

dent should instruct the American delegation to the Diplomatic Conference to revise the Warsaw Convention as amended by the Hague Protocol to seek (1) at least a 12-fold increase in the 250 gold franc per kilogram limitation on baggage, cargo, and mail liability provided for under the Warsaw Convention of 1929; and (2) an automatic an-

nual increase in the liability limit beyond the 12-fold increase; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Res. 1200. Resolution to extend the congratulations of the House of Representatives to Jewish veterans of the United States of America; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, 570. The SPEAKER presented a petition of Ida M. Dentler, Houston, Tex., relative to nursing home care for the indigent aged, which was referred to the Committee on Ways and Means.

SENATE—Friday, August 14, 1970

The Senate met at 10 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

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

Eternal Father who hast taught us "to do justly, to love mercy, and to walk humbly with Thy God," enable us so to live and labor and love as to fulfill the divine commandment. Grant us wisdom and strength to work for the welfare of this Nation and the advancement of Thy kingdom among the nations of the world.

And to Thee shall be all the glory and the praise for ever and ever. Amen.

At this point, Mr. JORDAN of North Carolina took the chair as Presiding Officer.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 14, 1970.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. B. EVERETT JORDAN, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. JORDAN of North Carolina thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 17548) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S.

3302) to amend the Defense Production Act of 1950, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the amendment of the House to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes, and it was signed by the Acting President pro tempore (Mr. JORDAN of North Carolina).

THE JOURNAL

Mr. KENNEDY, Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 13, 1970, be dispensed with.

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

ORDER FOR ADJOURNMENT UNTIL 11 A.M. ON MONDAY, AUGUST 17, 1970

Mr. KENNEDY, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

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

THE CALENDAR

Mr. KENNEDY, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected to items on the calendar, beginning with Calendar No. 1102.

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

SPECIAL HEALTH CARE BENEFITS FOR CERTAIN SURVIVING DEPENDENTS

The bill, S. 4148, to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 4148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1079 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(g) When a member dies while he is eligible for receipt of hostile fire pay under section 310 of title 37, United States Code, or from a disease or injury incurred while eligible for such pay, his dependents who are receiving benefits under a plan covered by subsection (d) of this section shall continue to be eligible for such benefits until they pass their twenty-first birthday."

Mr. KENNEDY, Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1091), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to permit the surviving dependents of members of the Armed Forces who die while eligible for receipt of hostile fire pay, or from a disease or injury incurred while eligible for such pay, who are receiving benefits under the special program for the physically handicapped or mentally retarded provided the civilian health and medical program of the uniformed services (CHAMPUS) to continue to receive such benefits until they pass their 21st birthday.

EXPLANATION

The Military Medical Benefits Amendments of 1966 (Public Law 89-614) authorized the establishment of a unique and special program for the spouses and children of active duty members. Under this program eligible dependents who are moderately or severely mentally retarded or who have a serious physical handicap may obtain care for such conditions from civilian sources. The types of care authorized include the following:

Diagnosis.
Inpatient, outpatient, and home treatment.
Training, rehabilitation, and special education.

Institutional care in private nonprofit, public and State institutions and facilities and, when appropriate, transportation to and from such institutions and facilities.

Members are required to share in the cost of any benefits provided their dependents under this special program. Those in the lowest enlisted pay grade are required to pay the first \$25 incurred each month and members in the highest commissioned grade are similarly required to pay \$250 per month. Members in other pay grades are required to pay various amounts in between the maximum and minimum specified above. However, the Government's share of the costs in a particular case may not exceed \$350 per month. Therefore, in a relatively small number of cases where the cost exceeds the member's normal share plus the Government's maximum share of \$350 per month it is necessary for the member to pay an additional amount above those specified above.

Since existing law limits these special benefits under the CHAMPUS to the eligible dependents of active duty members, it follows that when a member is killed in Vietnam, for example, all benefits under this special program terminate as of midnight of the date of his death. This result places additional burdens on the families of men who have given their lives in the service of their country at a time when they are least able to bear them. Under the bill, eligible dependents

who are receiving benefits under the "handicapped" section of the CHAMPUS on the date of the bill's enactment, or who subsequently receive such benefits, would continue to be under the present CHAMPUS cost-sharing arrangements until they pass their 21st birthday. The bill would not cover any costs for care obtained under the handicapped portion of the CHAMPUS before its enactment.

By providing that the benefits will continue until the dependent passes his 21st birthday places the period of eligibility on a basis comparable to the dependent of a person on active duty. The dependent would normally be about 21 years old when the parent is retired from active duty, with the result that the dependent will no longer be eligible for benefits.

The Committee on Armed Services considered the explanation regarding residency requirements offered by the Department of Defense in 1966 in seeking the original legislation for this program and recognizes that the surviving dependents of men killed in Vietnam would theoretically be free to select their areas of residence with due regard for the availability of suitable and economical facilities for those requiring special care. The committee believes, however, that an exception to this concept in the case of the surviving dependents in question is fully justified.

It should be pointed out that the special program enacted in 1966 providing for special care for the physically handicapped and mentally retarded dependents of active duty personnel was based on the difficulty of active duty military personnel meeting the residency requirements in the various States because of changing military assignments, thus depriving them of eligibility in the various State institutions. Upon retirement military personnel are in a position to establish their residency in a particular State and therefore acquire eligibility for dependents in State institutions just as other citizens. The committee continues to recognize this premise for the purpose of this special program. The special circumstances underlying this bill, however, fully justify departure from this concept.

The committee also considered the bill (S. 4111) dealing with this matter.

The committee believes that the bill which this report accompanies is more appropriate since it deals sufficiently with a particular problem at hand rather than the broader treatment proposed by the other legislation.

Under the law authorizing hostile fire pay (section 310 of title 37, United States Code), the Secretary of Defense may issue regulations designating areas in which members would be in imminent danger and subject to various hazards and therefore entitled to this special pay. In 1965, the Secretary of Defense designated all of Vietnam and the contiguous waters as a hostile fire area. In 1968, a small enclave along the western end of DMZ in Korea was also designated as a hostile fire area for this special pay purpose.

BILLS PASSED OVER

The bills, S. 437, to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; and S. 578, to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations, were announced.

Mr. KENNEDY. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The concurrent resolution (S. Con. Res. 79) favoring the suspension of deportation of certain aliens was considered and agreed to, as follows:

S. CON. RES. 79

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended (66 Stat. 204; 8 U.S.C. 1251):

- XXXXXXXX Ching, Tsing.
- XXXXXXXX Lopez, Francisco Rodriguez.
- XXXXXXXX Woo, Poy Tom.
- XXXXXXXX Yip, Har.
- XXXXXXXX Louie, Fook Leong.
- XXXXXXXX Eng, Kung Doo.
- XXXXXXXX Pinon-Granados, Remedios.
- XXXXXXXX Rojas-Gutierrez, Eleodoro.
- XXXXXXXX Romero, Fortunato.
- XXXXXXXX Eha, Elmar.
- XXXXXXXX Kowk, Kee Dong.
- XXXXXXXX Fong, Shue Kee.
- XXXXXXXX Gonzalez-Urena, Ramon.
- XXXXXXXX Kowal, John.
- XXXXXXXX Lee, Dom Min.
- XXXXXXXX Spiegel, Max.
- XXXXXXXX Abrams, Samuel S.
- XXXXXXXX Asencio-Placencio, Pedro.
- XXXXXXXX Baglieri, George.
- XXXXXXXX Cu, Nee Chong.
- XXXXXXXX Cooremans-Cruz, Eugenio Juan.
- XXXXXXXX DeBravo, Cenovia Mesa.
- XXXXXXXX De Luna-Segovia, Jose.
- XXXXXXXX Gong, Yicke.
- XXXXXXXX Gonzalez, Magana Luis.
- XXXXXXXX Hagglund, Nils Ture.
- XXXXXXXX Lee, High Suey.
- XXXXXXXX Louie, Fung Leung.
- XXXXXXXX Lum, Ting Kam.
- XXXXXXXX Marcus, Harry Aaron.
- XXXXXXXX Martinez-Figueroa, Samuel.
- XXXXXXXX Riccioli, Paoli.
- XXXXXXXX Smeriga, John.
- XXXXXXXX Yim, Chee.
- XXXXXXXX Chin Huey.
- XXXXXXXX Chin, Kay Ming.
- XXXXXXXX Fat, Tong Li.
- XXXXXXXX Fong, Mun Quong.
- XXXXXXXX Nebelsky, Manfred Robert.
- XXXXXXXX Valencia-Sanchez, Enrique.
- XXXXXXXX Araujo, Maria Freitas.
- XXXXXXXX Chan, Yuen Hing.
- XXXXXXXX Don, Hing Lew.
- XXXXXXXX Russo, Maria Isaura.
- XXXXXXXX Wong, Quong.
- XXXXXXXX Wong, Yen Kwong.
- XXXXXXXX Young, Gim Lung.
- XXXXXXXX Yuen, Chung Ng.
- XXXXXXXX Cuervo, Ester.
- XXXXXXXX Hom, Wai Kwong.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1094), explaining the purposes of the measure.

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

PURPOSE OF THE CONCURRENT RESOLUTION

The purpose of the concurrent resolution is to record congressional approval of suspension of deportation in certain cases in which the Attorney General has suspended deportation pursuant to section 244(a) (2) of the Immigration and Nationality Act, as amended. Under the prescribed procedure,

affirmative approval by both the Senate and the House of Representatives is required before the status of the aliens may be adjusted to that of aliens lawfully admitted for permanent residence.

STATEMENT OF FACTS

The concurrent resolution relates to certain cases in which the Attorney General has suspended deportation under the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended. These cases are submitted to the Congress under the provisions of that section subsequent to its amendment by section 4 of Public Law 87-885. The aliens are deportable as former subversives, criminals, immoral persons, violators of the narcotic laws, or violators of the alien registration laws. The discretionary relief may be granted to an alien within these categories upon a showing (1) of 10 years' continuous physical presence in the United States following the commission of an act or the assumption of a status constituting a ground for deportation; (2) that he has not been served with a final order of deportation up to the time of his application for suspension of deportation, (3) that he has been a person of good moral character during the required period of physical presence; and (4) that his deportation would result in exception and extremely unusual hardship to himself or to his spouse, parent, or child, who is a citizen or an alien lawfully admitted for permanent residence.

Included in the concurrent resolution are 50 cases which were referred to the Congress between February 1, 1969, and December 1, 1969. One case referred during that period was withdrawn by the Attorney General, and two cases were not approved. Thirty-three of the cases included in the concurrent resolution were resubmitted by the Immigration and Naturalization Service after previously being approved by the Senate. However, final action on those cases was not completed in the House of Representatives. In each case included in the concurrent resolution, a careful check has been made to determine whether or not the alien (a) has met the requirements of the law; (b) is of good moral character; and (c) warrants the granting of suspension of deportation.

The committee, after consideration of all the facts in each case referred to in the concurrent resolution, if of the opinion that the concurrent resolution (S. Con. Res. 79) should be agreed to.

BILL PASSED OVER

The bill (S. 1943), for the relief of Arie Abramovich, was announced as next in order.

Mr. KENNEDY. Over, Mr. President. The ACTING PRESIDENT pro tempore. The bill will be passed over.

DR. NAHID MANSOORI DIAZ

The bill (S. 3702), for the relief of Dr. Nahid Mansoori Diaz was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Dr. Nahid Mansoori Diaz, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 28, 1960.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1096), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

REYNALDO CANLAS BAECHER

The bill (S. 3796) for the relief of Reynaldo Canlas Baecher was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 203(a)(1) and 204 of the Immigration and Nationality Act, Reynaldo Canlas Baecher shall be held and considered to be the natural-born alien son of Donald Leslie Baecher, a citizen of the United States. The natural parent, brother, or sister of the said Reynaldo Canlas Baecher, by virtue of such relationship, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1097), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried son of a citizen of the United States.

BILLS PASSED OVER

The bills, S. 3853, for the relief of Mrs. Pang Tai Tai; H.R. 1749, for the relief of Eagle Lake Timber Co., a partnership of Susanville, Calif.; and H.R. 2849, for the relief of Anan Eldredge, were announced.

Mr. KENNEDY. Mr. President, I ask that these three bills go over.

The ACTING PRESIDENT pro tempore. The three bills will be passed over.

LOW YIN

The bill (H.R. 5655) for the relief of Low Yin (also known as Low Ying) was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1101), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission into the United States of the adopted son of citizens of the United States as a first-preference immigrant, which is the status normally enjoyed by the alien sons and daughters of citizens of the United States.

TAE PUNG HILLS

The bill (H.R. 12400) for the relief of Tae Pung Hills was considered, ordered

to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1102), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to classify the adopted son of citizens of the United States as an immediate relative.

JOSE GUADALUPE ESPARZA-MONTOYA

The bill (H.R. 12446) to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1103), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Jose Guadalupe Esparza-Montoya.

STATEMENT OF FACTS

Mr. Jose Guadalupe Esparza-Montoya was born in Mexico on July 8, 1948. He entered the United States for permanent residence on June 13, 1962, accompanied by his mother, two sisters, and two brothers. His father was lawfully admitted for permanent residence on November 7, 1955. He was inducted into the U.S. Army in August of 1968, where he served honorably until his death in Vietnam on May 20, 1969.

BILL PASSED OVER

The bill, H.R. 12959, for the relief of Gloria Jara Hease, was announced as next in order.

Mr. KENNEDY. Over, Mr. President. The ACTING PRESIDENT pro tempore. The bill will be passed over.

CPL. FRANK J. KREE

The bill (H.R. 13265), to confer U.S. citizenship posthumously upon Lance Cpl. Frank J. Kree was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1105), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Lance Cpl. Frank J. Kree.

STATEMENT OF FACTS

Lance Cpl. Frank J. Kree was born in Italy on December 17, 1943, and was lawfully admitted to the United States for permanent residence on December 23, 1958. His mother was lawfully admitted for permanent residence in 1947, and his stepfather is a U.S. citizen. The beneficiary enlisted in the U.S.

Marine Corps on September 6, 1966, and served honorably until his death in Vietnam on March 2, 1968.

BILLS PASSED OVER

The bills, H.R. 13383, for the relief of Mrs. Marcella Coslovich Fabretto, and H.R. 13712, for the relief of Vincenzo Pellicano, were announced.

Mr. KENNEDY. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

MRS. MARIA ELOISA PARDO HALL

The bill (H.R. 13895), for the relief of Mrs. Maria Eloisa Pardo Hall was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1108), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Mrs. Maria Eloisa Pardo Hall, the widow of a U.S. citizen, to qualify for immediate relative status, which is the status to which she would have been entitled were it not for the death of her husband.

THE FALLS OF THE OHIO INTERSTATE PARK COMPACT

The bill (H.R. 13971) granting the consent of Congress to the Falls of the Ohio Interstate Park Compact was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1109), 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 bill is to grant the consent of Congress to the Falls of the Ohio Interstate Park Compact.

STATEMENT

Indiana and Kentucky have agreed to create and develop an interstate park known as Falls of the Ohio Interstate Park, located on the Ohio River in Clark and Floyd Counties, Ind., and Jefferson County, Ky., and to create a six-member commission to operate the park.

The Department of Justice, the Department of the Interior, and the Department of the Army have advised the Congress that they have no objection to the enactment of the legislation.

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The committee is advised that on the Ohio River, near Louisville, Ky., there is a series of rapids dropping 26 feet in 3 miles. This stretch of the river is called Falls of the Ohio. The immediate area is rich in fossil corals, has been a nesting ground for migratory birds, and otherwise has great potential for outdoor recreation activities.

The committee notes that although the compact authorizes the States to acquire privately held property for the interstate park, nothing in the compact contemplates the ac-

quisition of Federal property within the area of the proposed park.

SGT. RYUZO SOMMA

The bill (H.R. 13997) to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma was considered, ordered to a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1110), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma.

STATEMENT OF FACTS

S. Sgt. Ryuzo Somma, born September 21, 1946, was a native of Japan who entered the United States for permanent residence on October 11, 1958, on the basis of a visa petition filed in his behalf by his stepfather, a citizen of the United States. He was inducted into the U.S. Army on September 19, 1966, and served honorably until his death in Vietnam on March 4, 1969. Sergeant Somma's mother was naturalized in 1969, and she and her husband state that the young man's greatest wish was to become a citizen of the United States.

BILLS PASSED OVER

The bills, H.R. 15374, to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes, and H.R. 13810, for the relief of Lt. Col. Robert L. Poehle, were announced.

Mr. KENNEDY. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

KEUM JA FRANKS

The Senate proceeded to consider the bill (H.R. 2043) for the relief of Keum Ja Franks which had been reported from the Committee on the Judiciary with an amendment on page 1, line 4, after the word "Act.", strike out "Keum Jo Kim" and insert "Keum Ja Franks".

The amendment was agreed to.

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

The bill was read the third time, and passed.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1115), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to classify the child adopted by citizens of the United States as an immediate relative. The bill has been amended to reflect the beneficiary's name by adoption in the body of the bill.

BILL PASSED OVER

The bill, S. 3419, for the relief of Captain Claire E. Brou, was announced as next in order.

Mr. KENNEDY. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

POTOMAC VALLEY CONSERVANCY DISTRICT COMPACT

The Senate proceeded to consider the joint resolution (S.J. Res. 67) granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin which had been reported from the Committee on the Judiciary with an amendment on page 10, line 5, after the word "compact," strike out the period, insert a semicolon and "and *Provided further*, That the consent herein given does not extend to section (F) (2) of article II of the amended compact."; so as to make the joint resolution read:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to adopt the aforementioned amendments and enter into the amended compact hereinbefore recited and every part and article thereof: *Provided*, That nothing contained in such amended compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact; and *Provided further*, That the consent herein given does not extend to section (F) (2) of article II of the amended compact.

SEC. 2. The Commissioner of the District of Columbia is authorized to enter into, on behalf of the District of Columbia, the amended compact hereinbefore recited.

SEC. 3. The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

The amendment was agreed to.

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

The preamble was agreed to, as follows:

Whereas, by Public Resolution Numbered 93, Seventy-sixth Congress, third session, approved July 11, 1940 (54 Stat. 748), Congress granted consent to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, hereinafter designated signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River Basin; and

Whereas, all said signatory bodies have entered into said compact; and

Whereas, all the said signatory bodies have adopted identical proposed amendments to said compact, for which they seek the consent of Congress, by virtue of which amendments said compact will read as follows:

"COMPACT"

"WHEREAS, it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

"WHEREAS, the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage base of the Potomac river and the main and tributary streams therein, for the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes; and

"WHEREAS, the regulation, control and prevention of pollution is directly affected by the quantities of water in said streams and the uses to which such water may be put, thereby requiring integration and coordination of the planning for the development and use of the water and associated land resources through cooperation with, and support and coordination of, the activities of Federal, State, local and private agencies, groups, and interests concerned with the development, utilization and conservation of the water and associated land resources of the said conservancy district;

"Now, therefore, the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also, do hereby create, as an agency of each signatory body, the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

"ARTICLE I

"The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

"(A). The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable bylaws, shall make, adopt and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

"(B). The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the signatory bodies.

"(C). The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the

operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

"(D). A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties consist of at least six members of the Commission who shall represent at least a majority of the signatory bodies: *Provided, however,* That no action of the Commission relating to policy or stream classification or standards shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

"ARTICLE II

"The Commission shall have the power:

"(A). To collect, analyze, interpret, coordinate, tabulate, summarize and distribute technical and other data relative to, and to conduct studies, sponsor research and prepare reports on, pollution and other water problems of the Conservancy District.

"(B). To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other commissions and Federal, local governmental and non-governmental agencies, organizations, groups and persons for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams and the utilization, conservation and development of the water and associated land resources in the said Conservancy District.

"(C). To disseminate to the public information in relation to stream pollution problems and the utilization, conservation and development of the water and associated land resources of the Conservancy District and on the aims, views, purposes and recommendations of the Commission in relation thereto.

"(D). To cooperate with, assist, and provide liaison for and among, public and non-public agencies and organizations concerned with pollution and other water problems in the formulation and coordination of plans, programs and other activities relating to stream pollution or to the utilization, conservation or development of water or associated land resources, and to sponsor cooperative action in connection with the foregoing.

"(E). In its discretion and at any time during or after the formulation thereof, to review and to comment upon any plan or program of any public or private agency or organization relating to stream pollution or the utilization, conservation or development of water or associated land resources.

"(F)(1). To make, and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also for cleanliness of the various streams in the Conservancy District.

"(2). To establish reasonable physical, chemical and bacteriological standards of water quality satisfactory for various classifications of use. It is agreed that each of the signatory bodies through appropriate agencies will prepare a classification of its interstate waters in the District in entirety or by portions according to present and proposed highest use, and for this purpose technical experts employed by appropriate state water pollution control agencies are authorized to confer on questions relating to classification

of interstate waters affecting two or more states. Each signatory body agrees to submit its classification of its interstate waters to the Commission with its recommendations thereon.

"The Commission shall review such classification and recommendations and accept or return the same with its comments. In the event of return, the signatory body will consider the comments of the Commission and resubmit the classification proposal, with or without amendment, with any additional comments for further action by the Commission.

"It is agreed that after acceptance of such classification, the signatory body through its appropriate state water pollution control agencies will work to establish programs of treatment of sewage and industrial wastes which will meet or exceed standards established by the Commission for classified waters. The Commission may from time to time make such changes in definitions of classifications and in standards as may be required by changed conditions or as may be necessary for uniformity and in a manner similar to that in which these standards and classifications were originally established.

"It is recognized, owing to such variable factors as location, size, character and flow and the many varied uses of the waters subject to the terms of this compact, that no single standard of sewage and waste treatment and no single standard of quality of receiving waters is practical and that the degree of treatment of sewage and industrial wastes should take into account the classification of the receiving waters according to present and proposed highest use, such as for drinking water supply, bathing and other recreational purposes, maintenance and propagation of fish life, industrial and agricultural uses, navigation and disposal of wastes.

"ARTICLE III

"For the purpose of dealing with the problems of pollution and of water and associated land resources in specific areas which directly affect two or more, but not all, signatory bodies, the Commission may establish Sections of the Commission consisting of the Commissioners from such affected signatory bodies: *Provided, however,* That no signatory body may be excluded from any Section in which it wishes to participate. The Commissioners appointed by the President of the United States may participate in any Section. The Commission shall designate, and from time to time may change, the geographical area with respect to which each Section shall function. Each Section shall, to such extent as the Commission may from time to time authorize, have authority to exercise and perform with respect to its designated geographical area any power or function vested in the Commission, and in addition may exercise such other powers and perform such functions as may be vested in such Section by the laws of any signatory body or by the laws of the United States. The exercise or performance by a Section of any power or function vested in the Commission may be financed by the Commission, but the exercise or performance of powers or functions vested solely in a Section shall be financed through funds provided in advance by the bodies, including the United States, participating in such Section.

"ARTICLE IV

"The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

"The pro rata contribution shall be based on such factors as population; the amount of industrial and domestic pollution; and a flat service charge; as shall be determined

from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies.

"ARTICLE V

"Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

"1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District and in planning for the utilization, conservation and development of the water and associated land resources thereof.

"2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of pollution and control and use of such streams.

"3. The appropriation of biennial sums on the proportionate basis as set forth in Article IV.

"ARTICLE VI

"This compact shall become effective immediately after it shall have been ratified by the majority of the legislature of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioner of the District of Columbia, and approval by the Congress of the United States: *Provided, however,* That this compact shall not be effective as to any signatory body until ratified thereby.

"ARTICLE VII

"Any signatory body may, by legislative act, after one year's notice to the Commission, withdraw from this compact."

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1114), explaining the purposes of the measure.

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

PURPOSE OF AMENDMENT

The above amendment has been recommended by the Department of the Interior in its report on Senate Joint Resolution 67 and in that report states as follows:

"The Secretary has accepted as Federal standards, with some reservations, the water quality standards adopted by the four basin States and the District of Columbia for the interstate waters of the basin, pursuant to section 10 of the Federal Water Pollution Control Act, as amended. In our judgment, it would cause duplication, confusion, and delay in the implementation of enforcement conference recommendations and the achievement of water quality standards if the Interstate Commission on the Potomac River Basin were empowered to establish water quality standards. However, we approve the Commission's continued efforts to encourage and coordinate the activities of the signatories aimed at achieving and maintaining the highest possible standards of quality for all of the waters of the basin.

"We therefore recommend, in addition to the general proviso now in the consent legislation, which reserves the rights and jurisdiction of the United States in and over the region which forms the subject of the compact, that a further proviso be added to exclude expressly from the consent of Congress section (F)(2) of article II of the amended compact.

"We understand that the Interstate commission would not object to the withholding of consent from this proposed amendment to the compact, since the amendments were developed before the enactment of the Water Quality Act of 1956, and the establishment of water quality standards would not be an appropriate commission activity under present circumstances."

The Interstate Commission on the Potomac River Basin indicates in its report that it has no objection to the amendment recommended by the Department of the Interior.

STATEMENT

The legislatures and the Governors of the signatory States to this compact, Maryland, Virginia, Pennsylvania, West Virginia, and the Board of Commissioners of the District of Columbia, have approved this compact and such enabling acts are contained in the files of the committee.

The Interstate Commission on the Potomac River Basin has a long and very useful history of accomplishment in water pollution abatement, dating back to 1940. When plans were being made in the late thirties for the commission, some supporters urged a water resources compact not limited to pollution abatement. However, the majority felt that water pollution conditions were so critical that the commission should be quickly established to concentrate on pollution and that a broadened compact should come later.

In view of the growing complex and seriousness of the water problems of today in the Potomac, the signatories have agreed that now it is necessary and desirable to broaden the authority of the compact. In summary, the proposed revision of the compact would achieve the following:

First. It would expand the commission's responsibilities and scope of operations so it may function in the area of water and associated land resources. At present, its authority is restricted to water pollution abatement.

Second. It will authorize the commission to cooperate, assist, and provide liaison for and among public and nonpublic agencies in the formulation and coordination of plans, programs, and other activities relating to stream pollution or to the utilization, conservation, or development of water and associated land resources.

Third. It will authorize the commission to review and comment on any plan or program of any public or private agency or organization relating to stream pollution or the utilization, conservation, or development of water or associated land resources.

Fourth. It will remove the present \$30,000 ceiling on the total sum of annual contributions by the signatory bodies, and base the pro rata contribution of each body on such factors as population, the amount of industrial and domestic pollution, and a flat service charge which the commission can levy from time to time subject to the approval of the signatory bodies.

Fifth. It authorizes the commission to establish reasonable standards of water quality as developed by the responsible signatory bodies.

There are many problems that still remain to be solved in the Potomac and its tributaries. Acid mine drainage in the North Branch of the Potomac, sediment in all parts of the basin, land runoff, both rural and urban, and nutrient control represent some of the major challenges. Both critical water supply problems and flood control will require basinwide leadership for their solution.

The Potomac River has always had a prominent place in our Nation's history and geography. Our forefathers found it a stream of great charm and unmeasured usefulness. The States of the Potomac Basin—Maryland, Virginia, West Virginia, and Pennsylvania, and the District of Columbia—by unanimously seeking a more comprehensive compact, are demonstrating their commitment to future generations that the Potomac's natural values will be restored.

The committee has received, in addition to the reports of the Department of the Interior and the Interstate Commission on the Potomac River Basin, reports from the Office

of the Attorney General, a further report from the Interstate Commission on the Potomac River Basin, and reports on Senate Joint Resolution 188 of the 90th Congress, which is an identical bill, from the General Counsel of the Department of Commerce, the Department of the Army, and the Government of the District of Columbia, all of which are hereto attached and made a part hereof.

A review of the entire situation as regards the Potomac River compact leads to the conclusion that these amendments are most desirable and necessary. The changes in the compact as set forth earlier in this statement broaden the compact so that the commission created thereunder may more efficiently program and take care of the needs of the Potomac Basin relating to stream pollution, utilization, conservation, development and water, and associated land resources in the conservancy district.

The committee concurs in the recommendations of the Department of the Interior in regard to withholding consent of the Congress to section (F) (2) of article II of the amended compact. It is therefore recommended that the joint resolution, Senate Joint Resolution 67, as amended, be considered favorably.

BILL PASSED OVER

The bill, S. 3529, for the relief of Johnny Trinidad Mason, Jr., was announced as next in order.

Mr. KENNEDY. Over, Mr. President. The ACTING PRESIDENT pro tempore. The bill will be passed over.

MRS. LEONARDA BUENAVENTURA OCARIZA AND DAUGHTER, LUCILA B. OCARIZA

The Senate proceeded to consider the bill (S. 3032) for the relief of Mrs. Leonarda Buenaventura Ocariza and daughter, Lucila B. Ocariza, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Mrs. Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza, shall be held and considered to be within the purview of section 203(a) (2) of that Act and the provisions of section 204 of the said Act shall not be applicable in these cases.

The amendment was agreed to.

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1112), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to preserve second preference status in behalf of the widow and child of a lawful permanent resident of the United States. The bill as introduced would have granted the beneficiaries permanent residence in the United States. However, the committee feels that the appropriate relief would be to preserve the status to which they would have been entitled were it not for the death of the husband and father.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. YOUNG) is now recognized for 15 minutes.

Mr. KENNEDY. Mr. President, will the distinguished Senator from Ohio yield to me briefly, without losing his right to the floor or any of his time?

Mr. YOUNG of Ohio. I am happy to yield to the Senator from Massachusetts.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Indiana (Mr. BAYH) today, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

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

PRAISE FOR SENATOR PROXMIRE'S COURAGEOUS FIGHT AGAINST PENTAGON WASTE OF TAXPAYERS' MONEY

Mr. YOUNG of Ohio. Mr. President, all the Pentagon press agency in the world cannot hide the fact that billions of taxpayers' dollars are sacrificed annually to satisfy the whims and caprices of the military-industrial complex and the Department of Defense.

The American people are justifiably disturbed by our distorted budget priorities which place tremendous sums of money to build and make operational a supersonic plane for the jet set above desperately needed funds for hospitals, schools, homebuilding, eliminating slums, and providing gainful employment in our own country.

An indication of growing national concern can be found in the letters to the editor sections of our newspapers and magazines. Recently, one such letter came to my attention. It was written by Jerry Voorhis, of California, a dedicated American and a personal friend with whom I served years ago in the House of Representatives. Mr. Voorhis focuses particular attention on the fight that our distinguished colleague, the senior Senator from Wisconsin (Mr. PROXMIRE), has been waging over the years against unnecessary Defense Department spending and waste.

Mr. President, I hold in the highest admiration Senator PROXMIRE's continuing efforts to end wasteful and unnecessary expenditures of the Department of Defense. Jerry Voorhis very properly lauds Senator PROXMIRE for his courageous and tremendous Senate speeches and writings denouncing waste and unbelievable profiteering of the Department

of Defense and of the military-industrial complex.

Mr. President, it is astonishing that our Defense Department is maintaining in its employ some 6,000 public relations men who do nothing more than act as lobbyists to persuade, or compel, the Congress and the public generally to boost and increase the Pentagon's annual budget which presently amounts to nearly \$80 billion. No doubt some billions of dollars in this huge total are there due to the operations of these Pentagon public relations men. I suspect this unnecessary spending of the Department of Defense is escalated and increased just before appropriations bills are considered in the Congress by a steady stream of frightening news releases prepared and issued by these Pentagon public relations men exaggerating alleged nuclear achievements of Communist China and the Soviet Union in an effort to frighten American people by downgrading our military power and nuclear capabilities and falsely alleging nuclear threats from the Soviet Union which do not in fact exist. The purpose of this is that newspapers and the military-industrial complex will alarm our citizens and in turn furnish added ammunition to "warhawks" in the Congress.

Mr. President, I ask unanimous consent that this letter of Jerry Voorhis published in Chicago Today of July 31, 1970, be inserted in the RECORD at this point as part of my remarks.

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

PENTAGON'S BILLIONS

Today deserves a medal of honor for publishing Sen. Proxmire's courageous articles about waste, unbelievable profiteering, and ardent devotion to a never-ending arms race in the Pentagon.

And while Congress is being accused, quite falsely, of causing inflation because it appropriates money for hospitals, schools and houses, it is well to remember that those appropriations are peanuts compared to the \$80 billion the Pentagon gets.

A chunk of this is used to hire some 6,000 "public relations" men to lobby Congress and the public so as to boost the \$80 billion. Nor should we forget the \$4 billion planned to be spent on a supersonic airplane so some fools can get to Paris quicker or the \$3 billion plus a year spent on moonogling.

The administration vetoes money for schools and hospitals. But it vigorously supports the Pentagon, the supersonic airplane and the moon.

We need to keep things in decent perspective.

JERRY VOORHIS.

BONN-MOSCOW TREATY—STEP TOWARD WORLD PEACE

Mr. YOUNG of Ohio. Mr. President, peace-loving people throughout the world today have new grounds for optimism and hope. Foreign Ministers Walter Scheel of West Germany and Andrei Gromyko of the Soviet Union have reached final agreement following extended negotiations on a momentous nonaggression treaty between the West German Republic and the Soviet Union. This agreement between these two of Europe's most powerful nations—

nations which have experienced viciously hostile relations toward each other in the past—is an important landmark on the path toward international harmony and permanent peace.

Historically Russia has seldom been an aggressor against European nations. Russians have proven many, many times to be great defensive fighters in the world when their motherland has been invaded by forces of other European nations—British, Germans, French. Throughout the 18th and 19th centuries, Russian peasants and leaders suffered aggression and the loss of many thousands of lives during invasions by forces of Teutonic allies.

The Emperor Napoleon of France suffered the loss of his grand army in invading the Russian homeland. The Russians fought valiantly in many battles and even burned their beloved capital city, Moscow, rather than abandon it to the French following the battle of Borodino where Napoleon's army suffered tremendous losses before the Russians retreated. Then the Russian czar refused to make peace. Napoleon's army retreated from Moscow during the bitter winter weather, while Russian soldiers harassed and decimated his rear guard. He finally escaped to Paris in a phaeton with but a few attendants. The French Emperor Napoleon and his so-called grand army composed of the flower of French generals and army corps, along with allies he conscripted from conquered European nations—Austria, Prussia, Italy, and other countries—were destroyed in the 1812 invasion of Russia.

Again in 1854 the Armed Forces of Great Britain and of the French Empire invaded Russian territory in the Crimean War. The Russians won renown as defensive fighting men throughout that war.

In World War I and again in World War II, the German war machine invaded Russia. Their invasion in the First World War disclosed the corruption of the czar and the Russian nobles who controlled the Empire and neglected to maintain its forces, and to supply them with arms, ammunition, and transport. Their defenseless armies were crushed, and the revolution swept away the czar and the nobility. The people of Russia took over their own government.

In World War II Hitler, following his easy conquest of France, invaded the Soviet Union with millions of his soldiers and with soldiers of his Italian and Austrian allies. We should not forget that in the end the ground forces of the Soviet Union and their airpower crushed the German Armed Forces in Russia, captured one of its great armies, and finally joined our armies at the Elbe, completely surrounding the Germans. The armed might of the Soviet Union did not stop until it had blasted its way through Germany to Berlin. All Americans have every reason to be proud and thankful that the Soviet Union was our ally against Hitler's aggression.

It is well for all Americans to remember that 10,500,000 men of the Armed Forces of the Soviet Union were killed in combat or died of wounds in World War II. In addition, more than 1 million Russian Jews were exterminated by the

Nazis in that war. More than 20 million Russian peasants, civilians—men, women, and children—were killed by German soldiers. Also in that same period, Hitler's soldiers overran Poland and Yugoslavia. Of the Polish and Yugoslav Armed Forces more than 2,300,000 were killed, wounded, or missing. More than 4,200,000 civilians were killed. And Hitler exterminated 4,500,000 Jewish civilians—men, women and children.

In agreeing to the nonaggression treaty officials of West Germany and the Soviet Union mutually renounced the use of force in future relations between the two countries. In addition, their leaders made a joint agreement to respect the territorial integrity of all European states with their existing borders as determined following the end of World War II.

This historic agreement opens the way to significant improvement in West Germany's relations with the Soviet Union and other members of the Warsaw Pact—the East European defense organization. One West German spokesman hailed the treaty as "the starting point for further cooperation."

Following months of conferences, the Foreign Minister of West Germany, Walter Scheel, and Andrei Gromyko of the Soviet Union produced a "renunciation of force" treaty. This treaty, signed by top representatives of the two Governments, provides in simple, direct language that the boundaries provided at the end of World War II are recognized as permanent boundaries and that the status quo in Europe, including the Polish-West German boundary along the Oder-Neisse line, is recognized as permanent. Trade, commerce, and diplomatic ties between the Governments and the East German regime of Walter Ulbricht are recognized. For European security there is a nonaggression agreement between West Germany and the Government of the Soviet Union with potentially lucrative economic arrangements between the Bonn government of West Germany and the Soviet Union.

The Government of West Germany has received Soviet Union guarantee that the reunification of West and East Germany sought by citizens and officials on both sides of the Berlin Wall will not be interfered with. It is hoped and expected that there will be German ratification of this pact in the Four Power Talks on Berlin due to resume this September.

Mr. President, this momentous Bonn-Moscow accord should make more clear than ever the folly of the United States maintaining huge armed forces in West Germany. It is absurd and an outrage against American taxpayers that more than a quarter of a century after World War II, the United States continues to maintain 320,000 troops and nearly 290,000 dependents in Western Europe.

Americans should know that at this time 125 generals, of course, with their families, are enjoying the good life in West Germany and other European countries. It is astonishing that 72 of the 125 generals are enjoying the good life in West Germany. Also, a total of 8,000 field grade officers are presently in Europe. More than one-half of these enjoy luxurious living with their families in West Germany, prolonged vacations on the French Riviera and in Spain and

Italy, plus skiing in Switzerland and northern France.

Throughout the past 24 years the United States has increased its military might by fantastic claims of an international Communist conspiracy allegedly by Communist China and the Soviet Union. With the recognition that there is no longer even a hint of a monolithic Communist conspiracy to conquer the world, the last vestige of reason for us to maintain armed forces in Western Europe has ceased to exist. Furthermore, Americans have reason to feel outraged that their President is sending thousands of draftees to fight in Vietnam following basic training of 4 months when seven divisions of highly trained, largely professional career officers and enlisted men are living the good life in West Germany. The officers from captain up to the generals never had it so good. They are living high on the hog with their wives and youngsters, with servants to spare, and enjoying their Mercedes automobiles, skiing in France, Norway, Sweden, and Switzerland, and traveling by air and automobile to the various spas and famed vacation areas in Italy, Spain, and elsewhere. Many of the noncommissioned officers, the backbone of our Army, are living in Western Europe—West Germany, Belgium, and elsewhere—like squawmen with their families. If there were a sudden grave emergency—a sudden invasion on the ground and in the air—one wonders if sergeants and other enlisted men with wives and children would consider their welfare and safety ahead of his Army duties. If we really need to maintain thousands of fighting men in Europe to protect the United States, then the term of duty should be no longer than 13 months; and no dependents.

Our balance-of-payments deficit constantly increases, while the West German mark has become one of the world's strongest currencies, considered more sound than the U.S. dollar. Why? In part because of our massive military presence in West Germany and elsewhere in Europe, together with the expenditures of billions of dollars for these forces, and the huge expenditures made over there by their wives and families. More than 100,000 civilians of West Germany and other European countries are employed at high wages in connection with our military presence on the continent.

The truth is, this administration is engaging in foreign aid and giveaways to West Germany—the third wealthiest nation in the entire world. Also, to other prosperous European countries including Belgium, Luxembourg, and Spain. This is really national insanity on our part.

New realities, which should have been faced in the 1960's, must certainly be recognized in 1970. There is no justification whatever for the United States to maintain in Europe any armed forces except liaison officers, some headquarters officers in Belgium and some Air Force and logistic support in West Germany, principally to show the flag. Our Government should bring home at least 200,000 ground troops from Europe and an equal number of dependents by September 30 of this year.

During the last few years the Soviet Union has withdrawn from Eastern Europe more than approximately 12 armored divisions of its Armed Forces. Most of these soldiers along with other ground forces of the Soviet Union are now stationed along the 6,500-mile common border separating the Soviet Union and Communist China. There has been fighting and bloodshed and the Russians have invaded sections of Mongolia slicing off Chinese territory. The border clashes are becoming more frequent. Possibly a war is imminent between the huge Communist nations China and the Soviet Union.

That "monolithic Communist conspiracy," which has served as the excuse for so many of our foreign policy blunders, no longer exists. The Russian-Chinese disputes threaten to explode into full-fledged war. It is well known that Rumania, Yugoslavia, and other Communist nations in Eastern Europe are considerably further from Soviet domination than they were 10 or 15 years ago. Very definitely, Hungary, Yugoslavia, and Rumania are not dependent on the Soviet Union nor are they, in fact, satellites of the Soviet Union. They are nationalist Communist countries.

