to fight if our patrol planes find the enemy. At midnight, unless he has been definitely located, we'll turn and come back toward Saipan. I have no other choice."

There was tension aboard every ship in the fleet as it sped westward that evening, in search of the Japanese armada. In the

middle of the blacked-out night I climbed to the bridge and watched the dim silhouettes of ships around us. At midnight an order was given in a low voice. The vibration of the ship changed a little, and I thought I heard breath expelled all around me, as if many men had been waiting. Someone said, "Well, that's it. We're going back." Nobody had found the Japanese fleet. I went to bed.

For a while I lay there thinking. The next few hours could bring the fateful turning point in the struggle with Japan, and the beginning of the end. After nearly three years of war, which now seemed almost a way of life, this was an astonishing thought.

Then a second thought crossed my mind. If the enemy fleet could be found now, and destroyed, within hours the small man sleeping in the admiral's cabin might well become the most famous U.S. naval officer of World War II—or, if he failed, an infamous bungler. I wondered about Spruance, so unlike the popular idea of the hero. He was the schoolmaster, the naval scientist, the quiet man with little interest in public relations, only a name to the men in the fleet. How little any of us really knew about him.

We did not find the Japanese fleet the next day, or the next night. That afternoon we raced once more to the west, kept going through the evening hours at the fastest cruising speed the fleet could sustain. Radars hunted, hopefully but futilely. Combat air patrols swung far west, returning only when their gasoline supply dictated it. Chiefs growled at the slightest oversight in the readiness of gun crews, checked ammunition, cracked their knuckles with nervousness. In a passageway a young ship's officer said what all of us were thinking: "If the Old Man pulls it off this time, they'll be naming streets after him all over the country."

I doubt that anyone aboard slept that evening. Radar dials drew clusters of men, watching over the shoulders of the operators. In the wardroom, officers left coffee cups half full without knowing it, and stewards jumped as if at a general alarm when someone spoke to them in normal tones.

But on the radar there was nothing. Bow lookouts could see nothing. The radio had nothing. The dark ship in the center of the world's largest fleet of dark ships slipped through the phosphorescent water, everyone on board waiting—but the alarm did not come.

Finally, with a great sighing of gear, the fleet turned east. In the corners of the wardroom, junior officers began to talk in low voices. The most daring spoke almost in whispers when they said, "Halsey wouldn't be doing it this way."

But the quiet man who had given the order to turn said nothing more. If he knew that in more than one ship men were muttering that the Japanese fleet *had* to be somewhere to the west, on our sterns now, he gave no sign. If he knew that in the Navy Department some questioned whether he was dodging a fight, he gave no indication. Most of the evening he spent in his cabin, quietly reading an English novel. Finally he closed his book, glanced at some messages from the decoding room, then calmly went to bed.

The next morning we were off Saipan again when a big seaplane came in. A few moments later a launch put out from the seaplane tender and headed toward us at full speed. Soon a staff officer approached us, his face dead white. He was carrying a message. He said, "Sir, that patrol plane . . . it made contact with the Japanese fleet last night. . . ." He hesitated. "At that time we were within easy range of it. We could have . . ."

Admiral Spruance said, "The plane made no radio report?"

"None received, sir. Atmospheric conditions must have blacked out their radio."

I am an amateur in war. What went through my mind has little validity: the horrendous thought that this single communications failure could mean months more of fighting, endless deaths, a long line of widows and orphans. When I think about it now, I wonder if that failure produced the situation which led to the horror of Hiroshima—and again I am appalled. These questions have no answers. The one thing I know is that, if we could have caught the Japanese fleet that night, it would have been destroyed.

Admiral Raymond Spruance took the dispatch from the staff officer, read it carefully, and slowly handed it back. In his quiet voice he said one sentence: "That's too bad, isn't it?"

The rest is history. Later that day an aide touched my arm. "The admiral," he said, "thinks you would be interested to know that we have a contact with enemy planes, nearing Guam."

After 12 years I can still remember the high whine as ships went up to maximum speed; the howl and roar as planes were launched in scores; the strained expressions as tension began to catch up with officers and men.

The battle reports came in fragments all through the day: enemy bombers had damaged four ships; 17 U.S. planes had not come back. Not until dusk were the final, all-important figures assembled: 402 enemy planes definitely destroyed.

Admiral Spruance looked out to the west. "That will hurt him," he said. "He can't have too much striking power left."

"This is the opportunity we've been looking for," a staff officer volunteered. "Now he'll have to bring his fleet in close to do any harm. We might get him with air and surface ships both . . ."

Spruance looked up, as if at a schoolboy. "Yes," he said, "if we can find him."

And find him we did. On the afternoon of June 20, planes again located the Japanese ships, but so far out that there was no real chance to catch them with our surface vessels. Even the hundreds of planes that were launched could reach the Japanese only at maximum flying range and in the dying minutes of daylight. They sank two enemy aircraft carriers, two destroyers and a tanker, damaged three other carriers, a battleship and three cruisers while losing 16 planes. Admiral Spruance had an important victory—but it was far from the complete one he might have had.

Some thousands of men may remember the quiet man who walked the deck of the *Indianapolis* during those fateful days. Millions of Americans may also remember the impassive face of Admiral Spruance—no gloating there, neither pity nor pride evident—as he appeared in photographs of the Japanese surrender ceremonies a little more than a year later. Thousands of Filipinos remember him as the thin, graying man who came to them as ambassador, quietly helping their government when it most needed bolstering in the early 1950's. A few Californians may know him today as an unobtrusive neighbor in retirement.

I've seen him in most of these roles, and occasionally elsewhere. But to me no time has been as important as that hot morning when he received word that a communications failure had cost the nation its chance to cut months from the war, the armed forces their opportunity to save thousands of lives and—quite incidentally—Raymond Spruance the greatest day he could have hoped to have in a long and distinguished naval career.

Of only a few things am I certain. One is that Raymond Spruance wasted no time in regrets. His was an economical mind, already turned to the question of what to do next. I'm even more certain that one considera-

tion never crossed his mind: whether Raymond Spruance might have been a great hero, if things had happened otherwise.

Which perhaps is why I remember, above all others I have known, the man who neither cursed nor complained, who did not even raise his voice when he said, "That's too bad, isn't it?"

There was a man.

[From the San Francisco Examiner, Dec. 16, 1969]

ADMIRAL SPRUANCE

Admiral Raymond A. Spruance was an authentic hero in the American tradition: the little known military personality who is thrust into battle as an underdog and wins.

The battle was Midway, a great clash of American-Japanese naval forces and the first full scale test of carrier operations. The Americans won it in a turning point of the war at sea.

It was not Spruance's last victory, but it well may have been his most important. It marked his emergence as a naval commander of superb capacity and it gave Americans a victory their spirits badly needed.

The admiral's death Saturday at Pebble Beach recalls all this. Americans of adult awareness at the time he was fighting in the Pacific do not require their memories jogged, but those who are younger should be reminded of the flesh-and-blood character of the names in the history books and the obituary columns. Such are the Spruances, whose mark is imprinted in our national annals.

SENATOR JAVITS PROPOSES REGIONAL MIDEAST PEACE TALKS; SEES TEST OF ISRAEL'S STRENGTH CONTINUING

Mr. JAVITS. Mr. President, Israel is determined that this time the peace must be permanent. This is the key to its whole outlook as I found it during my recent visit there. This certainly should be the policy of the United States, and President Nixon clearly implied as much in his January 26 statement to the Emergency Conference on Peace in the Middle East. The President recognizes clearly, as have all U.S. Presidents beginning with President Truman in 1945, that the United States stands by its friends, and Israel is one of its friends. This is dictated also by the fact Israel is a bulwark of democracy in the eastern Mediterranean, having shown every capacity to preserve its own nationhood and to prevent the U.S.S.R. from exercising hegemony over the entire area. In a sense, Israel is fighting this battle for the whole free world. The Middle East, at the crossroads of three continents, still meets 50 percent of Western Europe's energy needs through the supply of oil. To sit astride this vital area and to dictate terms is the key to Soviet policy there.