It is clear that our Secretary of Defense and the generals of our Joint Chiefs of Staff continue to view the world through spectacles of the 1945 era, when a weak Western Europe faced a dynamic expansionist, cynical Soviet Union under Joseph Stalin. Following the death of dictator Stalin, the threat of invasion became more and more remote. President Nixon has emphasized the fact that the era of the "cold war" between our Nation and the Soviet Union no longer exists.

Mr. President, we should awaken to the fact that the nations of Western Europe no longer suffer from the economic prostration, military weakness, and political instability that characterized them when their cities and industries were lying in rubble more than a quarter of a century ago. Today, West Germany has become an economic superpower, the third wealthiest nation in the world.

Today, more than 220,000 American troops are stationed in West Germany alone. We are spending nearly \$15 billion a year to support our NATO forces. In addition, we are paying 70,000 German nationals one-quarter of a billion dollars of American taxpayers' money each year to provide services for our troops stationed in the West Germany Republic. This does not include the vast sums spent in Germany by dependents of the American forces.

The tremendous cost to our taxpayers in maintaining 320,000 men of our Armed Forces in Western Europe and approximately 290,000 dependents and in addition more than 100,000 civilian employees has been increasing year after year. All of this unnecessary expenditure of billions of dollars has resulted in huge balance-of-payments deficits year after year. This has threatened the stability of our dollar.

The nations of Western Europe can certainly provide the necessary troops and air forces to defend themselves. It is ridiculous to believe that the 280 million people of Western Europe, with

tremendous industrial resources and long military experience, are incapable of defending themselves against 240 million Russians. This at a time when the Russians are engaged in sporadic warfare with 800 million Chinese.

There is no reason for Europe to depend on us. Since the death of Stalin, the Soviet Union is no longer an aggressive threat to our NATO allies. The leaders of the Kremlin during the past 10 years have been intent on raising the standard of living of their own people. The Soviet Union, now a "have" nation, no longer a "have not" nation, is veering toward capitalism.

It may well be that the overwhelming presence of American military power in the past quarter century has foreclosed promising avenues of European development. It has prevented West European countries from developing their own military defense system to the extent they probably would have done otherwise. It has encouraged them to remain encased in the cradle of dependency.

The United States should leave only a strategic reserve in Western Europe. Our massive military presence in Western Europe has become merely foreign aid to the European countries—needless foreign aid costing taxpayers billions of dollars. The nations of Western Europe can unquestionably provide the necessary troops to defend themselves. There is no reason for them to depend on us.

Moreover, the United States has 656 missiles in Polaris submarines, more than 1,200 ICBM's and some 650 intercontinental bombers. It is this nuclear umbrella that provides the real protection for Europe, not excessive numbers of ground troops.

Mr. President, we must emerge from the dark shadows of the 1940's to the reality of the 1970's, close down our unnecessary military installations and make a sincere effort to solve the challenging crises facing us here at home. This would be a major step toward creating an international climate conducive to peace.

West Germany and the Soviet Union have indicated through their historic agreement a realization that armed might is not a satisfactory means of achieving peace. The United States would make a substantial contribution to world harmony by reaching the same conclusion and by withdrawing our armed forces from Western Europe without delay.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the able Senator from Indiana is recognized for not to exceed 45 minutes.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT—REPORT OF A COMMITTEE—INDIVIDUAL, SEPARATE, AND MINORITY VIEWS (S. REPT. NO. 91-1123)—ADDITIONAL COSPONSORS OF SENATE JOINT RESOLUTION 1

Mr. BAYH. Mr. President, from the Committee on the Judiciary, I report favorably, with an amendment, the joint resolution (S.J. Res. 1) proposing an

amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Michigan (Mr. GRIFFIN), the separate views of Senators GRIFFIN and TYDINGS, and the minority views of Senators EASTLAND, MCCLELLAN, ERVIN, HRUSKA, FONG, and THURMOND.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The report will be received and the joint resolution will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Indiana.

Mr. BAYH. Mr. President, I ask unanimous consent that at this printing the names of the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of Senate Joint Resolution 1.

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

Mr. BAYH. Mr. President, I also ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 681, and that it be placed on the calendar.

I have discussed this matter with the Chairman of the Senate Committee on the Judiciary. It is a companion House joint resolution to Senate Joint Resolution 1, which Chairman CELLER and ranking minority Member McCULLOCH have cosponsored in the House. Out of deference to their prestige and seniority, I ask unanimous consent that it be placed on the calendar at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAYH. Mr. President, today marks another milestone in an effort almost 200 years old—the effort to abolish our outdated and dangerous electoral college system.

Since the very beginning of our Nation, we have recognized the perils involved in a system that leaves the choice of a President to a group of independent electors, men whose freedom to disregard the will of the people is actually guaranteed by the Constitution. We have recognized the inequities in a scheme that allocates all of a State's electoral votes to the candidate who wins a popular vote plurality in that State—regardless of whether that plurality is 1 vote or 1 million votes. We have recognized the grave risks that the will of the people can easily be thwarted—either by the strange arithmetic of the electoral system or by the treacherous deeds of a few power brokers in the event no candidate could secure a majority of electoral votes.

Having recognized these blatant inadequacies, however, we have yet to correct them. Repeatedly, in the past, we have failed to achieve agreement as to the most desirable route to reform. There was always near-unanimous agreement as to the need for reform, but little consensus as to what particular type of reform.

We saw the need for reform in the

near tragedy of 1968, when this country came within 42,000 votes of not electing any man President. If there had been a small change in three States or a change of less than one and a half percent of the popular vote in California, neither Mr. Nixon nor Mr. Humphrey would have had a majority of the electoral votes. The decision would have been then thrown to the third party candidate who, the record discloses, had 46 electors, most of whom had signed a pledge to do his will. He would have been in the driver's seat, so that he could have gone from one candidate to the other, saying, in essence, "Gentlemen, what is your bid to be President of the United States?"

I do not say that in derogation of the third party candidate, who would have been doing what the Constitution gives him a right to do. The question we have to ask is, Is this the way for the people in the world's most powerful democracy to elect their leaders?

We have seen a proliferation of support for the various types of proposals for change. Today this support continues, just as it has in the past. However, we are on the verge of achieving that long-sought-after national consensus. We see increasing support for the proposal embodied in Senate Joint Resolution 1, which has been reported to the Senate, and in the House companion joint resolution.

We are on the verge of eliminating one of the most imminent threats to the continuity and stability of American Government. We are on the verge of abolishing the outmoded electoral college system—and replacing it with direct popular election of the President. It is an effort to substitute popular choice for political chance.

This vital reform has achieved the most universal support and enthusiastic endorsement ever accorded a proposal for revising the antiquated electoral college. It is supported by the American Bar Association, the Chamber of Commerce, the National Association of Small Business, and the National Federation of Independent Business. It is also supported by the League of Women Voters, the AFL-CIO, and the UAW. Needless to say, this is a remarkable combination of supporters.

Direct popular election is supported by more than 80 percent of the American people, according to several polls that have been conducted.

Mr. President, in these troubled and critical times, I believe that is indeed a remarkable consensus on a major issue of public policy.

Direct popular election was supported by 65 percent of the legislators responding to a recent poll of the legislators of the 27 States thought least likely to approve of direct election.

I should say that our distinguished Republican whip, who initiated that poll, provided a great service to the Senate, and indeed to the Congress and the country, in wiping out the concern that a few people had about the possibility of ratification of direct election by the State legislatures.

In September of last year, the House

of Representatives passed a direct popular election amendment by the lopsided margin of 339-70. That is an incredible show of strength, revealing the strong grassroots support direct election must have throughout the country.

With the filing of this report endorsing, by an 11-to-6 vote, the passage of Senate Joint Resolution 1, today we take another historic step on the road to reform. We are reporting the measure in a form identical to that passed by the House, with but one exception. The Senate amendment provides that direct election will go into effect 1 year after the April 15 following ratification rather than the January 20 date of the House resolution. This change provides some possibility—albeit a slim one—that direct popular election could be ratified by the States in time to be in effect for the 1972 election.

Mr. President, we face a very difficult struggle to secure Senate passage of Senate Joint Resolution 1. I wish I could say that victory was at hand, but at this time I admit to an uphill fight ahead. Frankly, I welcome it.

I hope our colleagues will read and consider the views set out in this report. I hope they will analyze the thousands of pages of hearing records that have been compiled since we began a study of the electoral college almost 5 years ago. I hope they will study the arguments made by both sides during the debates ahead. I am confident that when the question of electoral reform is analyzed on its merits, direct popular election will be found far and away the most necessary, the most desirable, the most effective reform.

Now is the time for action. And it is the Senate's turn to act. The people of the United States will no longer put up with the electoral college. They want electoral reform. They want direct popular election of the President. They want the right to make this choice themselves. I hope we will act promptly and decisively to end the threat of electoral misfire now and for all time.

Mr. President, I might make an additional observation, too. First of all, I hope that our colleagues in the Senate, as they read the report, will recognize that with this major constitutional change, we are confronted, as in the passage of any other constitutional amendment, or any other law, with the possibility that men at some future date will try to distort the basic thrust of the legislation for their own personal gain.

Mr. President, the direct election proposal is not a perfect proposal. I know of no perfect law, because it always depends upon the honesty, the integrity, and the sincerity of those charged with the responsibility of administering it.

However, as Senators read these two reports, the majority report and the minority report, I hope that they will weigh the possibility of misfire under the direct election system against the possibility of misfire under any of the other well-intentioned alternatives that have been proposed.

There have been several concerns expressed by learned citizens throughout the country as to what will happen un-

der a new system. I think each of these possibilities has to be weighed against what has happened and could happen under the present system, and under any of the other well-intentioned alternatives.

The possibility of fraud has been raised. Indeed, there is not a Member of this body who does not know that there are unscrupulous souls throughout the country who would like to distort any system to work their will. We must be careful that this does not happen. But I would suggest that a careful study of the reports will show, in my opinion, that the possibility of fraud would be less under the direct election proposal than under the system we now follow. A few fraudulent votes, under the present system, can result in casting an entire State's electoral vote for one candidate or the other. For example, in our most populous State, California, which has 40 electoral votes, a few fraudulent votes in a close race could throw the entire vote of California behind candidate X. Thus a few thousand fraudulent votes in one State would swing 15 percent of the votes necessary to elect a candidate as President of the United States. That impact would be infinitely greater than the impact 1,000 or 10,000 fraudulent votes would have if they had been commingled with approximately 70 million popular votes nationwide.

I would suggest that the incentive to become involved in fraud would be significantly less under a direct popular vote system. Also, I might add, the best way to prevent fraud is to watch the precinct, to watch the voting booth. Under a direct popular vote system, there is a greater incentive to watch each voting booth, and to make sure as many votes are cast as legally possible, no more and no less. The direct popular vote system is the only plan which really counts every vote, and which gives to each party the incentive to see that as many votes as possible are cast in each precinct in the country.

Under the present system, we know that if you lose a State by one vote, you might as well lose it by a million. If you know you are going to lose it, there is very little incentive to try to lessen the size of the loss. The converse is also true; if you know you are going to win a State by half a million, there is no incentive to try to win it by 750,000.

That is not true, let me suggest, under a direct popular vote system, because in that system we know that every vote cast is counted. If you win by a landslide and yet are able to add 100,000, or 10,000, or 10 votes to the count, your party is going to receive credit; and the same is true if you are going to be defeated. Why sit still and be defeated by 500,000, when you can whittle the margin to 300,000?

So I think, in addition to closer following of the precinct by each party to make sure that there are not some of these shenanigans going on, we would also see an increased degree of political activity in some of those precincts, States, and regions which have heretofore had a one-party political structure. The direct

popular vote system would create an incentive for a two-party system with vigorous, active party organizations.

Mr. President, I do not intend to extend my remarks excessively. I think perhaps I should make one additional observation. We now have before the Senate a measure which, if passed by the House and if successful, would provide the 26th amendment to the Constitution, and would reform our electoral college system. The House of Representatives recently passed and the Senate leadership put directly on the calendar without its going to the Committee on the Judiciary, another proposed constitutional amendment. If it is passed and ratified, it would be the 26th or 27th amendment to the Constitution, if both of them are ratified—as I frankly hope they will be.

There is yet another measure which I am concerned about: namely, the effort to try to give the citizens of the Nation's Capital a voice in Congress. That, too, if it were passed, would result in an amendment to the Constitution. There is yet another possible measure which the Subcommittee on Constitutional Amendments has reported out, as our distinguished present Presiding Officer (Mr. BYRD of West Virginia) and our assistant minority leader realize, dealing with the lowering of the voting age. The question now before us, of course, is whether to proceed with it, because of the court tests which will be involved relative to the validity of a statute which has already passed.

I would ask my fellow Senators to consider all of these measures carefully, and on their merits. I think it is extremely important that we have action, that we show the people of this country that our system is able to purge itself of some of the inequities which exist. For example, some of the ladies in the country are not able to obtain equal jobs with their male counterparts, although they have equal talents. They are not able to obtain equal and adequate education compared to male students, and they are not able to go into business without going through additional legal steps not required of male citizens. I think it is important for us to wipe away these inequities, and also to show that, in our electoral process, we can have meaningful reform, and that we can give a voice to some 700,000 or 800,000 citizens in this country who now have no voice in establishing national policy which directly affects them and their sons and daughters.

But, Mr. President, I hope we will be very careful to proceed in a manner which will insure the success of each measure on its own merits. We must not do anything which would deter one or the other from being passed. I know it is difficult to decide how we should proceed, but I hope we will continue to keep the channels of consultation open.

I hope the Members of this body, those present and those not present, will continue to share their thoughts with the Senator from Indiana, who, as chairman of the Subcommittee on Constitutional Amendments, happens to be in the midst

of these proposals for constitutional revision. I think these measures are important, and I hope we will be able to work together toward achieving success in all these proposed reforms. I think the Nation is watching us, to see whether this effort is viable or not. I think it is, but time alone will tell.

Mr. GRIFFIN. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I am glad to yield to my friend from Michigan. As I mentioned a moment ago, we are indebted to him for the policy he initiated, which gives us a better perspective of what the State legislatures will do. The Senator from Indiana had been suggesting that this was the case for some time, but I must say I was acting on a visceral feeling rather than the scientific evidence our distinguished colleague from Michigan has presented.

Mr. GRIFFIN. I have listened attentively and followed with interest the statement of the distinguished Senator from Indiana as he presented the report today on the resolution calling for a constitutional amendment to achieve electoral reform. Certainly this is an important day in the Senate and in Congress as we finally arrive at this stage in the process of amending the Constitution. The Senator from Indiana deserves great credit for his leadership in reaching this important step.

As he has indicated, the junior Senator from Michigan is a cosponsor of the reported resolution. Yet, I wish to note that, along with some other members of the committee, I believe I see ways in which this resolution could be improved. Many times, those of us in this body are confronted with situations when we support and vote for measures even though we do not agree 100 percent with every provision and sentence in a piece of legislation. In this instance, as in some others, the overall objective is so important that I am willing to go along to achieve that objective despite the fact that there are features about the measure with which I am not quite satisfied.

I point in particular to the runoff provision included in the reported resolution, providing that if no candidate in an election for President receives 40 percent of the popular vote, a runoff election will be held. Many serious students of this problem believe that the runoff provision would encourage third parties and would weaken the two-party system. I recognize, also, that there are serious students who say just the opposite.

The Senator from Maryland (Mr. TYNINGS) and I offered in the committee—and have referred in our separate views to—an amendment which would do away with the runoff provision and provide, instead, for an alternative procedure when no candidate received 40 percent of the popular vote. Our amendment provides that, in the event no candidate received 40 percent of the popular vote, we would then look to the electoral vote.

The electoral vote would be tabulated without the intervention or existence of any electors, to see if one of the candi-

dates had received a majority of the electoral votes.

It will be recalled that when Abraham Lincoln became President, he received less than 40 percent of the popular vote, but, nevertheless, received a majority of the electoral vote.

Our proposed amendment provides for a further step in the event no candidate received 40 percent of the popular vote and no candidate received a majority of the electoral votes. In that event the President would be selected from between the two top candidates receiving the most votes, by a joint session of Congress, with each Senator and each Representative having one vote. Thus, our amendment would do away with the need for a runoff election.

I have the strong feeling—and it is only a feeling—that there would be more votes in the Senate for the direct election proposal if such an amendment were added. Furthermore, if such an amendment were added I believe it would be easier to get the legislatures of three-fourths of the States to ratify the constitutional amendment.

I appreciate the fact that the distinguished chairman of the subcommittee has asked that the report and the separate views be printed in the RECORD, so that the discussion therein of these points can be read and studied by those who are interested in this subject.

Mr. BAYH. I appreciate the thoughtful words of the Senator from Michigan, as well as his careful study and his faithful support of the overall proposition that we have change and that the most important element is the first step, the direct election, the popular vote.

I have been and will continue to be as honest as I know how in expressing my feelings to the Senator from Michigan. I cannot honestly say that I support his proposal as an alternative to the runoff, but neither can I honestly say that I am unalterably opposed to it.

As the Senator from Michigan knows, when I first introduced a direct election resolution, I shared the same concerns he had; and, as a result, my original proposal had a contingency of the House and Senate joint session. So this has a certain amount of appeal.

However, the more I have studied the matter, the more I have been concerned about the number one ingredient of any electoral system today, which is credibility. The possibility of a candidate being chosen by either the House or the electoral system, when a candidate who has fewer popular votes wins or a candidate who has a relatively small percentage of popular votes wins concerns me, as to whether this man can have the credentials necessary to really have the support of the people in what he does as President.

So I hope we can thresh this matter out on the floor and let the Senate work its will. If the Senate feels that the proposal of the Senator from Michigan and the Senator from Maryland is to be preferred to the position of the Senator from Indiana, I will enthusiastically support that on the final decision in the Senate.

I think it is important for us to recognize that, whether the Senator from

Michigan is right or the Senator from Indiana is right relative to the contingency provision, with the exception of the Lincoln election in 1860, we have never had a President elected who had fewer than 40 percent of the popular vote.

Perhaps we ought to take a little closer look at the Lincoln election, because if a great President such as Lincoln would not have been elected under a system, we had better say, "Now, wait a minute. Maybe we had better take another look." But even in 1860, President Lincoln, under the electoral college, got 39.76 percent of the popular vote, and he was not on the ballot in 10 States. We are going to guarantee that all presidential candidates get on the ballot. So if that had been the criterion in 1860, President Lincoln would have had more than 40 percent of the popular vote.

So let us study this matter. I again thank my colleague, the Senator from Michigan, for his willingness to study this matter and to support the general thrust, which is so important, that we come up with a way to do away with the shortcomings of the present system and come as close to perfection as we possibly can.

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

Mr. BAYH. I am glad to yield.

Mr. GRIFFIN. The junior Senator from Michigan is also concerned about the fact that the resolution, as reported, contains no absolute requirement for uniform standards of voting qualifications among the several States. I hope very much, now that the Senate has decided—I believe unwisely—to fix the voting age by statute at 18 years of age, that I may be wrong in terms of my judgment as to the constitutionality of that action. I hope the Supreme Court will be able to find it constitutional. I believe strongly that any provision calling for the direct election of the President should also provide for uniform qualifications for voters. It makes no sense to me to seek to elect a President of the United States by direct popular vote of the people, and then to count the votes of 19-year-olds in some States, 18-year-olds in some States, and 21-year-olds in other States.

The whole purpose, I take it, of the direct popular election proposal, is to assure that the vote of each person will be equal to the vote of every other person throughout the United States.

We would have an unfortunate situation, I suggest, if the Supreme Court should strike down the statute passed by Congress trying to provide for 18-year-olds to vote, and in the meantime, we should have approved this electoral reform proposal without inclusion of such a provision.

Mr. President, while I have the floor, I ask unanimous consent to have printed in the RECORD a number of newspaper articles and editorials commenting on the amendment to the resolution proposed by the Senator from Maryland (Mr. TYDINGS) and myself.

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

[From the Washington Post, June 23, 1970]

AN ALTERNATIVE TO PRESIDENTIAL RUNOFFS

As the Senate approaches a vote on the proposed constitutional amendment for direct election of the President, all of the lesser reforms designed to abolish the electoral college appear to have been discarded. The votes in the Senate Judiciary Committee two months ago clearly indicated, as did the previous action of the House, that only the direct-election plan has a chance of enactment. But the Bayh resolution adopted by the committee is still open to amendment, and efforts to improve it will continue on the floor.

The most interesting proposal of this sort to come to our attention is sponsored by Senators Griffin and Tydings. It is designed, as were some of the amendments considered by the Judiciary Committee, as a substitute for the runoff election contemplated by the Bayh resolution in case no candidate for President should receive at least 40 percent of the popular vote. The two senators fear, as do many others, that resort to a runoff would encourage splinter parties and political bargaining. They have tried to give additional underpinning to the two-party system and to remove all incentive for the two front runners in a multiple-candidate contest to bargain with third or fourth parties.

The Griffin-Tydings mechanism would come into operation only if no candidate should win 40 percent of the vote. In that event, it would declare the front-runner elected if he "received the greatest number of the votes cast in each of several states which in combination are entitled to a number of senators and representatives in the Congress constituting a majority of the whole number of members of both houses of the Congress . . ." This is a technical way of saying that a candidate would win if he had a majority of electoral votes even if he did not have 40 percent of the popular vote. In effect it is a bow to Abraham Lincoln, as he is the only person who has won the presidency in the past with less than 40 percent of the popular vote. Lincoln had 39.9 percent.

If no candidate could qualify either of these tests, the Griffin-Tydings formula would have the President elected by a joint session of Congress, with each member casting one vote. A special session of the new Congress elected in November would meet on the first Monday in December and make the choice from the two top candidates. No minority party candidate would still be in the running at this point—a provision deliberately intended to discourage third parties and to eliminate bargaining for the presidency.

This contingency election plan is designed to discourage its own use. If it had been in the Constitution from the beginning, no presidential election in our entire history would have been decided by Congress. While electoral votes might still be used to determine the winner in rare cases, the unfaithful elector problem would be eliminated and electoral votes could not be used to put the popular-vote loser in the White House. Congress might, in one of those rare instances in which the choice would fall to it elect the second man in the popular-vote contest, but sponsors of this proposal feel that, with the country so divided, it would be better for the minority President to start his term with a working majority in Congress.

The fate of this proposal will depend upon whether a majority in the Senate is worried about the uncertainties of possible runoff elections. If a majority is so worried, it is good to have at hand a reasonable alternative. But the differences between Senators Griffin and Tydings on one hand and the Judiciary Committee on the other should not be allowed to imperil the enactment of the direct-election amendment. The American people have indicated in many ways that they want to elect their President's by their

own direct votes, and we think the Senate and then the state legislatures should lose no time in giving them that right.

[From the Traverse City (Mich.) Record Eagle, July 11, 1970]

SAFEGUARDING THE TWO-PARTY SYSTEM

Traverse City's Senator Robert P. Griffin has teamed with Senator Joseph D. Tydings of Maryland to offer a safeguard amendment to current proposals for direct election of the President of the United States.

The constitutional amendment as now structured calls for a runoff election between the two leading candidates if no candidate receives at least 40 per cent of the total popular vote. Griffin and Tydings correctly see this as a danger to the two-party system, or as a "dangerous incentive to splinter party movements," as Griffin puts it. It could lead to the wooing of third and fourth party leaders and political commitments for their support in the runoff.

The present system of requiring an absolute majority of electoral college votes for election guarantees a two-party system, since no candidate can receive such a majority if the votes are divided by a multi-party system.

The Griffin-Tydings proposal would, in effect, restore the electoral college procedure if no candidate received 40 per cent. The front-runner would be declared elected if he "received the greatest number of the votes cast in each of several states which in combination are entitled to a number of senators and representatives in the Congress constituting a majority of the whole number of members of both houses of the Congress..." Abraham Lincoln, for example, received 39.9 per cent of the popular vote, but an absolute majority of the electoral college votes.

Griffin-Tydings would go a step further. If no candidate could be elected by either of these methods, the winner would be determined by a vote of Congress, each member, House and Senate, casting one vote. Congress would vote in December and choose between the two top candidates.

Why go to these lengths to bolster the two-party system? Because we have seen the disastrous effects of multi-party systems in other countries, France being a notable example. When power is diffused and deals must be made between so many diverse parties to patch together a government, stability is sacrificed and sometimes there is no government at all. The present system has its faults, but they are not as great as those so visible in the splintered, weakened governments shattered by numerous minority political parties.

[From the Muskegon (Mich.) Chronicle, July 20, 1970]

GRIFFIN-TYDINGS AMENDMENT IMPROVES PROSPECT FOR DIRECT ELECTION REFORM

The time is fast approaching for U.S. Senate consideration of the proposal for a constitutional amendment providing for the direct election of the president. Various other suggestions for changing our dangerous and outmoded selection method have been studied and dropped, and it is now certain that Senate action will be based on the popular vote plan.

The House voted overwhelmingly (339 to 70) for direct election, and it is to be hoped this demonstrated zeal for reform will carry considerable weight in the Senate, where up to now opposition to change has appeared to be more formidable.

We said at the time of the House vote that no system can be perfect, and that while the popular vote plan has its flaws, it is vastly superior to the present antiquated Electoral College system. The feature often cited as the major weakness of the direct election proposal is the provision for a runoff if the

leading popular candidate fails to get 40 per cent of the vote.

This is seen by a number of congressmen— notably by Sens. Robert P. Griffin, of Michigan, and Joseph D. Tydings, of Maryland—as a dangerous incentive to splinter party movements. They also believe the runoff feature may prevent the measure from receiving the two-thirds majority support required to send it to the state for ratification.

The have offered a solution in form of an amendment to the direct election measure (Senate Joint Resolution 1) which strikes us as eminently sensible. They propose to eliminate the runoff feature by a provision that in the event no candidate received at least 40 per cent of the popular vote, but the front-runner got a majority of the electoral votes the states have under the present system, he would be elected.

In the event the front-runner did not get such a majority, the election would then be decided by a joint session of Congress, each member having one vote. The choice would be between the top two vote-getters in the popular election.

It should be noted that only the two top candidates would be in the running if the election result is to be determined by congressional vote. There would be no minority party candidate in the field. The provision gives important protection to the two-party system, removing all incentive for the front-runners in a multicandidate race to bargain with third or fourth parties.

Sen. Griffin points out that in order to gain "tremendous political leverage" under the present runoff plan "all that one or several splinter parties need do is attract 20 per cent of the popular vote. Under the direct election amendment as written, the prospect of sectional or ideological parties crassly bargaining with the major parties in the first election or the runoff becomes too real.

"Widespread cynical dealing and permanent party fragmentation may cause the disappearance of our stable two-party system as we know it today."

[From the Battle Creek (Mich.), Enquirer & News, June 13, 1970]

DROPPING ELECTORAL COLLEGE URGENT— WALLACE COULD EXPLOIT IT

George C. Wallace's return to the pinnacle of power in Alabama has given a dramatic boost to the proposed constitutional amendment authored by Sen. Birch Bayh, D-Ind., for the direct election of the President.

A growing sense of concern is evident around the country among Republicans and Democrats alike as the full impact sinks in of Wallace's recent victory in the Alabama run-off for the Democratic nomination for governor—a victory which assures his return to that office and probably the revival of his third party movement.

All at once the danger that Wallace, the arch segregationist, can jam up the archaic method by which presidents are elected seems very real. This, in turn, is fueling a drive in support of the Bayh amendment to abolish the electoral college and provide for the popular election of the president.

There is some difference of opinion among big states and small states on this issue, but fortunately the direct election movement has not become snarled in partisan politics. Sen. Robert P. Griffin, R-Mich., the Senator minority whip, has allied himself with Bayh in this cause.

That can be counted as good news for the backers of the amendment. The bad news has to do with timing. Political observers believe it will take a combined major effort by the White House, Congressional leaders of both parties and sympathetic state administrations throughout the nation to get the amendment ratified in time for the 1972 presidential election.

And that is the date when the direct election provision may be needed most, Wallace threatened to deadlock the 1968 election. There is a strong chance he actually could pull such a thing off in 1972.

Bayh drafted the direct election amendment on the basis of many detailed legal and political studies. The subject has cropped up now and then in American political life for at least the last 100 years.

Thus, while the amendment was not designed specifically to block Wallace and his political philosophy, the Alabaman has added a sense of urgency to the question by threatening to turn the 1972 election into a horse trading operation.

Declaring that the present electoral college system constitutes "a dangerous time bomb ticking away at the heart" of the American governmental system, Bayh told newsmen the other day:

"We cannot afford to have the most important officer in the free world chosen by power brokers behind a strategy of hate and division. I urge every American to join us in the fight to enact Senate Joint Resolution 1 providing for direct popular election of the President."

A constitutional amendment must be approved by a two-thirds of each chamber of Congress and ratified by three-quarters of the states. The House of Representatives has already approved an amendment almost identical to the one offered by Bayh by an overwhelming vote of 339 to 70.

As a third party candidate in 1972 Wallace would have no chance to win election as president just as was the case in 1968, but he could decide which of the two major party candidates to put into the White House.

Wallace's strategy to cut a deal became apparent in 1968. He hoped to keep the two major candidates from polling a majority of electoral votes. However, he did not visualize letting the contest go into the House of Representatives, as the system now provides, with each state delegation casting one vote. Instead he made it clear he would keep a tight grip on the electoral votes he received and switch them to the major candidate willing to make a deal with him.

On the basis of Wallace's campaign oratory such a deal would contain strong racial overtones. A reversal of school desegregation policies could be among Wallace's demands.

What chance does Wallace have of gaining such a balance-of-power position if the present electoral process remains unchanged? In 1968 Wallace took 46 of the 538 electoral votes and his strategy fell short.

The next time he apparently intends to limit his campaigning just to the South. This could put a big dent in the Nixon Administration's "southern strategy," which Republicans insist means bring the South into the mainstream of the American two party system.

President Nixon would have been denied an electoral majority last time without the electoral support of North Carolina, South Carolina, Florida and Tennessee. The prospect of a deadlocked election would become very real if Wallace took those four states and held the five he got last time—Alabama, Arkansas, Georgia, Louisiana and Mississippi.

This would particularly be the case if the Democratic candidate in 1972 took even one of five major states carried by Nixon in 1968—California, Illinois, Indiana, New Jersey or Ohio.

While Griffin said he "whole heartedly supported the direct election concept," he and Sen. Joseph D. Tydings, D-Md., have worked out an amendment which they believe will prevent Bayh's run-off provision from encouraging the proliferation of minor parties.

Bayh's plan calls for a run-off election if no candidate receives more than 40 per cent of the popular vote. The Griffin-Tydings plan would eliminate minor party candidates re-

ceiving less than 20 per cent of the popular vote from the run-off.

Before going immediately to a run-off arrangements would be made to see if the popular vote leader automatically would have received a majority of electoral votes under the old (system.) If so he would be declared elected.

[From the Williamstown (Mich.) Press,
June 19, 1970]

KEEP ELECTORAL COLLEGE: GRIFFIN—BUT
ELECT PRESIDENT BY POPULAR VOTE, HIS
AMENDMENT ASKS

(By Tom Ochiltree)

WASHINGTON.—Sen. Robert P. Griffin, R-Mich., has called for a change in the pending constitutional amendment for the direct election of the President which he believes will preserve America's stable two-party system.

Furthermore, he thinks the change will increase the chances of the amendment's final adoption.

Griffin and Sen. Joseph D. Tydings, D-Md., joined forces in an effort to strike out the run-off election provision contained now in the amendment. They wanted to preserve the direct election principle but they also would keep the present state electoral vote arrangement as an emergency standby.

As approved by the House and introduced in the Senate by Sen. Birch Bayh, D-Ind., the direct election amendment would provide for a run-off election if the leading popular candidate failed to capture 40 per cent of the vote.

Griffin and Tydings would change this to provide that a leading candidate receiving less than 40 per cent of the popular vote, nevertheless, would be elected President if he received a majority of electoral votes.

If no one received either 40 per cent of the popular vote or a majority of electoral votes, the newly chosen Congress, meeting in joint session, then would select the President from the two leading candidates in the popular election.

Both Griffin and Tydings are members of the Senate Judiciary Committee which has approved Bayh's bill. They told a joint news conference Thursday that Bayh's measure as it stands now, creates "a dangerous incentive to splinter party movements," such as exist in France and Italy.

It also could open the door, they said, to leaders of minority parties engaging in crass bargaining with major parties either in the first election or in the run off.

New interest in presidential election reform has arisen with the probability that Alabama's George Wallace will again be a third party presidential candidate in 1972. Wallace's chances to gain a commanding bargaining position are even greater under the present archaic electoral college system than they would be under Bayh's amendment.

While explaining they were wedded to the direct election principle, Griffin and Tydings said they wanted to add a needed safeguard. They said they tended to support Bayh's bill even if their suggested change was defeated.

Griffin thought abolition of the runoff would gain the amendments a half-dozen more votes in the Senate, and important consideration where a two-thirds vote is necessary. He predicted the House probably would accept the change he and Tydings favored. After approval by the necessary two-thirds vote of both houses of Congress, an amendment, to be adopted, must win the support of three-fourths of the State legislatures. Abolition of the runoff provision would increase support for the amendment at the state level, Griffin maintained.

Griffin pointed out that Abraham Lincoln, with the country on the eve of the Civil War, pulled only 39.9 per cent of the popular vote. Under Bayh's proposal, Lincoln would have

had to stand in a runoff. Under the Griffin-Tydings change, however, Lincoln would have been elected since he won a majority of the electoral vote.

SUBMISSION OF SENATE RESOLUTION 447—A RESOLUTION URGING PRESIDENT NIXON TO FILL THE 21 VACANCIES ON THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Mr. BAYH. Mr. President, I submit for appropriate reference a resolution urging President Nixon to fill the 21 vacancies that now exist on the National Advisory Council on Economic Opportunity and to take whatever action is necessary to assure that the Council is able to carry out effectively its statutory functions.

The matter, I feel, is one of some urgency.

In 1966, at the suggestion of Senator WINSTON PROUTY, Congress established a new National Advisory Council on Economic Opportunity. Its primary purposes were to undertake regular review of the effectiveness of our poverty programs, and recommend improvements, ways to eliminate overlapping, and ways to promote better coordination between Federal and State officials.

A worthwhile objective, I think we would all still agree.

Responsibility for appointing the 21-member Council was left with the President, and President Johnson in 1967 appointed the members and named Morris I. Leibman, a Chicago attorney, as chairman.

Among members named were Whitney Young, Urban League director; Mayor Louis Welch of Houston; James Suffridge, president of the Retail Clerks; Mrs. Robert McNamara; the Most Reverend John Cody, archbishop of Chicago; and Dr. Otto Eckstein, Harvard professor of economics. One can see that the group possessed considerable expertise in many fields.

But today, because of the inaction of President Nixon, the Council is for all practical purposes nonexistent. It has not met since March 1969. It has no active members. Seven members' terms expired in March 1968. President Nixon has had more than 2 years to fill those positions, yet they remain vacant. Seven more terms expired in March, 1969, and the final seven, in March 1970. The President has persistently ignored these vacancies and has made no new appointments whatsoever since taking office. Even the Executive Director of the Council, Mr. Bradley Patterson, has been assigned other duties as of November, 1969, and has not been replaced.

Mr. Leibman, because of his interest, has continued to serve as chairman, even though he has no Council. And members did continue to serve as "holdovers" for a time after their terms expired, hoping that the Council's work would not be allowed to cease. But, in effect, it has.

Mr. President, we have here a Council without councilors. Why even bother keeping up the pretense of a National

Advisory Council on Economic Opportunity if we are not serious about insuring its effective operation?

We have all heard from President Nixon of his interest in the problems of the poor and of his plans to coordinate efforts and bring about more effective management of the Federal Government's programs. Yet his action—or rather inaction—in this case would hardly stand as proof of those intentions.

Though assigned a vast responsibility, the Council has performed useful services—quietly, efficiently and without fanfare—thanks to a dedicated director, a group of concerned citizens, and a small but diligent professional staff that has never numbered more than a dozen.

For instance, its first undertaking was a broad study of the OEO's often controversial community action programs. It made suggestions for their improvement and urged their retention. Mr. Leibman has testified that he believes the administration's decision to retain the action programs—in the face of heavy opposition—was partly due to the Council's recommendations.

The Council has compiled one of the most extensive libraries on problems of poverty, and has gathered together research on such questions from all over the Nation.

In its role of seeking out suggestions and criticisms of the poverty programs, the Council contacted every mayor, Governor, and county commissioner whose jurisdiction had an OEO program. It made similar requests for comments from Congressional offices.

Its reports have been circulated widely. Thirty thousand copies of its report on community action programs were distributed to OEO offices, universities, citizens groups, to the press and to other Federal agencies.

The Council has made detailed recommendations to the President on restructuring and reorienting OEO programs, on better management procedures, and on how to bring about better cooperation between Federal and State officials.

Several of those recommendations have been followed, and the Council's suggestions often correlate with actions eventually taken by OEO and by the administration. For instance, the Council recommended that OEO become more innovative and research-oriented, and the administration itself has taken this approach in its revisions of some aspects of the economic opportunity program.

The Advisory Council has managed to perform these services with a budget that averages \$160,000 a year and has never exceeded \$250,000 a year—certainly making it one of our better bargains.

I do not mean to contend today that the Advisory Council on Economic Opportunity has set the world on fire with its efforts, or that the Federal campaign against poverty will collapse in confusion without its guidance.

But the Council is a good example of a small group of dedicated citizens who were asked to perform an important task for their government, and who have done so.

Its efforts have been sound enough to merit the approval of the General Accounting Office. The GAO, in its 14-month critique of the OEO programs, concluded in March 1969:

The National Advisory Council on Economic Opportunity has served a useful purpose in its continued review of anti-poverty programs, and in providing information to the public, and it should be continued.

A spokesman for the Office of Economic Opportunity, in testifying before Representative MONAGAN'S Special Study Subcommittee of the House Committee on Government Operations, went on record as stating:

The OEO agrees with this recommendation (of the GAO) and believes that it is extremely helpful to have the advice and criticisms of an outside group . . . We strongly endorse the independence of this Council, and look forward to its reconstitution.

After hearing testimony, Chairman MONAGAN commended:

It is unfortunate that when the executive does get a commission which functions effectively and unobtrusively, and has the support of the executive agency that is involved, that there isn't some continuity.

And the Senate Committee on Labor and Public Welfare reported in 1969:

The committee hopes that the President and the director of OEO will fully utilize the abilities and potential of the Council.

But these words seem to have fallen on deaf or inattentive ears at the White House. Why has the President failed to keep the Council alive? Why has he allowed a promising citizen "watchdog" effort to fall apart in such a shabby fashion?

Mr. Leibman has speculated that perhaps the administration's concentration on legislative matters may explain it, plus the fact that "the squeaky wheel get the attention."

This may explain the President's inaction. But it cannot excuse it.

Therefore, I urge that the Senate approve the resolution I now introduce which calls upon the President to appoint or reappoint members to the National Advisory Council on Economic Opportunity as soon as possible. Its services are too valuable to fall victim to inattention and delay.

The PRESIDING OFFICER (Mr. McGOVERN). The resolution will be received and appropriately referred.

The resolution (S. Res. 447), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 447

Whereas the Congress, in 1966 amended the Economic Opportunity Act of 1964 to establish the National Advisory Council on Economic Opportunity to advise the Director of the Office of Economic Opportunity and to review the effectiveness and operation of poverty programs in order to recommend improvement, elimination of duplication, and coordination of all programs designed to assist low income people;

Whereas the President was authorized by Congress to appoint the 21 members of the Council with the intention that necessary appointments to vacancies would be filled from time to time in order that the operation of the Council could continue;

Whereas the original Council appointed by the President in 1967, under the leadership of its chairman, Morris I. Leibman, worked diligently at its tasks, performed valuable studies and made recommendations toward improving poverty program organization, management and functions;

Whereas the executive director of the Council was assigned other duties in November, 1969 and has not been replaced, thereby hampering effective operation of the Council;

Whereas the effectiveness of the Council has been further limited during the past 15 months by the failure of the President to appoint new members or reappoint former members upon expiration of their terms of office, with the result that the terms of all members have expired as of March, 1970;

Whereas, the Council, because it has lacked a quorum of appointed members, has been unable to meet formally since March, 1969, directly contradicting the intention of Congress in establishing the Council as an independent body to review the nation's anti-poverty programs; and

Whereas the work of the Council has been recognized as valuable and worth continuing by various Federal agencies, including the General Accounting Office and the Office of Economic Opportunity: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should, as soon as possible, appoint the 21 members of the National Advisory Council on Economic Opportunity, and it is the further sense of the Senate that the President should take whatever action is necessary to assure that the Council will be able to carry out effectively its statutory functions.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the transaction of routine morning business with statements therein limited to 3 minutes.

ARMY'S PLAN TO DUMP NERVE GAS OFF THE FLORIDA COAST

Mr. SPONG. Mr. President, the American people are justifiably disturbed over the Army's plan to dump rockets containing 65 tons of nerve gas off the Florida coast. Despite the precautions that have been taken, these deadly weapons remain a serious potential threat to human and aquatic life. Not even the Army knows what will happen when they are sunk in 16,000 feet of water, and it appears no one has troubled to conduct tests to find out.