The people of Israel have suffered much—and have been disillusioned by the events following the broken promises of President Nasser to President Eisenhower in 1957. The Israelis are unwilling to accept another paper peace. Indirect assurances and ambiguous promises by those Arab States hostile to Israel regarding the critical issues vital to Israel's survival—the security of borders, the reunification of Jerusalem, resettlement of Palestinian Arab refugees and freedom of transit through international water-

ways—are just not acceptable. Indeed, I found sentiment for a permanent Middle East peace in my visits to two Moslem countries—Turkey and Iran.

A new major factor complicating the search for peace in the Mideast is the rise of the Arab commando organizations, organized under various banners but primarily identified with the El Fatah led by Arafat. These commando groups, employing terrorist tactics, also are challenging the political authority of the established Governments of Jordan, the United Arab Republic, and Lebanon. They are, in fact, a greater threat to the Arab States than to Israel.

Today there seems to be no Arab regime ready or able to sit down and talk with Israel. And precisely because there is no one to deal with in the Arab world, Israel is deeply disturbed by the fact that the United States has made proposals for a settlement which the Israelis believe they cannot live with.

The big two and big four talks have not produced any meaningful results toward achieving a Mideast peace. Under present conditions, in which the Soviet Union has chosen to act as a spokesman or agent for the radical Arab States, it is difficult to see how the big four talks can make any real progress.

Inevitably this situation has cast the United States in the role of being a surrogate for Israel—a role which is not the choosing of Israel or the United States and a role not congenial either to Washington or Jerusalem. Moreover, the unwitting assumption of the surrogate role by the United States has been skillfully and relentlessly exploited by the Soviet Union to the disadvantage of both Israel and the United States. Indeed, it has caused the United States to be "entrapped" into making proposals on Palestinian Arab refugees, borders, and Jerusalem in Secretary Rogers' speech of December 9, which Israel sincerely feels jeopardizes its very survival and which were nonetheless promptly—and embarrassingly to the United States—repudiated by the U.S.S.R.

The time has come to end the barren course being followed in the big two or big four context with its built-in disadvantage of encouraging the radical Arab States to remain away from the peace table in the hope that big power pressure on Israel will force crippling concessions that the Arabs could never win in peace negotiations.

Ideally, the parties to the 1967 conflict should meet alone, settling old antagonisms and charting future cooperation on a give-and-take basis without the participation of outside powers. The outcome of the now sterile big power talks is expected to be further recourse to Ambassador Jarring's mediating role via the U.N. But the history of this mission does not hold promise for bringing Israel and her Arab foes to the peace table even though a Rhodes-type negotiation is still the most practical way.

It would appear now that the present test of Israel's strength will continue until the warring Arab States become convinced that Israel will be able also to contain the Arab commandos. Then the threat to Israel's security will have been repulsed, the antipeace influence

of the Arab commandos in the warring Arab countries will have abated, and peace talks could ensue.

Should the President feel that he must continue the four power talks, then the establishment of a forum for the peace negotiations is a much more desirable goal than the present effort to write the terms of the peace. Therefore, in the interim, I would propose that the United States should explore with other interested nations the possibility of a regional peace conference and what ought to be the agenda, location, and parties to it.

President Nixon has made it clear that "peace can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them." And peace in the Middle East, to be made really secure against future dangers of war, should be regional.

Israel's leaders expressed great concern that Secretary Rogers' speech of December 9 had the main disadvantage of freezing the radical Arab leaders into their intransigent positions in which they are unwilling to negotiate or in any way to change the present situation of smoldering war. The Israelis attribute this false optimism on the part of these Arab leaders to a belief by them that Secretary Rogers' speech was but a portent of shift in U.S. policy to one of compelling Israel to accept terms which Israel fears would endanger its survival.