As a Senator from a coastal State and a member of the Subcommittee on Oceanography, I am deeply concerned about this abuse of our ocean resources, an abuse made all the worse by the fact that it is being perpetrated by a Federal agency.

The Federal Government should be showing the way for industry and others in the effort to stop the depredation of our environment. But, by its example in this case, it is endorsing the very kind of thoughtless and shortsighted action that has brought this Nation to the brink of an ecological disaster.

As it is, dumping the gas at sea is probably the best of the miserable set of alternatives now open to the Army. But it was the Army's own failure to

plan for safe disposal methods that is responsible for this dilemma.

Most other means of disposal were precluded by the decision in 1968 to encase the rockets in concrete and steel coffins. At the time, no one bothered to note even the direction in which the rockets were pointed. That, and the fact that the weapons were encased fully loaded with their volatile fuel, make it too dangerous to attempt to reopen the concrete packages.

Even so, the encased rockets might have been disposed of through such means as underground nuclear explosion, a course of action recommended by a panel of eminent scientists. The Army, however, resisted that idea and now the opportunity for such disposal is passed.

The whole dismal history of the Army's failures in this matter were carefully traced by the distinguished Senator from South Carolina (Mr. HOLLINGS) in his excellent speech on Thursday.

So, we are all faced with the prospect of this deadly sea dump. It is, as I have said, the best of a miserable set of choices, a situation I hope we will not have to face again.

The ocean is not the inexhaustible repository for wastes that some people seem to imagine. Already thousands of square miles of our coastal areas have been made uninhabitable for forms of aquatic life by the steady stream of pollutants from shore-based activities. Unless we act now to prevent it, we are in danger of upsetting the entire ecological balance of those regions.

Mr. President, I believe the national interest demands an end to the dumping of chemicals at sea and for a beginning of intensive research into ways of preventing and correcting the damage to our marine resources.

Mr. KENNEDY. Mr. President, will the Senator from Virginia yield?

Mr. SPONG. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I commend the Senator from Virginia for bringing this matter so forcefully before the Senate this morning. I have read with interest the reports of the action taken by the Federal court this morning, and the requests that were being made to the Army to respond to many of the questions which are in the minds of many people all over the country. But the Army seems unable or unprepared to respond as to what will really happen if the capsules of this gas actually reach the 16,000 feet level below the sea, and what full and adequate protection we are all going to be able to have if that procedure is followed.

I join the Senator from Virginia in hoping that the Army will supply full responses to those questions, and take whatever action is necessary for complete protection and safety, before there will be any movement of the ships toward the designated area.

I share fully the great reluctance to see these capsules of gas, under any circumstances, dumped beneath the sea.

I, too, come from a maritime State. The whole question of the pressure and the forces beneath the sea, at a depth of 16,000 feet, are virtually unknown to us. We have made great strides in under-

standing outer space, but very little real progress in understanding the forces of the deep.

I share the sincere concern of my colleague from Virginia over the action taken by the Army. I am distressed that it has been unable to provide full and adequate responses to the questions which have been demanded of them by the Federal court.

Thus, I hope that the movement of ships carrying the nerve gas will be stopped—as I understand it is being stopped now—until we can have a complete, adequate, and full explanation from the Army.

The Senator from Virginia has brought this important matter to the attention of the Senate today. I know he speaks for many Members of this body in expressing his deep concern over the problem.

Mr. SPONG. I thank the Senator from Massachusetts. On yesterday, as I have said, the Senator from South Carolina (Mr. HOLLINGS) made a very forceful speech as a result of the hearings he, the Senator from Kentucky (Mr. Cook), and I conducted. Also, on yesterday, we had extensive colloquy on the floor over the use of section 102.

Let me say that this is one example when the Army did fulfill the requirements under that section, but the information was sparse, indeed, and dealt only with chemical reactions rather than biological effect.

I am hopeful that this whole affair will result in a much better performance by Government agencies in the future, and I trust that nothing further will be done along this line until better answers are provided.

I thank the Senator from Massachusetts very much for his comments.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF NUMBER OF ARMY COMMISSIONED OFFICERS AND WARRANT OFFICERS ASSIGNED TO HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period January 1, 1970, through June 30, 1970, from moneys appropriated to the Architect of the Capitol; ordered to lie on the table and to be printed.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on action required to improve Department of Defense career program for procurement personnel, dated August 13, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on progress and problems in

U.S. aid to the economic unification of Central America, Department of State, Agency for International Development, dated August 13, 1970 (with an accompanying report); to the Committee on Government Operations.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. JORDAN of North Carolina) announced that on today, August 14, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes.

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. WILLIAMS of New Jersey, from the Committee on Banking and Currency, with amendments:

S. 3431. A bill to extend the coverage of sections 13(d), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors (Rept. No. 91-1125).

CONSUMER PROTECTION ACT OF 1970, S. 3201—REPORT OF A COMMITTEE (S. REPT. NO. 91-1124)—REFERRAL TO COMMITTEE ON THE JUDICIARY

Mr. MAGNUSON. Mr. President, I file a report from the Committee on Commerce on S. 3201, the Consumer Protection Act of 1970, and I ask unanimous consent that the report be printed, together with individual, separate, and supplemental views.

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

Mr. MAGNUSON. Mr. President, I ask unanimous consent that S. 3201, as amended, which includes sections relating to consumer class action, be referred to the Committee on the Judiciary so that it may consider and recommend such modifications of the class action section provisions of the Committee on Commerce amendment as it deems appropriate, and that the bill be reported back to the Senate not later than September 14, 1970.

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

Mr. MAGNUSON. Mr. President, I have discussed this matter with the distinguished chairman of the Committee on the Judiciary and he is in agreement with the 30-day limitation.

BILLS INTRODUCED

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

By Mr. KENNEDY:

S. 4241. A bill to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially-oriented research and development

activities, and for other purposes; to the Committee on Labor and Public Welfare, by unanimous consent.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 4242. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture and Forestry.

S. 4243. A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as such retired employees continue to reside in Alaska, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. STEVENS when he introduced S. 4242 appear below under the appropriate heading.)

By Mr. JORDAN of North Carolina:

S. 4244. A bill to establish a Federal Commodity Account Insurance Corporation, and for other purposes; to the Committee on Agriculture and Forestry.

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

S. 4245. A bill designating certain election days as legal public holidays; to the Committee on the Judiciary.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. WILLIAMS of New Jersey (for himself, Mr. CHURCH, Mr. EAGLETON, Mr. FONG, Mr. MILLER, Mr. MONDALE, Mr. MOSS, Mr. PROUTY, Mr. RANDOLPH, and Mr. YOUNG of Ohio):

S. 4246. A bill to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program; to the Committee on Labor and Public Welfare.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear below under the appropriate heading.)

S. 4241—INTRODUCTION OF THE CONVERSION RESEARCH, EDUCATION, AND ASSISTANCE ACT OF 1970

Mr. KENNEDY. Mr. President, as we reduce our involvement in Southeast Asia and as we attempt to curtail expenditures for unnecessary or wasteful defense systems, there is no higher priority than to redirect our national priorities to the resolution of our pressing social ills and the urgent needs of our people.

At the same time, we must take great care to cushion the impact on our economy and ease the transition of men and resources to civilian-oriented activities.

As a member of the Labor and Public Welfare Committee, I have participated in and conducted field hearings in Massachusetts on the problems of postwar economic conversion. The Congress and the nation have faced this problem in the past.

The periods following World War II and the Korean conflict were characterized by the need for serious adjustments in our manpower training programs and national economic policy.

These experiences were valuable lessons and should lay the basic foundation for dealing with the overall economic problems resulting from the end of our involvement in Southeast Asia. However, there are two additional factors present today which make the problem of economic conversion more complex than in the past.

First, in addition to the impact on the economy created by our disengagement from Southeast Asia, we must deal with the impact created by our efforts to reduce the overall budget of the Defense Department.

Second, we must recognize the unprecedented involvement of our scientific and technical community in defense-related work and plan for its reorientation to civilian-related research and development activities.

Massachusetts ranks sixth in the Nation in the amount of defense contracts.

The unrivalled combination of MIT, the NASA Research Center, and the research and development community centered along Route 128, have made Massachusetts one of the most important centers of this Nation's scientific and technical community.

And so, although I support strongly all efforts to end the war in Vietnam, and reduce the overall budget of the Defense Department, as a Senator from Massachusetts I feel it is my responsibility to lessen the economic impact of these actions and make responsible suggestions to ease the transition from war to peacetime activities.

Therefore, Mr. President, I introduce the Conversion Research, Education, and Assistance Act of 1970.

The principal purpose of the bill is to help the Nation convert its resources and talent from defense-related activities to socially productive civilian-oriented activities.

The bill focuses its attention on the conversion of our vast national research and development effort.

Over \$17 billion of America's \$26 billion research and development industry is funded by the Federal Government. Of this Federal total, over \$14 billion—or about 83 percent—is accounted for by the Department of Defense, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

More than 2 million scientists, engineers and technicians are currently employed by industry and Government agencies.

One in every four technical personnel in industry is engaged in defense-related work, and one in every two scientists, engineers, and technicians in the Federal Government is employed by DOD, NASA, or AEC.

Thus research, development, and engineering now comprise a significant segment of the defense effort and must be carefully accounted for in any conversion to civilian activities.

This is not to say that the traditional conversion problems of industrial production do not need attention; they most certainly do require a concerted, cooperative effort on the part of Government and industry to forestall further unemployment by creating additional jobs in the civilian economy, which will be available to all segments of our population in all regions of the country.

But the problem of converting research, development, and engineering resources to civilian, socially oriented pursuits presents a major, new challenge to the Nation which can be met only

through new approaches. This bill provides an innovative approach to a coordinated program of conversion research and education for defense oriented scientists, technicians, and management personnel.

The need for conversion is serious and immediate.

The impact of defense cutbacks is already being felt. In Massachusetts—and more so in California, Florida, Missouri, and other States where the economy is defense-oriented—corporate profits are down, there are fewer jobs, and there is more empty industrial space than at any time in a decade.

In the past year, the Greater Boston electronics work force suffered a loss of over 2,000 jobs.

Today, one of the State's largest employers is quietly dropping an additional 500 workers each month.

It is estimated that a total of 150,000 factory jobs will be lost throughout New England this year as a result of defense cutbacks.

Some 30,000 to 60,000 of these jobs will be lost in Massachusetts alone.

Mr. President, the Congress must act now to establish the programs and the policies necessary to achieve the national transition from war to peacetime. For the past 6 years, commissions have studied the problems of economic conversion and legislation has been introduced to establish a mechanism to oversee the conversion effort. All of these projects have been treated casually by the Congress and the administration.

Today, we are facing strong demands for Government involvement and leadership in this most important area and we find ourselves unprepared and unaware of how to proceed.

The bill I introduce today is a first step. It recognizes that true conversion cannot be achieved until the Congress and the administration are willing to allocate Federal resources into the areas of our most pressing domestic needs.

It calls for the national investment in science and technology to be maintained and broadened. It further demands that such investment of resources be concentrated in the civilian research and development area until that investment at least equals the Federal investment in defense-related research and development.

In addition, the bill suggests that conversion must be seen, not just as an economic, technical challenge, but as a human, social opportunity. Through the process of conversion, individual scientists, engineers, and technicians will be able to redirect their talents to resolving our pressing domestic problems; restoring the integrity of our environment; and enhancing the quality of our lives. The bill provides for a 3-year authorization of \$450 million to redirect the vast reservoir of talent of our scientific and technical community to the deep, besetting problems of our Nation—unemployment, crime, racism, pollution, nutrition, housing, health care, transportation, and education.

To achieve the necessary talent conversion, the bill provides specific educational programs for scientists, techni-

cians, and management personnel who must redirect their activities; and for the Federal, State, and local officials who must delineate the new markets for socially oriented research and development activity.

In addition, the bill provides special financial and educational assistance to small business firms in the defense industry to facilitate their conversion to civilian markets.

The bill is based on the thinking and the recommendations presented to me during hearings in Massachusetts.

I offer it today with the knowledge that it can and should be improved.

It is my firm hope that full hearings will be scheduled on the bill in the fall and that—recognizing the urgency of the situation—the committee will refine and perfect the legislation for presentation for full Senate consideration.

Mr. President, the future of the United States depends on the resolution of our domestic ills.

The resolution of these ills depends on the commitment of the minds and hearts of those with the creative talent and skills represented in our technical community.

Today, faced with the need to shift the basis of our economic prosperity, we have the opportunity to insure that the best talents of our Nation are devoted to its future.

It is my hope that we will grasp that opportunity.

I ask unanimous consent that the attached articles dealing with the subject of economic conversion be included at the conclusion of my remarks and that the bill itself be printed in the RECORD.

I further ask unanimous consent that the bill be referred to the Senate Labor and Public Welfare Committee for consideration and action.

The PRESIDING OFFICER (Mr. McGovern). The bill will be received and, without objection, will be referred to the Committee on Labor and Public Welfare; and, without objection, the articles and bill will be printed in the RECORD.

The bill (S. 4241) to authorize the National Science Foundation to conduct research and educational programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare by unanimous consent and ordered to be printed in the RECORD, as follows:

S. 4241

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 "Conversion Research and Education Act of 1970".

DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that—
(1) further declines in defense spending are likely because of diminished involvement in Indo-China and reductions in other defense programs, resulting from pressing domestic needs and shifting national priorities;

(2) to forestall and reduce unemployment and the related waste of national talent and resources, it is essential that the Federal

Government take effective steps now to assist in the conversion of defense related programs to civilian-oriented activities;

(3) since a substantial segment of the defense effort has been devoted to research, development, and engineering, it is imperative that Federal conversion programs encompass not only industrial production, but also place sufficient emphasis on the conversion of scientific and technical resources;

(4) the Federal investment in science and technology, especially in the education of scientists, engineers, and technicians, constitutes one of the Nation's most valuable resources, which is a prerequisite for America's continued progress in the future; and

(5) in these times of deepening concern over our domestic crises, it is essential that this vast potential of United States science and technology be converted not simply to serve civilian, consumer ends, but that it be specifically aimed at aiding in the resolution of our besetting social ills; science must serve society in coping with problems such as unemployment, poverty, crime, racism, pollution, nutrition, housing, health-care, transportation, education, and the alienation of youth.

(b) Accordingly, the Congress declares that it is the continuing policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals:

(1) scientists, engineers, and technicians, must have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;

(2) the total Federal investment in science and technology must be restored to an adequate annual expenditure level, and then continue to grow annually in proportion to the growth in the Gross National Product;

(3) Federal obligations for civilian-oriented research and development activities must be increased so as to reach a level of parity with Federal obligations for defense related research and development activities, whereupon the level of parity must be maintained or exceeded, except when inconsistent with overriding considerations of national security.

TITLE I—RESEARCH AND DEVELOPMENT CONVERSION COORDINATION POLICY

NATIONAL SCIENCE FOUNDATION AUTHORITY

SEC. 101. It shall be the function of the National Science Foundation to—

(1) analyze data regarding Federal expenditures for research and development activities, and the employment and availability of scientific, engineering, and technical manpower which the Foundation has assembled pursuant to sections 3(a) (1), (5), (6), and (7) of Public Law 81-507 as amended, in order to appraise the implementation of the policies set forth in section 2 of this Act;

(2) develop and recommend to the President programs and activities which will contribute to carrying out the policies set forth in section 2 of this Act;

(3) prepare and submit to the President for transmittal to the Congress not later than March 1 of each calendar year, ending prior to March 1, 1975, a report on its activities under this title and an appraisal of the extent to which the policies set forth in section 2 are being successfully implemented, together with such recommendations, including recommendations for additional legislation, as it deems appropriate.

CONSULTATION

SEC. 102. The Director of the Foundation in carrying out the functions of the Foundation under this title shall consult with the Director of the Office of Management and Budget, the Director of the Office of Science and Technology, and the Advisory Commission on Research and Development Conversion Education (established under section 502 of this Act.)

TITLE II—NATIONAL SCIENCE FOUNDATION CONVERSION PROGRAM

RESEARCH PROGRAM

SEC. 201. (a) From funds available pursuant to section 506, the Foundation is authorized to make grants to, or to enter into contracts with, academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms, for the conduct of basic and applied research designed to—

(1) study and appraise the social, economic, and managerial aspects of conversion from defense related research and development activities to civilian research and development activities;

(2) identify priority areas of civilian research and development activity likely to contribute to the resolution of the Nation's pressing domestic problems including but not limited to, unemployment, poverty, race relations, social alienation, crime, environmental pollution, urban problems, energy sources and natural resources, nutrition, housing, transportation, education, and health-care; and

(3) advance the scientific and technical state-of-the-art in priority areas identified under section 201(a) (2).

(b) From funds available pursuant to section 506, the Foundation is authorized to disseminate publicly, or enter into contracts with academic institutions, not-for-profit institutes and organizations, public agencies, and private business firms for the public dissemination of, the significant results of such research conducted under section 201(a), as appear likely to aid in the conversion from defense related research and development activities to civilian research and development activities, especially those aimed at the resolution of the Nation's social problems. Such dissemination may be carried out through publications, scientific symposiums, workshops demonstration projects, or other appropriate means of dissemination.

EDUCATION PROGRAM

SEC. 202. From funds available pursuant to section 506, the Foundation is authorized to make grants to, and to enter into contracts with academic institutions, not-for-profit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or carrying out education programs designed to—

(a) retrain scientists, engineers, and technicians so that they can contribute constructively to civilian research and development activities by working effectively in scientific and technical fields, or problem areas, other than the ones in which they have been working or studying. The specific fields or problem areas for which such retraining programs will be designed will be designated by the National Science Foundation from among the priority areas identified under section 201(a) (2) of this Act;

(b) train or retrain officers and employees of Federal, State, and local government who will be responsible for, or participate in, determining or administering the government market demand for civilian, socially-oriented research and development activities, so that they can recognize the potential contributions of science and technology to the resolution of the Nation's social problems and obtain such contributions for society in the most effective and economical manner;

(c) provide courses and curriculums designed to prepare students for careers in civilian, socially oriented research and development activities.

FEES

SEC. 203. Under regulations prescribed by the National Science Foundation, grantees and contractors conducting educational programs under sections 202 (a) and (b) may

charge minimum fees for each participant scientist, engineer, technician, government officer or employee. Such fees will be paid to the grantee or contractor by the participant's academic institution, not-for-profit institute or organization, private firm, or government agency; or by the individual participant. Grants, contracts, and fellowships under this title may not be used for the payment of such fees, except as provided for under sections 204 and 205.

GOVERNMENT EMPLOYEE PARTICIPATION

SEC. 204. (a) From funds available pursuant to section 506, the National Science Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, State and local government agencies for the purpose of assisting in paying the fees of government officers or employees who participate in the educational programs carried out under section 202.

(b) Executive agencies of Federal, State, and local government are urged, to the extent consistent with efficient administration, to provide opportunities for appropriate officers and employees of such agencies to participate in educational programs carried out under section 202.

FELLOWSHIPS

SEC. 205. (a) From funds available pursuant to section 506, the Foundation is authorized to award conversion fellowships to highly qualified scientists, engineers, and technicians to enable them to participate in educational programs carried out under section 202.

(b) The Foundation shall allocate fellowships under this section in such manner, insofar as practicable, as will—

(1) attract highly qualified applicants;

(2) provide an equitable distribution of such fellowships throughout the United States; and

(3) meet the requirements of subsection (c).

(c) (1) The Foundation shall accord priority to applicants under this section who have been or anticipate being out of work because of reductions in defense related research and development expenditures.

(2) The Foundation shall reserve at least 10 per centum but not to exceed 20 per centum of the fellowships awarded under this section to scientists, engineers, and technicians who have completed their academic training within a two-year period prior to award of the fellowship.

(d) The Foundation shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as it may determine to be consistent with prevailing practices under comparable federally supported programs.

(e) Fellowships shall be awarded under this section upon application made at such times and containing such information as the Foundation shall by regulation require.

TITLE III—ECONOMIC DEVELOPMENT ADMINISTRATION CONVERSION PROGRAM MANAGEMENT TRAINING GRANTS AND CONTRACTS

SEC. 301. (a) From funds available pursuant to section 506, the Secretary of Commerce is authorized, in accordance with the provisions of this title, to make grants to, and to enter into contracts with, academic institutions, not-for-profit institutes and organizations, and business firms for the purpose of developing, initiating, improving, or operating training programs for management personnel of business firms, to assist them in converting the research and development activities of such firms from defense related areas to civilian areas of work, especially those aimed at aiding in the resolution of the nation's domestic problems.

(b) In carrying out his functions under this section the Secretary shall, to the extent practicable, provide for a wide geographic distribution of contracts and grants throughout the States while at the same time giving a preference to such programs which show the greatest promise for effective training of management personnel for conversion activities.

FEES

SEC. 302. Under regulations prescribed by the Secretary of Commerce, grantees and contractors under this title shall charge minimum fees to participants in the programs assisted under this title. Grants and contracts under this title may not be used for the payment of such fees.

ADMINISTRATION

SEC. 303. The Secretary of Commerce shall carry out his functions under this title through the Economic Development Administration.

TITLE IV—SMALL BUSINESS CONVERSION PROGRAM

EDUCATION GRANTS

SEC. 401. (a) From funds available pursuant to section 506, the Small Business Administration is authorized to make grants to small business concerns which have engaged in defense related research and development activities within the three-year period immediately prior to the date of enactment of this Act, to pay up to 80 per centum of the cost of enrolling eligible personnel of such concerns in any program assisted under title II or title III of this Act.

(b) Grants under this section shall be made only upon applications made at such times and containing such information as the Administration shall require. The Administration is authorized to prepare recommended programs from among programs carried out under title II and III of this Act which the Administration determines are especially applicable to assisting small businesses in converting to civilian research and development activities.

(c) No small business concern may receive more than \$25,000 in any fiscal year pursuant to this section.

(d) No small business concern may utilize funds received pursuant to this section to pay the expenses of any employee to attend any conversion education program for which he has also received a National Science Foundation Conversion Fellowship awarded pursuant to section 205.

LOAN GUARANTEE AND INTEREST PAYMENT PROGRAM

SEC. 402. Title IV of the Small Business Investment Act of 1958 is amended—

(1) by striking out the title heading and inserting in lieu thereof the following:

"TITLE IV—GUARANTEES

"PART A—LEASE GUARANTEES";

(2) by striking out "this title", wherever it appears in sections 402 and 403, and inserting in lieu thereof "this part"; and

(3) by adding at the end thereof the following:

"PART B—CONVERSION PROJECT GUARANTEES

"DEFINITIONS.

"SEC. 410. As used in this part—

"(1) The term 'eligible lender' means an eligible institution, an agency, or instrumentality of a State, or a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State, or a pension fund approved by the Administration for this purpose.

"(2) The term 'conversion project' means the planning and carrying out of any project by a business concern which is designed to facilitate that business concern's conversion of its defense related research and de-

velopment activities to nondefense related research and development activities.

"(3) The term 'defense related research and development activities' means any activity—

"(A) which involves—

"(i) research, development, or engineering, including necessary supporting services, performed under grant from, or contract with, the Department of Defense, the Atomic Energy Commission, or the National Aeronautics and Space Administration, or under subcontract to such a grant or contract; or

"(ii) the construction, reconstruction, repair, or installation of any building, plant, structure, facility, or equipment connected or necessary to such research, development, engineering, or supporting services; and

"(B) which requires at least six months to complete.

"AUTHORIZATION OF THE ADMINISTRATION

"SEC. 411. (a) The Administration may, upon such terms and conditions as it may prescribe, enter into a contract and guarantee any loan for a conversion project made by an eligible lender against loss as a result of the failure of any person to meet the terms of such loan, subject to the following conditions:

"(1) The person to whom the loan is made is a small business concern.

"(2) The loan is required in order for such person to carry out a conversion project.

"(3) Such person is not able to obtain such loan on reasonable terms and conditions without a guarantee under this section.

"(4) The loan bears interest at a rate not in excess of 8 per centum a year.

"(5) The Administration determines that there is reasonable assurance that such person will repay the loan.

"(6) The conversion project for which the loan is made meets requirements established by the Administration for feasibility and reasonableness of costs.

"(b) When entering into a contract to guarantee a loan for a conversion project which meets the six conditions specified in section 411(a) above, the Administration will give preference to conversion projects aimed at aiding in the resolution of the Nation's pressing domestic problems.

"(c) Any contract of guarantee under this section shall obligate the Administration to pay upon default to an eligible lender the unpaid balance of the principal amount of the loan, other than interest added to principal.

"(d) The Administration shall fix a uniform annual fee for any guarantee under this section which shall be payable at such time as may be determined by the Administration. To the extent practicable, having due regard for the purpose of this section, the amount of any such fee shall be determined in accordance with sound actuarial practices and procedures. Any fee so established shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration may also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith.

"(e) The provisions of section 402 shall apply in the administration of this section.

"FUND

"SEC. 412. (a) There is established a revolving fund for use by the Administration in carrying out this part, except section 413 thereof. Initial capital for such fund shall consist of not to exceed \$50,000,000 transferred from the fund established under section 4(c)(1)(B) of the Small Business Act, but paragraph (6) of such section shall not apply to any amounts so transferred.

"(b) There shall be deposited into the fund established by this section all receipts from

the guarantee program authorized by this part. Money in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such programs shall be invested in bonds or other obligations of, or guaranteed by, the United States; except that money provided as initial capital for such fund shall be returned to the fund established by section 4(c)(1)(B) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund established by this section permits the return of such money without endangering the solvency of the program under this part.

"INTEREST ASSISTANCE PAYMENTS

"SEC. 413. (a) In addition to any contract of guarantee entered into pursuant to section 411 of this title the Administration is authorized to make, and to contract to make, interest assistance payments to any eligible lender which has made a loan subject to the provisions of such section 411, on behalf of any person to whom such loan is made. Such payments shall be made at such times and under such conditions as the Administration may by regulation provide. Interest assistance payments to any such lender shall be made only for the period equal to the repayment period as provided in the agreement evidencing such loan, but in no event for a period longer than five years.

"(b) No interest assistance payments made under this section for any loan for any year shall exceed the difference between 3 per centum and the interest such person would be required to pay under the agreement evidencing such loan.

"(c) (1) There are hereby authorized to be appropriated to the Administration such sums as may be necessary for the payment of interest assistance grants to eligible lenders in accordance with this Section.

"(2) Contracts for interest assistance grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts, and in any event the total amount of interest assistance grants which may be paid to eligible lenders in any year pursuant to contracts entered into under this section shall not exceed \$15 million."

SEC. 403. From funds available pursuant to section 506, the Small Business Administration is authorized to establish and operate a computerized Conversion Information Service to acquaint small business concerns with—

(a) the conversion education programs and other forms of conversion assistance which are available; and

(b) with market needs and opportunities for civilian research and development activities, especially those directed toward assisting in the resolution of the nation's besetting social problems, to the extent that such market needs and opportunities are legitimately matters for the public record.

TITLE V—GENERAL PROVISIONS

DEFINITIONS

SEC. 501. (a) As used in this Act—

(1) The term "Foundation" means the National Science Foundation.

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "defense related research and development activities" means any activity—

(A) which involves—

(i) research, development, or engineering, including necessary supporting services, performed under grant from, or contract with, the Department of Defense, the Atomic Energy Commission, or the National Aeronautics and Space Administration, or under subcontract to such a grant or contract; or

(ii) the construction, reconstruction, repair, or installation of any building, plant structure, facility, or equipment connected

or necessary to such research, development, engineering, or supporting services; and (B) which requires at least six months to complete.

(4) The term "civilian research and development activities" means all nondefense related research and development activities as determined pursuant to regulations of the Director of the Foundation after consultation with the Directors of the Office of Management and Budget and the Office of Science and Technology, and with the Advisory Commission on Conversion Education Programs.

(5) The term "academic institution" means any United States university or four-year college, as well as technical institutions, two-year community colleges, and business schools.

(6) "Federal executive agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation;

(7) The term "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

ADVISORY COMMISSION ON CONVERSION EDUCATION PROGRAMS

SEC. 502. (a) There is hereby established an Advisory Commission on Research and Development Conversion Education to be composed of fifteen members appointed by the President for terms of three years without regard to the provisions of title 5, United States Code, and of three ex officio members as designated in section 502(c) below. Appointed members shall be chosen from among persons who have by reason of experience or professional accomplishments demonstrated their special qualifications to serve on the Commission, in equal numbers from the following:

- (1) Representatives of private industry with experience in nondefense related research and development activities;
- (2) Engineers;
- (3) Natural scientists;
- (4) Social scientists; and
- (5) Educators

(b) (1) Of the members first appointed five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years as designated by the President at the time of appointment.

(2) In order to enable the Commission to provide timely counsel on the urgent problems of conversion, the President is urged to appoint at least eight members of the Commission (sufficient to constitute a quorum necessary for the transaction of official business) not later than six months after enactment of this Act.

(3) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(4) Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(5) Appointed members of the Commission shall, while serving on business of the Commission, be entitled to receive compensation at rate not to exceed \$125 per diem, including traveltime and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem, in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(c) The Commission shall annually elect one of its appointed members to serve as chairman until the next election. The Commission shall meet at the call of the chair-

man, but not less often than three times a year. The Secretary of Commerce, the Director, and the Assistant Secretary of Health, Education, and Welfare for Education shall be ex officio members of the Commission.

(d) The Commission shall—
(1) advise the Director and the Secretary of Commerce with respect to their respective responsibilities for education programs under this Act;

(2) review and evaluate the effectiveness of Federal educational assistance programs under this Act; and

(3) prepare and submit such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendations for changes in the provisions of this Act.

(4) publicize its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(e) The Director shall make available to the Commission such staff, information, and other assistance as it may require to carry out its activities.

ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Except as otherwise provided in this title, the Foundation shall, in carrying out its functions under this title, have the same powers and authority it has under Public Law 81-507, as amended, to carry out its functions under that Law.

(b) In addition to any other authority vested in the head of any Federal executive agency by this Act, the Director, the Secretary of Commerce, and the Administrator of the Small Business Administration are, in order to carry out their respective functions under this Act, authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as may be advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies with or without reimbursement therefor.

(c) Upon request by the Director, the Secretary, or the Administrator, each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics, available to the greatest practicable extent to the appropriate officer in the performance of his functions under this Act.

(d) The Director shall establish such additional divisions or offices within the Foundation as he deems necessary to carry out his functions under this Act.

(e) The Secretary shall establish such additional offices within the Economic Development Administration as he deems necessary to carry out his functions under this Act.

(f) The Administrator shall establish such additional offices within the Small Business Administration as he deems necessary to carry out his functions under this Act.

AUDIT

SEC. 504. The Director, the Secretary of Commerce, and the Administrator of the Small Business Administration for grants and contracts for which each official is responsible, and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee or contractor under this Act.

PAYMENTS AND WITHHOLDING

SEC. 505. (a) Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary ad-

justments on account of underpayment or overpayment.

(b) Whenever the Director, the Secretary of Commerce, or the Administrator for the Small Business Administration for grants or contracts for which each officer is responsible under this Act, and after giving reasonable notice and opportunity for hearing to a grantee or contractor under this Act, finds—

(1) that the program or project for which such grant or contract was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the appropriate officer shall notify such grantee or contractor of his findings and no further payments may be made to such grantee or contractor by him until he is satisfied that such noncompliance has been, or will promptly be, corrected. The appropriate officer may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such grantee or contractor and which are not involved in the noncompliance.

AUTHORIZATION OF APPROPRIATIONS

SEC. 506. (a) There are authorized to be appropriated \$100,000,000 for the fiscal year ending June 30, 1972, of which \$5,000,000 shall be available to carry out the provisions of section 201, \$25,000,000 shall be available to carry out the provisions of section 202, \$10,000,000 shall be available to carry out the provisions of section 204, \$40,000,000 shall be available to carry out the provisions of section 205, \$8,000,000 shall be available to carry out the provisions of section 301, and \$12,000,000 shall be available to carry out the provisions of section 401; \$150,000,000 for the fiscal year ending June 30, 1973, of which \$8,000,000 shall be available to carry out the provisions of section 201, \$35,000,000 shall be available to carry out the provisions of section 202, \$20,000,000 shall be available to carry out the provisions of section 204, \$60,000,000 shall be available to carry out the provisions of section 205, \$10,000,000 shall be available to carry out the provisions of section 301, and \$17,000,000 shall be available to carry out the provisions of section 401; \$200,000,000 for the fiscal year ending June 30, 1974, of which \$10,000,000 shall be available to carry out the provisions of section 201, \$45,000,000 shall be available to carry out the provisions of section 202, \$30,000,000 shall be available to carry out the provisions of section 204, \$80,000,000 shall be available to carry out the provisions of section 205, \$13,000,000 shall be available to carry out the provisions of section 301, and \$22,000,000 shall be available to carry out the provisions of section 401.

(b) Funds appropriated pursuant to this section shall remain available until expended.

The material furnished by Mr. KENNEDY follows:

[From the New York Times, Dec. 4, 1969]
WHEN THE SHOOTING STOPS

Periodically some panel or other issues a glowing report on the potentialities for progress that will be open to the nation after the Vietnam war ends. Every such report stresses, however, that detailed advance planning is essential if these potentialities are to be realized without severe transitional pains. Regrettably, the thing in shortest supply in Washington is anything approaching a detailed plan for postwar reconversion.

That lack makes important the proposal put before a Senate committee this week by Walter P. Reuther of the United Auto Workers that defense contractors be required to put a quarter of their profits into a Government trust fund to help them shift from military to civilian production when the shooting stops. The money would be

used to finance retraining and family benefits for workers displaced by the cancellation of war orders. As an incentive to adequate preplanning, the proposal calls for restoring to each company any eventual surplus in its conversion account.

The specifics of the Reuther plan are less significant than the push it should give to more active joint study by labor, industry and Government of detailed arrangements for insuring the smooth absorption into the civilian economy of Vietnam war veterans and the transfer to nonwar tasks of those now employed on defense contracts.

The kind of pent-up consumer demand that facilitated reconversion after World War II will provide no comparable cushion now. The "peace dividend" to be realized from the release of Federal money currently going into the Asian conflict becomes more amorphous with each new Administration computation. All of which speaks for the assignment of a much higher priority to realistic planning now.

[From the New York Times, Mar. 15, 1970]

U.S. BUSINESS: DEFENSE CUTBACKS HIT ECONOMY OF BOSTON AREA

BOSTON, March 14.—Defense Department cutbacks hit Greater Boston area workers and the local economy hard last week, with the elimination of more than 4,000 jobs. This followed earlier sizable layoffs in some Route 128 electronics plants, the halting of a National Aeronautics and Space Administration project in Cambridge, and the three-month strike of General Electric workers in the Lynn-North Shore area settled earlier this year.

The Washington curtailment order is estimated to cost Massachusetts a total of \$20-million. The stiffest jolt is the \$14.3-million slash at the Boston Naval Shipyard with a loss of 1,400 of the yard's 7,400 jobs. To compensate partly for this, some transfer of skilled workers is possible by increased schedules at the General Dynamics Corporation's Fore River (Quincy) Yards. Voluntary retirement will account for 250 others.

Total jobs lost in the New England area (most of them in Massachusetts) under the curtailment program is set at 4,300. The biggest Massachusetts drop, next to the Boston yards, in civilian and military personnel are 518 at Westover Air Force Base, Chicopee; 364 at Fort Devens in Ayer; 334 at Hanscom Air Force Base, Bedford; and 80 each at Natick Quartermaster Labs, and Watertown Army Materials and Mechanics Research Center.

The Boston Yard slash will be felt before the end of this calendar year. The others will be spread over the fiscal year ending June 30, 1971. Outside of Massachusetts, the big cutbacks will be 1,500 workers at Portsmouth Navy Yard, Kittery, Me., as part of a phaseout announced six years ago and scheduled for completion in 1974.

The 364 job paring at Fort Devens, 350 military and 14 civilian, will mean a \$2.8-million saving. Natick cutbacks are 80, all civilian, and will account for \$1.3-million, and the 69 civilian and 11 military slashes at Watertown will eliminate \$700,000 more.

One addition to the original Greater Boston list appeared at the weekend. The New England Division of the Army Corps of Engineers in Waltham announced the termination of 145 civilian jobs, cutting that work force to 628. No estimate was available of the dollar wage loss there.

[From the Boston Globe]

LOCKHEED ILLS PENTAGON BORN

(By Donald White)

Lockheed Aircraft Corp. is in a spot of trouble.

It's like this. Lockheed, biggest U.S. defense contractor last year (and thus, with-

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out a doubt, the biggest defense firm in the world), has cash problems.

These cash problems are so acute that (a) it may not be able to meet its payroll, and (b) it may, as a result, have to stop work on its biggest defense projects.

How can a whopper of a firm like Lockheed get into so much trouble?

One way is to work for the Defense Department. Many a Rte. 128 company working on government contracts has lived—but barely—to rue the day.

Lockheed's headaches all appear to stem from its defense involvement, which is more than 90 percent of its total effort. They will undoubtedly affect its commercial work.

The company's top brass recognized early this year that a cash problem of magnitude was shaping up.

No less than four of the firm's military contracts are under dispute, the C-5A, the Cheyenne helicopter, the Air Force SRAM (short range air missile), and a group of shipbuilding contracts.

Total money involved is about \$1 billion. Lockheed calculated, probably correctly, that it would eventually get the money—or some of it, anyway—as a result of litigation. Trouble was that it could not wait until 1973 or maybe later. So the firm is asking the defense department for an advance of \$641 million against the disputed cash.

It is very definitely a now problem. If Lockheed doesn't get the money it will have to cease work on the C-5A transport, center of the current dispute with the Pentagon.

Perhaps more important, however, it will be forced to shelve a plan to move back into the big-time of commercial aviation.

First there was the entry into the airbus field with the L-0111 trijet.

Then there was the attempt to turn the military Cheyenne helicopter into a vertical or short takeoff vehicle for swift intercity travel.

Finally there was a plan to turn the C-5A into a cargo carrier.

This three-pronged commercial plan now appears shot full of holes. The Pentagon has cancelled the Cheyenne (which means Lockheed having to shell out its own money to develop a civilian version) and lowered its requirement for the C-5A to 81 from 120.

All that is inconsequential now, however, because the whole Lockheed corporate setup is tottering.

The Lockheed affair is further illustration that the Pentagon's contracting methods are questionable.

Lockheed's C-5A contract was of the fixed-price type known as "total package procurement." It was instituted during Robert McNamara's days at the Pentagon.

McNamara, incidentally, described the Lockheed C-5A contract as "a model method of doing defense business . . . a damn good contract."

Total packaging falls down badly in a number of areas, most notably, perhaps, in design changes. From the time bids are requested until final delivery, many changes in specifications develop. These changes are often initiated by the DOD. Some reflect contractor production problems. In either case, costs change—usually justifiably but invariably upward as was the case with C-5A, which increased to \$5 billion from \$3 billion.

Defense Secretary Melvin Laird recently dropped the total package system. Just what sort of contract is best, however, still seems to be baffling the Pentagon.

With Pentagon practices under growing suspicion it is probably time for a full-scale re-evaluation of defense contracting systems. The Lockheed affair may well trigger just that.

More immediately, however, the Lockheed situation brings up the problem of whether the government should bail out the company, and if so, how.

Forced merger with another aircraft com-

pany is one possibility, though probably an unlikely one. Perhaps the only thing to do is to give Lockheed the money. The alternative—no Lockheed—is unlikely to do anyone any good.

[From the Boston Globe, Apr. 1, 1970]

MORE LOCKHEEDS IN THE WINGS AND BAY

STATE COULD SUFFER

(By Donald White)

The spectre of more Lockheed-type situations and the possible impact they might have upon Massachusetts' already hard-hit defense industry was raised in a conference in Framingham today.

Testifying before a hearing on economic conversion called by Sen. Edward M. Kennedy, Dana W. Atchley, chairman of Burlington-based Microwace Associates, suggested that there might be "other Lockheeds waiting in the wings."

The Lockheed Corp. is in critical financial straits because of its defense involvement has requested emergency funding from the government.

As Atchley noted, if Lockheed and other similar companies fold, or make severe cutbacks, subcontractors around the country will get hurt.

Massachusetts, one of the nation's biggest subcontract states, could get badly hurt, Atchley warned.

In his statement, Atchley was taking issue to some extent with a comment by Arthur S. Obermayer, president of Moleculon Research Corp., Cambridge, who suggested that small research and development get hit hardest in cutbacks because they lack a loud voice and formidable lobby in Washington.

"Lockheed might give you an argument on that," said Atchley.

Sen. Kennedy was accompanied by Sen. Thomas F. Eagleton of Missouri, whose state includes McDonnell Douglas, the nation's fourth largest defense contractor.

Also testifying was Joseph Hyman, president of Hycor, a 3-year-old, 30-man R&D firm in Woburn.

Hyman referred to the bleak situation around Rte. 128.

"During the past few months I've received countless calls from former associates and friends who have been laid off or who anticipate losing their jobs.

"These men usually have advanced degrees, are in their late 30's or early 40's with growing families, and have lived in New England 10 years or more.

"These people are not deadwood. They are highly skilled professionals who joined the aerospace industry when our government assigned top priority to it. In the past I was able to suggest job opportunities in this area or in California, Texas, or Washington, D.C. Now I do not know of a single firm in the aerospace R&D complex on Route 128 or elsewhere in the country that I could suggest."

Hycor is making it "despite the capricious nature of doing business with the government."

Hycor is successful, Hyman surmised, "because we hustle more than the big companies. We don't have to go through the superstructure of management and mounds of paper. We can quickly define if a market exists."

He agreed with Sen. Eagleton that nothing can match the excitement of the aerospace industry. "Certainly you cannot match the excitement of a space launch with putting in a better sewer pump or air filter."

Hyman said he would not expect to get the same kind of commitment to a project in non-aerospace related projects.

Sen. Kennedy had earlier referred to the need for expansion into "the more human sides, R&D into the quality of life."

In another slap at government, Obermayer spoke of what he called "the big business syndrome" in Washington.

He claimed that the rapidly growing (non-defense) government agencies have received large increases in funding and considerable attendant publicity.

"All government contractors are thereby encouraged to solicit new business from these agencies and are encouraged by the large amounts of money they have available for contracts.

"At this stage most of these agencies are understaffed with technical personnel . . . They play it safe with the big name company which can take over the whole program and relieve the technical contract monitor from the responsibility for making a decision requiring considerable technical judgment."

[From the Boston Globe, Apr. 8, 1970]

IT'S CONVERSION TIME ON ROUTE 128

(By Donald White)

Conversion.

Along Rte. 128. In Florida, Georgia, Missouri, California—wherever the economy is defense-oriented, conversion is a priority topic.

As the impact of defense cuts percolates deeper into the industrial economy, more and more companies realize that their only hope is conversion to commercial and consumer markets.

But how?

How indeed. By the time that question is answered it may be academic for many firms.

The fact is that any defense company that waited this long to begin worrying about conversion has probably waited too long. At very least, the managements of such companies are guilty of myopia.

Cuts are not made secretly and they take months to escalate. The smaller a company is, the longer the delay before slashed contracts make themselves felt down the subcontracting chain.

Massachusetts, specifically Rte. 128, is almost wholly a subcontracting region. Therefore it has longer than many regions to prepare for cuts.

Even that is apparently not time enough. Nine years is enough, though. That's how long it has been since electronics row went through the wringer last time.

Some companies did take measures, adding new commercial products, acquiring, diversifying, looking overseas, all of it without jettisoning defense work. They have something to fall back on this time.

Not all the companies currently undergoing withdrawal symptoms can be faulted for ignoring the events of 1961. Some were not even around then. For them, 1970 may well be what 1961 was to the older group—the year when they decided to dispense with dependency on Federal largesse.

There is some evidence that living through one such trauma is the most convincing argument for conversion.

Microwave Associates of Burlington is an example. Its case was stated by Dana W. Atchley, chairman, during a conference on conversion called the other day by Sen. Edward M. Kennedy.

"We had our nose bloodied in 1961," Atchley told Sens. Kennedy and Thomas Eagleton. This year, however, things are going remarkably well.

Atchley said the company's recently completed quarter was one of the best in the firm's history. Better than last year. Backlog is healthy, too.

Not too many companies on Rte. 128 can match those claims.

Atchley feels the situation is due in large measure to steps taken by Microwave after the 1961 crunch. "This time we were ready."

Microwave's countermeasures were twofold—expansion into communications and international markets. Both doubtless had a draggy effect upon earnings during the buildup phase, but who can quibble with that now?

Microwave's experience and its policy of self-help are a more valuable lesson than any number of soul-searching sessions on how to deal with conversion.

The trouble is that it is based upon the premise that you have to experience the worst before learning to cope with it. Many companies are beginning to experience precisely that right now. Whether they will be around to begin the countermeasures is open to question.

[From the Boston Globe, Apr. 12, 1970]

HOW BEST TO HANDLE CONVERSION?

(By Donald White)

How can government help the nation's defense industry with the problems of conversion?

A hearing called by Sen. Edward M. Kennedy the other day posed that question and—surprisingly—received some suggestions.

One of those invited to give testimony was Arthur S. Obermayer, president of Cambridge-based Moleculon Research Corp. He spoke from a six-page text, but was making suggestions by the second paragraph.

He took dead aim at Section 408 of the Independent Offices and Housing and Urban Development Appropriation Act which, he claimed, virtually excludes small research and development companies from doing business with a number of government agencies.

Section 408 states that no research contracts resulting from unsolicited proposals may be awarded unless they include cost sharing.

Obermayer said it is clear that small industrial organizations solely in the business of supply R&D for profit, and having no other fundamental long-term objectives (such as large systems management or production) were never even considered.

Yet, as he pointed out, most small companies in the government research business rely primarily on unsolicited proposals directed toward a specific problem. Another act which Obermayer said has a section discouraging conversion is the Department of Defense Military Procurement Authorization Act for 1970. It reduces to 93 percent from 100 percent the amount of overhead funds authorized to be spent under defense contracts for independent R&D, bid and proposal expense, and other technical effort.

Among other ways the government can help with the conversion problem, Obermayer suggested:

That the Small Business Administration be given the responsibility and authority to make low interest loans to defense contractors for the purpose of converting to non-defense business.

A certain percentage of non-defense government procurements, say 20 percent, should be set aside specifically for companies that have the basic technical expertise, but have not had previous direct experience with that particular government agency or in the particular technical field.

A strong program should be initiated for R&D set aside for small businesses, and for the representation of small R&D business of government procurement panels.

For Moleculon, the conversion road has been difficult, Obermayer reported. "We have found that military research and development is usually directed toward high performance products requiring products requiring a significant advance in the state-of-the-art.

"By contrast, commercial objectives are usually the development of a better product at a competitive price. Such commercial activities don't require the same high level of technical sophistication, but they do generally require a very practical approach, including economic evaluations, cost analysis and market studies."

Obermayer went on to say that in convert-

ing, Moleculon found its organization to be heavy with scientists and engineers and deficient in sales, marketing, production and financial areas.

So, defense contractors seeking to convert must spend more than a normal amount of time and money seeking out business in these new areas.

That, in turn, means learning new technologies through independent research and development activities and submitting more proposals to new government agencies—just the kind of expenses the new legislation discourages.

Obermayer contends that the new restriction on allowable overhead expenses for independent research and development, bid and proposal expenses, and other technical effort goes in the wrong direction. "This type of expense which is necessary for conversion should be encouraged, not curtailed."

[From the Boston Globe, June 18, 1970]

VIETNAMITIS HITS HIGHWAY: CONVERSION—A PILL THAT'S HARD TO TAKE

(By Donald White)

All is far from well on Rte. 128, the world's most famous industrial highway.

Corporate profits are down and in some cases there are no profits, simply increased losses.

There are fewer jobs—another way of saying more jobless.

There is more empty space for lease than at any time in a decade.

There is, in fact, a marked recession.

The reason is not a mystery. Everyone knows that Rte. 128 companies are heavily dependent upon the Washington spigot. When that spigot is partially closed, as it is now, Rte. 128 suffers.

In effect, Rte. 128 and the aerospace industry generally, is suffering from Vietnamitis. The funds that used to filter through from the Federal government—funds for research and development into all sorts of esoteric projects—are not coming through any more.

Some of the money that would have been spent thus has been used to buy guns and bullets and helicopters and bombs for the shooting war in Southeast Asia. Rte. 128 doesn't make that sort of project.

When it is defense-oriented, Rte. 128 is geared to war on a grander, more global scale. Its products are missiles, surveillance systems, software and strategems for World War III and some say chemical warfare. None of them any use in an off-the-shelf war.

Not all the Rte. 128 complex is geared to defense, of course. Trouble is that even the more worthwhile projects have been shelved, or left to idle. Money to fight pollution, cancer, crime and hunger, is diverted because of other priorities. People look for new jobs and find them even more difficult to come by.

Things could be worse, in fact are worse in other parts of the country. In California, Florida, Georgia, Missouri, states where there is far less diversification of industry than in Massachusetts, the situation is more acute.

The big question is: Why must it happen?

Even in dealing specifically with the local problem the question is difficult to answer. The temptation is to fall into the trap of saying: "Conversion is the answer. Why don't all these firms switch to something else that isn't so vulnerable?"

CONVERSION NOT EASY

But conversion is not a pill that can be popped any time to bring about instant surcease. In most cases it takes years to convert. It costs money. It requires commitment by management and investors. It calls for foresight. It can be a bloody nuisance for a chief executive called upon to explain about it to stockholders.

Conversion—and there are remarkably few

examples of any magnitude around Rt. 128—means taking a decision in good times, when corporate earnings are good, and using them to prepare for the bad times. Very unpopular with impatient stockholders.

It isn't the least use waiting until the bottom has fallen out of the defense business. By then it is too late. Earnings are down. Using what little profit there is to begin converting is out of the question.

That's about the spot that Rt. 128 is in at the moment. It is like this:

—The Greater Boston Electronics workforce slipped to 28,300 from 30,900 between March last year and April this year.

—There was a loss of 500 electronics jobs in April alone.

—A total of 150,000 factory jobs will be lost throughout New England this year as a result of the defense cutback.

WORST CUTBACK COMING

From a regional point of view, the worst may yet be coming. For suddenly, as the war in Vietnam is wound down, the few companies that have been thriving, the arms and ammunition and helicopter makers, will be drastically affected.

The prediction is from Prof. David Pinsky, a University of Connecticut labor education expert. Somewhat behind those industries in vulnerability will be boat-building and electronics.

Pinsky reckons there will be a loss of 150,000 jobs this year in the six-state region, 60,000 of them in Massachusetts.

Yet there are those who are more optimistic. Robert W. Eisenmenger, research director for the Federal Reserve Bank of Boston, sees the drop in employment as relatively mild. He reckons that non-defense industries will be able to absorb the additional workers. No need for elaborate planning games here, he said.

Comr. Carroll P. Sheehan of the State Department of Commerce and Development said industries involved with the environment, housing and oceanography could replace holders of defense contracts in providing jobs. No comment, however, on where those industries will be getting the funds to make them healthy.

FORMIDABLE HURDLES

Conversely, Thomas L. McGrath, director of research and development at the Greater Boston Chamber of Commerce, told a special legislative commission on Post Vietnam economy that shrinkage in the defense industry is "placing added burdens on our local economies."

McGrath noted the transition from defense business to non-defense takes time, talent and capital. "three formidable hurdles for smaller sized companies."

One of the few Rte. 128 companies to successfully undertake a dose of self-imposed conversion is Microwave Associates of Burlington. This year about \$5 million of its \$30 million volume will be non-defense.

Microwave's action was taken because it suffered in the 1961 technology recession. It used its expertise in radar technology to edge gradually into the communications field.

Other companies hurt in the early 1960s chose not to do anything. Today they are suffering anew. In addition there are dozens of neophyte firms along Rte. 128, all of them started since the early 1960s, experiencing defense jitters for the first time.

The companies weathering the storm best—apart from the few who chose to convert—were those who diversified via acquisitions. Raytheon is the prime local example.

That, however, is diversification, not conversion.

Conversion is an "in" topic these days. Commissions are being formed, task forces assembled and hearings staged all in the name of conversion. One such hearing was called in Massachusetts by Sen. Edward M.

Kennedy. Surprisingly, he received some suggestions.

BIG BUSINESS SYNDROME

Arthur M. Obermeyer, president of Cambridge-based Moleculon Research Corp. became specific, pointing out government regulations which virtually exclude small R & D companies from doing business with government agencies.

He also drew attention to a "big business syndrome" in Washington which sees the rapidly growing non-defense contractors; that a certain amount business with big name companies.

Obermeyer suggested the Small Business Administration be given authority to make low interest "conversion" loans to defense contractors; that a certain amount of non-defense government be set aside for companies having no direct previous experience with a particular agency or a specific technical project; that a strong program be initiated for R&D set-aside for small businesses and that small R&D businesses be represented on government procurement panels.

There is obviously much that government can do, but the burden is upon individual companies. Those companies do best that help themselves. The trick seems to be to start before conditions begin to hurt.

CUTS FILTERING DOWN

For Massachusetts and Greater Boston things will probably get worse before they get better. Because it is primarily a subcontracting area, the effect of cuts among the prime contractors takes a while to filter through.

The cuts are nicely under way at the top. Lockheed, for example, announced a day or so ago it will have to pare about 13,000 from its payroll this year because of cuts in its government order book. The fallout from such an action will spread from tier to subcontracting tier.

As Dana W. Atchley, chairman of Microwave Associates, told the Kennedy hearing, there are probably other Lockheeds waiting in the wings. For Massachusetts that can mean only trouble.

[From the Boston Globe, June 18, 1970]

A PRESCRIPTION FOR AILING FIRMS?

(By Carl M. Cobb)

Solving problems in the nation's \$60 billion health care industry is good business for a growing number of firms along Rte. 128, and as war-related defense contracts begin to fall off this may be just what the doctor ordered.

The management techniques and the team approach of many of these firms are being applied to the knotty problems of organization, planning and delivery of care.

A leader in this new field is Arthur D. Little, Inc., which recently acquired Lester Gorsline Associates, a California-based company specializing in the planning of health education facilities, hospitals, and university medical centers.

Contracts to solve health problems have not replaced contracts to build planes and tanks, but the infant field is growing fast, and just waiting for significant government participation.

Thus far government money has been limited, and private sources are just beginning to turn to private enterprise for this kind of service.

However, the picture at Arthur D. Little gives an idea of the direction things are headed. In 1966 contracts for ideas in the health field totaled just under \$300,000. By 1970 this had climbed to roughly \$1.5 million. Spokesmen at ADL are convinced this field is going to grow, and showed it when they bought out Gorsline Associates, an old line management consulting firm in the health area.

It is reasonable to wonder who hires a

firm like ADL and what do they expect this kind of an outfit to do for them. Nearly one-third of the money in health care contracts comes from the federal government; about 15 percent come from local and state governments, and the remainder is from the private sector.

One of ADL's big government contracts at the moment is with the Department of Defense, to look at the nation's military base hospitals in this country and come up with ideas and suggestions for saving money. The contract is still in force and ADL won't say too much about it, but one of the solutions is going to lie in the area of better use of non-M.D. personnel. Changes in this area will require legislative action since the number of corpsmen is set by law.

Other aspects of the contract include development of new hospital planning and design procedures which will make structures more adaptable; an improved management information system and development of incentives for improving efficiency of operation. More than 40 members of the ADL research, engineering and management consulting staff are working on the project.

In the private sector ADL was hired by the University of Vermont to help bring about the merger of two hospitals and their affiliation with the medical school as part of a medical center complex.

ADL staff worked closely with the boards of trustees and the administrative staffs of the Mary Fletcher and De Grosbriand Hospitals to assist them in the process of merging. The objectives were to identify problems that needed to be solved prior to amalgamation, to develop a framework for a suitable single board of trustees and administrative organization in the legal and financial aspects of the merger.

This was in large part a political problem, one of convincing all the parties to work together to submerge individual identities. ADL spent most of its man hours on the spot in Burlington working and talking directly with the parties involved.

A somewhat similar example from the local government area involved a contract with the city of Dayton, Ohio to help them bring about a merger of the health departments of the county and city governments. Again this was largely a political problem, with several previous attempts at merger unsuccessful because of civil service and seniority problems that could not be resolved by local officials.

Locally ADL has a continuing contract with Massachusetts Blue Cross to help top management formulate a working plan to deal with present and expected changes in rising health care costs, needs for broader and deeper protection of subscribers, and to develop ways to provide services as an intermediary between subscribers and government health care programs.

The range of talent and multi-disciplinary approach of a firm like ADL is their major selling point. The merger of city and county health departments, for example, involved an educational planner, financial manager, medical computer specialist, industrial sociologist, economist, architect and a city planner.

The size of the potential market for this kind of soft-ware, idea, problem solving service in the health industry is unknown. However, if two percent of the annual dollar volume were devoted to evaluation, planning or re-organization there is more than \$100 million annually to be divided up among the growing number of firms going into this field.

The business is in a shake down period, and is not clear which firms are going to stay in, but new ones are joining all the time. Including some of the big ones like Thompson-Ramo-Woodridge-TRW Systems, United Aircraft and General Dynamics.

If the Federal government begins to spend

some real money to solve social problems as the war in Vietnam winds down there are a number of firms along Rte. 128 ready to jump in for a profit.

[From the Boston Globe, June 18, 1970]

FEW OPTIONS FOR SPECIALIST WANTING OUT
(By Thomas Oliphant)

There is no revolution brewing in the back offices and cubicles where the scientists and technicians toil out on Rte. 128.

Nor, except for a few isolated cases, are the actions of technical people below the top management level radically transforming the product or service mix of those companies now heavily dependent on Defense Department and NASA spending.

Generalizations are dangerous where several thousand people are involved. But it's safe to say that the typical highly trained specialist in Greater Boston's version of the military-industrial-university complex arrives at work on time, works hard, has no serious conscience pangs about what he does, and probably even finds it stimulating and satisfying.

Still, after all that's happened in the last five years (from the war to the ABM debate to the first concrete hint of spending cuts by the military) something is stirring, and the Rev. Scott I. Paradise calls it "malaise."

Rev. Paradise and his colleague, the Rev. Norman Faramelli, share a unique view of the Rte. 128 world as a result of their work for the Boston Industrial Mission.

Their effort here, now roughly two years old, is patterned after similar missions in England, New York City and Detroit.

In Boston, however, Revs. Paradise and Faramelli have dealt not so much with the way industrial systems stifle creativity and talent, as with the way they channel these precious energies.

Through such forums as general discussions on various current issues at regular luncheons and through research task forces now focusing primarily on ecological concerns, Rev. Paradise says the mission is in periodic contact with 200 scientists and technicians from this area.

In his view, this "malaise" is taking two forms.

"In the first place," he says, "more and more of these guys are really scared about jobs and futures because of the spending cutbacks.

"But beyond that, I can sense a marked change from the almost universally held view only a few years ago that all these military and space projects are new and exciting and vital to the national defense.

"What I hear more and more is the view that most of these projects are not just counter-productive from the standpoint of society's needs but also not very interesting anymore, either. And I've listened to some long discussions where these guys can sound very dubious about the value of technology, itself, given the present makeup of the society."

To a small extent, some of the larger local firms have made attempts to accommodate the desires of a number of their workers to participate in activities well beyond the scope of their normal business operations.

For example, several Rte. 128 companies had tables full of their people at the famous "work stoppage" at MIT on March 4, 1969. In addition, a growing number of executives and technical people are hard at work on a variety of projects in Boston's black community.

At the same time, however, no company of significant size made any arrangements for workers who desired to participate in last October's moratorium demonstration.

Unfortunately, the fact is that for those afflicted or blessed (depending on your point of view) with the malaise Rev. Paradise describes, the genuine options are narrow indeed.

A few have been lucky enough to tap the relatively tiny vein of dollars the government has to fund commercial applications for technology developed on aerospace work in areas like communications, transportation, and pollution control.

For most, however, as Rev. Paradise puts it in the vernacular of his flock, "civilian things for their skills just aren't fundable."

The only alternative, except for staying put and getting depressed, then becomes resigning, and more and more one hears of such cases. For example:

The former vice president of one of Rte. 128's more prestigious residents is now making something less than a fortune running a small but innovative job-training program for prisoners.

An ex-military information systems specialist now uses his analytical skills on transportation problems.

A young physicist, trapped at his present company in work intimately related to "the bomb," wants out and is taking a long look at coal mining, where the technology of safety is still seriously underdeveloped.

These and scores of other cases, however, are relatively small in number, and it's doubtful whether they provoke much soul-searching at the companies involved, since replacements are not that hard to find for the few who leave.

The result, of course, is that there is no "conversion"—an increasingly popular term among proponents of radical change, which involves the actual transformation of plants, laboratories, and the people who staff them, from military to social, or at least commercial, projects.

Perhaps a generation from now all this will have changed, but this seems more likely to come from an all-out war on the procurement section of the defense budget, than from the cumulative effect of the actions of workers on military projects along Rte. 128.

Addressing himself to this question in a speech after MIT's commencement a few weeks ago, Steven Carhart, the senior class president, predicted that significant numbers of his contemporaries would deny military and some space contractors their talents in coming years.

He may be right, but a serious question exists today whether enough viable alternatives exist for these committed young scientists, and their more elderly soul brothers.

It's one thing for a doctor to cease work on a new "instant" pain reliever and set up a clinic for the poor in Roxbury. For a disenchanting inertial guidance expert, the search for something "fundable" is infinitely more difficult.

[From the Washington Post, May 2, 1970]

UPPER BRACKET JOBS SCARCE

(By Eugene L. Meyer)

Joe Smith is 45, married with three children and has a mortgage on a house in suburban Maryland. He has a degree in electrical engineering from the University of Colorado and 20 years of solid experience in his field.

Until six months ago, he was earning \$20,000 a year working for a national firm with offices in the Washington area.

The company relied heavily on research and development contracts from the federal government. Many of these contracts were not renewed and as a result, Joe Smith is unemployed and finding it difficult to locate another job in his field in this area.

Joe Smith—a fictitious name—is a capsule portrait of a man in trouble, often repeated in the files of Washington job placement agencies.

Joe Smith is part of an increasingly large pool of unemployed professionals in the Washington area. These educated, experienced and capable men are, through no fault of their own, becoming a glut on a depressed market.

Area personnel agencies attribute the growth of the upper bracket "hard-core unemployed" to a slowing economy and government spending cutbacks—especially in defense-oriented industries.

As recently as a year ago people with Joe Smith's qualifications were in great demand and short supply. Today, as one professional "headhunter" put it, "It is an employer's market."

According to John Harmon, executive director of the National Employment Association, it is a national problem, but especially acute in regions such as Seattle, Southern California and Florida—areas where defense-aerospace industries and prosperity walk hand-in-hand.

"From a national standpoint, placements are off about 20 per cent," Harmon said. "The number of placements are off because the market is down. And many employers are slow in making their payments to recruiting agencies, which indicates tight money."

The problem exists in the Washington area because companies that thrive on government contracts like to be closer to the source.

Many of the large companies have virtually closed their Washington operations—firms such as Beckman Instruments, a California based electronic research firm, and Lear-Siegler, which makes jet parts and provides computer services. Boeing, whose home base is Seattle, has been hit worst.

There are also "hundreds" of small research and development firms in the Washington area, "and just about everyone is taking stock and really cutting the fat," says Ennis T. Ashby, president of a Falls Church employment service. "You just name a company and they've had a layoff."

Norman Rosenberg, president of the Capital Area Personnel Services Association says:

"The technical market as a whole in this area is quite depressed. Many software (computer services) companies have gone out of business. They had sprouted up quite heavily, but lack of borrowing capital and venture capital have forced these companies out of business."

The companies are less willing to discuss the matter, but they concede the market is tight generally, and especially in defense-oriented industries.

Raymond Curry, marketing director of Defense Electronics Industries, a manufacturer of communications equipment, said "It's tight, due to defense R and D (research and development) funds cutbacks, but we're not laying off anybody. We're not hiring either. We're letting attrition take care of it."

The post office systems division of Control Data Corp., of Arlington, reported about a 10 per cent force cutback.

A spokesman for Fairchild Hiller Corp. conceded, "We sure aren't hiring," but added, "Fortunately, we're not affected by government cutbacks. Unlike other aero-space companies, we're diversified. We've been very lucky."

Even so, the spokesman continued, the company recently laid off nearly 100 workers.

Richard Cook, president of Alden Associates, an employment agency in Rockville, says, "Washington is in a very dire economic situation. Professionals are in worst shape than anytime since 1958."

Cook said the turnover rate from the time an individual starts job-hunting to his employment—in the defense-oriented and aerospace fields—has gone from one to seven weeks for individuals making above \$15,000 a year.

Harold Gerick, Washington director of Career Management, a national talent search firm, noted, "I have four engineers from Fairchild I've been pushing for two weeks and I haven't even been able to get them an interview yet. Two of them moved here in October, the other two last summer. None want to relocate, but they're just going to have to."

"The guy who gets laid off making \$100 a week doesn't have a bad problem. He can get another job and survive," says Don Wallach, head of Wallach Associates, a large employment agency based in Rockville.

"But a guy making \$18,000 or more has to sell his home and change his whole life style. I have a number of applications from guys with master's and Ph. Ds getting laid off due to lack of work. No one's in a position to hire them," Wallach says.

Ashby agrees: "The persons worst off are those 35 and older, senior people, with years of good experience and healthy salaries. I've been feeling it since about last June."

Ashby adds that air and water pollution engineers with experience, unlike their defense-oriented counterparts, are in great demand. "Things look pretty bright for them."

And Gerick says, "In the urban development area everyone's looking for someone to help them grab some of Uncle Sam's money."

Leslie Mell, president of Management Recruiters, of Chevy Chase, contends the market is "still very, very strong" for good individuals but concedes employers have become "very selective."

The situation has even affected the head-hunters themselves. "Many employment firms are beginning to go under," says Wallach. "Guys are beginning to leave the business."

While the problem appears concentrated in government-dependent sectors, one recruiter reported another economic signpost. "I had a stockbroker call me last week for a \$90-a-week clerk job in a bank," he said.

[From the Boston Globe, May 3, 1970]

RADAR A PRIME EXAMPLE: TECHNOLOGY OF WAR BENEFICIAL IN PEACE

(By Victor McElheny)

Not long before the surrender of Nazi Germany on May 7, 1945 the Luftwaffe was able to send aloft a few models of the first operational jet warplane—the Messerschmitt 262.

One of these planes—never made in sufficient numbers to threaten the never-ending wave of British and American bombers—now hangs in a hall of the Deutsches Museum in Munich.

There, hordes of tourists who have flown in jet airliners—the lineal descendants of World War II jets—can inspect the plane which might have crippled the Allied bombing offensive—it killed 500,000 civilians and eventually smashed Germany's railroad net.

The Me-262 is a symbol of the technologies developed at breakneck speed in the heat of World War II that have lingered to penetrate deeper and deeper into everyday life, bringing revolutions with them.

Radar was one of the most important of these revolutionary technologies. Radar first entered history as the "secret weapon" the Royal Air Force used to defeat Germany's 1940 air offensive over Britain.

This offensive, using light bombers, was designed to break Britain's resistance to an invasion planned for the Fall of 1940, but never carried out.

The so-called "few," the pilots of RAF fighter command, zeroed in on targets with the help of ground radar stations that Goering failed to knock out and thus inflicted crippling losses on the Luftwaffe.

Today, much more sophisticated versions of these radars help flight controllers at hundreds of city airports around the globe keep nervous track of fleets of incoming and outgoing jets, taking off and landing at rates of once a minute with hundreds of passengers.

The same branch of technology has penetrated the realm of communications, where micro-wave transmitters send signals as simple as telegraph codes and as complex as television whipping across the United States and other countries via microwave towers 40 miles apart.

They also send signals across the oceans via communication satellites—microwave towers in space—keeping station above the equator.

These satellites can reach their posts 22,300 miles above the earth, hovering in so-called "synchronous" orbit, because of the effort Germany made during World War II to develop a ballistic rocket that could hit London, and eventually New York.

Again the effort came just too late to give Germany a chance at victory or stalemate.

But the use of the rockets to launch communications, weather and navigation satellites is already having a deep effect on people's concept of each other and the world they inhabit.

The world can instantly share a prestigious American moon walk and a prestige-eroding view of incidents in Vietnam.

Soon the communications satellite will be used for domestic communications in Canada and for direct educational broadcasting to northern India.

Vital to developing the rockets and spacecraft was the technology of computers, first developed in World War II to do such jobs as help calculate the properties of the first atomic bomb.

The work on atomic bombs, carried out mostly in the United States, gave birth to nuclear reactors able to power missile-bearing submarines and run bigger and bigger electric power plants for cities around the world.

Nuclear power plants operate now not only in developed nations in North America and Europe but also in a poverty-stricken developing country like India.

Since World War II, India's population has increased from some 350 to 550 million, and life expectancy at birth has gone up from 27 to 50 years.

Helping this population explosion has been a major development of World War II: DDT—the killer of malaria carrying mosquitos.

Another development of World War II—penicillin—has led to a host of life-saving antibiotics which have sharply reduced infectious diseases as a factor in the health of developed nations.

The ripples from the technological explosions of World War II are still washing up on every shore.

S. 4242—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964, AS AMENDED

Mr. STEVENS. Mr. President, on a recent visit to my State of Alaska I discovered that a number of people visiting from the South 48 were purchasing food with food stamps. I wondered how these people, most of whom were on summer vacation, could be purchasing food stamps under a program designed to help the poor maintain an adequate diet. I was informed, much to my surprise, that in order for an individual 18 years or older to obtain food stamps, it was necessary only that he declare himself the head of a household and that his income be low enough to qualify. Individuals away from home and not working would easily meet these requirements. When they return to the South 48 in the fall, many of them to their homes where they are supported by their parents, they will no longer be able to maintain status as heads of households.

I am introducing legislation today that will put a stop to this abuse of the food stamp program. My bill will require that prior to receiving food stamps all able-bodied adults register with local

State employment offices and accept work if it is available. The measure includes safeguards so that no individual will be required to work for less than the minimum wage or in a plant where a labor dispute has resulted in a strike. Of course, individuals in school who are not being supported by their parents and thus are legitimately heads of households will continue to be eligible for the food stamp program.

In addition, the bill will also make individuals who were claimed as dependents by their parents ineligible for the food stamp program.

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

The bill (S. 4242) to amend the Food Stamp Act of 1964, as amended, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 4245—INTRODUCTION OF A BILL TO MAKE ELECTION DAY A NATIONAL HOLIDAY

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to make election day a national holiday. The purpose of this bill is to allow greater numbers of Americans to participate more fully in the electoral process.

Mr. President, every Member of this body is familiar with the fact that a great number of eligible voters each year do not register, and that a great number of those who are registered do not vote. This is a fact that is commonly lamented on the editorial pages and here in Congress each November. The low turnout phenomenon is a little like the weather: everybody talks about it, but nobody does anything about it.

Making election day a national holiday would be a first step in doing something about our low election turnouts, and would go a long way toward increasing the legitimacy of the electoral process by expanding the participation in that process. We tend to regard low turnouts as a sign of apathy, yet we know from our mail that few of our constituents are truly apathetic. It is reasonable to assume that many of those who are eligible to vote but fail to show up at the polls do so because of inconveniences that we can and should minimize.

Let me demonstrate why I think making election day a holiday is important. I will use the hypothetical case of Mr. Smith, a man who works in a location some miles from his home. On election day morning, Mr. Smith has to drive to work or ride a bus. He does not have time to vote before he goes; he has to be at the office by 8:45. At lunchtime, he does not have time to drive back to his home in order to vote. After work, he gets home at around 6 or 6:30 p.m. In less than 2 hours, the polls will be closed. Dinner may be delayed, the car may have problems, the weather may have turned very bad, his wife may not be able to find a babysitter for the children and she may not have had time to vote herself during the day. Both Mr. and Mrs. Smith may be tired from a long day. If they finally do get to the polls, they may find a long line of voters in exactly the

same predicament, and they may have to wait so long that eventually they just go home. The net result is that two people who may have wanted to vote simply did not set foot in the polling booth.

I think it should be our goal to minimize the inconvenience of voting and the chanciness of individuals getting to the polls. Passage of this bill would eliminate most of the obstacles to voting that face millions of Americans like the Smiths. But the bill would serve another purpose: increasing the awareness of political issues and political candidates. This would be so because the average voter would recognize that a national holiday on election day would increase the likelihood of his getting to the polls. Knowing that he was likely to vote, and that most technical obstacles to his voting had been removed, he would be more inclined to think about the decisions he will have to make within the polling booth. And so, on the national holiday of election day, we not only would have more voters, but better informed voters as well.

There are other reasons for this proposal that I could go into, such as the social value of emphasizing the importance of election day. I honestly believe, however, that the burden of proof should lie with anyone—and I do not know of anyone—who opposes this proposal. The fact that election day is not a national holiday in the United States, as it is in so many other countries, probably indicates more of an oversight than a deliberate decision. If there is opposition to this proposal, I imagine it will come from those who feel it is in their own interest to keep voter turnouts from expanding. This position in itself argues more effectively for this bill than any argument I could devise.

Mr. President, I hope that the Senate will give this bill careful consideration, and I ask unanimous consent that it be printed in full at the conclusion of my remarks.

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

The bill (S. 4245) designating certain election days as legal public holidays, introduced by Mr. MAGNUSON (for himself and Mr. HARRIS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6103 (a) of title 5, United States Code, as it will exist on and after January 1, 1971, pursuant to the first section of the Act entitled "An Act to provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes", approved June 28, 1968 (82 Stat. 250; Pub. L. 90-363), is amended by inserting between—

"Veterans Day, the fourth Monday in October," and

"Thanksgiving Day, the fourth Thursday in November," the following new item:

"Election Day, the first Tuesday after the first Monday in November in 1972, and in every even numbered year thereafter."

S. 4246—INTRODUCTION OF THE OLDER AMERICANS TRANSPORTATION SERVICES DEVELOPMENT ACT

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. FONG), the Senator from Iowa (Mr. MILLER), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Vermont (Mr. PROUTY), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Ohio (Mr. YOUNG), I introduce for appropriate reference, a bill to amend the Older Americans Act to authorize a special emphasis transportation research and demonstration program to be administered by the Administration on Aging.

Today, older Americans—whether they live in congested cities or sparsely populated rural areas, are encountering serious transportation problems.

Many experience loneliness and frustration from needless isolation because of forced immobility.

Because of financial, health, or safety reasons, others no longer drive their own cars. Only about 42 percent have drivers' licenses.

Moreover, public transportation is often unavailable, inaccessible, inconvenient or physically difficult to use.

To make matters worse, a large number of older pedestrians are endangered by such hazards as short-cycle traffic lights, high curbs, and traffic patterns designed to benefit auto commuters.

For most aged persons, transportation is a major expense. A recent survey by the Bureau of Labor Statistics reveals that transportation accounts for 9 cents out of every dollar in the average retired couple's budget.

It is their third-ranking expenditure—just behind food and housing.

Routine tasks for most younger people—such as shopping, going to the doctor or visiting friends—become formidable obstacles for the aged, who are often confined to their homes or neighborhoods.

As a consequence, a significant proportion of the elderly—as well as younger handicapped individuals—are now denied equal opportunities to work, shop, and participate in their communities.

This not only accentuates the isolation of the aged, but it also denies them urgently needed services.

What we say about the elderly is also true for other age groups, but the transportation problems of older persons are usually more intense.

Obviously, any legislation to improve transportation will benefit all Americans, but for the elderly such improvements can be especially beneficial.

One such proposal is S. 1354—the Urban Mass Transportation Assistance Act—which passed the Senate in February by a vote of 82 to 4.

This legislation would for the first time allow the Federal Government to make major long-term commitments for

transportation construction and improvement of transit systems.

One section in the bill requires State or local agencies applying for Federal grants or loans to certify that the project is consistent with the economic, social, environmental, and urban planning of the affected areas.

Under this requirement, the needs of the elderly should receive special attention since central urban areas ordinarily have high concentrations of aged and aging Americans.

The second part of my two-prong approach is the bill I introduce today—the Older Americans Transportation Services Development Act.

Under the Older Americans Act, \$15 million is authorized for fiscal year 1971 for title IV research and demonstration projects and title V training. However, the administration has requested only \$2.8 million for research and demonstration and \$3 million for training. Moreover, this small amount for research and demonstration must cover the entire field of aging, including such important areas as nutrition, retirement planning, voluntary and paid employment opportunities, recreation and leisure, community services, and many others.

Only five transportation research projects are now funded under title IV by the Administration on Aging. They constitute only about 3 percent of the total amount expended for research and demonstration under the Older Americans Act.

Yet, the results from these pilot projects have been impressive.

For example, the Chicago YMCA portal-to-portal minibus service has helped to enrich the lives of withdrawn aged persons by allowing them to participate more fully in their community.

In addition, a research project conducted by the Division of Transportation Planning of the Polytechnic Institute of Brooklyn has studied the effects of the reduced fare plan for older persons in New York. This study revealed that the reduction in fares increased elderly ridership significantly—by at least 27 percent.

However, existing research and demonstration efforts are far too limited. Much more remains to be done since there is a pressing need for more transportation research in the field of aging.

For instance, in testimony on S. 3154 before the Housing Subcommittee of the House Banking and Currency Committee, John Martin, Commissioner on Aging, said:

We don't know very much about the ways in which we could make it easier for older people to get to where they need to go and do the things they need to do.

My bill would help to provide this specific direction and at a modest cost—\$3 million over a 22-year period.

It would help to build upon successful existing programs as well as provide badly needed funding for new research and demonstration.

It would concentrate on economic and service aspects of transportation for the elderly in urban and rural areas.

Moreover, the bill would authorize:

Feasibility studies on special transportation services in areas where large numbers of elderly persons live,

Research and demonstration on portal-to-portal service,

Additional studies on fare structures and the impact on the elderly's ridership, well-being, and morale, and

Demonstration projects to provide better coordinated transportation services rendered by social service agencies. The potential benefits of this undertaking are many.

For older Americans, it could provide a means to counteract isolation which often leads to loneliness, despair, and even death.

Lower cost transportation which is conveniently located would also help older persons economically.

Increased mobility would improve their ability to obtain needed services and products, as well as enable them to participate more actively in their communities.

Their children may also help because the aged would not be as dependent upon them for transportation.

In addition, the business community may be benefited since increased mobility will allow more senior citizens to purchase their goods and services.

Therefore, I urge prompt and favorable consideration of this legislation.

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

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

The bill (S. 4246) to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program, introduced by Mr. WILLIAMS of New Jersey, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4246

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 "Older Americans Transportation Services Development Act".

Sec. 2. Title IV of the Older Americans Act of 1965 (42 U.S.C. 3031) is hereby amended by adding at the end thereof the following new section:

"SPECIAL EMPHASIS TRANSPORTATION RESEARCH AND DEMONSTRATION PROJECTS

"Sec. 403. (a) The Secretary is authorized to make grants to any public or nonprofit private agency, organization, or institution and to enter into contracts with any agency, organization, or institution, or with any individual—

"(1) to study the economic and service aspects of transportation for older persons living in urban or rural areas;

"(2) to conduct research and demonstration projects regarding the feasibility of special transportation subsystems for use by older persons or similar groups with similar mobility restrictions;

"(3) to conduct research and demonstra-

tion projects on portal to portal service and demand actuated services;

"(4) to conduct research and demonstration projects concerning the impact of pricing structures on the comfort, well-being, and morale of older persons;

"(5) to study transportation and social service delivery interface;

"(6) to conduct research and demonstration projects to coordinate and develop better transportation services rendered by social service agencies; or

"(7) to conduct research and demonstration projects concerning other relevant problems affecting the mobility of older persons.

"(b) There are authorized to be appropriated to carry out this section \$1,000,000 for the fiscal year ending June 30, 1971; and \$2,000,000 for the fiscal year ending June 30, 1972."

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Vermont (Mr. PROUTY) on this subject be printed in the RECORD.

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

STATEMENT BY SENATOR PROUTY

Mr. PROUTY. Mr. President, today the Senator from New Jersey (Mr. WILLIAMS) has introduced a bill to amend the Older Americans Act of 1965, so as to provide research and demonstration programs in transportation for the elderly. I am pleased to be a cosponsor of this bill and I would urge all Senators to give it every consideration.

Transportation for the elderly is a serious public problem. In most rural areas older people face isolation and confinement because they are unable to travel into the towns. Lack of adequate transportation can, therefore, mean lack of adequate nutrition, medicine and other necessities. As ranking minority member of the Senate Special Committee on Aging, I have learned first-hand the consequences of confinement and loneliness which result from inaccessibility to transportation means.

Those who do travel usually must use public transportation, which is often inadequate and expensive—very few drive cars after reaching 75.

The bill offered today will specifically authorize demonstration transportation projects for the elderly under Title IV of the Older Americans Act. This approach will produce a two-fold effect; it will provide much-needed research and information on which to build sound programs, and at the same time will furnish a significant portion of the elderly with immediate transportation facilities.

I commend the Senator from New Jersey for his efforts to solve this problem, and I am pleased to be a wholehearted supporter and sponsor of the bill.

ADDITIONAL COSPONSORS OF BILLS—S. 3419

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), I ask unanimous consent that, at the next printing, the name of the Senator from Mississippi (Mr. STENNIS) be added as a cosponsor of S. 3419, for the relief of Claire E. Brou.

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

S. 3614

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Kentucky (Mr. COOK), I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. PERCY), the Senator from New Mexico (Mr. ANDERSON), the Senator from Maryland (Mr. TYDINGS), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors of S. 3614, to amend the Federal Water Pollution Control Act and the Clean Air Act in order to provide assistance in enforcing such acts through Federal procurement contract procedures.