I consider it to be of the utmost significance in this respect that Secretary Rogers made it clear in his speech that under no circumstances would the United States compel Israel to accept a dictated peace. Similarly, President Nixon, in his message on January 26 to the Emergency Conference of the Presidents of Jewish Organizations, reiterated this point and gave the highest authority to it by assuring Israel of the supply of arms needed to maintain its security and the arms balance in the Middle East.

The President's message also contains a response to a vital new development in the Mideast arms equation—one which Israel regards with the greatest gravity. This is the seeming detachment of France from the effort to bring peace to the area and the casting of France by President Pompidou in the new role of another major arms supplier to the radical Arab States determined to drive Israel into the sea. Naturally, the United States cannot dictate to France what its policy should be in this regard, any more than France can dictate to the United States. But the United States must take into account in its own policy formulations the clear fact that jet fighter-bombers sold to Libya—especially following Libya's alliance with President Nasser's United Arab Republic—will be available and capable of being used for deployment against Israel. In ascertaining the arms balance in the area, these French fighter planes must be considered part of the arsenal poised against Israel. Accordingly, I would assume that prompt affirmative action will be taken with respect to Israel's pending arms-purchase requests—especially as these requests were made before France's arms deal with Libya.

The strong feelings heard in Israel re-

garding Jerusalem, boundaries, and refugees are all attributable to the text as well as the implications which are read into the proposals of Secretary Rogers for a settlement of the Arab-Israel conflict.

Israel does not see how it can be expected, for example, to have an open-ended agreement to accept back significant numbers of refugees when the refugee camps are now the base of guerrilla recruiting and commando activities. They feel that the El Fatah could exert a decisive influence over those Arab refugees who reenter Israel and that this infiltrating fifth column would provide Arafat with a capability to destroy and terrorize from within—a capability the El Fatah has thus far been unable to achieve by contest of arms with Israel's security forces.

Of course, Secretary Rogers, they say, points out that there must be an agreement between the Israelis and Arabs on the numbers to be received back into Israel. With the million refugees that are likely to be at issue, the Israelis say they would immediately be charged with bad faith if they did not stipulate some substantial number; yet the minute they did that, they would find nothing in the Rogers' proposals which gave them any security checks on those that they are being asked to admit. They point out the urgency of this problem since Secretary Rogers' proposals contain a requirement that Arab refugees should begin to be repatriated within 90 days of such an agreement. The Israelis note that they have always been agreeable to paying compensation and are willing to negotiate reunion of families; but that they simply cannot harbor a massive fifth column in their country.

On the question of boundaries, the Israelis declare that there must be boundary adjustments which will be more than "insubstantial"—the term used by Secretary Rogers. For example, they simply cannot accept resumed Syrian control of the Golan Heights, where gun emplacements looked right down the throat of Israeli settlements in the Valley of Galilee. Nor, they insist, can they allow the waist of Israel between Tel Aviv and Haifa again to be narrowed to just 12 miles in width and thereby placing Israeli coastal communities within the range of Jordanian medium artillery. This territorial anomaly had been created out of land seized by Jordan by the end of the fighting of 1948 and made a part of the armistice agreement which superseded the 1947 U.N. partition plan. As for the Gaza Strip now in Israeli hands, they point out that it never did belong to Egypt. But it became an Egyptian base in the heart of Israel—a base from which major oil pipelines between the Mediterranean and the port of Eilat could be severed. The Israelis point out that the Sinai Peninsula, from which the United Arab Republic has marshalled its forces for aggression against Israel three times since Israel gained statehood in 1948, is not traditionally Egypt's territory. Israel feels that Sinai should be militarily neutralized at the very least.

The problem of Jerusalem also looms very large to Israel. Jerusalem is its natural and historic capital. After Jerusalem

was divided as a result of the 1948 armistice, Israel proceeded with tremendous reconstruction in the New City including Government buildings, universities, museums, hospitals, and other major structures of a modern state. But the Old City, which was held by Jordan for the same nearly 20-year period, was ultimately used only as a base for military operations against Israel. The Israelis feel that the shrines of Christians as well as Jews would be endangered if the Old City should now revert to Jordanian control. They cite as evidence of this danger the fanatical and hate-filled reaction of the Arab countries to the Al Aksa Mosque fire even after it was established that it was the work of a crackpot who managed to get past the mosque's Moslem guards.

Now I do not say that certain of these questions will not be compromised by Israel; or that they are not capable of some better resolution. But I do say that the fears expressed by Israel certainly have substance and legitimacy and are not simply an intransigent refusal to give honest consideration to Secretary Rogers' proposals. Obviously the United States recognizes this in having made it very clear that under no circumstances would it use coercion on Israel; nor would it let Israel's position stand in the way of continued economic assistance and the making available of military equipment for sale. President Nixon's January 26 message is clear on that point and Secretary Rogers said as much also in his December 9 speech.

The emphasis would now seem to be in assuring that Israel gets the economic and military means to survive. Consideration of the military problem requires competent appraisal by our authorities including our military authorities, as to how the arms balance in the area can be maintained. The success of Israel against the Arab armies cannot be the decisive criterion. If it were, the hostile Arab armies would be permitted to get a long lead in sophisticated arms and in instruction on how to use them. The most valorous breast—and the Israelis certainly have that—cannot stand up indefinitely against such a massive accumulation of modern destructive weapons and the know-how that is provided with them. It would be a dangerous illusion for the world—and the first to repudiate it would be the Israelis themselves—to suppose that they are unbeatable by superior armament.

The question of Israel's economic development should have high-priority attention during this difficult period. Israel is spending as much as 25 percent of its gross national product on vital defense needs. It remains fully mobilized, and its economic problems are, therefore, enormous. A good deal of its payment deficit will be made up from purchase of Israel bonds, contributions to the resettlement of Jewish immigrants, as well as certain ongoing international payments. But even considering Israel's drive, a tremendous deficit will still remain. For this Israel is seeking assistance from the United States, as well as food under the Public Law 480 legislation.

Israel, at this time, even while it is fighting off the commandos, dealing with

the dangers of the occupied areas, and marking time until there is someone to negotiate peace with in the Arab world, can be encouraged to take action to attack more substantially the problem of economic development in the occupied areas heavily populated by Palestinian refugees. For it is clear that no matter what political disposition may ultimately be made of these areas, the Arab refugees could live and prosper there. UNRWA, the United Nations agency offering relief to the Arab refugees—to which the United States heavily contributes—has only a limited mandate to support the refugees and therefore has been unable to make any large-scale progress toward a permanent solution of the problem in the last 20 years.

While the present situation, in which about half the Arab refugees are under Israel's jurisdiction, is unique, Israel could offer them compensation as an element of a world resettlement plan for the refugees. This was the formula pursued after World War II in clearing the displaced persons camps of Europe. The United States, in fact, took 15 percent of the 2 million refugees who were in the DP camps. There seems no reason why initiative should not be begun for an international resettlement scheme for Palestinian Arab refugees who decide they wish to resettle outside the presently occupied areas.

Accordingly, it seems to me the first priority now is to bring about sympathetic and favorable consideration of Israel's requests for economic aid and purchases of military equipment, which the President has stated he will pass on within 30 days. I feel that in this I am joined by millions of Americans and a very large number of Members of both Houses of Congress, and I am encouraged also by the President's statement of January 26 and by his historic talks with Prime Minister Meir when she was in the United States.

DEATH OF REPRESENTATIVE GLENARD P. LIPSCOMB OF CALIFORNIA

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 811.

The PRESIDING OFFICER laid before the Senate a resolution of the House of Representatives (H. Res. 811), which was read as follows:

H. Res. 811

Resolved, That the House has heard with profound sorrow of the death of the Honorable Glenard P. Lipscomb, a Representative from the State of California.

Resolved, That a committee of fifty Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MURPHY. Mr. President, it is with much sadness and a feeling of bereavement that I inform the Senate of the passing of Representative GLENARD P. LIPSCOMB, Republican, 24th District, of California. Congressman LIPSCOMB was a good friend and close associate and his passing is a great loss to me personally and to the citizens of California, whom he represented so ably.