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

SENATE RESOLUTION 447—RESOLUTION SUBMITTED TO EXPRESS THE SENSE OF THE SENATE RELATING TO CONTINUANCE OF SERVICES OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

Mr. BAYH submitted a resolution (S. Res. 447) to express the sense of the Senate that worthwhile services of the National Advisory Council on Economic Opportunity should be continued, which was referred to the Committee on Labor and Public Welfare.

(The remarks of Mr. BAYH when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 14, 1970, he presented to the President of the United States the following enrolled bills:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the Act, and for other purposes; and

S. 3302. An act to amend the Defense Production Act of 1950, and for other purposes.

THE FITZHUGH COMMISSION REPORT AND THE PROXIMIRE AMENDMENT

Mr. GOLDWATER. Mr. President, I was not in the Chamber yesterday when the Senator from Wisconsin (Mr. PROXIMIRE) offered his amendment to the military procurement bill. I would like to comment on the matter so that Senators who read the RECORD over the weekend may have some concept of what this amendment does.

Recently a report was made to the Defense Department by a blue ribbon commission, the Fitzhugh Commission, recommending that certain procedural changes be made in the Defense Department.

Mr. President, even those of us who serve on the Armed Services Committee and are charged with the responsibility of holding hearings on this report and

reporting legislation to the Senate on this report, probably early next year, have not had a change to read the full report. The report in itself is a very voluminous one. I have had it in my briefcase for 2 weeks and I have only covered about half of it. I do not think that it is any way to legislate this drastic change in the Defense Department by amendment.

Once again the Senator from Wisconsin is resorting to this effort to bypass the normal routine, which calls for hearings before the Committees on Armed Services of the Senate and the House.

This is the most drastic change suggested in the Department of Defense since 1947, when the last changes were made in the Department of Defense.

I find many parts of this report with which I am in agreement, but I have not read it completely and I cannot say I agree with the entire report. I am sure all Senators have not read the entire report. Certainly, we have not had the time to do so because of the debate.

The amendment is taken verbatim, word for word, from the Fitzhugh report. We do not know if these things are good or not. For example, subparagraph (g) of the amendment states: "that elements of the system; or subsystems do not include 'gold plating.'"

What does he mean by this language? What does the Fitzhugh report mean by this language? We have many parts in avionics and communications equipment that are gold plated and many parts that are solid gold. Is he going to prohibit technology or using this improvement? What does "gold plating" mean? I have not had it explained yet.

Then, subparagraph (c) states: "that competitive prototypes have been used in addition to or in lieu of paper studies."

This is a very controversial area. We have been getting into this field for years and years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. GOLDWATER. Mr. President, this is something that has been going on in the Department of Defense for years. There is much argument for it and much argument against it. However, we cannot settle these matters on the floor of the Senate by 100 Senators, probably no one of the 100 knowing what the end result would be or who have read the Fitzhugh report.

Much of this amendment runs contrary to positions that have been taken by the Senator from Wisconsin, who has been opposed to independent research and development, or research and development in itself. Some of the language of this amendment asks for continuation of independent research and development, if I understand English; and I know the Senator from Wisconsin has repeatedly opposed expenditure of money for independent research and development. Yet how can we accomplish this without that?

Subparagraph (a) states: That ex-

ploratory and advanced development of selected subsystems and components of the weapons system have taken place independently of the development of the weapons system.

This is independent research and development. We just knocked the whole thing into a cocked hat a few weeks ago when we stopped independent research and development, substituted \$650 million, and called for contract negotiations for all amounts above \$2.5 million. This runs contrary to what Congress has just accomplished.

This is another part of the Fitzhugh report that puzzles me. Why would they make this recommendation in view of the fact that Congress, in effect, has just destroyed independent research and development in this country?

I might say parenthetically that out of independent research and development, although it has cost billions of dollars, have come many times those billions of dollars in returns to the people through work on projects or products produced by independent research and development. It adds tremendously to our understanding in technology, avionics, communications, and medicine; and yet here we are, we have just knocked it all out, and now the Senator wants to put it all back in.

I am for independent research and development. But this amendment is very dangerous and I hope the Senate will not agree to it. This is the same kind of approach to problems used before this year in this body trying to correct, by legislation when, in my humble opinion, those mistakes should only be corrected by constitutional amendment.

Even if I might agree with parts of this amendment, I think it is wrong to bypass the Committee on Armed Services which is charged with the responsibility of reporting to this body—probably sometime next year, although I have not discussed it with the chairman—on the soundness of the Fitzhugh report. We cannot judge the soundness of the Fitzhugh report in debate because nobody knows enough about it, including the Senator from Wisconsin (Mr. PROXMIER).

The PRESIDING OFFICER. The time of the Senator has expired. Is there further morning business?

Mr. STENNIS. Mr. President, I ask for recognition for 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 minutes.

Mr. STENNIS. Mr. President, I certainly am pleased that this amendment has come to the attention of the distinguished Senator from Arizona (Mr. GOLDWATER). Along with the Senator from Arizona, I, too, think there is a great deal of merit in this panel report; and we are really going forward to an analysis and study, and no doubt there will be recommendations from our committee. Every major suggestion in it is worth the most careful analysis and report to the Senate. However, we have not had time to even read all of it yet. We have not had the benefit of a staff analysis or a staff response, and, of course, it goes without saying that there has not been a chance to have hearings.

I certainly agree that this would be almost calamitous to start now before these things are done. Even though this amendment only calls for a report, it ties up the money in these instances until we have this report. So I think to adopt it now would spoil the chance for doing something constructive with it later. The situation would be all jumbled up; the Department of Defense would not be able to deal with it; the contractors would not be able to know how to submit bids. I believe the judgment of the great majority would be to not include the amendment; but they will not kill the ideas in the panel report. We are going to give this body the benefit of our best study and make recommendations.

I thank the Senator and I hope he will be present to hear the debate on Monday and take part in it.

Mr. GOLDWATER. Mr. President, I assure my chairman that I will be here, and loaded—in the proper way. [Laughter.]

I do not think this kind of amendment makes any sense. The thing that disturbs me is that some people are always picking on the Department of Defense. Why do we not have something like this for HEW; why do we not have something like this for the Department of Interior? No. It is always the Department of Defense. I do not think they will be happy until they eliminate the Department of Defense and take our defenses down to the disasters that will happen.

I am going to oppose this amendment with every fiber of my body and brain because it just does not make sense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I thank the Senator.

AMERICAN PRISONERS OF WAR

Mr. CURTIS. Mr. President I often think of a sentence I read years ago in Longfellow's *Hiawatha*. It said simply that every human heart is human.

Today, over 1,400 American men are held prisoners of war by the North Vietnamese under conditions that violate the Geneva Convention; conditions that no civilized man with the slightest bit of decency or humanity in his heart would tolerate for a moment. Yet this condition persists month in, month out.

To deny the humanity of another man is not difficult. Proving it is difficult, but the North Vietnamese have managed to successfully demonstrate to all the world that to them, humanity is no more than an empty phrase—a bit of fluff, a word without meaning. There is no humanity in their hearts. No further proof is needed.

ADDITIONAL STATEMENTS OF SENATORS

COST OF SO-CALLED WELFARE REFORM LEGISLATION

Mr. TALMADGE. Mr. President, the President's veto of the education and housing bills would appear to indicate great concern on the part of the administration about restricting Federal spending. The President severely criticized

Congress for going beyond his budget requests, and then moved to try to kill these two important pieces of legislation.

I can understand concern about restraining Federal spending in every possible area. The national economy is dislocated. Inflation is rampant. Interest rates are astronomical. Unemployment is already dangerously high, and in some parts of the Nation it is fast approaching the depression stage. The situation is grave, and I am sympathetic to the administration's apparent concern.

However, what I cannot understand is the angry denunciation of Congress by the administration for increasing education and housing spending by \$1 billion, and then for the administration to send its spokesmen to Capitol Hill to push for the enactment of so-called welfare reform legislation that by their own estimates would cost at least \$4 billion annually more than present welfare costs. Actually, the increase would probably run at least twice that amount. This is what I find difficult to comprehend: to complain about \$1 billion in vitally needed education and housing programs, and then to propose a multibillion-dollar increase in welfare spending.

Through hearings by the Committee on Finance, we have established to my satisfaction that the Family Assistance Act in its present form was ill-conceived, hastily drawn, and seriously deficient in many areas—especially in providing incentives to work that can and should be accomplished through increased private and governmental educational and job training programs.

Mr. President, this morning's Washington Post contains an excellent editorial column, written by Kevin Phillips, discussing the welfare legislation and its likely devastating impact upon the economy.

I bring this to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

DEFICIT AND FAMILY AID

(By Kevin P. Phillips)

With evidence growing that a large federal budget deficit can be expected over the next three fiscal years (1971-73), the White House's bold Family Assistance Plan, now under close congressional scrutiny, is stirring economic concern. Under such deficit circumstances, the new multibillion-dollar welfare program—White House planners put its added cost at just over \$4 billion annually while opponents double or triple the figure—could be financed only by increased taxes or accelerated inflation. Either way the scheme would be a blow to middle American pocketbooks and conceivably to the national economy.

The fiscal backdrop against which the administration continues to promote family assistance is bleak and growing bleaker. Secret budget trend projections leaked last month from the Western White House at San Clemente indicated that under highly adverse conditions, the federal budget deficit for Fiscal 1971 could reach \$15 billion, the deficit for Fiscal 1972 could be \$23 billion and that for Fiscal 1973, \$20 billion. A three-year deficit of \$58 billion (or even half as much), if not met with new taxes, must reinforce and accelerate the upward spiral of inflation.

Although the administration has not yet acknowledged these estimates or admitted that the Fiscal 1971 budget deficit will exceed the projected \$1.3 billion, the evidence in the latter case is overwhelming.

Specifically, the outlays projected for the new welfare program appear to constitute a major ingredient of the deficit for all three fiscal years. Inasmuch as contingency projections of the welfare scheme's possible added cost in fiscal years 1972 and 1973 reportedly exceed the \$10 billion a year level, it would be reasonable to single out the Family Assistance Plan, if enacted, as a principal cause of budgetary red ink and thus of any ensuing tax hike or inflation.

Certainly the White House does not look very creditable in its "economy" vetoes of appropriations bills while a massive additional welfare outlays remains on the agenda.

The President has apparently ruled out any further reduction of defense spending. (The slashes made to date have already brought economic doldrums to many aerospace communities and jeopardized U.S. military preparedness vis-a-vis the Soviet Union.) Therefore, unless Mr. Nixon changes his mind, cuts in proposed domestic spending offer the only alternative to increased taxation of a large, inflationary budget deficit. Administration conservatives are once again raising questions about the Family Assistance Plan.

Actually, if the new welfare proposal is enacted under deficit circumstances, its indirect impact could be considerable. Federal Reserve Board Chairman Arthur Burns, the President's former chief domestic policy adviser who now sits quite independently at the controls of the nation's money and credit supply, fought the Family Assistance Plan tooth and nail. He believes it is a misconceived, wasteful outlay, and that money and credit cannot be greatly expanded until excess federal spending is brought under control.

Burns' attitude is giving the White House concern. His past distaste for the Family Assistance Plan suggests that he will resist any White House attempt to finance it through an inflationary deficit and that he will look particularly askance on any deficit caused by its enactment. If Burns counters a large deficit with tighter money, this could mean a continuing inflationary recession of rising prices, tight credit and unemployment, something the President and the country cannot afford. A tough-minded conservative, Burns means business in his opposition to increasing federal spending.

Under present budget circumstances, the launching of a possible \$10-billion-a-year welfare program could play a major role in causing further dislocation of the economy. The President's reelection prospects would suffer accordingly. Some observers have speculated that the Democrats in the House of Representatives supported the Family Assistance Plan to entrap the Nixon administration. Perhaps Senate Democrats will see it through for the same reason.

CULEBRA

Mr. SYMINGTON. Mr. President, until recent months, the existence of the small island of Culebra about 20 miles east of Puerto Rico was not widely known. Intensified shelling and air bombardment of this island by the U.S. Navy, however, along with the latter's plans for expanding its holdings there, have stirred many to question the validity of the Navy's case that this island is an essential part of the Atlantic Fleet weapons range.

On March 13, 1970, the citizens of Culebra voted in a town meeting to ask

the Navy to withdraw from their island; and later that same month, the Puerto Rican Senate passed unanimously a resolution requesting President Nixon to re-examine the Navy's activities in Culebra.

Numerous press reports have since spread the plight of the Culebrans; but of particular interest have been a series of articles appearing in the Journal of the Armed Forces—usually a promilitary publication—taking a strong stand against the Navy and in favor of the people of Culebra.

After studying this matter, it is difficult for me to understand why the Navy cannot find an uninhabited island for use as a target range; therefore, I plan to support the amendment offered by the Senator from New York and the Senator from California to the military procurement authorization bill which would prohibit the naval shelling or air bombardment of the island of Culebra and its adjacent keys and waters.

In this connection, I ask unanimous consent that an article entitled "Islanders Fighting Navy in Range War," published in the St. Louis Post-Dispatch of July 23, be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, July 23, 1970]

ISLANDERS FIGHTING NAVY IN RANGE WAR

(By William K. Wyant, Jr.)

WASHINGTON, July 23.—The United States Navy has unchallenged supremacy in the Atlantic but is shipping water badly in the Caribbean, where citizens of Culebra have fired a broadside against use of their Puerto Rican island for target practice.

Two young lawyers from Dean G. Acheson's prestigious firm Covington & Burling, have been working night and day to shoot full of holes the Navy's case for retaining Culebra. The firm took the Culebra brief free, on a public service basis.

Rockets and flares have been fired on behalf of the Culebrans by major newspapers, magazines and television networks. Several heavy cruisers and dreadnoughts in Congress have come into the fray, tossing their salvos into the Navy's flank.

Last week, no fewer than three Democratic Senators—J. William Fulbright of Arkansas, Edward M. Kennedy of Massachusetts and Edmund S. Muskie of Maine—stood up to take the side of the Culebrans, who want an end to the Navy's bombs and shells.

A week earlier, on July 9, Republican Senator Charles E. Goodell of New York told the Senate the naval activities were restricting tourism and industrial development, frightening children in school and endangering lives.

Goodell introduced in the Congressional Record a detailed "fact sheet on Culebra" developed by the two Covington & Burling lawyers, Richard D. Copaken and Thomas C. Jones Jr. It can be said with accuracy that Copaken and Jones, each 29 years old, are giving the Navy fits.

Their law firm has powerful connections in the capital and other places. The name causes doors to open. The firm's offices occupy much of a new building on Sixteenth Street, Northwest, and have an aura of furniture polish and ducal elegance.

But the Navy is plowing through this tempest stubbornly and with hatches battened down. The Navy insists it needs Culebra as an essential part of the Atlantic Fleet Weapons Range and, in fact, would like to have more

than the 36 per cent of the island it now owns.

Naval ships and aircraft have trained on and near Culebra since 1936. Until last year it sought to buy the entire island, but this was "not mutually agreeable," as the Navy put it, and a switch was made to a plan designed to give the Navy additional elbow room while offering some benefits to Culebrans.

The island is about seven miles long and three wide, between Puerto Rico and St. Thomas. There are 726 United States citizens living there, most of them poor farmers and fishermen. The per capita income is less than \$400 a year.

The Ralston Purina Co. of St. Louis has operated a laboratory on Culebra since early in 1968, raising white rats that are shipped to research centers. The operation is part of the company's Manor Research Co., based in New York State. Manor Research raises several varieties of laboratory animals, a company spokesman said.

The Culebra operation, which has never employed more than 37 workers, is in a building owned by PRIDCO, the industrial development arm of the Puerto Rican government. Ralston Purina and PRIDCO are trying to find a successor to take over the laboratory, the spokesman said.

Ralston Purina decided to get out of the island operation for several reasons, chief of which was the death last summer of the laboratory founder in a boating accident. In addition, airline transportation of the rats posed too great a problem for the company, the spokesman said.

He said Ralston Purina planned to continue its New York State-based laboratory animal operation.

It is said that Culebra is the island Robert Louis Stevenson had in mind when he wrote "Treasure Island." There are fine beaches, a good climate and obvious possibilities for attracting more tourists if the Navy could be persuaded to take its shells and rockets elsewhere.

Intensified military activity, along with the Navy's plan for expanding its holdings, stirred Culebrans to protest this year and brought Culebra's Mayor Ramon Feliciano to Washington in search of assistance.

The island's cause was espoused on a public service basis by Covington & Burling because the firm thought it involved important public issues. Copaken was assigned to the matter in mid-May and enlisted his colleague, Jones, who is fluent in Spanish.

Copaken, from Kansas City, is a Harvard law school graduate who served a year as a White House Fellow. Jones, a Chicagoan, was in Copaken's class at Harvard but received his law degree from Columbia. He studied at the Sorbonne and in Munich and Madrid also.

It might have cost the Culebrans \$75,000 to \$100,000 to hire a big Washington law firm, but under the pro bono arrangement they have received free an intensive effort. Since May, Copaken and Jones have made three trips to Puerto Rico and Culebra.

Copaken said he went to the Pentagon and talked for more than five hours with Joseph A. Grimes Jr., special assistant to the Secretary of the Navy. Grimes told him, Copaken said, that Culebrans were content with the Navy's activities and the contemplated step-up, and that the dissent had been stimulated by real estate speculators.

Grimes speaks fluent Spanish. Copaken said he challenged Grimes to go to Culebra and speak to the people himself. He urged that the problem be put to a referendum under auspices of the International Red Cross. He said neither challenge was accepted.

Accordingly, Copaken and Jones flew to Puerto Rico and Jones interviewed more than 60 Culebrans, most of them heads of families. He reported that 95 percent opposed the Navy plan and 75 percent favored

complete withdrawal of the navy from Culebra.

While the lawyers and Puerto Rico's governor, Luis Ferre, were at Culebra late in May, the Navy fired some mortar rounds near where children were bathing at Flamingo Bay on Culebra. Navy personnel at first denied it had happened, but the lawyers got a statement proving it had happened.

Copaken contended that the Navy had various options on Culebra. He and Jones argued that Culebra's usefulness to the Navy was limited and because of safety factors and because a missile the Navy said it wanted to test there, the Walleye, apparently was being phased out as obsolete.

Not only did the young lawyers stir up press and television interest in the plight of Culebrans, but they conferred with Puerto Rican politicians, including Gov. Ferre and the resident commissioner in Washington, Jorge L. Cordova. The resident commissioner backed the Culebrans.

There appears to have been an understanding between the previous Puerto Rican administration and the Navy concerning Culebra's fate. In any event, the Navy is important to Puerto Rico's economy, and Ferre, perhaps for that reason, has seemed ambivalent in his support of the Culebrans.

Last week Copaken and Jones, along with Mayor Feliciano, endeavored to sound out the Governor. They went to San Juan and served notice on the Governor's staff they would hold a press conference last Thursday and challenge Ferre to take a clear public stand.

On Wednesday evening, the Governor called in the press and announced he had telephoned Secretary of Defense Melvin R. Laird and got his promise that an immediate re-evaluation of the Culebra problem would be made by the Navy, to be available in a week's time.

The Washington lawyers and Feliciano nevertheless held their press conference the next day, pointing out that the Governor still had not made his personal position clear.

Until the Governor speaks out strongly against use of Culebra as a naval target, they said, "there is very little hope for the future of Culebra as a part of the heritage of Puerto Rico."

Copaken, back in Washington, has been trying without success to find out how the new Pentagon study is coming. There is no danger he or Jones will give up the ship.

"The Navy's case," Copaken said, "is just not defensible."

THE ALEUTS OF ALASKA

Mr. STEVENS. Mr. President, the largest Aleut community in the world is dependent upon the annual harvest of Alaska for seals. The Aleuts are loyal Americans who pay taxes, help defend our Nation in time of crisis, and enjoy a unity unique to many peoples.

There is presently a move afoot to prevent the harvesting of the fur seals on the Pribilof Islands. The harvesting is done by Aleuts in accord with conservation practices devised by the Federal Government and prevents the wasteful death of countless numbers of seals from disease, malnutrition, and overpopulation.

I have recently received a letter from the Council President of the Aleut Community Council, St. Paul Island, Alaska, Mr. Terenty Philemonoff. I would like to call the attention of the Senate to the sentiment of the people of St. Paul Island in the matter of the harvest of the Pribilof fur seals.

Accordingly, I ask unanimous consent that the letter be printed immediately following my remarks.

Recently, Sandy Parker, an editor for the newspaper, Women's Wear Daily, went to the Pribilof Islands to observe the seal harvest. The information gathered were reported in a three-article series that appeared in Women's Wear Daily on July 14, 21, and 22. I ask unanimous consent that Sandy Parker's articles be printed in the RECORD following the letter from Mr. Terenty Philemonoff, St. Paul Island Council president.

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

THE ALEUT COMMUNITY COUNCIL,
St. Paul Island, Alaska, July 13, 1970.

HON. TED STEVENS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR STEVENS: We need your help to stop the Friends of Animals from trying to stop the Seal harvest on the Pribilof Islands. Recently the President of Friends of Animals, Inc. visited St. Paul Island accompanied by personnel who filmed the annual harvest of Alaska Fur Seals. We feel that the public should be alerted to the fact that in our opinion, the material filmed is far from an objective presentation of our only industry.

Friends of Animals, Inc. is dedicated to stopping the seals harvested, which for many generations of Aleuts, has been the only means of support. If the seal harvest is halted, biologists tell us Friends of Animals will have succeeded in contributing to the wasteful death of countless numbers of seals from disease, malnutrition and overpopulation. They also may succeed in destroying the unity of the largest Aleut Community in the World (about 630 persons), and the eventual disappearance of the Aleut race whose members happen to be loyal Americans who pay taxes and help fight our Nation's wars.

Respectfully yours,
TERENTY PHILEMONOFF,
Council President.

SEAL HARVEST—PART I

ST. PAUL, PRIBILOF ISLANDS.—This year's harvest of Alaska seals, now nearing its end, should top 50,000 pelts, according to program officials and veteran observers. The number of skins already taken and the number of seals arriving at the island's 14 rookeries indicate the harvest will be at least 25 per cent over last year's 39,000.

The big increase is attributed to several factors. For one thing, last year's harvest stopped at the end of July, almost a week earlier than previous years. The seals have an unyielding tendency to return to the rookery of their birth each year, beginning with the older ones in May and June and continuing in descending order of age. Halting the harvest earlier spared many three-year-olds, now coming back in time for this year's kill.

Another consideration is that 1967 saw a good pup crop, which has increased the number of harvestable males now. Conditions at sea—where it is estimated up to 75 per cent of young seals are lost to sickness and predators—also apparently were good. This is based on observations of the present crop of pups and their state of health. Surveys are taken daily and dead pups are recovered for autopsies.

Some observers here also believe there is some correlation between seals and salmon. It seems that when the salmon fishermen do well, it turns out to be a good seal year. This is said to be a record salmon year. Both species, it is pointed out, have similar feed-

ing habits and an abundance of feed for one usually means the same for the other.

Meanwhile, life here in the small village is hitting its seasonal stride. This is strictly a one-industry island, and when the harvest is on, everybody is working. But, beginning in September and lasting until next May, unemployment will again hit hard.

Isolated here in the middle of the Bering Sea, the islanders are almost totally unaware of what is going on in the outside world. There are no newspapers, radio or television, and the only contact with the Alaskan mainland is a radio-telephone that works only sporadically because of interference from the Coast Guard's powerful LORAN station nearby. Even brief emergency messages can take days to transmit or receive.

Whatever news is received here flies in aboard the weekly Reeve Aleutian Airways plane, which brings people connected with the seal industry, government officials, conservationists and a handful of overnight tourists who either want to watch the sealing or observe the nearly 200 varieties of birds here.

INCREASED TOURISM

The controversy over the killing of seals, which has gathered steam in recent years, has substantially increased the island's tourism. But the limited plane accommodations insure there will be no strain on the facilities here, which are clean and comfortable, but primitive by modern standards.

The killing scene elicits surprising little reaction from the tourists. Most are impressed by the rapidity and efficiency with which it is carried out. The 36-man sealing crew breaks up into about a half-dozen teams, each with a specific job.

The actual clubbing is done by seven men wielding five-foot bats on "pods" of six to eight seals. That takes about 10 seconds and, although it is intended only to stun the seal before his heart is cut, it usually results in instant death.

Those who come here with a fairly open mind generally are satisfied the seals are dispatched humanely. The few who come for evidence to substantiate their established opposition can find that, too. Nothing here is hidden; nothing is off-limits, except the rookeries just before sealing time and only because newly arriving seals may be frightened back into the water.

DEATH IN 20 SECONDS

New tests now being carried out scientifically show just how quickly the seals die. Telemetry systems implanted surgically in test seals are monitored by an electromagnetic blood flow meter and an electroencephalograph, indicating technical death in about 20 seconds.

Government authorities here, as well as natives and others involved in the sealing, feel they are being unjustly maligned by critics of the program. They believe—and the statistics would appear to bear them out—that a controlled harvest is important to the preservation of the species and that the killing method used is still the best available.

Abandoning the program, they are convinced, would merely open the door to uncontrolled killing on the high seas, which is what nearly wiped out the seals before the international agreement in 1911. Even now, it is understood that Japan—one of the four parties to that agreement—favors a return to open sealing, but is kept in check by a 15 per cent share of the American and Russian harvests. A like share also goes to Canada.

The only way a cessation of the program might work, according to one leading veterinary researcher here, is if there were no demand for the fur. Then, the seal population would find its own natural balance, with the weaker ones losing out to disease and predators.

Even then, he would favor control "because seals should be a useful resource and commercially beneficial, if properly managed."

SEAL HARVEST—PART 2

ST. PAUL, PRIBILOF ISLANDS, ALASKA.—The Aleut natives split into two groups just after dawn and converged on about 1,000 noisy bachelor seals gathered on the beach and drove them inland several hundred yards. Farther up the beach, another native team brought in a few hundred more from another of the 14 rookeries around the island.

By the end of the day, some 2,000 Alaska seals were killed and pelted, the furs earmarked for the fashion industry and their carcasses destined for a variety of byproducts.

The six-week program is being carried out under the close supervision of the Interior Department Bureau of Commercial Fisheries, which has sent 10 men here to keep a close eye on the operation. It also is being observed by various conservation and humane society groups, veterinarians, biologists and other scientists, as well as a number of tourists on a one-day excursion from the Alaskan mainland.

If one accepts killing of the seals as important to the conservation of the species, which appears to be supported by experience of the past 60 years, then the scene meets with little objection from observers. The killing is instantaneous—a single blow from a 5-foot bat by one of the seven club-wielders shatters the seal's paper-thin skull. He literally doesn't know what hit him.

This is immediately followed by other teams of natives who slit the dead bodies and then remove the pelt in less than five seconds. The entire procedure is amazingly swift, taking only about six hours to harvest the 2,000. The six-week total may reach 50,000.

The killing takes place in the open. The island consists of about 45 square miles of tundra, covered with moss, lichen and other low-growing vegetation—no trees. The men, mostly residents of the small village here, are up at 4 each morning and, after a solid breakfast in the bunkhouse, travel to the rookeries in trucks over the bumpy, volcanic ash roads. The windy, usually wet weather in the 40's doesn't make it too pleasant.

But nature lends a hand in another way. The workers find the seals at the rookeries already split into two distinct groups: the bachelor males in one spot and the old bulls with their harems and broods in another. Thus, driving the surplus bachelors inland is relatively simple.

Once there, however, the supervisors do some culling of their own. Stray females who may have been caught up with the males, as well as those considered either too young or too old, will be separated and guided back to the rookery. Only males between two and six years old are taken, mostly around three and four. Some females also are taken, when considered necessary to control the population.

At the killing grounds, about six or eight seals are separated from the rest and taken in a batch. The men work in teams, and each team has its specific chore. Even the village's young boys get in on the act. They collect the male organs from the skinned carcasses and sell them for 9 cents a piece to a processor who ships them to the Orient, where they go into fertility drugs and aphrodisiacs.

The flippers are also salvaged. These are slated and cured and serve as delicacies in the village, as are the seal livers. The balance of the carcass is processed into mink feed and shipped south to ranchers, mostly in the Utah area.

The killing grounds, which vary each day as the teams go to different rookeries around

the island, tend to wind up a bloody mess. But no slaughter is neat, especially when the animal serves so many different purposes. Skillful editing of films can easily make it appear far worse and even brutal.

Alice Herrington, president of Friends of Animals, probably the most outspoken critic of the seal program, recently viewed the scene and expressed horror. She came here with a professional cameraman and a director of films to support her campaign to end the program. Another conservationist, however, Margaret Stockton, who represents Cleveland Amory and his Fund for Animals, also witnessed the killing and appeared satisfied there was no brutality.

Among the tourists, each of whom paid about \$200 for the 1,000-mile flight here from Anchorage, none liked the idea of slaughter, but felt this way about all animals. None who witnessed the seal killing, however, objected to the manner in which it was done.

SEAL HARVEST—PART 3

ST. PAUL, PRIBILOF ISLANDS.—New techniques for killing seals are undergoing extensive testing here, but preliminary results indicate nothing yet that would warrant a change from the present method which employs clubs.

The experiments include some of the most sophisticated techniques to come out of modern science. But although the testing is not yet complete, many of the scientists concede privately they have come across nothing to compare with the primitive-sounding club for humaneness, speed and efficiency.

The testing is being done by a team from the Virginia Mason Research Center, Seattle, with the cooperation of veterinarians and biologists connected with the Bureau of Commercial Fisheries, which administers the sealing program in the Pribilofs for the Department of the Interior.

Among the techniques being investigated are those employing various gases and drugs, with a view toward minimizing the seal's anxiety, pain and suffering. Many other possibilities already have been considered and abandoned either because of ineffectiveness or impracticality. These included shooting, electrical shock and certain other gases and drugs.

POISONS RULED OUT

Among those considered were barbiturates used to put dogs and cats to sleep painlessly, but this was ruled out because it requires intravenous injection which is impractical with a wild animal. Other poisons and gases were discarded because they were difficult to control, posed a threat to the humans involved in the harvesting or rendered the meat unusable in the many byproducts.

The experimentation is intensive, one reason being that the Bureau wants to be ready with an iron-clad case should the present controversy bring pressure on Congress for an investigation. Not only are new techniques being measured, but animals to be clubbed also are being instrumented to gauge and record the time involved.

"I think it's something not quite short of sensational that we're here taking electroencephalograph tests on seals. It's never been done before." For these tests, certain devices are surgically implanted in the seals before they are killed under the various methods.

In defense of clubbing, Dr. Keyes also points out this method literally coincides with the language of the Humane Slaughter Act, which says "... all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut..."

Two years ago, a task force consisting of university and Government scientists and the president of the U.S. Humane Society

studied many alternatives and reported none readily adaptable to the harvest. The study also noted the seal's grouping instincts and dangerous nature made the task of moving large numbers and handling individual ones a difficult one from the standpoint of stress on the animal and hazard to the worker.

According to veterinarian Mark C. Keyes, the latter considerations are proving chief obstacles to a number of proposed methods. A drug that has been recommended by Government and industry sources is succinyl choline, a curare derivative which depolarizes the motor nerve ends and brings on general paralysis, inducing death by suffocation. While the drug degenerates and doesn't affect the meat, it tends to raise the seal's anxieties in the nearly 15 minutes it takes to work.

Also being tested are gassing with carbon dioxide and with nitrogen. While both in themselves are harmless, they cause death by depriving the seal of oxygen within six to eight minutes. The difficulty here is the time lapse and the impracticality unless large numbers can be done at once.

From the standpoint of visual observation, clubbing still appears to be most effective and also eliminates anxiety factor on the seals about to be killed. For example, a pod of six or eight being clubbed stands still for the 10 seconds it usually takes. If there should be one among them to be spared because it is too young, too old, or a female, the sealers have difficulty getting it away from the rest of the pod. And when it does rejoin the main herd, it often becomes part of another pod and has to be weeded out again.

The task force reported the average killing time with the club at between 1.7 and 3 seconds per seal, with some dispatched as quickly as 1 second.

Dr. Keyes, who is with the U.S. Fish and Wildlife Service, leans toward the clubbing method. "I'm not defending the Government; as a veterinarian, I'm on the side of the animals."

But visual observation is not enough and the studies now in progress employ some sophisticated electronic telemetering devices that record exactly when blood oxygen drops to a critical level or when brain waves flatten out. "This," says Dr. Keyes, "is probably the ultimate criterion of death, as with organ transplants."

EARLIER RETIREMENT: VOLUNTARY OR INVOLUNTARY?

Mr. WILLIAMS of New Jersey. Mr. President, an alarmingly large number of older workers have dropped out of the labor force during the past two decades.

In 1969, there were 1.4 million males in the 55-to-64 age category who had withdrawn from the workforce, compared with 800,000 in 1949. This represents a 75-percent increase.

For males 65 and older, the "dropout" rate has jumped even more substantially, from 2.8 million in 1949 to 5.8 million in 1969—nearly a 107-percent increase.

If current labor force participation trends continue, one out of every six men aged 55 to 59 will no longer be in the workforce by the time he reaches his 64th birthday. Ten years ago that ratio was only one in eight.

Moreover, the one-out-of-six ratio is only for the short run. Unless major and far-reaching policy changes are made now, the proportion will grow during the 1970's.

A recent study conducted by the University of Oregon reveals the widespread extent of this unevaluated trend toward

earlier retirement. Nearly one-half of all the retirees in this study retired before reaching mandatory retirement age.

Mr. President, I ask unanimous consent that an article about the University of Oregon study on "Early Job Retirement," dated July 22, and written by syndicated columnist Martin Segal, be printed in the RECORD.

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

SECURITY FOR YOU: EARLY JOB RETIREMENT IS STUDIED

(By Martin E. Segal)

Those who are eligible to take early retirement from their place of work are interested in the experiences of those who have made this move.

The growing financial impact of Social Security payments resulting from early retirement at age 62 is a matter of concern to the Social Security Administration. Employers are equally concerned about the loss of skilled employees who are exercising options to retire as early as age 55 under pension plans.

In an attempt to come up with answers about the early retirement trend, the University of Oregon, with federal financial support, made a nationwide study of early retirement. About 200 companies took part in this study. Early retirees were studied from 231 companies.

Nationwide, early retirement is extensive. About half of all retirees in the companies studied retired before mandatory retirement age. The percentage of salaried employees retiring early was slightly more than hourly employees. Over half of the companies reported that early retirement had increased in the last 10 years.

Both the size and the geographic location appear to be related to the rate of exercising the early retirement option. The larger the company, the higher the rate of early retirement. West Coast companies report a lower rate of early retirements than the East and Midwest.

Most companies reported that they neither encouraged nor discouraged early retirement. Less than 20 per cent of the companies reported that they encouraged early retirement, but less than 10 per cent of the companies which have early retirement provisions reported that there was some sort of financial incentive for early retirement. The most widely used incentive is some kind of supplemental pension payment until a person is eligible for Social Security. The retired person gets lower pension payments once his Social Security benefits start.

Of the companies which have early retirement provisions, about half have a restriction on reemployment of early retirees. A little more than one-third have prohibitions for a salaried employee being hired by a competitor.

Focusing on the early retiree, the University of Oregon researchers noted that since the majority of pension plans provide for reduced pensions benefits under early retirement, it was "somewhat surprising" to find that only 12 per cent received incomes of less than \$300 per month and that 41 per cent received income in excess of \$600 per month. The favorable income picture is believed attributable to the fact that the majority received income from sources other than their pensions.

CONGRESS' RIGHT TO KNOW

Mr. COOPER. Mr. President, I ask unanimous consent to have printed in the body of the CONGRESSIONAL RECORD an article entitled "Congress' Right To Know," written by the distinguished

senior Senator from Missouri (Mr. SYMINGTON), and published in the New York Times Magazine of August 9.

Last year, the Committee on Foreign Relations established a subcommittee on United States Commitments and Agreements Abroad and selected Senator SYMINGTON as its chairman.

The subcommittee has held 37 days of hearings and has taken the testimony of 48 major witnesses from the executive branch with respect to our commitments in 27 countries. The staff of the subcommittee has visited 23 of these countries, and both the committee and the staff have spent hundreds of hours in research and discussion of problems which the work of the committee have disclosed.

The work of the committee is of critical importance to Congress and the people of our country. Its purpose has been to determine the extent of the commitments of the United States abroad, both in respect of financial arrangements and, of greater importance, any commitment of our country to engage in the defense of other countries.

As a member of the subcommittee, I consider that its work will result in the savings to our country of millions of dollars and the avoidance of situations which would lead our Nation into war.

Senator SYMINGTON is uniquely qualified to be the chairman of this subcommittee and its leader. He has had practical experience in business, and he has served in the executive branch of the Government as well as in the Senate. He is the only Member of either branch of Congress to sit on both the Armed Services Committee and the Foreign Relations Committee. He has given to the work of the committee great experience and knowledge. Congress and the country are indebted to Senator SYMINGTON for his leadership and courage in presenting to the country information which affect, as he has said so well, "the welfare and prosperity of the United States but also, and most significantly, the national security."

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

CONGRESS' RIGHT TO KNOW

(By Stuart Symington)

WASHINGTON.—Executive secrecy surrounding the conduct of our foreign policy and its associated military operations is, I am convinced, endangering not only the welfare and prosperity of the United States but also, and most significantly, the national security.

This is a conclusion I have reached slowly, reluctantly, and from the unique vantage point of having been a Pentagon official and now being the only member of either branch of Congress to sit on both the Foreign Relations and Armed Service Committees.

The practice of either editing or wholly withholding military information from Congress and the public is not new; the present Administration is no better or worse than its predecessors. In recent years, the need for immediate reaction to a possible nuclear attack has made it necessary to transfer more authority to the executive branch, but this additional authority has apparently been carried over into the conventional military and foreign policy field. As a result, key foreign policy activities have not been properly debated in Congress, for we simply have not known enough to play our traditional and constitutional role in the formulation of

foreign policy and the direction of the country.

A particularly heavy veil of secrecy has been drawn over one especially important and dangerous aspect of the foreign/military policy field: the production and deployment overseas of United States nuclear weapons. While some secrecy in the nuclear field is justified, much of it is a carry-over from the past and deserves the most searching review within the Government as well as more public disclosure and debate.

No one seriously concerned about the future can deny that our current worldwide military posture could be interpreted by a possible enemy—including the other superpower—as unnecessarily threatening, and in any case belying any real interest on our part for achieving, through the current SALT talks, a permanent peace by means of an agreement about the control of nuclear arms.

It seemed to me axiomatic that the American public should know and understand as fully as possible the implications of our current worldwide military deployment and the foreign policy commitments which this deployment presumably enforces. Yet the public in this country often knows less than much of the rest of the world. As a ranking Republican on the Foreign Relations Committee observed recently, "Our problem is that we don't take the Hong Kong newspapers."

My personal feeling of alarm began to stir in 1963, with the defense budget mounting toward \$80-billion, and keen awareness based on personal experience that high cost and duplication are characteristic of our enormous military presence abroad. (Today, we have overseas more than 1,000,000 men in some 384 facilities and 3,000 minor installations, along with 300,000 at sea.) At best, an examination of this vast military position could point up waste and inefficiency; at worst, it presents—because of its high dollar cost and its direct relations to issues of war and peace—a serious present danger to the continued vitality of our free and democratic institutions.

It was against this background that the Senate Foreign Relations Committee decided to undertake a study of just what this nation's foreign policy commitments are. Senator Fulbright asked me to serve as head of the new subcommittee and we began work in February, 1969.

Seventeen months of investigating confirmed our already deep concern about executive branch secrecy surrounding much of our foreign policy and the military undertakings incident to those policies; secrecy which has now developed to a point where military activities often first create and then dominate foreign policy responses.

I do not refer to the concealment of military details which could aid the enemy, nor to the publication of the precise terms of negotiations or specific agreements which could frustrate their successful consummation. I do refer, however, to the continuing failure to reveal, explain or justify the true dimensions of our activities abroad, dimensions which are far better known by our adversaries than by the American public—and in some cases, by the American Congress.

As recent evidence, last month, for the first time in the history of the Senate Foreign Relations Committee, an ambassador refused to testify about United States activities in a country in which we are waging war, unless specific regulations laid down by the State Department were adhered to, including retention by the executive branch only of any written record.

Accordingly, rather than agreeing to State's stipulation that the written record of the testimony of G. McMurtrie Godley, the United States Ambassador to Laos—where he directs all military as well as political activities—not be retained by the committee, the committee elected to receive a briefing from

the Ambassador, with no record being kept on either side.

Publicity, I know, may be occasionally inconvenient to those who supervise the functioning of a bureaucracy. The "system" works more smoothly if unexposed to questioning. But public disclosure is a truly vital safeguard against government adoption of positions and policies of unknown and potentially dangerous implications. And when it comes to issues which involve actual survival (even more than mere prosperity and the question of whether so much of our money should be spent for military rather than domestic social needs), there is obvious need for more careful examination.

Beyond any pragmatic concept is the philosophical. If this Government is one truly based upon the consent of the governed; if it is to function as the people's servant rather than their master, a proper measure of accurate information is essential for the people to determine whether their Government is wise and right in its response to their needs.