A Member of Congress since 1953, Congressman LIPSCOMB was acknowledged as one of the foremost authorities on national defense and military spending. Since 1965 he has served as the senior Republican member of the Defense Appropriations Subcommittee of the House, and was the ranking minority member of the Committee on House Administration. He was also chairman of our California Republican delegation and a member of the Joint Committee on Printing.

Congress LIPSCOMB had many close friends in both California and Washington. Among them were President Richard Nixon and Secretary of Defense Melvin Laird. His untimely passing will leave a void in the hearts of his many friends, a void in the House where he served with dedication and distinction, and a void in California, his home since childhood.

He will be missed as a great legislator. Congressman LIPSCOMB was a constant champion of the taxpayer and a continual foe of bureaucratic waste and excessive Federal spending. He commanded the respect of his colleagues and the entire California delegation.

On behalf of the entire Senate, Mr. President, may I extend our heartfelt sympathy to Congressman LIPSCOMB's lovely wife, Virginia, and his two daughters, Mrs. Louis Grasso and Mrs. Robert Murrell.

Memorial services will be held at 10:30 a.m. Tuesday, February 3, at the Fourth Presbyterian Church, 5500 River Road, Bethesda, Md. Interment will be in the Forest Lawn Memorial Park, Hollywood Hills, Glendale, Calif., following funeral services there at 1 p.m., Wednesday, February 4, 1970.

S. RES. 352

Mr. President, I submit the following resolution on behalf of myself and my colleague from California:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. GLENARD P. LIPSCOMB, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consider the resolution.

Mr. CRANSTON. Mr. President, I join my esteemed senior colleague in mourn-

ing the passing of GLEN LIPSCOMB. He was profoundly respected, not only by his constituents, but by people of both parties throughout California who observed his effective work in the Halls of Congress. He had many friends in Congress among Democrats as well as among Republicans. I am happy to have been one of them.

I extend my sympathy to his wife, Virginia, to their two daughters, and to all who will feel this very deep loss.

Mr. MURPHY. Mr. President, I had the pleasure of knowing Representative LIPSCOMB for many years before he became a Member of Congress. I had the great privilege of introducing him the

night he announced his candidacy, and I can say without reservation that I have never known a public servant to offer himself as a candidate for high office for whom I had more respect or more personal regard, or who has done a finer job in the representation of his constituency.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 352) was agreed to.

The PRESIDING OFFICER. The Chair appoints the two Senators from California (Mr. MURPHY and Mr. CRANSTON) as a committee to attend the funeral of the deceased Representative.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I move that morning business be closed, that the amendment of the Senator from California (Mr. CRANSTON) again be made the pending business for further consideration on tomorrow; and that, in accordance with the previous order and pursuant to Senate Resolution 352, and as a further mark of respect for the late GLENARD P. LIPSCOMB, a Representative from the State of California, the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 46 minutes p.m.) the Senate adjourned until Tuesday, February 3, 1970, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

GUIDELINES FOR THE PROBLEMS OF MODERN LIFE

HON. JOHN STENNIS

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Monday, February 2, 1970

Mr. STENNIS. Mr. President, we hear sometimes that there are no guidelines for the problems of modern life. But Mrs. Virginia Weldon Kelly, in the Long Beach, Calif., Independent and Press-Telegram, shares the faith of millions of Americans who believe that the Scriptures offer a comprehensive blueprint for living.

Mrs. Kelly's Christmas editorial is pertinent for all of 1970 because she reminds her readers that Jesus set the standard for the ideal life of humble sacrifice and service when He said:

Whoever would be first among you must be the servant of all.

The wisdom of the admonition is basic to all free societies and applies to all persons whether they are believers or not.

Mrs. Kelly spends much time reading and thinking before she writes these brief editorials on the relevance of faith to modern life. She receives many letters and telephone calls from distinguished persons, including Members of Congress and others in our Government; diplomats; and persons of other faiths. They tell her the world is thirsting for encouragement and spiritual guidance.

I think Mrs. Kelly's remarks are valuable to millions of Americans. I ask unanimous consent that it be printed in the Extensions of Remarks.