Today's danger resulting from increased secrecy with respect to foreign/military policy and programs exists at two levels: information denied the public and information denied the Congress itself.

As illustration, let us look briefly at the deep and costly American involvement in the secret war of northern Laos.

Hearings on that country, which were held by our subcommittee last October, gave members a fairly comprehensive view of just what has been going on, for years, in that part of Southeast Asia.

As shown by the transcripts, finally released six months after the hearings, the United States has been, and is, participating heavily in a secret war that has cost many American lives and billions of dollars. It is a war conducted far away from any Vietnam interdiction effort along the Ho Chi Minh Trail of southern Laos.

From a modest 1962 role as a supplier of equipment to the Government of Prince Souvanna Phouma, the United States has now become involved in fighting on a broad scale. Under the veil of what was officially termed "armed reconnaissance," American fighter bombers, as far back as 1964, began to attack Communist ground targets and troops—and therefore inevitably civilians—in northern Laos; and American air effort in that area has grown continuously since that time.

The air support took quantum leaps during the various bombing pauses over North Vietnam, reaching a peak after the 1968 Executive order to cease all raids over that latter country.

For over five years this secret American war has been going on in northern Laos; but until recently, the only reports on United States activities in that distant land were from representatives of the press who went to the scene. Some of these press stories contained much accurate detail; but almost without exception their accounts have understandably contained mistakes. It was the old case of blindfolded men touching the elephant, with each describing the part he touched; and with American diplomats, here and in Laos, never anxious to remove the blindfolds.

During the years 1964-69, as the clandestine American role in Laos grew steadily, executive branch discussions and presentations to Congress were extremely limited; in some cases they were actually misleading.

An illustration of the latter is the testimony in January, 1968, of William H. Sullivan—the United States Ambassador in Laos at the time—before the Senate Foreign Relations Committee. The Ambassador told the committee, "We do not have a military training and advisory organization in Laos . . . We don't have advisers with them (the Laotians). However, some of these units probably have been trained in Thailand under

American supervision, though we don't have people with them. We don't have a military advisory group there."

When later asked whether Air America—the C.I.A. supported airline—was engaged in bombing, Ambassador Sullivan replied, "No, sir . . . They carry equipment for our AID program . . . But they are not engaged in combat operations. There are no Americans who fly Laotian planes." When asked whether the Royal Laotian Air Force was doing any fighting, he responded, "They are doing all the fighting."

This testimony was completely misleading. Nowhere did Ambassador Sullivan acknowledge the significant role of the United States Air Force, which for years has been bombing and napalming Laotians in northern Laos, actually closer to the border of Red China than to the Ho Chi Minh Trail. Even though I personally traveled all over Laos in 1966 and 1967, until these hearings in the fall of 1969 I never knew that United States pilots, flying out of Thailand, were bombing targets and napalming natives in that part of the country.

When confronted at our hearings with these earlier statements, Ambassador Sullivan, by then Deputy Assistant Secretary of State, stated the reason he had given this type of testimony was because he had not been asked any direct questions about American air operations in northern Laos. Senator Fulbright observed, "We do not know enough to ask you these questions unless you are willing to volunteer the information. There is no way for us to ask you questions about things we don't know you are doing."

The subcommittee finally heard testimony on all phases of Laos, including United States support of this war; but the American people are still being denied full information because of the continuing refusal of the executive branch to declassify portions of the transcript which, we think, should be in the public domain.

Also known throughout the Far East is the participation in said Laotian war by United States supported third country military forces; but the State Department to date has also refused to make public the extent of this participation.

Having achieved for the Congress during hearings last October a measure of disclosure about the situation in Laos, we turned our efforts to obtaining a release to the public of all testimony which would not help a possible enemy.

After more than six months of discussion with numerous officials of both the Defense and State Departments, during which period the President himself issued a statement containing some of the facts of United States involvement in Laos, the subcommittee finally obtained approval and then released what we considered to be a meaningful transcript of its hearings on this subject. Following this publicity, none of the negative results which the State Department had predicted as reasons for nondisclosure did in fact occur.

The implications of secrecy raised in connection with the war in Laos are more far-ranging than this particular episode. As example, the secrecy of the Laotian operation raises the fundamental constitutional question of the President's right to wage war without either a declaration from Congress or, as in the case of these United States military operations in northern Laos, even an authorization from Congress.

As the result of an arrangement between the United States Ambassador in Laos and the head of the Laotian Government, the bombing of northern Laos actually began in 1964. Funds for this operation, which involved the sending of American combat planes from Thailand to hit targets and people in the north, were obtained from the Defense Appropriation Act without any public discussion or specific authorization. Thus the executive branch, under a veil of strict

secrecy, was not only permitted to wage an unauthorized war, but also to set a precedent for undertaking similar activities in other countries with which the United States has no formal treaty.

A corollary to this constitutional question is a specific foreign policy question also raised by this Laotian example: namely, does the executive branch have the right to make an agreement with a foreign government which would involve the use of American military forces, either air or ground, when part of that agreement includes a stipulation that the United States would not disclose such activities?

Also of grave concern is the fact that this secrecy concerning United States activities in northern Laos permitted the Administration to escalate heavily the fighting in that area while it was de-escalating, with much public fanfare, the war in South Vietnam. As a result, the American people were misled as to the over-all role of the United States in Southeast Asia; whereas the enemy—fully aware of the stepped-up United States bombing—received quite a different impression with respect to the actual intentions of our Government.

This secrecy also prevented any objective review by the Congress of our policy with respect to Laos. Only after a closed session of the Senate, in which some details of the heavily stepped-up bombing were first disclosed to the members, did the Congress finally take action by adopting an amendment which prohibited the sending of ground combat troops into that country. The vote on the amendment was 73 to 17.

As for the future, if the precedent of Laos secrecy had gone unchallenged, the President, in effect, would have been able to assume authority to undertake secret military operations in any country he desired, disregarding the necessity of having, through treaty arrangement, either the authorization or even the prior consent of the Congress. Moreover, in the same manner the executive branch in the future chooses to deny Congress the opportunity to approve or disapprove such major foreign policy decisions, then at the same time it would be denying the right of the people in a democracy to have a voice in policies which involve the overriding issues of war and peace.

Another aspect of the problem of secrecy incident to the formulation of foreign/military policy is well illustrated by the developments which led to the United States' supplying financial and matériel support to the Philippine noncombatants who went to Vietnam.

At the request of Philippine Government leaders—who desire to hide the United States financial support from their own people—an official cloak of secrecy was dropped over United States participation and financial contributions. As a result, the American people, too, were kept ignorant of the fact their taxes had been used to pay for Philippine support in Vietnam; and, lacking the facts, were led to believe that the Philippine Government had spontaneously joined in with the United States in the common defense of South Vietnam.

A complicating factor arose during the 1965 Philippine elections. The successful candidate for President, Senator Ferdinand Marcos, who was running against incumbent President Macapagal, took a public position against the sending of Philippine combatants to Vietnam. After Marcos's victory and his assumption of the Presidency, however, he changed his position, but stated he would send only noncombatant troops.

One proviso of this agreement that the United States would grant extra allowances to individual Philippine soldiers and officers—allowances that would more than double their regular salaries—was that the terms of these allowances, as well as the

allowances themselves, would be kept secret. Philippine officials feared that public knowledge of the payments would make the force appear to be a mercenary one.

At the request of the subcommittee, the manner in which this extraordinary arrangement was implemented has now been investigated by the General Accounting Office; and the subsequent G.A.O. report can only be described as incredible. True to past secrecy practice, however, the State Department has required the G.A.O., and therefore the subcommittee, to keep classified startling information about this questionable use of taxpayers' funds.

It is our conviction that the American people should have been informed when a decision was made initially by this Government to heavily finance Philippine noncombat forces to Vietnam. Such warranted use of secrecy—and the Philippine case is not unique—can only have serious implications far beyond the limited matter of these troops.

For example, when the rules of such secrecy are applied, they require that within the United States Government certain steps be taken to observe such rules. In this particular case, the secrecy ordered in turn required that United States military prepare highly questionable, if not actually illegal, documents in order to justify the payments and at the same time satisfy the requirements of the Philippine Government.

Secrecy enabled this Government to turn over to the Philippine Government millions of dollars, according to the G.A.O. report, without any U.S. control over the money's use, irrespective of the specific purpose for which the funds were made available in the first place.

Earlier this year open hearings on U.S. payments for Philippine forces in Vietnam were held in the Philippines, with the witnesses under oath. We had planned to have similar hearings on this matter in June, but we have just been advised by the State Department, they cannot furnish witnesses for the hearings until later this month. They also again bring up the question of secrecy, by demanding that any hearings on this subject held in this country be conducted in executive session.

All such actions by our Government could be interpreted by the governments of other countries as justification for not believing our claim that ours is an open society. Thus our policy of secrecy, in itself, could do serious damage to our present and future relations with other countries.

Significant as the disclosures to date of our foreign policy and conventional military activities in Southeast Asia may have been—all part of the subcommittee's effort to present the grave dangers of excessive secrecy—these developments pale compared with the need for more disclosure of our current worldwide deployment of nuclear weapons.

For reasons we are now asking to have explained, the executive branch continues to maintain a strict silence on this vital matter, refusing to disclose not only to the American people, but also to proper committees of the lars for various projects the desirability of which would be questionable.

Any possible enemy is certain to know as much about the approximate location and general number of these weapons as Congress is entitled to know. The executive branch has announced that in Europe alone the United States has positioned 7,000 nuclear warheads; and such information, along with the various political and military agreements covering their location and handling, must be a major factor in the formulation of foreign policy with each of the countries in question.

In 1957, a large stockpile of these weapons in Europe was approved by our NATO allies; and while the doctrine of "massive retaliation" was later changed to include that of "flexible response," this stockpile in Europe

has nevertheless continued to grow. We of the Armed Services and Foreign Relations Committees, however, have never been given any details about the nature, or degree, or the reasons for that growth.

In 1966, Secretary of Defense Robert McNamara did make reference to said growth when he testified as follows before a joint meeting of the Senate Armed Services and Appropriations Committees:

"We believe that the need now is not for more tactical nuclear weapons, because by the end of June of this year we will have a 100 per cent increase in the number of tactical warheads in the soil of Western Europe compared with what we had in 1961, but rather for weapons which have a better chance of surviving in both nuclear and nonnuclear environments."

Previously a suggested freeze on further deployment, however, was met with stiff resistance by one country, and accordingly abandoned.

In 1962, the Soviet Union commenced the installation of medium-range nuclear missiles in Cuba. This touched off the well-known crisis; and President Kennedy described the danger to our shores as follows:

"This urgent transformation of Cuba into an important strategic base—by the presence of these large, long-range, and clearly offensive weapons of sudden mass destruction—constitutes an explicit threat to the peace and security of all the Americas.

"I call upon Chairman Khrushchev to halt and eliminate this clandestine, reckless, and provocative threat to world peace and to stable relations between our two nations."

The theory of overkill has been generally accepted. The "two scorpions in a bottle" concept is sound in that today neither of the two super powers could prevent destruction by the other. Every American who desires peace, therefore, has the right to ask—If this one deployment by the Soviets some 90 miles from our shores was considered to be such a threat to our security, why should not the Soviets consider as equally dangerous to them the deployment of nuclear weapons by the United States in countries even closer to their border?

ONLY CONGRESS CAN CUT THROUGH EXECUTIVE SECRECY

There was a touch of irony in the television address of Oct. 22, 1962, when President Kennedy assured the world that "our own strategic missiles have never been transferred to the territory of any other nation under a cloak of secrecy and deception. . . ." Perhaps these installations were not made without the knowledge of the other nations involved, but clearly such actions have been kept secret from the Congress and the American people.

In this connection, let us note how very little, if any, debate there has been in the Congress, or for that matter anywhere else in this country, about the deployment of nuclear weapons. Again, as has been true of many other weapons systems which in the past have cost the American taxpayer unnecessary billions of dollars, the more a policy of secrecy can be maintained about any such program, the better the chance for receiving the money from Congress and later covering up costly mistakes.

There are some who believe that if there had been more information about such matters as lethal fallout, required computerization, and possible electronic failures incident to multinuclear explosions, the Safeguard Antiballistic Missile System (ABM), which passed the Senate last year by one vote, would not have been approved.

One example of the continued use of secrecy in the effort to gain support for this weapons system: last June 4 Dr. John Foster Jr., Director of Defense Research and Engineering, in open testimony before the Senate, cited the "O'Neill Report," made last

January to the Secretary of Defense by a panel of independent scientists; the report, Dr. Foster alleged, supported the view that the Safeguard ABM would "do what the Department of Defense wants it to do"; since the report is classified, Dr. Foster was not in a position to discuss the details which justified his statement.

Later, however, two members of the O'Neill Report panel flatly denied, in an open session before the Senate, that the findings of the panel contained the conclusions which Dr. Foster said it contained; so once more it became impossible to discuss the details of a proposed multibillion-dollar weapons system on its merits, a system which both of these experts opposed without reservation on the grounds that it was not cost effective and would not furnish the protection claimed.

In any case, a continuation of this policy of unwarranted secrecy is clearly as unwise as it is undemocratic. The citizens of this nation, conscious of the need for more and better housing, more and better schools, control of crime and pollution, etc., are nevertheless bending under increasing taxes along with reduced purchasing power due to inflation; and they have the right to know a lot more about the reasons for these multibillion-dollar expenditures. They are the ones who pay, and therefore the ones who should have more knowledge, and through that knowledge more say, in the establishment of priorities for our increasingly limited resources.

In addition, the people have the right to know more about who profits from the purchases and operations growing out of such defense programs.

A further problem presented by this policy of unprecedented secrecy has to do with the effect the deployment of these weapons abroad has on our agreements with countries in which such weapons are located.

Perhaps the most disturbing risk: What would happen if some nuclear weapons fell into the hands of a once friendly government turned possible enemy? As illustration of this possibility, in one country, at a time of international crisis, a local commander informed the American officer in charge that he intended to take possession of some of the nuclear weapons stationed there.

That confrontation was solved without publicity. But in this fast-moving world any change in the international game of relative force no doubt furnishes a temptation to the leaders of the host countries; and some of these nations are ruled by military dictatorships.

Knowledge of the deployment of our nuclear weapons in Europe is to my mind basic to any meaningful assessment by the Armed Services Committee of the number of troops and installations required in a particular area.

With respect to its efforts to define the United States' foreign policy commitments, the Foreign Relations Committee must of necessity be informed about what countries contain our nuclear weapons, along with what commitments have been made to those foreign governments which have such weapons on their soil.

The subcommittee investigated the legal issues raised by the position taken by the executive branch; it concluded that there is no indication, either in legislative history or precedent, for believing that Congress intended, in the Atomic Energy Act of 1946, to limit inquiry into matters which are clearly basic to our foreign/military policy.

On the subject of executive privilege, this investigation pointed up another unfortunate dimension in the policy of limited disclosure established in the past and carried on by this Administration; namely, any

extension of this concept goes to the heart of the democratic process and raises more pointedly than ever the fundamental issue with respect to the proper distribution of authority between the executive branch and Congress.

It is axiomatic that the executive branch does not have sole discretion as to what information about the use of the taxpayers' money should be given and what should be given to the proper committees of Congress. Otherwise, in effect, Congress would be forced to appropriate blindly billions of dollars for various projects the desirability of which would be questionable.

In an extraordinary memorandum prepared in 1958, transmitted over the signature of the then Attorney General to a Senate Judiciary Subcommittee, the Justice Department asserted that it was within the power of the executive branch to determine what information it would provide the Congress. Coincidentally, that Attorney General, William P. Rogers, is now the Secretary of State.

Without adequate information, however, how can the Congress perform properly its constitutional obligations to enact laws, appropriate funds and ratify treaties?

As our self-appointed post-World War II mission to both defend and finance much if not most of the free world comes under increasingly skeptical surveillance, it would seem that proper disclosure to the Congress is essential to intelligent functioning under our Constitution.

The executive branch, as the party in original possession of pertinent information, will inevitably prevail unless the legislative branch, with the help of public opinion, can obtain disclosure. Such disclosure is essential, because a continuation of this policy of unnecessary secrecy could endanger the survival of the nation.

Only the Congress can cut through executive secrecy. Using appropriate committees in the foreign and military policy fields, Congress must increase overseeing responsibilities with systematic fact-finding inquiries, both in this country and abroad. In this way the people can be better informed and Senators can better meet their "advice and consent" role in the formulation of foreign policy.

Fifteen years ago Walter Lippmann wrote that foreign-policymaking officials "... rarely feel they can afford the luxury of telling the whole truth to the people. And since not telling it, though prudent, is uncomfortable, they find it easier if they themselves do not have to hear too often too much of the sour truth. The men under them who report and collect the news come to realize in their turn that it is safer to be wrong before it has become fashionable to be right."

The current domestic and international situation does not permit us the luxury of delay; and now it has fallen to the Congress, with the support of the people, to break this chain of automatically continuing policies; and in that way also to break through the government secrecy which has been and is being utilized both to defend the past and to limit the future.

IMPORTANCE OF AIR TRANSPORTATION INDUSTRY TO ALASKA

Mr. STEVENS. Mr. President, Anchorage, Alaska, was honored to be host to the 1970 Western Conference of Public Service Commissions this year, where Vice Chairman of the Civil Aeronautics Board, Whitney Gilliland, made an address relating to the uniqueness of the air transportation industry's importance to Alaska. The Civil Aeronautics Administration, predecessor of the present

Board, made very special efforts to nurture air transportation in the Territory of Alaska as Judge Gilliland mentions in his address.

Alaska's special dependency on its air travel system is that it must be to Alaskans what the combination of air, rail, and highway service is to other States and be a communication link as well for rural communities. In many parts of my State, Alaska's transportation eggs are in one basket. And when the big silver bird does not nest in a community, that community is cut off from the 20th century.

Statehood in 1959 and air technology improvement have brought Alaska much closer to the "Lower 48." The demands upon air service by our scattered communities have grown as general transportation needs have grown all over the country. There is a dichotomy in the use of modern sophisticated air service for remote Alaskan communities where there is little other evidence of modern technology. But there is no other feasible rapid transportation. The airlines that serve Alaska must negotiate that technological chasm, and the Civil Aeronautics Board, as evinced by Vice Chairman Gilliland's address in Alaska, is cognizant of the challenge before it.

I ask unanimous consent that his address be printed in the RECORD.

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

STATEMENT OF WHITNEY GILLILAND, VICE CHAIRMAN, CIVIL AERONAUTICS BOARD, AT THE 1970 WESTERN CONFERENCE OF PUBLIC SERVICE COMMISSIONS

It will be my purpose to deal primarily with the course of development of air transportation in Alaska, with the regulatory problems peculiar thereto, and with the methods undertaken to deal with them. I am going to do this for two reasons. First, because all of us here as citizens of the United States and as regulators have a considerable interest in this great beautiful state in its own right, a state which, as I view it, is destined to become at some point in time one of the nation's wealthiest and a state of origin and destination for one of the nation's major traffic flows. Second, because the very uniqueness of the regulatory problems connected with Alaska, and of the methods undertaken to solve them, may serve to highlight other problems shared by all of us. To these other problems i.e., those shared by all of us, I will also give some brief attention.

I am sure that it is not necessary for me to remind anyone sitting in this room today, of the indispensable contribution that air transportation has made in the development of this great state of Alaska. I know, that for a good part of the lives of most of us, we have been hearing about the heroic exploits of bush pilots, and the triumph of man and his machines over the wilderness. Much of that pioneering is now past and Alaska currently enjoys a broad range of air transportation services, rendered by stable, well managed air carriers, using the most modern equipment. The road from the earliest days of Alaskan aviation down to the present magnificent system has, however, been long and difficult, and I am proud to say that the Civil Aeronautics Board has played no little part, in building the Alaskan air transportation system we use so casually and confidently today.

To understand fully the Board's role in

Alaskan air transportation it is necessary to go back into history a little bit.

We all know that the long distances, the rugged terrain, the climate, and the lack of any other adequate transportation in Alaska, created an ideal environment for the exploitation of commercial air transportation. The earliest records available to the Board indicate that the first air transportation services in Alaska started in the mid 1920's with the most primitive of aircraft. By the middle thirties a large number of small carriers had come into existence. Some of these carriers were in pretty precarious financial condition, but they were encouraged to keep trying by the vigorous growth of the industry. Figures in one of the Board's early cases indicate that the industry grew approximately tenfold between 1929 and 1935, and almost threefold between 1935 and 1940. While a number of passengers were carried, equally significant classes of traffic were freight and mail. The first substantial use of aircraft to carry the mail began in 1934. By 1938, the Post Office was requesting bids for 62 star routes covering approximately 6,000 route miles of service, and it was clear that the airplane had completely replaced the dog sled and riverboat, as the most reliable form of transportation in the territory.

What about the carriers that made up this Alaskan industry? In the very first Alaskan case, there were 39 separate applications for certificates. These 39 carriers operated about 100 aircraft of which only about eight were multi-engined, the balance being single-engined aircraft of from four to seven passenger capacity, some, even at that time, being of ancient vintage. Passengers accounted for only about 67 percent of the traffic. All traffic was subject to highly seasonal fluctuations. Many of the companies were one and two man outfits without great financial resources. They operated some scheduled service, but by and large they flew when and where they could find business. On most routes where business was good they had an aggressive price cutting competitor or were threatened with competition. Under conditions like these the immense potential of the airplane for developing Alaska might never have been realized. Now down in the 48 states a similar, if not quite so acute, situation had been developing, and it was partly to cure such chaotic conditions that the Congress in 1938 passed the Civil Aeronautics Act.

As I am sure many of you know, our Act is a multi-purpose instrument which in its Declaration of Policy charges the Board in the exercise and performance of its powers and duties to "... consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

(a) The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation, and to improve the relations between, and coordinate transportation by, air carriers;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(e) The promotion of safety in air commerce; and

(f) the promotion, encouragement, and development of civil aeronautics."¹

Armed with this far-reaching statute the Civil Aeronautics Board began the 32 years of development, promotion and regulation of air transportation, including that of Alaska, which has helped to bring about today's marvelous system.

Since Alaska was at that time a Federal territory, all carriage by air for hire, no matter how insignificant, theoretically came under the jurisdiction of the Board, and the Board immediately recognized that it had a difficult and unusual situation to deal with in its regulation and promotion of the Alaskan air transportation system. Very soon after the passage of the Act it commenced a comprehensive investigation, to determine the nature of the industry and its needs. This was known as the *Alaska Air Transportation Investigation*.² Out of that investigation, which had 39 applicants for route authority, 23 certificates were issued. It is worth noting that this large number of certificates was equivalent in number to the total granted to all non-Alaskan air carriers regulated by the Board.

The first opinion issued in the Investigation contains numerous passages reflecting the knowledge gained and the Board's awareness of the unique problems presented. At one point in considering the extent to which its Economic Regulations should apply to the industry the Board said:

"This proceeding has thus far demonstrated conclusively that the operations of these Alaskan carriers are affected by unusual circumstances. It seems unnecessary to discuss in detail the Regulations of the Board prescribed for air transportation operations in the States to support the further conclusion that such regulations are inappropriate for application in their entirety to, and would be an undue burden on Alaskan carriers. The public interest does not require that these carriers be subjected to any greater degree of regulation than is essential for the protection of the public and the benefit of the industry as a whole..."³

In view of the uniqueness of the industry, the Board decided that there were some very special things, not done in other areas of its jurisdiction, that it had to do to handle its Alaska matters, and its decision in the Investigation set forth a number of them. First, it stated its general policy in regard to regulation of Alaska air carriers, as being confined to a minimum consistent with carrying out the purposes of the Act. Second, the certificates it issued would, unlike the certificates issued to all other carriers, authorize two types of service, conventional regular route service, mail or nonmail, and irregular route service. Third, a broad charter authority was given. Fourth, it promulgated a special regulation under its exemption powers, to classify Alaskan air carriers in a separate category, and exempt them from certain provisions of the Act and the Board's Regulations. Finally, the Board stated its intention to establish an Alaskan office.

These imaginative conclusions laid the foundation for the subsequent development of the Alaskan industry. In its policy statement, the Board gave full recognition to the need of the infant industry for a relatively unrestricted environment in which to develop. The irregular route authority which allowed the carriers to serve any point, in any fashion, within a given area, gave the

kind of maximum flexibility to the carriers, which was essential in developing new services, when they were needed. Further, even new regularly scheduled services could be operated under this authority, if they appeared needed. The liberal charter authority given was likewise fitted to the peculiar conditions in Alaska. With very few restrictions it permitted unlimited charter services anywhere in the territory, and prohibited charters in Alaska by non-Alaska carriers. The creation of a special class of carriers called "Alaskan Air Carriers" was extremely important because it enabled the Board, by regulation, to relieve these frail and almost experimental businesses from the full panoply of regulation that was required of carriers elsewhere, and it also enabled the Board to make other kinds of exceptions to regulation that were appropriate in the light of the special conditions in Alaska.

From the standpoint of administration, and the convenience of the local industry, an important step in those early days was the establishment of the Board's Alaska Office. The Alaska Office was in effect a miniature overall Board staff with substantial autonomy. Through this medium, the industry in Alaska was afforded the opportunity of doing nearly all its business with the Board right in Alaska. Tariffs, schedules, applications, agreements and many other matters could be filed and processed by the Alaska Office. Most of the hearings involving route licensing were heard on the spot by a hearing examiner stationed in Alaska. It was even possible to present oral argument to the Board through the Alaska Office.

Over the years since the inception of these very well planned beginnings, the Board has been ever watchful and ready to take whatever action, and make whatever changes, it deemed necessary to keep the Alaskan industry abreast, or ahead of, the air transportation requirements of the area. In implementing this program the Board has had a goal of providing better transportation for the public while at the same time strengthening the carriers financially.

An essential part of the Board's program, of course, has involved supporting with subsidy the air service to the approximately 270 points served in Alaska. This is about one-third of all points served by certificated carriers in the entire 50 states. Until only recently, most of this service was provided by small and costly to operate bush-type aircraft. A good deal still is. Although this large number of points produces only about two and one-half percent of the nation's subsidized passenger traffic, and a considerably smaller percentage of the total air traffic, it has regularly commanded about 10 to 12 percent of the total amount appropriated for air carrier subsidy. No other state receives as much regularly scheduled, subsidized service as Alaska.

As I stated earlier, a long range goal of the Board's program has been to nurture an industry of financially strong carriers who eventually, it may be hoped, will have little or no dependence on subsidy. I also earlier remarked upon the frail nature of the carriers who received the 23 grandfather certificates back in 1942, so you can imagine the task involved in helping such a large number of tiny carriers become strong, especially in the face of the natural obstacles in the territory. Moreover, Alaska had few good airfields, almost no navigational aids, all equipment and spare parts had to be brought in from the states and, generally, the costs of doing business were way out of line when compared with operations elsewhere.

In its efforts to help the carriers to better financial health, the Board has, over the years, held literally dozens of proceedings, almost all of them, incidentally taking place in Alaska. These have ranged from the sim-

¹ Federal Aviation Act of 1958. Sec. 102. (72 Stat. 740, 49 U.S.C. 1302).

² Alaska Air Transportation Investigation. 2 C.A.B. 785 (1941).

³ *Ibid.* 788.

pler cases, to large complex area cases such as the current *Alaska Service Investigation*.⁴ These cases have contained a wide variety of issues, designed to find answers for particular problems in the air route structure, which would lead to a strengthening of the industry. There have been cases which considered mergers and acquisitions, the complete termination of certificates, the transfer of routes, the deletion of one or two carriers in a thin market, the suspension of carriers at low traffic, money losing points, the award of new routes, the award of competitive routes and many other questions.

As a result of all these proceedings the Board has been able to build a system which has fewer, but much stronger carriers. There are now only five Alaskan carriers. Further, the Board through this process has been able to channel the efforts of the carriers into specializing in certain classes of transportation, i.e., some carriers concentrate their efforts on long-haul trunk-type routes while others specialize in a shorter-haul, local type of service. Such specialization has produced more efficient equipment and facilities for the carriers and improved service to the public. For example, certain long-haul jet aircraft are very suitable, operationally, for the Anchorage-Seattle route and are capable of making a lot of money for their operators. On the other hand, the use of this same equipment on some of the shorter, lower traffic density routes, which other classes of carriers serve, might be operationally impossible and even if it were operationally feasible, would surely bankrupt its owner in a short while.

The stronger carriers and the specialization which have emerged in the course of time are only one aspect of the change which has taken place in Alaska under the Board's guidance. The other is a vast improvement in service to the public in the form of new services. Almost as soon as the Alaska Air Transportation Investigation⁵ was over in 1942 the Board became involved in additional cases whose central issues related to questions of new air service. From the original regular mail routes on which the Board certificated about 110 points, the Board authorized system eventually spread to cover the entire state and thus to the nearly 300 points presently served. Two of the early cases were especially noteworthy. In the Pacific Case⁶ decided in 1946 and the United States-Alaska case⁷ decided in 1951 the Board authorized sweeping new services between the 48 states and Alaska and Alaska and the Orient. In sum, in these two cases new or competitive services were authorized between Alaska, on the one hand, and the major gateways of Seattle, Portland, Chicago, Edmonton, and Tokyo on the other hand. By a process called tacking these new awards also opened up the possibility of new through services beyond these gateways on the existing routes of the carriers who received the new authority. For example, on its new Anchorage-Chicago route Northwest could provide through service beyond Chicago to New York or Washington. In addition, the same carrier on its Anchorage-Tokyo route could provide through services to places such as Seoul or Manila. These were extremely important awards because they put Alaska squarely on the international route map and established the basis for later expansions of air service by foreign air carriers. Following the trail blazed by the earlier awards, these carriers sought and received authorization from the Board for routes over

the arctic between Europe and the Far East via Alaskan points, mainly Anchorage. Today seven foreign air carriers are authorized to serve Anchorage, providing direct service for Alaskans to such important world traffic centers, in addition to Tokyo, as London, Paris, Copenhagen, Dusseldorf, Frankfurt, Hamburg, Brussels and Amsterdam.

In the Transpacific Case⁸ the Board awarded new routes which now permit Western to operate a direct service from Anchorage to Honolulu and thence to Los Angeles and permit Pan American to fly between New York and Tokyo via Fairbanks. The Board has also recently authorized Pan American to carry Fairbanks-New York traffic on this route thus providing a second direct air link between Alaska and the populous northeast section of the United States. In recent years other Board actions have made it possible for the public to enjoy competitive trunkline service in the Anchorage-Fairbanks market and new through service to southwestern points such as San Francisco, Los Angeles and Phoenix.

This long story of development pretty much brings us down to the present and I do not need to tell you that circumstances have changed mightily in Alaska since the early days of Civil Aeronautics Board concern with the air transportation matters in the area. In fact, some of the actions taken by the Board to improve the air transportation system have had a direct bearing on the way its own business is handled. For instance, the urgency of need for the Alaska Office has long since disappeared. The excellent direct air service now available makes it possible for Alaskans to deal directly with the Board's Washington Office by mail or by personal visits, and I can vouch for the fact that they often do that very thing. Furthermore, while the Board still has a regulation on its books establishing a class of Alaskan Air Carriers it has been amended many times and the sweeping exemptions contained in the earlier versions have been cut way back as both the Board and the carriers have realized the need for more sophisticated information and control in the conduct of their businesses.

Before going on to another subject, I would like to say that the Alaskan air transportation system is far from being completed. Demands for service in new areas are constantly arising at the same time as demand in other areas may be receding. These situations have to be recognized and acted upon as the Board did in authorizing new service to the north slope oil exploration region. There is also much to do in the area of rates and fares and the matter of the adequacy of service in particular markets is always with us. The Board has always had at its command reasonably current and definitive information on the economic and social conditions in Alaska and on the status of the air transportation system. It continues to have a similarly good understanding of current developments. Moreover, in the future we expect that the ever more capable Alaska Transportation Commission will be able to help us, in this respect, especially in matters where they have gained expertise.

I would like to turn briefly to some matters which I am sure are frequently on the minds of you gentlemen here today. Those are matters of the relations between the state aviation authorities and the Civil Aeronautics Board. Those questions are usually distilled into what it is legal for you to do and what it is legal for us to do.

As far as the Board is concerned, its jurisdiction is set forth in the Federal Aviation Act of 1958.

As a general proposition the Board's ju-

isdiction is limited to interstate and foreign air transportation. This is defined by the Federal Aviation Act and court decisions as (1) common-carrier operations between the States or between a State and a foreign country, (2) common-carrier operations between points in the same State which involve flight through the airspace outside of that State or which, although entirely the geographical limits of the State, are merely the intrastate leg of an interstate or foreign journey for more than an insignificant number of passengers; and (3) carriage of mail. It is not always fully appreciated that carriage of traffic in the latter category alone is all that is needed to lodge in the Board primary jurisdiction over a carrier's entire operation. If a carrier's operations do not fall into any of these categories, that is, if they are truly and solely intrastate, economic regulation, if any, has always been treated as a matter for the States, even where the intrastate carriers compete with and may have an adverse economic impact on the interstate carriers which are regulated by the Board under Federal law. In this connection, however, I would warn that there may be much hazard in undertaking to cure service deficiencies by authorizing competition between an intrastate carrier and a Federally certificated carrier. We have already had enough experience with these things to know that unless the market is truly dense enough to economically support the services of two carriers nothing will be gained by such action.

On the other hand, the States have occasionally asserted an authority to regulate various aspects of the operations of the Federally-regulated carriers. Before going to specifics, however, let me point out briefly the provisions of the Federal law which are likely to be involved. To begin with, they empower the Board to license interstate air transportation by issuing certificates of public convenience and necessity, and forbid such operations without a certificate. These certificates specify the points between which the carriers may operate; in other words, they describe the carriers' authorized routes. The Act also empowers the Board to take such steps as may be necessary to insure that the carriers provide adequate service to the public. Conversely, the Board may authorize carriers to suspend or permanently discontinue service at points on their routes. Finally, the Board has control over the carriers' rates and fares, and it supports services which are needed, but not self-sustaining, with Federal subsidy. In the performance of these functions the Board has been directed by Congress to act with the objective of promoting an economically sound air transportation system properly adapted to the needs of the country's domestic commerce, and this, I can assure you, includes the needs of intrastate travelers.

The Board has taken over steps to assure that the smaller intrastate points receive service. It has established the class of carriers known as the air taxi operators, or commuter airlines, and exempted them from most of the economic regulatory requirements of the Federal Aviation Act. In fact, in Alaska the Board has prohibited commuter carriers from operating without authority from the State. These carriers are today providing a large amount of service between intrastate points.

As I have said the Board has never sought to deprive the States of their rights to regulate. On the contrary, it has consistently disclaimed any contention that all economic regulation of interstate air carriers by the States is forbidden. For example, it was without objection by the Board that the State of California successfully asserted the right to regulate the rates charged by an interstate carrier for the carriage of intrastate traffic. It has not objected to requirements that State certificates be obtained for carriage of

⁴ Alaska Service Investigation, C.A.B. Doc-ket 20826.

⁵ Alaska Air Transportation Investigation, 3 C.A.B. 804 (1942).

⁶ Pacific Case, 7 C.A.B. 209 (1946).

⁷ United States-Alaska Service Case, 14 C.A.B. 122 (1951).

⁸ Transpacific Route Investigation, C.A.B. Orders 69-1-11, January 4, 1969 and 69-4-90, April 24, 1969.

intrastate traffic between points in the same State which it has included in a certificate, nor has it claimed that the Federal Aviation Act would preclude a State from denying such a certificate. It has recognized that a State's denial of a certificate might be an unconstitutional burden on interstate commerce, but in the only case of which I am aware in which there was such a denial, the Board did not contend that the State's action was unconstitutional.

What I have been talking about are areas where the Federal and State bodies can act separately without substantial conflict. There are also many areas where they can act in concert. Each of the state agencies has a fund of expertise that would be useful to the Civil Aeronautics Board and we believe that we have similar contributions to make to the states. This kind of information has been exchanged on a number of occasions. State agencies frequently appear in Civil Aeronautics Board proceedings and the Board, in several instances, has filed statements on matters pending before state agencies. Whenever state agencies have presented their cases before the Board, the Board has been very much concerned with their interests and has given them the fullest consideration in reaching its decisions.

The Board presently has underway a proceeding, the *Alaska Service Investigation*,⁹ which presents an unusual opportunity for state-federal cooperation. This is a route case which contains numerous and diverse issues relating to service authorizations throughout the entire state. The case therefore is of much importance. Likewise, it is also a case where the Board will be expecting substantial help from the State in the form of comprehensive recommendations from the Alaska Transportation Commission. There are many difficult problems to resolve. Some of them may not be fully recognized. I note that in a recent pleading dealing with general air transportation matters the Commission appears to express the belief that joint resolution is required and cites certain subcontracts between the certificated carriers and air taxi operators which it contends are outdated, inadequate and inappropriate. The case, however, contains specific and appropriate issues to deal with this question. The order of investigation states that the Board will determine whether the public convenience and necessity require the deletion or suspension of a carrier's authority to serve points with its own equipment. Should one of the existing carriers be suspended and not replaced by another Federally certificated carrier, presumably the state could authorize the service to be provided by an intrastate carrier. The Board would expect that the Commission would make a definitive recommendation on the disposition of such issues.

Another item in the State's pleading relates to its view that the subsidy needs of the Federally certificated carriers should be subject to a realistic and imaginative review, and this of course, is precisely one of the purposes of the investigation. The Board's order states that as to a member of the markets at issue in the case, a determination shall be made as to whether the service authorized shall be eligible for subsidy. Again, the Board will be looking to the State for its views on this subject. In examining carefully the order of investigation it becomes clear that the case contains issues going to most of the route problems presently vexing the State.

It has been suggested by the Commission that the Board, under Section 204 of the Act, could hold a joint proceeding with the Commission and reach a joint decision. This has never been done, and I think our best legal opinion is that while there may be no bar to the holding of joint hearings and

the use of the same record by each agency, there is no provision in Section 204 for a joint decision, and that in fact, it would be beyond the authority of the Board to share with any other body its decision-making role on purely Federal questions such as the requirements of the postal service, carrier selection, and the amount and allocation of subsidy payments.

It would appear to me that the existing procedures provide ample opportunity for the State to get its case before the Board. The Commission requested additional time to hold extensive field hearings of its own on some of the questions at issue in the case. Its request was granted by the Examiner. With the very complete record which it, and the other parties to the proceeding should be able to make in the case, the Commission should be in a good position to make informed recommendations to the Examiner and the Board on the kind of matters I have just mentioned.

There are other matters raised in Alaska's pleading, which are also frequently matters of concern in other states as well. Unfortunately, we usually hear about these things informally and in a very generalized sort of way. The Board just cannot deal with such matters on the basis of such limited knowledge. Sometimes, as in this instance, the route investigation is not the proper place to deal with rate matters or adequacy of service questions. The Board has remedies for those situations where the service provided by federally certified carriers within a state appears to be inadequate or other unsatisfactory. What is needed from the state bodies are pleadings detailing specifically the nature of the problems and factual circumstances related thereto, filed in accordance with the Board's procedural regulations. The Board would then have a basis to act on such complaints. The Board is as interested in the proper operation of the federal air transportation system within a state as it is between the states and, properly apprised of any deficiencies, it will act to resolve air transportation questions in the public interest.

To conclude, I think it may be said the Board's approach to the entire problem of Federal-State jurisdiction has been to exercise care that local action not run counter to Federal policies and directives which the Board is required to uphold. Perhaps the best way to sum up the matter, is to say that in the 32 year history of the Civil Aeronautics Board there have been only a handful of conflicts between the Board and State regulatory bodies. In view of the long history of understanding and mutual respect which have characterized Federal-State relationships in this area in the past, I am confident that the pattern will continue to prevail.

SENATOR SCOTT'S RECORD ON FOREIGN AFFAIRS LEGISLATION

Mr. CASE, Mr. President, it is a pleasure for me to ask unanimous consent that a memorandum outlining the foreign affairs legislative record of our distinguished minority leader, and my longtime friend and colleague, the Senator from Pennsylvania (Mr. SCOTT), be printed in the RECORD.

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

SENATOR SCOTT'S RECORD ON FOREIGN AFFAIRS LEGISLATION

Because of its unique power to ratify treaties and to confirm presidential nominations, the U.S. Senate has traditionally played a significant role in foreign policy. The last five years have witnessed an unprecedented resurgence of that role. As the Republican Leader, Senator Hugh Scott knows

that the Senate must continue to make its voice heard, and its views known, within the Executive branch of the government.

Senator Scott has recognized the dominant role of the United States in world affairs. But he also recognizes that the United States must not become the world's policeman. As a firm believer in the Nixon Doctrine, Senator Scott says that the United States must, and will, keep its commitments to other nations but, at the same time, insists that other nations do more for themselves.

The following summary outlines Senator Hugh Scott's record on foreign policy:

THE 91ST CONGRESS

Legislation

S. Res. 415—To express the sense of the Senate on the growing threat posed by Soviet pilots and technicians in the Middle East.

S. 2846—To authorize the Secretary of State to participate in development of a prototype desalting plant in Israel under the Foreign Assistance Act.

Votes

Voted to ratify the Nuclear Non-Proliferation Treaty denying the possession of nuclear weapons to nations who now do not have them.

Voted to declare that U.S. diplomatic recognition of foreign governments does not mean U.S. approval of those governments.

Voted to authorize \$80 million to encourage Vietnamese land reform programs.

Voted to express the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems by the Soviet Union and the United States.

Voted to repeal the Gulf of Tonkin Resolution.

Voted to provide that nothing in the Cooper-Church amendment shall be deemed to impugn the powers of Congress, including the power to declare war and to make rules and regulations for the Government and regulation of the Armed Forces of the United States.

THE 90TH CONGRESS

Legislation

S. 2391—To establish a National Visitor Center in the District of Columbia.

Votes

Voted to ratify the Consular Convention with the Soviet Union.

Voted to ratify the Treaty on Outer Space.

Voted to establish a joint congressional committee to review U.S. foreign policy goals and its foreign assistance program in relation to that policy.

THE 89TH CONGRESS

Legislation

S. 1992—To establish a Peace by Investment Corporation to give financial aid to underdeveloped countries (and firms giving such aid) for the expansion of industrial and agricultural activity and to establish an insurance system to protect investments made by firms who give such aid to underdeveloped countries.

Votes

Voted to condemn the Soviet persecution of Jews.

Voted to authorize increased foreign assistance through use of international lending organizations.

Voted to bar foreign assistance to the United Arab Republic so long as it committed aggression.

THE 88TH CONGRESS

Legislation

S. 15—To establish a National Academy of Foreign Affairs as a graduate level institution to train professional personnel of Government agencies.

S. Con. Res. 15—To request the President to express the concern of the American peo-

⁹ Alaska Service Investigation, C.A.B. Docket 20826.

ple on behalf of the peoples of Lithuania, Estonia and Latvia.

S. Con. Res. 21—To express U.S. determination with respect to general disarmament and arms control.

S. Res. 148—To express the sense of the Senate in favor of banning all nuclear tests that contaminate the atmosphere or oceans.

S. 1376—To refuse aid to any nation which will be able to use it to further its military aggression.

S. Con. Res. 99—To express the sense of the Congress that the United Nations provide for the self-determination for the Baltic States.

Votes

Voted to ratify the Nuclear Test Ban Treaty.

Voted to deny assistance to any country which the President determined to be engaged in or preparing for aggressive military efforts against the United States or any country receiving assistance under this or any other act, or any country to which sales were made under the Food for Peace Act.

Voted to establish an Advisory Committee on Private Enterprise in Foreign Aid.

Voted to provide for appointment by the President of a committee to review, evaluate, and make recommendations respecting foreign aid programs.

THE 87TH CONGRESS

Legislation

S. Res. 393—To express the sense of the Senate in favor of a Western Hemisphere military alliance.

Votes

Voted to bar aid to Communist-controlled nations in arrears in their United Nations payments.

Voted to ratify the International Convention for the Prevention of Pollution of the Sea by Oil.

Voted to establish a comprehensive 10-year program of oceanographic research and surveys.

Voted to prohibit assistance to Communist dominated countries.

Voted to provide that no assistance could be furnished any country unless the President had determined that such country was not dominated by Communism.

Voted to prohibit aid to any country which exported to Communist-bloc nations arms, munitions and items used in the production of implements of war.

Voted to prohibit aid to any nation more than two years in arrears in payments of assessments and/or contributions to the United Nations, unless the President determined that said government had given reasonable assurance of paying.

Voted against reducing the fiscal year 1962 Peace Corps authorization from \$40 million to \$25 million.

Voted to express the sense of Congress against the seating of Communist China in the United Nations.

THE 86TH CONGRESS

Legislation

S. 50—To provide for admission of Hawaii into the Union.

S.J. Res. 208—To provide for a commission to study and report on influence of foreign trade upon business and industrial expansion in the U.S.

Votes

Voted for the Mutual Security Act of 1969. Senator Hugh Scott will continue his efforts to enhance the United States' foreign policy record so, hopefully, future generations can live in a more peaceful world. They deserve no less.

ANOTHER SUCCESS AT PORTSMOUTH NAVAL SHIPYARD

Mr. MCINTYRE. Mr. President, 6 years ago, the Department of Defense estab-

lished, under the auspices of the Naval Ship Systems Command, a cost-reduction program for naval shipyards throughout the country.

It is my honor, indeed my pleasure, to announce to the Senate that the Portsmouth Naval Shipyard, Portsmouth, N.H., for fiscal year 1970, has ranked first among all naval installations in the amount of money saved under this program.

Final figures issued by the Naval Ship Systems Command has indicated that Portsmouth has attained a resounding 225.5 percent of its goal established a year ago. In addition, during each of the previous 6 years, this great shipyard has ranked among the leaders in reducing needless cost.

Charges are made from time to time that the Portsmouth Naval Shipyard is expensive. Obviously, from the facts I have presented here, this shipyard is efficient. Its record of efficiency has been continuing and it extends throughout the various departments and divisions of the shipyard.

But, the shipyard is efficient in another way for its provides our Navy with a competent, dedicated, well-staffed installation which provides vital undergirding to our defense structure. As I have said many times, the deterrent power of our Navy is one of the keystones of our Nation's protection against war. Without the kind of deterrent that the Portsmouth facility is capable of efficiently and expeditiously servicing, our defense would suffer.

The Portsmouth Naval Shipyard has served our Nation for decades in war and in peace. It must continue to so do in the future. I want to praise the record its officers and its dedicated personnel have written, and I am glad to bring it to the attention of all who hear these words.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the successful cost reduction program as it is contained in the August 7, 1970, issue of the Periscope, published at the shipyard.

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

SHIPYARD SAVES \$3,748,200 IN FISCAL YEAR 1970; 225.5 PER CENT OF GOAL

Portsmouth achieved \$3,748,200 in the Cost Reduction Program for Fiscal Year 1970. This is 225.5 per cent of PNS's assigned goal. The Naval Ship Systems Command assigned Portsmouth a goal of \$1,662,500 for Fiscal Year 1970. Portsmouth ranks first among all naval shipyards in the FY 1970 Cost Reduction Program.

Certificates of Merit will be awarded to 12 employees for outstanding contributions to PNS's Cost Reduction achievements for the past Fiscal Year. In addition, a Certificate of Merit will be awarded to PERA(SS) for outstanding support of the Program. These accomplishments will be featured in future Periscope issues. Captain Donald H. Kern, Shipyard Commander, commends everyone who contributed to Portsmouth's outstanding record in cost reduction. Each Shipyard department's contribution is shown in the chart on page two of today's Periscope. (See below.)

Portsmouth's goal for Fiscal Year 1971 is \$2,250,000. The Program has been renamed the Resources Conservation Program by the Naval Ship Systems Command.

The Program is administered in the Man-

agement Engineering Office, Code 140. Doyle T. Sowerby is the Shipyard's Resources Conservation Program Manager.

Fiscal year 1970	Number of items submitted	Value of approved items	Percentage of total shipyard achievement
Q/R Assurance Department	9	\$195,000	5.2
Planning and Estimating Division	3	14,400	.4
Design Division	40	1,108,200	29.5
Nuclear Power Division	1	120,000	3.3
Combat Systems Division	1	26,000	.7
PERA (SS)	22	1,766,000	47.4
Production Department	32	235,400	6.2
Public Works Department	8	25,200	.6
Supply Department	10	205,060	5.4
Comptroller Department	7	25,000	.6
Medical Department	1	17,000	.4
Administrative Department	2	11,000	.3
Total	136	3,748,200	100.0

PHILOSOPHY FOR USE OF FEDERALLY OWNED LANDS

Mr. METCALF. Mr. President, in his message to Congress on environmental quality on February 10, 1970, the President proposed "a new philosophy for the use of federally owned lands, treating them as a precious resource—like money itself—which should be made to serve the highest public good."

His actions since then have demonstrated what he meant by the words "precious resource—like money itself."

This declaration was followed 2 days later, on February 12, 1970, by Executive Order No. 11508, "Providing for the Identification of Unneeded Federal Real Property." This Executive order, a copy of which I shall provide for the RECORD, directed Federal departments and agencies to survey their holdings of real property and report to the General Services Administration that excess property that is "not utilized, is underutilized, or is not being put to its optimum use."

President Nixon was not satisfied with the reports he received. His displeasure was expressed in an "Administratively Confidential" memorandum dated July 24, 1970, and headed "Memorandum to the Heads of Departments and Agencies."

In the latter, he said the results of the Executive order "are unsatisfactory."

So the President ordered in the July 24 memorandum that each department and agency revise its previous report by August 15. The new report is to identify "in terms of real value that 10 percent of the property now held which is least utilized and has the lowest priority for retention."

The President continued:

This report should be accompanied by a detailed plan for excessing these properties identified. If there are arguments against excessing certain properties on your list, they should be set forth as a part of the August 15, 1970, report. The remaining 90% of your Federal real properties, ranked according to priority for retention by your department or agency, should be separately reported . . . by September 30, 1970.

Doubtless the Federal departments and agencies will provide arguments against "excessing" certain property listed in their inventories. I, too, want to continue to be of assistance to the President.

I call attention to the definition of the word "property" in paragraph 2, section 4 of Executive Order 11508. In that order, "property" includes "lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests or national parks."

Mr. President, my service on the Migratory Bird Conservation Commission familiarized me with the national wildlife refuge system, which is basic to a major recreation and economic industry. I am sure President Nixon will be hearing from duck hunters, who have invested millions of dollars of their duck stamp money in the wildlife refuge system. I am sure they will argue that not only should President Nixon amend his Executive order to exclude refuge lands, but also may want to consider rewriting his memorandum of 24 July to make it absolutely clear that he does not propose to "excess" park, forest, and refuge lands.

Mr. President, I ask unanimous consent that Executive Order 11508 and the "Administratively Confidential" memorandum of July 24, 1970, entitled "Memorandum to the Heads of Departments and Agencies," be printed in the RECORD.

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

EXECUTIVE ORDER 11508: PROVIDING FOR THE IDENTIFICATION OF UNNEEDED FEDERAL REAL PROPERTY

Whereas proper management and use of the Nation's resources require a continuing and critical review of real property held by the Federal government in order to insure that each such property is promptly released by the agency concerned for appropriate disposition whenever changing program requirements of the agency, or other considerations, obviate the need of the agency for such property; and

Whereas existing law, including the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the Act"), authorizes the President to prescribe property utilization and disposal policies consistent with and deemed necessary to effectuate its provisions; and

Whereas I have determined that it would be in the public interest to enunciate a uniform policy for the Executive branch of the Government with respect to the identification of excess real property holdings, and to establish uniform procedures with respect thereto, in order to insure the prompt identification and release by executive agencies of real property holdings that are no longer essential to their activities and responsibilities:

Now, therefore, by virtue of the authority vested in me by section 205(a) of the Act (40 U.S.C. 486(a)), and as President of the United States, it is hereby ordered as follows:

SECTION 1. In conformity with sections 202 (b) and (c) of the Act (40 U.S.C. 483(b) and (c)), the head of each executive agency, consistent with the policies set forth in Bureau of the Budget Circular No. A-2, Revised, shall:

(1) institute immediately a vigorous and complete survey of all real property under his control; and

(2) make a report to the Administrator of General Services within sixty days of the date of this order, listing any such property or portion thereof, and state whether it is not utilized, is underutilized, or is not being put to its optimum use.

SEC. 2. The Administrator of General Services shall:

(1) within sixty days of the date of this order, and in implementation of the policies set forth in Bureau of the Budget Circular No. A-2, Revised, establish uniform standards and procedures for the identification of real property that is not utilized, is underutilized, or is not being put to its optimum use, and the heads of other executive agencies shall thereafter conform their policies, regulations, and practices to the provisions of such standards and procedures;

(2) within sixty days of the date of this order, institute, and thereafter conduct on a continuing basis, a survey of the real property holdings of all executive agencies to identify properties which in his judgment are not utilized, are underutilized, or are not being put to their optimum use; and

(3) makes reports to the President, listing any property or portion thereof (identified either by Executive agencies or as a result of the Administrator's survey) which has not been reported excess and which in the Administrator's judgment is either not utilized, is underutilized, or is not being put to its optimum use, and which in his judgment should be reported as excess property.

SEC. 3. (a) The reports required of the Administrator of General Services by section 2 of this order shall be made to the President through a Property Review Board, which is hereby established.

(b) The members of the Property Review Board shall be the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, the Chairman of the Council on Environmental Quality, the Administrator of General Services, and such other officers or employees of the Executive branch as the President may from time to time designate. One of the members of the Board shall be designated by the President as Chairman. The Board shall have an Executive Secretary, who shall be appointed by the President.

(c) The Property Review Board shall review the reports made by the Administrator of General Services pursuant to section 2 of this order, as well as other reports to the President making recommendations for the use or disposition of specific parcels of real property, with particular attention to conflicting claims on, and alternative uses for, any property listed in such reports. The Board shall then make such recommendations to the President as it deems advisable regarding the use or disposal of such property.

SEC. 4. As used in this order:

(1) the term "executive agency" means "executive agency" as defined in section 3(a) of the Act (40 U.S.C. 472(a));

(2) the term "property", however modified, means real property, or an interest therein, which is covered by the definition of "property" set forth in section 3(d) of the Act (40 U.S.C. 472(d)), and also lands withdrawn or reserved from the public domain which are utilized by executive agencies for purposes other than national forests or national parks; and

(3) the term "excess property" means "excess property" as defined in section 3(a) of the Act (40 U.S.C. 472(e)).

RICHARD NIXON.

THE WHITE HOUSE,

February 10, 1970.

[F.R. Doc. 70-1857; Filed, Feb. 10, 1970; 3:51 p.m.]

MEMORANDUM TO THE HEADS OF DEPARTMENTS AND AGENCIES

Executive Order 11508, February 10, 1970, directed all departments and agencies to survey their holdings of Federal real property and report to the General Services Administration that property which was not utilized, underutilized, or not being put to optimum use. These reports have been received and evaluated. The results are unsatisfactory.

The results are unsatisfactory.

In the interest of efficiency and economy, it is extremely important that all Federally owned properties be carefully reviewed. The Federal Government must become more responsible in utilizing and managing its real property assets. I therefore request each department and agency to revise its report submitted in response to my Executive Order 11508. By August 15, 1970, your new report should be submitted to both the Property Review Board and the General Services Administration identifying in terms of real value that 10% of the property now held which is least utilized and has the lowest priority for retention. This report should be accompanied by a detailed plan for excessing these properties identified. If there are arguments against excessing certain properties on your list, they should be set forth as a part of the August 15, 1970, report. The remaining 90% of your Federal real properties, ranked according to priority for retention by your department or agency, should be separately reported to the Board and Administration by September 30, 1970.

I have asked the Chairman of the Property Review Board, Bryce Harlow, to keep me fully informed of the progress of this program.

I also request that your department or agency immediately designate a policy level individual to work as needed with the Executive Secretary of the Property Review Board, Darrell Trent. As soon as this individual is designated, the Executive Secretary should be notified.

Proper management of all Federal resources, and especially real property, is in the best interest of the public we serve. Your vigorous support of this program is essential to its success.

RICHARD NIXON.

CHRISTOPHER SMITH—A COURAGEOUS YOUNG AMERICAN

Mr. SYMINGTON. Mr. President, a young St. Louisan is a good example of the individual courage and selflessness of many Americans.

Twenty-one-year-old Christopher Smith, a student at Lindenwood College, in St. Charles, Mo., was aboard the TWA jet on its flight from Phoenix to St. Louis, which Senators will remember was held up by an armed hijacker for \$100 million ransom last June.

Christopher Smith opened the emergency exit when the jet landed here at Dulles International Airport and stood on the wing to help a dozen passengers out of the cabin, one by one.

He then returned to the cabin to make sure all of the other passengers were out, and only then did he jump from the wing of the plane to obtain safety.

His courageous efforts to help others was reported by the St. Louis Globe-Democrat and the St. Louis Post-Dispatch. I ask unanimous consent that both articles be printed in the RECORD.

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

[From the St. Louis (Mo.) Dispatch, June 5, 1970]

HELPED PASSENGER TO ESCAPE

"I figured that that guy was too busy up in the cabin to watch the crew and the passengers in the back, too, and now was the time to escape."

Christopher M. Smith, 4969 Wabada Avenue, was talking about the events that led

to the end of the bizarre hijacking yesterday of a Trans World Airlines plane bound for St. Louis from Phoenix, Ariz. Smith was the only St. Louisan aboard the flight.

"The thing that really set me off was when the pilot walked back and he just didn't know what to do, he was in that position," Smith recalled. "He had a really morbid look on his face."

Smith, a senior at Lindenwood College, St. Charles, and two other passengers opened the plane's doors when it stopped for the second time at Dulles International Airport in Washington. It was the first action anyone on the plane had taken to break the web of events that had begun nearly eight hours earlier in Phoenix.

Twelve of the 51 passengers aboard the plane arrived in St. Louis shortly after midnight last night. Originally, 39 of the passengers were bound for St. Louis, most of them to make airline connections to other destinations.

Most of the passengers were unaware at first that the plane had been hijacked. Stewardesses told them that its scheduled stop at Lambert-St. Louis Field would not be made because of bad weather.

The plane landed and refueled at Dulles and the hijacker, Arthur G. Barkley, was given \$100,750 by TWA officers. It was when the plane left Dulles that most persons were told a hijacking was taking place.

"When I realized it was when we landed at Dulles and stayed so long to refuel," said Jerry Dorlac, a former high school teacher in DeSoto now living in Tucson.

"Then we headed north and I asked the hostess why we were going north," he continued. "She then told me we'd been hijacked, and I said, 'Okay, that's all I wanted to know.'"

When the plane landed sometime later at Dulles a second time, Smith went into action.

"After landing I walked forward and told some passengers there that I was going to pull off the emergency doors and the escape windows and asked them to help so we could escape" Smith told reporters.

"But a stewardess said that was too dangerous. So I sat back down."

Smith then talked with the shaken pilot, and decided it was time to act. After leading several persons onto a wing of the plane, Smith looked back and found few persons were leaving.

"I understand the hijacker had come back into the passenger section and threatened them," he recalled. "But Herb (Geshwind, of Phoenix) was in the plane at the time and he just looked at the hijacker and said bye-bye. The rest of the people began getting off then."

Smith is the son of the late Wayman F. Smith Jr., a St. Louis alderman for 12 years.

SAW HIJACKER TWICE

Dorlac said he saw the hijacker twice when the door to the cockpit was opened. The first time, when the plane first landed at Dulles, Dorlac said he did not realize the man had taken over the plane. He said the man appeared composed.

Dorlac's two sons, Walter, 9, and Warren, 7, said they were frightened when they learned the plane had been hijacked. They were coming to St. Louis to visit their grandparents, Mrs. Adele Dorlac and Mr. and Mrs. Walter Page of DeSoto.

An amateur photographer who persisted in taking pictures throughout the events on the plane endangered the lives of the other 50 passengers aboard, Dorlac said he believed. The young man left the group in Washington and did not return to St. Louis.

SHAKY AT 83

Mrs. Frieta Cressey, an 83-year-old passenger, said the experience left her "shaky." But when she stepped off the return flight to St. Louis, Mrs. Cressey was sure-footed and answered questions crisply.

"I went out a window," Mrs. Cressey said of the emergency exit at Dulles. "They told me to jump down. I jumped into the arms of a man standing below."

She was most frightened, she said, immediately afterward when "two men grabbed me and carried me behind a row of fire trucks. There was an officer there standing behind a machine gun or a tommy gun of some sort."

Mrs. Cressey, who lives in Phoenix, was en route to St. Louis to visit a son living in Belleville.

Matching wits with a reporter who asked her if she had reservations in Havana, Mrs. Cressey said: "We joked a lot about the weather in Cuba. But no more jokes about Cuba."

[From the St. Louis (Mo.) Globe-Democrat, June 5, 1970]

WHAT IT'S LIKE TO BE HIJACKED

(By Edward W. O'Brien)

WASHINGTON, D.C.—"I kept thinking of flying around in a pattern that had no pattern."

Those were the thoughts of Christopher Smith, 21-year-old St. Louisan who jumped from the wing of a TWA jet at Dulles International Airport here Thursday night, after several hours aboard the hijacked Phoenix-to-St. Louis flight.

"Once I was on the ground," he said, "I felt alright, since I knew we could take our chances. Earlier, in the air, I was afraid the hijacker would shoot the pilot or copilot."

"I'm glad it's over, I was scared," said Smith, son of Mrs. Wayman Smith Jr., of 4964 Wabada ave. His late father was an 18th ward alderman in St. Louis.

The youth, who just completed his junior year at the Lindenwood Colleges in St. Charles, had driven to Phoenix Sunday to deliver a car, and was returning home when an armed hijacker attempted to hold the plane for \$100 million ransom.

"I was tired," he said, "so as soon as we had breakfast on the plane, I fell asleep."

Smith said he awoke near St. Louis, but fell asleep again and did not awaken again until the plane was approaching Dulles Airport.

"I looked out the window and recognized from the terminal building that we must be at Dulles Airport," he said.

The stewardess announced that bad weather over St. Louis has forced the detour, Smith said, but 40 minutes later the big plane lifted off the runway and headed south. He said:

"Oh, oh, we're going to Cuba, I thought."

After the plane landed a second time at Dulles, Smith told a stewardess he was going to "pop the emergency exit" as soon as the craft stopped rolling.

"No, don't do it," she replied. "It's too dangerous."

Later, Smith asked a crewman the same question, but the crewman "kept shaking his head no."

"But later," Smith said, "I grabbed a door on my side of the plane and another man grabbed one on the other side."

"I stood on the wing and helped a dozen passengers out of the cabin who jumped 6 to 8 feet to the ground. I returned to the cabin to make sure it was empty, and then jumped myself."

Smith said he and the others ran to a group of fire trucks pulled up to the rear of the plane.

"The fire trucks were there to protect us if there was any shooting," he said.

"We saw some government agents climb up on the plane and jump in. A few minutes later, we saw someone being pulled off the plane. I did not hear any of the shots which I learned later were fired."

Smith, a highly articulate young man, was mobbed by reporters waiting at the terminal for his account of the flight.

His main concern, however, was to call his mother, and tell her he was all right and would be heading straight home—he hoped—to St. Louis.

BIG PLUS FOR THE NATION'S ECONOMY IN STRENGTH OF AGRICULTURE

Mr. DOLE, Mr. President, agriculture has been the backbone of the Nation's economy since the Declaration of Independence.

Today's economy is dominated by much discussion of gross national product, stock trends, conglomerates, and other exciting facets of this fast-moving society.

However, agriculture is still the largest single industry in the Nation. This fact is discussed in a recent editorial published in the Kansas City Star. The editorial is entitled "Big Plus for the Nation's Economy in Strength of Agriculture." I ask unanimous consent that the editorial be printed in the RECORD, so that it may receive the wide distribution it deserves.

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

BIG PLUS FOR THE NATION'S ECONOMY IN STRENGTH OF AGRICULTURE

American agriculture is doing relatively well in 1970. Its role obviously is not dominant as it was when the United States was primarily a rural country. But the agricultural sector is still sufficiently important to the economy so that its sound health can provide strong underpinning for the nation as a whole.

Agriculture can be pictured in many ways. One is that only about 5 per cent of the population now lives on farms. This figure often is mentioned to suggest that farmers no longer have political bloc power in the determination of policy by Congress and state legislatures.

But Clifford M. Hardin, the current secretary of agriculture, and those who have held the farm cabinet post before him have liked to point out that agriculture employs 5 million workers—more than the combined employment in transportation, public utilities, automotive manufacturing and the steel industry.

Agriculture is a 50-billion-dollar customer of the American economy. Farmers pay more than 4.8 billion dollars a year just for tractors. Out of a total of 17 million trucks in America, 3 million are used in agriculture. Farmers meet a transportation bill of over 4 billion dollars a year to move crops and livestock to market.

Agriculture sustains hundreds of agribusiness enterprises that provide jobs for millions of people in both cities and rural communities.

Agriculture, in the amount it spends for production and thus in its direct contribution to business activity as a whole, now is the biggest it ever has been in history.

It is true, as Secretary Hardin also points out, that farmers are in a continual struggle to get what they contend is their share of the national income. That is why federal farm programs are considered necessary. With parity as a measurement, farmers are falling short.

But relatively speaking, compared to other years, farmers are doing quite well today.

Now, early in the final half of 1970, it appears that gross farm income for the entire year may be up 2 billion dollars over the record total of 54.5 billion in 1969. Production expenses are also rising. So the final figure on net income, the U.S. Department

of Agriculture predicts, will be around 16 billion dollars, about the same as in 1969 which was the third best year on record.

Compared to corporate profits and other indexes on the economy in 1970, the net farm income prediction becomes one of the more optimistic economic prospects of the year.

But the income figures, important as they are, do not tell the whole story on the contribution made by agriculture to the economy.

In these days of inflation, strikes and much emphasis on the output per man-hour of labor in industry, agriculture has an amazing record both for labor output and the yield from the land.

Consider these important accomplishments:

U.S. total farm production last year was at a record high, 1 per cent greater than in 1968 and 21 per cent above the 1957-59 average.

Crops were harvested from 294 million acres in 1969. This was 9 million fewer acres than in 1968 and 51 million fewer than in 1950.

Farm products exported last year accounted for the equivalent of the production from 58 million acres. Products exported do not always come from the current year's yield. But if they all had been from 1969 production, the exports last year would have taken the output of every fifth acre harvested.

Labor used on U.S. farms continued to decline while the output per man-hour was climbing, rising 4 per cent above the 1968 level.

In 1969 the total number of consumers to one American farmer was more than 45, an increase of 21 over just 10 years ago. The farmer is producing more, not less, for his day's wage.

The bulk of U.S. agricultural production, rather quickly it now seems, has fallen into the hands of the larger, commercial farmers. Acreage figures on the increase in the size of farms make this clear, but another indication comes from the trend to larger tractors.

In 1960, farm tractors averaged 33 maximum belt horsepower; this year the average is over 43 horsepower. The total available horsepower on farms has increased more than a third in the last 10 years while there has been a rise of only 2 per cent in the number of tractors. These figures point up the fact that farmers are buying bigger tractors. They are using more fertilizer, too. In few other economic activities has more new technology been adopted.

Obviously, farm efficiency has made tremendous gains in recent years—gains which are passed on to the remainder of the economy. The benefits are probably best illustrated by the fact that the people of this country pay a smaller share of their income for food than the people of any other nation in the world—about 16.5 per cent of total consumer expenditures.

The economy of Kansas City, from its first days to the present, always has been highly dependent on agriculture. More recently there has been a great diversification of agribusiness. In these times when so many business indicators are on the weak side, it is reassuring to observe that the farm sector is holding the line both in this area and elsewhere around the nation.

FURTHER CLARIFICATION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, we have waited one lingering year after another for the ratification of a treaty not only beneficial but necessary to all of mankind. In order that all governments may join their efforts and ideals in one collected, organized, and respected

code setting forth principles by which each and every nation can abide, this body must ratify the Genocide Convention and join nations that have placed their authority behind their rhetoric. As all peoples await the day when the international standards for human rights are a reality, we should not lose time in squabbles over our support of this vital treaty.

Some have said that any international law that can be applied to individuals committing ordinary common-law crimes and which may be invoked to raise discussion to an international level each time an individual commits a crime, would create more friction between countries than now exists, rather promoting war and violence than preserving peace. Yet it is abundantly clear that the prevention and punishment of crimes of genocide is an essential ingredient of a sound foreign policy. It is a powerful weapon in the struggle for human dignity: First, it is an effort to prevent aggression and an essential step toward preserving peace; second, it deals with the vital question of the dislocation of peoples with attendant international consequences; third, it represents our national participation in the suppression of what has been universally condemned by the family of nations; fourth, it is a strong deterrent to the heads of government, warning them that even they can be punished by successor governments.

How then can we hesitate to ratify a convention that assures the security of all peoples within the sacred domain of their natural human rights? At this time we can, with no loss of dignity, focus some long-deserved attention on this crucial issue, thus providing the harmony of peace and the preservation of racial, religious, and ethnic entities.

Therefore, I plead again, as I have for the past 3 years, for the early ratification of the genocide treaty.

A PORTRAIT OF OLDER AMERICANS IN NEW JERSEY

Mr. WILLIAMS of New Jersey. Mr. President, the first events leading to the White House Conference on Aging are only 1½ months away. During the week of September 20, governmental units on aging and private organizations will sponsor "Older Americans Speak Out" sessions. The elderly themselves will be asked to tell of the major issues in aging today as they see them.

It is important that Americans of all ages listen when our elders speak during that week. And it is important that all Americans understand more fully the problems—and the promise—of growing old in the United States today.

Recently, the Newark Star-Ledger carried an excellent series which drew a vivid picture of older Americans in New Jersey.

Much of the information for the series came from a hearing on "Sources of Community Support for Older Americans" conducted by the Senate Special Committee on Aging in Ocean Grove several months ago.

Still more, however, came from journalistic enterprise and skill of the author of the series, Mr. Gordon Bishop.

Mr. President, the facts that Mr. Bishop presents are applicable in many other States. He warns of retrenchment in promising programs. He describes problems which persist despite intense attention by private and public agencies. I ask unanimous consent that his series of articles be printed in the RECORD.

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

THE GOLDEN GENERATION, MANY SENIOR CITIZENS FIND IT TARNISHED

(By Gordon Bishop)

An elderly woman was found lying dead on the kitchen floor of her Jersey City apartment. In the ice box were two cold lollipops.

A volunteer from a senior citizens group brought a hot meal to a retired person in his home in Union. He was discovered dead in his bed, hat and coat on. He had been dead about a week.

A home visitor from a senior center in Trenton called upon an old woman with swollen feet, living on the third floor of a rat-roach infested apartment, unable to get out to shop for food because she cannot climb steps.

The only concern shown to this senior citizen was by the landlord, and he was interested only in his monthly rent and not the conditions under which she was living.

These conditions are prevalent throughout New Jersey and are constantly being investigated by some 30 county and municipal agencies, who are, themselves, usually understaffed and short of funds.

For those who reach the golden years, the age of retirement should be one of enjoyment and fulfillment.

Instead, here's what most face, according to the State Division on Aging:

Three out of five elderly persons enter a hospital suffering from malnutrition.

More than 60 per cent of the state's 70,000 senior citizens live in virtual poverty. They rarely admit they are living in poverty; they merely say "things are a little tight."

The average savings or net worth of a senior citizen is \$300. The average pension for 1969 was \$200 a month, with only 38,000 receiving pensions.

Social Security benefits, even with the latest 15 per cent increase, provide only \$100 to \$116 a month, while the average benefits for an aged couple are from \$170 to \$190 a month.

The 60 per cent living poverty must take money from their food budgets to meet the high costs of inflation. Almost any form of entertainment, travel and vacations are out completely.

Pride and the will to endure and remain independent as long as possible prevent many of them from resorting to food stamps to survive.

Most of them think taking food stamps is tantamount to going on welfare, since the stamps are issued through welfare offices.

An effort is now being made to have stamps distributed by a federal representative through senior citizens organizations. With \$16 worth of stamps, a needy person, regardless of age, can buy \$28 worth of food each month.

A program that could save the impoverished elderly from starving is the "Community Kitchen," which Jersey City is trying to establish through a federal agency.

The government provides surplus food as part of an after-school feeding program for youngsters from federal housing projects, but surplus is not made available for the elderly.

Senior citizens are allowed to prepare the surplus food for after-school meals, but they are not permitted to eat any of it.

The staples provided by the government include hominy grits, butter, flour, corn, tomato paste, peanut butter, raisins, noodles, etc.

And, while community programs can sometimes help, even participation in these is out of the question for many of the elderly. To reach a Golden Age Club or recreational center, a senior citizen usually has to take a local bus and bus fares jumped to 30 cents a ride last month. This is a charge that's considered exorbitant by senior citizens' standards.

Even trying to supplement their meager income by working sometimes is a hardship.

In Bergen County, an elderly woman was trying to earn a few dollars doing house work. It costs her one dollar for bus fare each day she works, so she walks 15 blocks to save 30 cents each way.

And there is inequity in other ways.

A person who parks his car in a lot while shopping gets a rebate from the merchant for the parking rates.

A senior citizen who rides a bus to the same merchant's store receives no discount on the fare.

The Division on Aging tries to discourage older people from retiring in New Jersey because of the high cost of living. Yet less than 5 per cent of the elderly move to Florida or California or other "sunshine states."

In a national magazine "Harvest Years," the division listed New Jersey's attractions for retirees in one line: "Free fishing after 70 and some reduced theater admission."

But it's not only the lower income that creates problems. Just the act of retirement causes all sorts of situations.

For many, it's total frustration and gradual deprivation. Rare is the person who is adequately prepared for retirement.

The transition from the work-a-day world to the "leisure life" is usually a traumatic experience. The pattern of daily living completely changes, and there is no way a person can physically or psychologically prepare himself for it.

For the first time in his life, the retiree does not have to get up and go to work. There were many days as a working man he wished he had such freedom. Now that he has all he wants, he seldom knows how to handle it.

Many couples, after being happily married for 30 or 40 years, discover they are now in each other's way. The housewife has had to surrender some of her domestic freedom, since her husband is now her constant companion.

A Princeton University professor had to consult a marriage counselor about his parents, who, after almost a half-century of marriage, were on the verge of a divorce because they were getting on each other's nerves 24 hours a day, seven days a week.

A normal, even-tempered businessman who had just retired had to sell his home and move to Florida because he couldn't stand to live in a neighborhood where everybody else got up and went to work every day.

Another businessman, used to living with a host of credit cards, suddenly found himself on a fixed income, with no large company expense accounts at the end of the month to pay off the charge accounts. A compulsive charger, he suffered all kinds of "withdrawal symptoms" whenever he wanted to buy something and couldn't because he had to destroy his credit cards.

Almost to the day, a person who enters retirement finds himself in an entirely different world. His circle of friends from work is cut off, his carefree habits can no longer continue unchecked.

The Division on Aging says the rising cost of living has created serious problems in retired couples retaining their own homes.

Rising taxes have all but wiped out a property tax exemption of \$80 afforded those retirees who have incomes of less than \$5,000 per year.

To offset spiraling taxes, the State legislature is considering doubling the tax exemptions to \$160, at the same time excluding Social Security from the annual salary total.

To be eligible for the \$80 tax exemption now in effect, a homeowner cannot receive more than \$5,000 a year, which includes Social Security, pensions or any other source of income.

Under the proposed bill, Social Security would not be figured in the annual income. If the bill passes through the Senate June 8, the tax abatement question will be placed on the ballot in a public referendum this November.

The state would pay the additional \$80 exemption, for an annual estimated cost of \$12 million.

The new bill would affect about 70,000 more senior citizens, those who are now excluded because their total income exceeds \$5,000 a year because of Social Security benefits.

The state estimates more than 210,000 senior citizens will be eligible for the \$160 exemption, if the referendum passes.

Living in their own homes affords the elderly the respectability and dignity they worked for all their life. They would prefer to give up practically everything—except their home.

But for those who do not live in their own home, the conditions of old age are far worse. Many are forced into apartment buildings which become storage places for people society has displaced simply because they are 62 years and older.

Many municipalities do not have senior citizens housing facilities, or apartment complexes with rents low enough an elderly person or couple can afford.

More than 25 per cent of the elderly in mental institutions could be released if they had somewhere to go, the Division on Aging reports.

Only 16 per cent live with their children or other relatives.

The 500 nursing and convalescent homes throughout the state have a capacity to accommodate less than 25,000 senior citizens.

And, the picture grows worse by the day, month and year as more and more people live longer and longer.

OLDSTER POWER BACKS TAX RELIEF

Several thousand of New Jersey's one million senior citizens are expected to participate in a "Senior Voter Power" rally June 8 at the State House in Trenton.

About one-third, or one million, of the state's voters are residents over the age of 60, according to Edwin Emrich, chairman of the Bergen County Economic Resources and Development Commission, which is supporting the rally.

"The sole intent of this rally is to present a dignified and orderly demonstration of the voting strength of the state's seniors, who represent the backbone of our economic and social structure and who are the staid, responsible and conservative members of their communities," said Edward L. Carr, legislative chairman of the steering committee which represents 95 senior citizens' clubs in Bergen County. Carr is also chairman of the June 8 rally.

The purpose of the rally is to urge the State Senate to pass a bill that had been voted 69-0 in the Assembly to increase property tax exemptions to seniors from \$80 to \$160. It would apply to seniors 65 and over with an income of \$5,000 a year or less.

"This is the senior's last chance for tax relief this year," Carr said.

If the senate approves the measure June 8, the tax exemption question then goes on the ballot in November.

Under the proposed law, the state would

pay the \$80 increase to municipalities, who are now losing the first \$80.

GOLDEN GENERATION: LITTLE IS DONE TO CURE THEIR HOUSING CRISIS (By Gordon Bishop)

There are no programs which would allow a nonprofit organization today to build a home for the aged in New Jersey.

The only federal program in existence that could provide senior citizen housing is bankrupt. Its funds for 1970—an anemic \$25 million for the entire nation—are depleted.

Congress appropriated \$170 million last year for senior citizen housing, but President Nixon excluded it from the final federal budget.

In New Jersey, nine senior citizen housing projects have been built under a federal program which is now on its death bed. It provided 50-year loans from the government at an interest rate of 3 per cent. It also provided decent, low-income housing for about 4,000 elderly persons.

That program has been phased out and replaced with one whose funds already have been dried up for this year.

Next year, \$125 million is earmarked for senior citizen housing throughout the country, but that can be cut drastically, as was the 1970 appropriation, which wound up at \$25 million.

Future senior citizen projects, face still greater financial woes.

Take, for instance, Wesley Towers in Newark, which was built under the successful 50-year loan program and which houses 350 senior citizens. Wesley pays \$50,000 in annual taxes to the City of Newark. This is based on 15 per cent of its gross rent receipts after utility expenses.

If Wesley were taxed 100 per cent, instead of the 15 per cent by a special state law, it would have to pay \$218,000 a year in taxes.

Had Wesley been built under the conditions of the new federal program, it would have to pay 20 per cent under the New Jersey Limited Dividend Law. This increase would have to be passed on to the elderly.

"This 20 per cent will make it more difficult than ever for a non-profit organization to provide housing for the elderly with rents they can afford to pay," explained Rev. Virgil E. Mabrey, director of Wesley Towers.

He noted that states having no tax on projects for seniors have the greatest number of such facilities. Among those states are Florida and California.

Yet, he added, New Jersey ranks ninth in states having the greatest number of persons 65 and older. The other states, most of which have no tax on private, non-profit housing, are, in addition to California and Florida—Pennsylvania, Illinois, Ohio, Texas and Michigan.

George A. Downs, an authority on senior citizen housing in New Jersey, was the first housing specialist for the State Division on Aging in the early '60s.

Downs today is housing coordinator for the Roman Catholic Diocese of Camden, which takes in six South Jersey counties with a senior citizen population of more than 100,000. These counties are Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem.

Of the 129 communities in these six counties, only 17 have housing authorities. There is only one county housing authority, in Salem.

Under all federal and state programs, only 2,000 of the six counties' 100,000 senior population are living in low-rent projects.

The Camden Diocese has no existing senior citizens projects. It has, however, six projects on the drawing boards. The total capacity: 1,000 units.

Three would be in Camden County, and

three in the Diocese's other counties. Downs declined to disclose the exact locations, since he did not wish to jeopardize the outcome of the projects: Their success hinge on financial, as well as political considerations.

Although the government finances 100 per cent of the projects it selects, Downs says a significant amount of money is still required by the non-profit sponsor to complete the project.

The program does not provide money for acquisition of land, surveys, architectural and legal fees, part of which must be advanced prior to closing.

Like Camden, the Archdiocese of Newark is in the same situation.

The Archdiocese takes in four of the state's most densely populated counties: Essex, Union, Hudson and Bergen where there are well over a quarter of a million seniors living.

Only eight apartments are occupied under the Archdiocese's senior citizen housing program. They are part of a six-story complex in Englewood. When complete, the project will have 40 units.

The rest of the Archdiocese's housing is on paper. A 10-story, 90-unit structure is planned for Jersey City. Also, FHA is studying the feasibility of acquiring the Douglas Hotel on Hill Street, Newark, and renovating it for 154 senior citizen units. The hotel has 40 separate living units.

The Archdiocese is on the same waiting list for funds as other non-profit sponsors.

A different viewpoint is offered by Emile Gorham, chairman of the Task Force on Aging for the Bergen County Council of Churches.

He believes the profit motive must be "nurtured, encouraged and challenged" and not treated as a second-class motive. In this way, successful business enterprise will be attracted to senior citizen projects.

Gorham is seeking federal legislation which will assist the flow of money readily to housing developers, preferably private, to encourage the "private sector" to expand its operations to meet the challenges of today.