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

[From the Press-Telegram, Dec. 25, 1969]

"I AM THE LIGHT . . ."

(By Virginia Kelly)

Christmas celebrates the birth of Jesus who said, "I am the light of the world: He that followeth me shall not walk in darkness but shall have the light of day."

When Jesus said, "Thou shalt love the Lord thy God with all thy heart, with all thy soul, and with all thy mind," and "Thou shalt love thy neighbor as thyself," he gave us direction, purpose and commitment.

Jesus set the standard for the ideal life of humility, sacrifice and service when he said, "Whoever would be first among you must be the servant of all."

But throughout history, men have cried, "All is vanity and vexation of spirit."

In the Eighteenth Century, Giambattista Vico accurately described the ills of today when he wrote, "A society always falls into a second barbarism when rising luxury, materialism, and egoism have destroyed the social bonds to which religious faith is indispensable."

The revitalization of the family, government, education and the church depends upon Jesus' warning that we must be born again.

The rediscovery of Christ has preceded every great spiritual renaissance in the western world from St. Augustine to St. Francis of Assisi, to Martin Luther, to John Wesley. Rediscovering Christ, Malcolm Muggeridge recently wrote, "To keep Jesus' light in one's eyes is heaven, to be without it is hell."

At Christmas may we all wear "the armor of light" and know with St. Paul that ". . . neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come . . . shall be able to separate us from the love of God which is in Christ Jesus our Lord."

VALUABLE RESOURCES BEING LOST BY COUNTRY TOWNS BECAUSE OF LACK OF ADEQUATE RETIREMENT FACILITIES FOR THE ELDERLY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 2, 1970

Mr. ZWACH. Mr. Speaker, some time ago I introduced H.R. 16098 providing for the establishment of a Countryside Development Commission designed to assist in bringing about a more rational balance between the urban and countryside economies.

I was heartened when President Nixon recently appointed a Rural Affairs Council for much this same purpose.

One of the aspects of countryside living which has been relatively neglected has been in the field of health care and retirement facilities for the elderly.

Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD a recent study of this lack of health and retirement fa-

cilities made for G. B. Gunlogson of the Countryside Development Foundation:

VALUABLE RESOURCES BEING LOST BY COUNTRY TOWNS BECAUSE OF LACK OF ADEQUATE RETIREMENT FACILITIES FOR ELDERLY

Country towns may be losing in excess of a billion dollars annually from their economy because adequate retirement and health facilities are not available to their elderly residents. This estimate is based on studies in a few states, and the revelation is so interrelated with the whole of the countryside that much more thorough studies are being sponsored by the Countryside Development Foundation of Racine, Wisconsin.

At least 2,000 new retirement homes are needed now in country towns and small cities and the need is growing, according to G. B. Gunlogson, the foundation's founder. Although a number of such facilities are being planned, far too little progress is being made because of rising costs and lack of appreciation of what this constant drain of material and human resources is costing these communities.

"Such facilities should not be looked on as expenses," Gunlogson concludes, "since they could prove to be the best investment the community ever made. They offer the only way to turn potential losses into a profit and improve the whole community." Every thriving community is going to have an increasing number of elderly people in the future. They will be increasingly able to pay their way either locally or somewhere else. Certain numbers will inevitably leave to live in larger cities and in distant states. The number who remain will depend largely on the quality of the living accommodations and health facilities that may be available locally.

When they must go somewhere else to seek these facilities, their lifetime earnings usually go with them. They are lost as customers in the community, and the social and civic contribution these citizens can make are transferred elsewhere. These events are more regrettable because so many would have preferred to remain in the community where their lifetime interests have been. But most disturbing of all is the fact that more mental illness and even shortened life expectancy may be the price that many elderly people have to pay when they must move to new environments.

The Countryside Development Foundation is sponsoring studies to obtain a better understanding of the status of elderly people who have left the countryside type of environment in which most of their lives were spent. It is often reported that older people from the countryside and small cities find it more difficult to adjust to city environment than people from metropolitan areas.