He recommends that existing housing legislation be phased out completely without disruption of programs in process, ending the "confusion and multiplicity of programs and efforts, some in competition with one another."

Gorham further suggests that any new legislation be kept simple, with "housing only" as the objective. Omnibus type legislation should be avoided.

He would also eliminate all classifications such as "low-income," "middle-income" or "elderly." He says you should not "legislate segregation by income or class."

And, finally, Gorham would give senior homeowners a 50 per cent break on local taxes, which he thinks, "is a fair percentage of the cost of schools, to which the elderly contribute no burden or problems."

To prevent communities from zoning out senior citizen projects, Gorham would end such discrimination through legislation and or court action. He observes that "home rule" was never intended to exclude, hurt or jeopardize "the people at home." It's a contradiction of democratic principles, he adds.

The resentment against senior citizen projects is evident in most municipalities. All too often, when a senior citizen proposal looms on the horizon, both residents and officials of a town raise their voices in protest.

A case in point is the Union Township senior citizen project which would provide rent supplements to assist those with low incomes. After being convinced of the need for moderate-income housing for seniors, the Union Township Council went ahead with plans for erecting a 158-unit complex, featuring colonial design, four elevators and a park.

The town's next-door neighbor, however, instituted suit to halt the project, charging it would create a serious drainage condition in Roselle Park, as well as adding to the traffic congestion.

The outcome of the housing project is pending in Superior Court.

Meanwhile, for those who can afford it, about 20 retirement villages in New Jersey offer the finest in convenient living.

A majority of the villages appeal to the middle-class couples, those with an income of \$10,000 to \$15,000 a year and who retired on sizable pensions.

The largest, Leisure Village in Lakewood, lures the retired executive or businessman. A one-story, one-family home in Leisure Village sells anywhere from \$16,000 to \$45,000, and service charges run from \$17 to \$34 a month, not including taxes and utilities, which the homeowner must pay.

Services include landscaping, snow shoveling, repairs, etc.

Leisure Village now has 4,500 residents, or approximately 2,200 families.

The second largest condominium operation in the state is Holiday City in Toms River. It has 1,600 families.

Both villages are continuing to expand as housing demands from retirees increase.

The greatest attraction to these villages, according to their promoters, is that they offer a pleasant environment for those who wish to continue living only a few miles from where they spent most of their life.

Practically all of the village residents lived and worked in the metropolitan area, and they want to remain where their friends and families are.

The 20 retirement villages presently can accommodate about 15,000 persons.

GOLDEN GENERATION: U.S. PROGRAMS ARE RUNNING OUT TOO SOON

(By Gordon Bishop)

The plight of New Jersey's senior citizens grows more desperate each year as the federal government continues to phase out programs and services needed to assure them of a decent life in their golden years.

Three years ago, Newark had 12 federally-funded golden age centers scattered throughout the city, staffed by 30 full-time professionals and 20 part-time senior citizens.

They provided 35 different kinds of activities, ranging from arts and crafts to housing, health, educational and employment services.

Today, there are eight centers staffed by 14 professionals and 49 seniors. The surplus food program has been superseded by the Food Stamp program, which is administered through welfare offices and does not reach most older people.

In Jersey City, a "Meals-on-Wheels" program, which delivers hot meals to a senior's home, was started in the mid-'60s. Recently, the city was notified that the federal funding was being terminated and the program was being phased out.

Meals-on-Wheels has fed more than 75,000 seniors.

Of the state's 21 counties, only 10 have an Office on Aging. Identical to the State Division on Aging, these offices provide information and referral services to anyone affected by aging.

The fate of all but one of the offices hangs in the balance because of money. The only office whose future is financially secure—at least for the next three years—is Essex County. And that is because the Essex office is set to open June 1 and has three years to go before its funds expire.

The county offices are funded on a declin-

ing federal formula. The first year, the government shares 75 per cent of the costs; the second year, 60 per cent, and the third year, 50 per cent.

After the third year, the county is expected to assume the entire responsibility of operating the Office on Aging.

Three already have completed the end of their three-year cycle. They are Passaic, Bergen and Sussex Counties. But the state is temporarily subsidizing them until the end of this fiscal year, June 30. After that, either the counties come up with the money, or they close the offices.

The other counties reaching the end of their three-year federal cycle are: Camden, Cumberland, Hudson, Mercer, Middlesex and Ocean.

On the local level, the picture is even grimmer. Only five of the state's 576 municipalities have Offices on Aging. They are: Paterson, Jersey City, Cape May, Camden and Trenton.

These offices, identical to the county and state operation, are funded under the same federal formula. Except there are no state provisions when the towns finish their three-year cycle.

Paterson, which went off the cycle in January, was able to maintain its Office on Aging through city funds.

The other four communities will have to make the same fiscal commitments when their cycles expire, or shut down the local offices.

There is a bill in the State Senate which would fund county offices already in operation. The state funding, however, would be limited to 50 per cent of the costs, or a ceiling of \$20,000 per year.

The bill is bogged down in the Senate's committee on county and municipal government. It is not expected to be brought out of committee, at the earliest, until the next session of the Legislature in the fall.

An identical bill in the Assembly already has passed.

As federal programs bow out, others make a minuscule effort at helping the elderly.

One example, is Jersey City where 60,000 senior citizens reside. Of the thousands available for part-time work, only 37 have been hired through Operation Service, now in its third year.

Administered by the Housing Authority, OS hires senior citizens to work at \$1.65 an hour. They are assigned to routine jobs in City Hall.

The State Division on Aging admits that it's virtually impossible trying to coordinate senior citizens programs throughout the 21 counties, keeping each abreast of the services available and every law that comes out of the Legislature or on Capitol Hill.

The concern for the senior citizen must begin on the local level and be felt on the national level, the division points out.

Such concern was displayed by many service agencies and social clubs during hearings conducted since the beginning of the year by U.S. Sen. Harrison A. Williams (D-N.J.), who is chairman of the Senate's Special Committee on Aging.

In all almost totally uncoordinated movement, several groups in New Jersey have emerged to carry the senior citizens' cause to the Capitol, where, ultimately, their dream of a decent, not golden, retirement, can materialize.

Until then, here's what New Jersey's concerned citizens are trying to do:

In Passaic County, a survey was conducted to find out what was happening to the golden generation. The Passaic County Community Council found out and drew up a "profile of isolation . . . of older men and women shut up in furnished rooms, often hungry, often sick, lonely and far removed from the mainstream."

Paterson responded almost immediately to bring as many seniors as possible back into the mainstream of life.

The Paterson YWCA opened its idle food service department, backed by federal funds, and added a Meals-on-Wheels program for the ill and homebound aging.

Around the fellowship of food, a multi-purpose center had developed at the Y during the day when children are in school and young people are at work.

Services made available to the city's elderly were:

Health counseling from the city's health department.

Foot care from the Passaic-Bergen Podiatry Society.

Cultural, social, civic and current-interest programs arranged by the Paterson section of the National Council of Jewish Women.

Paterson State College professors have also volunteered their time for a number of courses at the Senior Citizens Center.

In Union County, two DISCs are attracting scores of senior citizens. A DISC is a Drop-In Senior Center. For only a dime donation, a senior can enjoy coffee (you can bring along a sandwich), arts and crafts, cards, social hour, service projects, counseling and educational entertainment.

Inadequate transportation, however, prohibits more seniors from participating in DISC activities. Limited transportation is available for a few who require it.

The biggest problem remains the hidden, isolated person.

Mrs. Evelyn Frank, chairman of the Anti-Poverty Council that sponsors DISC, says she has visited several golden age clubs and senior citizens centers in Union County, but "they show no or little participation from the black community. We know there was no intent of exclusion, but facts are facts. Centers may be too far from people—perhaps they feel the centers do not relate to them.

"Triple jeopardy—poor, black and elderly—becomes evident and must be a focus for a program. With a county program operating from their neighborhood, aides can reach out into the community involving others and extending information and services to the entire older population."

In Middlesex County, the Office on Aging (OA) has called upon municipal health department to institute medical screening programs, for seniors. In communities where there were no certified health officer, the OA has gotten the municipal councils to sign a contract with the County Health Department.

In Mercer County, the majority of older people located by a Friends Center had been spending their time sitting by a window watching the traffic go by.

Most of these older people received visits from friends only five or six times a year.

The Home Visitor project is one of many in New Jersey that's trying to reach the elderly, those who have been either neglected or abandoned at a time when they needed help the most.

If there is a million dollars worth of service available in a city, it is effective only if it connects with the people who need the help.

An operation such as the Mercer Street Friends Center shows a senior citizen the way to community resources and public assistance, or to agencies such as Old Age Assistance, Disability, Food Stamps, Social Security, Medicare, Medicaid and New Jersey Rehabilitation.

Because they specialize, most agencies provide fragmented services. With the elderly, as with desperate people of all ages, a service must deal with the whole person.

A home visitor communicates with those who need to be treated as a whole person. As a trained volunteer or professional, a home visitor becomes, in effect, a substitute daughter or son of a senior citizen.

He is concerned with the "bread-and-butter" necessities of daily living. The home visitor gives baths, fixes hair, finds used clothing in the right sizes and in attractive colors, and also provides transportation to weekly luncheons at centers where older people congregate.

The home visitor goes far beyond the scope of the 500 social clubs that cater to the aged throughout the state. He acts as advocate to guarantee an older person the provisions he is entitled to under the law.

In Hudson County, there's a homemaker service run by the Senior Citizens Council. A homemaker provides care in the person's home. Priority is given the senile and the chronically ill.

"Many of our aged would rather die in their own homes than be placed in an institution under Medicare," said Mrs. Mary Johnson, president of the Hudson County Senior Citizens Council.

"If they could just have some assistance with their daily living, to sustain them with dignity, it would relieve the pressure and demands on old age homes and nursing homes and eliminate some of the really deplorable conditions existing today in homes for the aged and chronically ill," Mrs. Johnson said.

In Ocean County, the emphasis is on "Senior Power," OCEAN (Ocean Community Economic Action Now) points to the power of the elderly at the polls on election day. While they constitute only 10 per cent of the population, they represent more than 25 per cent of the voters.

"And senior citizens do not get out and vote on election day," says John J. Buday, OCEAN's senior citizens coordinator. There are about 55,000 seniors in Ocean County.

A year ago, Ocean County had 22 senior organizations. Today there are 48.

An example of senior power is the tax abatement bill now pending in the Legislature. The Ocean County Senior Coordinating Council catalyzed the action, which would double tax exemptions to \$160 for homeowners over 65, and also exclude Social Security benefits from the annual gross income.

Senior power also was responsible for getting free checking privileges for seniors 62 years and over.

OCEAN is trying to involve every active senior citizen in the county. "We have the voting power, but what good is it if we don't use it effectively to secure a place under the sun for seniors?" Buday mused.

GOLDEN GENERATION: LONG-TERM CARE REACHES ONLY A HANDFUL

(By Gordon Bishop)

New Jersey ranks ninth among states having the greatest number of persons 65 and over.

Yet long-term care reaches only 25,000 seniors in the Garden State. That's less than 1-25th of the state's senior population of 700,000.

Rising confusion, conflict and cost inhibit the growth of nursing and boarding homes, as well as contribute to the already inadequate services of many long-term care facilities.

There are 536 homes in New Jersey, ranging in size from the 500-bed facility at Bergen Pines in Paramus, Bergen County, to a 12-bed operation in a converted house in Montclair.

The cost per person in a nursing or boarding home ranges from \$85 to more than \$200 a week, depending upon the type of institution and the extent of services rendered.

The burdens of parental care often fall onto the children, who usually are struggling along raising their own families, with little or no money left to contribute to a grandparent or great-grandparent confined to a nursing home.

The problem is further compounded when the immediate children of an 85- or 90-year-old nursing home patient are themselves at retirement age and faced with the insecurities of old age.

The generation raising a family and getting ready to put their children through college are left with the problem of grandparents unable to bear the costs of growing old.

Since Medicare covers less than half the costs of medical debts incurred by senior citizens, the responsibility of subsidizing parents automatically falls on the next of kin and, if they are destitute, on the state.

Medicaid, a program which began in January, was designed to furnish the medical needs of the impoverished, including the elderly.

But the Medicare and Medicaid programs have not been applied effectively to the nursing and boarding homes. Hence, very few senior citizens are receiving nursing home care under either program.

Designed to help the majority of older people, the federal programs have practically excluded them. For example, of Ocean County's 55,000 senior citizens, only 40 are availing themselves of Medicare benefits in nursing homes at the present time, according to Eugene F. Friedman, president of the New Jersey Nursing Home Association.

He explains the situation this way:

A physician transfers his patient from the hospital to the nursing home as soon as he feels the acute stage of illness is over. He tells the family the patient no longer needs the hospital but will get the required service at the nursing home.

The patient is admitted—still under Medicare—on the certification of the doctor.

A registered nurse in the home fills out the patient's chart which goes to Medicare's fiscal intermediary, which in New Jersey is either Blue Cross or Prudential Insurance Co.

The intermediary then decides whether or not the government will continue to cover a case.

Until recently, a patient had to meet certain "medical criteria." Under the present system, the patient must meet a more stringent "insurance criteria"—a move designed to tighten up Medicare costs and prevent nursing homes from exploiting the system.

The latter has resulted in cut-off dates on day of admission into a nursing home.

"By moving the patient from the hospital to the nursing home, the government saved money, since hospital care costs more than double that of nursing home care," Friedman explains.

"Physicians are becoming more and more reluctant to transfer their patients out of hospitals, knowing they'll lose Medicare once they're admitted to nursing homes," he says. "Now patients stay longer in hospitals and cost the government additional millions of dollars. This cut-off date must be eliminated or it will destroy the Medicare program."

The State Department of Institutions and Agencies, which regulates nursing homes, has determined that about 40 per cent of the patients in the nursing homes do not require constant medical care and attention which the homes have to provide to receive Medicare approval.

The 40 per cent—or about 8,000 persons—require only custodial care, or supervision and guidance, I & A contends. They would not fall under Medicare.

This "gray area" is at the crux of the conflict between the fiscal intermediary, the doctor, the patient and the nursing home.

Meanwhile, the House of Representatives is planning a probe of nursing homes throughout the nation to determine if they are abusing the Medicare and Medicaid programs.

Led by Rep. David Pryor (D-Ark.), this Select Committee on Nursing Homes and

Homes for the Aged will investigate conditions in Medicare-approved institutions.

"Since the advent of Medicare and Medicaid," Congressman Pryor said, "the taxpayer has been subsidizing nursing homes at the rate of \$2 billion a year."

He alleges that government outlays are luring "fast-buck entrepreneurs" into the nursing home business in the wrong way.

As the debate rages on, the senior citizen in dire need of help remains trapped in the middle. Since 250 of the state's 300 nursing homes participate in either Medicare or Medicaid, the greatest percentage of the 20,000 elderly requiring home confinement are affected by federal and state regulations and criteria.

The balance is affected by the inadequacies of the programs—programs which cover only about half the costs of the elderly's medical needs.

The amount paid by the aged under the Medicare and Medicaid programs remains higher per capita (\$176) than for the non-aged (\$153), according to U.S. Sen. Harrison A. Williams' Special Committee on Aging.

Other findings of the committee are:

There is some danger that the current investigations of fraud and near-fraud in Medicaid and Medicare may lead to a defeatist or negative attitude toward each program.

Medicare coverage is deficient or non-existent in areas of special need, such as long-term care in hospitals or nursing homes and out-of-hospital drugs.

Some relief, however, may be forthcoming in the form of intermediate care. This new program, now under study by the state, would reach poor people who do not require skilled nursing care but nevertheless need some degree of supervision.

Under the new plan, a patient would be transferred from a nursing home to an intermediate care facility, where operating costs are far less because a "professional staff" is not necessary.

To be eligible, a person must be at an income level equivalent to welfare standards. Translated in terms of the aged, income cannot exceed \$160 a month. Those with only Social Security benefits (from \$100 to \$116 per month) would qualify.

The new program would not fall under either Medicare or Medicaid since no medical services are required. The costs for intermediate care would have to be borne by the county, according to Edward Hahn, director of the State Division of Medical Assistance and Health Services.

Nursing homes could provide both skilled and unskilled assistance under the same roof but in different sections of a building, thus providing patient continuity from medical to intermediate care attention, observed Dr. Curtis L. Culp, who is in charge of the state's Medicare program.

Intermediate care also can be provided by boarding homes.

The New Jersey Association of Boarding Homes for Sheltered Care reports there are 236 such facilities in the state with a capacity of 5,265 beds.

Tom Armour, association president, said the elderly constitute more than 80 per cent of the residents. Most of them already are being subsidized by the state, he noted, but the assistance is not enough.

Last July, the state eliminated clothing allowance and replaced it with a \$20 monthly stipend, which must cover not only the costs of clothing but all other personal incidentals such as razor blades for shaving, newspapers, magazines, pencils, pens, papers, postage for letters, etc., Armour enumerated.

"State inspectors come around and complain about the shabby clothes and shoes these people are wearing, but they don't do anything about it," he said.

Armour hopes the intermediate care proposal will answer the aged's problems. The state can initiate the program at any time; the county then must administer it.

The costs for the newly instituted Medicaid program, shared 50-50 by the state and federal governments, came to \$14.7 million for the first quarter of 1970. Hahn expects the costs will exceed that amount for the next quarter and then level off by the last quarter of the year.

In 1969, the federally sponsored Medicare program in New Jersey cost more than \$200 million.

GOLDEN GENERATION: BUREAUCRACY ISN'T HELPING MATTERS ANY

(By Gordon Bishop)

New Jersey's 536 nursing and boarding homes are the first to recognize the deficiencies in patient care, but they blame it on the federal government for creating a bureaucratic nightmare in which the aged ultimately suffer.

Rather than assisting the older person to live with a meaningful and identifiable life pattern as a whole being, the current pattern of disjointed programs dismembers his humanity so he becomes a depersonalized object of a particular, peculiar program one day, and that of another tomorrow.

"We are forced to deal with a multiplicity of narrowly defined, segmented programs, uncoordinated and mostly unrelated to the continuity of needs of the elderly," summarizes the Rev. Howard W. Washburn, executive director of the Methodist Homes of New Jersey.

"The diversity of existing programs is commendable; the devisiveness of these programs as administered is abominable," Rev. Washburn declared.

"Our Ocean Grove home has been visited by three different inspection teams in the past three months. We believe their time and skills are valuable as are ours. To duplicate services and materials and forms, and hours of time of highly-trained, skilled personnel is not only economically wasteful, but administratively foolish," the minister went on.

He cited the greatest obstacles: different departments of government, different standards for certification (under Medicare, Medicaid, HUD), different programs of reimbursement, distinct and separate staffs and facilities, and endless differences in rules and regulations.

The elderly will continue to suffer, Rev. Washburn contends, until:

The federal government develops a philosophy of comprehensive health care that is directed toward the patient rather than at types and classifications of facilities.

The government develops a program of continuity of services based upon the health needs of the patient rather than, for example, on location of the patient's bed (bed must be moved from one part of a nursing home to another as patient's condition changes, otherwise he loses Medicare or Medicaid benefits).

The government establishes a coordinated program of standards for levels of care that allow for delivery of services at the patient's financial status, length of stay, spell of illness, or prior authorization for procession of health services.

Rev. Washburn poses the problem: How does one go about coordinating a program that involves two divisions of HUD (Housing and Urban Development) and one division of HEW (Health, Education and Welfare)—each with its own set of standards?

Further confusion is compounded when, either by legislative design or administrative interpretation, one program is so formulated to carefully exclude the other.

For example, under Federal Program 202 (HUD), which provided for low-moderate income housing, development of homes for the aged was excluded by administrative decision. A new program is now being worked out to include senior citizens projects.

For federal programs to be more pervasive and effective, uniform standards must be es-

tablished, Rev. Washburn asserts. As a result of the current confusion and multi-standards, here's what's happening to the federal programs, as exemplified by only two programs—Medicare and Medicaid:

If standards of care for Medicare are at one level and the standards for Medicaid are at a lower level, one of two possible solutions arise. The agency that qualifies for certification under Medicare may well refuse to serve the needs of Medicaid patients.

Or, conversely, the agency that does not wish to qualify for certification under Medicare may seek to qualify only for certification under the requirements of Medicaid, while charging private pay patients higher rates for lower levels of service, while, at the same time, receiving reimbursement from the state and federal government for Medicaid patients.

Rev. Washburn disclosed several cases in which both circumstances exist. In either case, services are lost to persons in need.

"A family in need of care for a patient all too often has to take what is available," Rev. Washburn said. "If low standards of care are given credibility, then all too many older persons are going to receive that low level of care."

Other critics of the present system charge that duplication also occurs on the state level.

In Jersey City, the State Division on Aging operated two offices within 50 yards of each other. Funded by the federal government at a cost of \$30,000 the money went for two offices, two directors, two secretaries and "double bureaucracy," according to Conrad J. Vuocolo, director of Tenant Service for the Jersey City Housing Authority.

One of the offices, which closed Dec. 31, was the Jersey City Office on Aging. The other, still operating, is the Hudson County Office on Aging.

The state division contends the offices never duplicated each other's work. One handled only Jersey City cases, the other county cases, a division spokesman said.

He described the work in separate offices as a "coordination effort." The same double-operation exists in Paterson, Passaic County; Camden, Camden County, and Trenton, Mercer County.

All the offices are on a three-year cycle of federal funds. The three-year cycles are nearing completion for most of them.

Another source of help for the elderly has been the church, but in recent years that source has been gradually disappearing.

Church groups have too many complicated financial demands and pressures to fund to keep funding community health care projects, according to Msgr. Theodore A. Opdenaker, executive director of Catholic Institutions for the Diocese of Trenton.

As a consequence, the church in the 1970s will provide long-term care on a limited and crisis basis only, the monsignor predicts.

"Today's health needs can only be met with more interdependence of facilities. The barriers must come down for more cooperative effort. But who will assume the overall coordinating and financial responsibility?" the prelate wondered.

"Payment plans and, in particular, prepayment plans, have offered either no benefits at all or only very limited ones. For the most part, payment has come from the individual's or his family's resources, or from government through categorical welfare payments, which have been all too permissive and minimal," the monsignor said.

He believes the government should not make commitments to the public and then force the providers of long-term care to try to fulfill them.

"The providers (nursing homes, etc.) bear the burden of blame and guilt when the government finds it difficult to pay its promissory notes," Msgr. Opdenaker said.

He sees the providers, on the other hand, having to make these commitments: meet-

ing the needs of the community; working together, rather than separately; subordinating their own private interests to the interests of the people they serve, rather than concerning themselves "with their own salvation," and finally, a serious and honest effort at cost containment.

GOLDEN GENERATION: NEW LAWS CAN HELP FILL THE JOB VACUUM

(By Gordon Bishop)

New Jersey's 700,000 residents in the retirement age are looking forward hopefully to some promising programs for the '70s.

The thrust of the senior citizens reformation will culminate in the White House Conference on Aging next year.

On the local level, preparation for the conference is just beginning.

The three most critical needs to be met involve income, health and housing.

Social Security hopes to bridge the widening gap. By 1974, Social Security benefits to a retired individual will reach \$340 a month, according to a bill proposed by U.S. Sen. Harrison A. Williams (D-N.J.), who is chairman of the Special Committee on Aging.

The bill, pending in the Senate, also includes:

Automatic increases in Social Security geared to costs-of-living.

A widow's benefit at age 65 equal to the husband's benefit (she now receives 82½ per cent of the benefit).

Improved benefits for workers retiring before age 65.

Elimination of the monthly Medicare premium of \$5.30 under "doctor's insurance."

Extension of Medicare to out-of-hospital prescription drugs.

Medicare coverage for disabled persons under 65.

For the legions of older workers forced into voluntary retirement, there promises to be greater opportunities for employment. The Older American Community Service Employment Act, proposed by Senators Williams and Edward M. Kennedy (D-Mass.), is expected to provide thousands of part- and full-time jobs for still productive senior citizens.

Employment also will be extended to low-income persons 55 years and older. Work will include anti-pollution activities (clean-up operations, etc.) and conservation (planting trees, shrubs, terracing land, etc.)

To meet the rising demands for senior employment, existing work programs will have to be expanded. Under the federal Department of Labor, two Senior Aides Programs in New Jersey now offer jobs to only a handful of retirees.

One of them, administered by the National Council of Senior Citizens, has 16 aides on payrolls in Newark. Earning \$1.75 an hour, the aides work in Martland and Beth Israel hospitals and also assist in training hard-core unemployed youth.

Rev. Elmo Porter, director of the Newark Senior Citizens Commission, says thousands more are begging for work. The commission, which also coordinates the senior aides, is funded by the federal Office of Economic Opportunity (OEO).

Despite drastic federal cuts in the last two years, Rev. Porter's office still manages to reach an average of 14,000 elderly citizens each month. Volunteers log more than 3,000 hours of service a month. Newark has 65,000 persons over 60.

The other Senior Aides Program, administered by the National Council on Aging, has only 44 seniors working in Trenton, and another 40 in Hoboken. They serve as teacher aides and outreach workers under the Model Cities Program, which is funded by HUD (Housing and Urban Development).

A more far-reaching federal program that shows favorable signs of growth involves the foster-grandparent. The state's 252 foster-grandparents currently are responsible for 1,600 disadvantaged children.

A foster-grandparent must be a person 60 years and older and on low income, or less than \$3,000 a year. Once a child is assigned in a foster grandparent, his or her income is boosted to a "decent level of living," or just less than \$5,000 a year. In this way, a senior will not lose his Social Security benefits.

The foster-grandparent receives \$1,680 to take care of a child four hours a day. On an hourly basis, that comes to \$1.60.

In helping the neglected, retarded and handicapped children, the government automatically is helping the elderly. The two-pronged program is perhaps the most successful in the nation in terms of meeting the many needs—environmental, emotional and psychological—of two greatly-deprived groups at opposite ends of the social spectrum.

On the community level, much more has to be done to provide seniors with jobs. Two organizations that have undertaken local programs have proven they can be immensely successful and rewarding.

They are the Senior Citizens Placement Bureau in Montclair and OWL (Older Workers Lifeline) in Summit.

Last year, the Montclair bureau placed more than 600 seniors in jobs ranging from babysitters and domestics to handymen and office help.

OWL, a newer organization, found jobs for 175 seniors. They included clerical, companions, sales, handymen and drivers for private vehicles.

Operating out of the Montclair YWCA, the bureau accepts applications for work from residents of the West Essex area: Montclair, Bloomfield, the Caldwelles, and parts of the Oranges.

Started 10 years ago by the Montclair Junior League, the bureau today is funded by local, public monies, including the Community Chest.

OWL, now in its seventh year, covers Summit, New Providence, Berkeley Heights, Springfield, Chatham, Millburn and Mountainside. It is funded by SAGE, the Summit Area Association for Gerontology Endeavors.

For those who like the great outdoors, there are healthy jobs abounding through Green Thumb and Green Light in Trenton. Sponsored by the National Farmers Union under a grant from the Department of Labor, the green programs presently employ 158 persons 55 years and older. They earn \$1.60 an hour and work a three-day week, or 24 hours. A foreman gets \$1.85 an hour.

Green Thumb employs 142 persons, who, last year, planted more than 1,000 trees, shrubs and plants, helped to restore the historical Church of the Presidents in Long Branch, and rebuilt and refurbished 55 roadside parks.

Green Light, the companion program, is limited to low-income women 55 and over. Working under the same arrangements as Green Thumb, 16 Green Lights serve as guides at Ringwood Manor State Park in Passaic County.

The Garden State Parkway hires about 80 seniors in their 60s and 70s as toll collectors. Begun 10 years ago shortly after the Parkway opened, the part-time collectors earn \$2.25 an hour and work an average of 20 hours a week.

No special consideration is given the elderly. They must take the same examinations—physical and mental—as their younger full-time counterparts. Very few who seek such employment fail to pass the tests, the Parkway Authority disclosed, noting that their ability to operate the booths is comparable to the regulars.

There are other programs on the same scale throughout the state, each with vast potentials. But most depend on federal funds for their existence, and future growth.

Some, like the Community Service Project under OEO, is tied into the local scene. Last year, more than 50 seniors supplemented

their income with part-time work in Trenton.

Again, hundreds of community service projects are ready to be launched but they are all grounded for lack of funds. Urban centers faced with the most serious conditions of poverty, population and blight are given priority on the federal list of funds for community service projects.

More job opportunities hinge on an amendment to the Manpower Bill now before the U.S. Senate subcommittee on employment, manpower and poverty. The amendment is an abbreviated version of the Middle-aged and Older Workers Full Employment Act of 1968, which was introduced in the Senate but never passed.

Essentially, the bill would provide for use of retired personnel directors, training persons to train and retrain older workers, mid-career counseling and development services—all aimed at finding jobs for millions of able-bodied senior citizens.

Another bill pending in the Senate would serve a two-fold purpose—help the disabled senior while paying an able senior as a household aide.

It would be an amendment to Medicare. As part of the home health service plan, aides may provide care services for an individual released from a hospital or nursing home, so long as the patient is under a physician's care.

Some of these services include part-time nursing care, physical, occupational or speech therapy and medical social services under the direction of a physician.

A senior citizen could be trained as a household aide and then work through a certified home health agency. This could open the door to tens of thousands of jobs.

Also in the offing is an adult health protection plan. Introduced in the Senate in January, it would establish health screening programs in a limited number of regional and community centers. Each center would be equipped with the latest instrumentation and communication systems.

The service, nicknamed "Preventicare" would be free and voluntary for persons over 50. It is the first national effort aimed at preventing or reducing chronic diseases by detecting them in their early stages.

As outlined, Preventicare would invite Americans over 50, at little or no cost, to get periodic diagnostic tests. The cost of screening one person would be in the \$25-\$30 range. Spending would be held to a modest \$60 million for the first three years.

The total cost of chronic disease to the U.S. economy is about \$60 billion a year. Nearly 90 million Americans suffer from one or more chronic conditions, most of which might have been prevented or controlled had they been discovered in time.

There are more than 47 million Americans over 50 who could benefit from Preventicare. The bill, now in committee, is expected to come up for a vote in the Senate during the next session, starting in September.

If all the bills now pending in both Congress and the State Legislature are enacted this or next year, and if the federal and state governments follow up by providing ample funds to administer these programs, then the seniors certainly can look forward to truly golden years in the decade of the '70s.

NEEDS OF MISSOURI SMALL CITIES AND TOWNS

Mr. SYMINGTON. Mr. President, in our concern over the financial conditions of our large cities and our small rural cities and towns, the difficulties of the suburban and satellite communities near the big cities are sometimes overlooked.

They, too, are caught in the money squeeze. On the one hand, their citizens

also are demanding more and better community services, and the cost of providing these services is rising as steadily as our national inflation. On the other hand, the sources of revenue open to them are less and less adequate to the task, and Federal programs of assistance to local governments continue to be badly underfunded.

It is long past time for the Federal Government to come to the aid of cities of all sizes with adequately funded programs. Few of us will dispute the urgency of the problem, which is well into the critical stage.

Too, communications which I have received from Missouri serve to illustrate this serious problem, and I ask unanimous consent that they be printed in the RECORD.

The first is from Mayor Nathan B. Kaufman, of University City, a suburb of St. Louis. He has sent a resolution adopted by his city council, and his covering letter states that its wording "expresses the feeling of the council members as to the desperate need for changing national priorities and spending patterns." I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

RESOLUTION

Vast areas of many central cities, suburbs and older neighborhoods are suffering from an accelerated decay and abandonment as exemplified by several thousand vacant and dilapidated buildings in cities adjacent to the city of University City, Missouri.

The spreading deterioration of these urban areas has been causing great economic losses to property owners while intensifying the deprivations of their residents and denying the opportunities for self help to many of these residents.

City governments serving areas where some 70% of the United States citizens reside have been receiving in recent years only about one-half of one percent of the Federal budgetary outlays for the hundreds of aid programs. (1)

On the other hand, in large measure the enormous Federal military expenditures (now over 70 billions annually) are among the prime causes of the inflationary cost pressures—which are strangling city services everywhere—and which are threatening to force reductions in services in University City.

This great Federal commitment to military expenditures also has caused exasperating delays in the implementation of aid programs to University City, and has curtailed heretofore promised federal aid to its programs in housing and urban renewal, as has been the case for hundreds of cities.

We believe the greatest threats to this nation's stability and security come from problems centered in urban areas, such as housing, education, employment, welfare, race, crime and pollution.

Therefore, the City Council of the city of University City, Missouri, urges the President and the Congress to immediately redirect the resources and to reestablish the priorities of the Federal Government so that far greater emphasis is placed on funding domestic needs in order to avoid a national catastrophe of American cities being destroyed by urban decay.

Adopted July 6, 1970.

NATHAN B. KAUFMAN,

Mayor.

Attest:

FRANCIS C. FLYNN,

City Clerk.

of Aldermen of the City of Belton, legally speaking through its duly elected Board of Aldermen and the Mayor, petitions Senator Stuart Symington, Senator Thomas F. Eagleton, Representative William J. Randall, Representative Richard Bolling, and Representative William J. Cason to initiate the proper legal procedures through the Treasurer of the United States of America to rebate and refund to the City of Belton, Cass County, Missouri, a portion of the personal income tax collected in the City of Belton equal to five per cent (5%) of that collected in the City of Belton to be used at the discretion of the officials of the City of Belton, Cass County, Missouri, to provide for the health, safety and welfare of the citizens of the City of Belton; and in the alternative, although the City of Belton, Cass County, Missouri, speaking through its board of Aldermen and its Mayor cannot legally speak for the State of Missouri and the County of Cass, petitions Senator Stuart Symington, Senator Thomas F. Eagleton, Representative William J. Randall, Representative Richard Bolling, and Representative William J. Cason to initiate the proper legal procedures through the Treasurer of the United States of America to rebate and refund equally to the State of Missouri, the County of Cass, and the City of Belton, a portion of the personal income tax collected equal to five per cent (5%) of that collected to be used at the discretion of the officials of the State of Missouri, County of Cass, and the City of Belton, to provide for the health, safety and welfare of the residents of these legal entities.

State of Missouri, County of Cass, City of Belton, ss:

I, Arnold E. Louis, City Clerk, do hereby certify that I have been duly appointed City Clerk of the City of Belton, and that the foregoing resolution was regularly introduced at a meeting of the Board of Aldermen held July 14, 1970, and adopted at a regular meeting of the Board of Aldermen held July 14, 1970, by the following vote, to wit:

Ayes: Aldermen Bradley, Foate, Carder, Lane, Rhodes, Beaver, Powell.

Noes: None.

Absent: Alderman Mosby.

ARNOLD E. LOUIS,

City of Clerk of the City of Belton.

Year	Total direct Federal aid to all 20,000 U.S. city governments (in millions) ¹	Year	Total Federal budget outlays (in billions) ²	Aid to cities as a percent of Federal outlays (percent)
1965-66.....	\$601	1966.....	\$134.6	0.45
1966-67.....	803	1967.....	158.2	0.51
1967-68.....	941	1968.....	178.8	0.52

¹ City Government Finances in 1967-68, series GF 68—No. 4, U.S. Bureau of the Census, p. 5.

² The Budget in Brief, Executive Office of the President—Fiscal year 1971, p. 72.

Mr. SYMINGTON. Mr. President, the second illustration of the critical needs of small cities comes from Mr. Arnold E. Davis, city administrator of Belton, which is just outside Kansas City. He has enclosed a resolution voted on by the Belton Board of Aldermen and signed by Mayor J. Wayne Willey which proposes that the Federal Government rebate 5 percent of the income taxes collected from Belton's citizens. The resolution was adopted July 14, 1970. I ask unanimous consent that the text be printed at this point in the RECORD.

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

RESOLUTION

Whereas, The City of Belton, Case County, Missouri, a municipal corporation, created under the constitution and laws of the State of Missouri as a fourth class city, can only legally speak as a city in the State of Missouri through a resolution of the Board of Aldermen; and,

Whereas, the City of Belton, similar to many small municipal cities, communities and towns in the United States of America, is in a critical, desperate financial situation; and

Whereas, the Board of Alderman of the City and its Mayor submit that further tax increases to raise revenues for the operations of the City will be met with resistance, animosity and overt rebellion; and,

Whereas, required services including police protection, fire protection, emergency ambulance service, and other services related to the health and welfare of the citizens of this City are the responsibility of the Board of Aldermen and the Mayor of this City and owed as a right under the constitution of the United States of America, the constitution of the State of Missouri, and the laws of the State of Missouri to the individual citizens; and,

Whereas, the rapid increase in costs for materials, supplies and labor exceeds the ability of the City to meet these additional demands by additional revenue; and,

Whereas, such revenue must be obtained from sources that are unique in nature and not common; and,

Now, therefore, be it resolved by the Board

THE NARROWS UNIT, MISSOURI RIVER BASIN PROJECT—CONFERENCE REPORT

Mr. ALLOTT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(For conference report, see House proceedings of August 12, 1970, pages 28532-28533, CONGRESSIONAL RECORD.)

Mr. ALLOTT. Mr. President, the conference report represents a compromise between the differing versions of the Senate and House on three provisions.

First. The House version included a proviso in section 1 which would have required the identifiable return flows of irrigation water from the project to be treated to abate pollution and enhance

water quality, as determined by the Secretary. The conference committee agreed upon substitute language which will require the project to be operated in conformance with the water quality standards which have been established by the State of Colorado pursuant to the Water Quality Act of 1965.

Second. The House version included a proviso in section 3 requiring the repayment contracts with the water users to extend up to a term of 50 years if necessary to accomplish repayment. The conference committee adopted the House proviso.

Third. The Senate version extended the exemption from the acreage limitation provision of reclamation law, which was previously given by Congress to the adjacent Colorado-Big Thompson project, to the Narrows unit. The conference committee adopted the Senate provision.

NARROWS

Mr. President, on August 10, 1970, a conference was held to iron out the differences between the House and Senate passed versions of S. 3547. Only three differences existed between the two versions; and the Senate receded on one, the House receded on one, and substitute language was adopted in the case of the third difference.

The substitute language, in my opinion, improves the provision relating to water quality. The substitute language I proposed, and which was agreed to by the conference committee, sets forth precise water quality standards within which the Secretary of the Interior must operate the project. Under the language as adopted by the House, the requirements to preserve water quality were, in my opinion, fatally vague and unenforceable. The conference substitute language ties it directly to the Water Quality Act of 1965 and the standards adopted pursuant thereto.

It should be noted, however, that the construction of the Narrows project will enhance water quality in the South Platte River. Such reclamation projects are deserving of our strongest support.

The Narrows project will enhance the environment in several aspects: It will improve water quality; it will provide exceptional recreational benefits in an area where such recreational opportunities are very limited; it will provide badly needed flood control to an area that has been subject to devastating floods in recent years; and it will improve the quality of life in the community by insuring a more stable economy.

With respect to the other differences, the Senate receded and the conference committee adopted the House language requiring that water user contracts extend for a full term of 50 years, if necessary, to accomplish irrigation repayment; and the House receded and the conference committee adopted the Senate language relating to the Colorado-Big Thompson project and the acreage limitation. Fifty years is the standard repayment period customarily adopted by the Congress with respect to irrigation repayment contracts, and the conference report is now in conformity with that practice. By adopting the language of the act which authorized the Colo-

rado-Big Thompson project with respect to supplemental water and the acreage limitation, the conference report is in conformity with the longstanding policy of the Congress regarding exemption of areas in high altitudes with short growing seasons, and supplemental water supplies in areas where the landownership pattern has been long established.

Mr. President, the Narrows project enjoys a very good benefit-cost ratio of 1.89 to 1, and I believe it will be an excellent investment in the future of not only northeastern Colorado and its people, but the Nation as well. I urge the adoption of the conference report.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado.

The motion was agreed to.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The LEGISLATIVE CLERK. Calendar No. 1020, H.R. 17123, 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.

The Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 816

Mr. PROXMIRE. Mr. President, as I understand, the pending amendment is the so-called "fly-before-you-buy" proposal that I have offered to make sure that this principle, which is a very good principle and one recommended by outstanding experts on the Fitzhugh Commission and endorsed warmly and enthusiastically by Secretary Laird, goes into effect, and that in the event the Pentagon departs from it on any weapons system for which they are asking funds, The Pentagon should notify Congress.

The PRESIDING OFFICER. That is the pending amendment, No. 816.

Mr. PROXMIRE. On any weapons system for which they are asking funds for production, and on which the testing has not been completed.

We are not asking them to hold it up. We are not asking them not to proceed when they have an emergency situation and they would like to get weapons in a hurry, and where therefore they have to forego this principle. We are just saying we would like to know about it, that we would like to be told and we would like to have advance notice.

Mr. President, in offering this amendment, as well as the other amendments which I have introduced, I am thinking, and most of those of us who have introduced amendments are thinking, in terms of reducing the cost and the impact of military spending on the economy and on the budget, and of having a more responsible fiscal position. In this connection, and in connection with both this amendment and the main efforts of those of us who are trying to reduce the pending defense procurement bill, it was reported in today's paper that, as measured in the national income accounts, the Federal budget deficit was running at an annual rate of over \$14 billion in the second quarter. This was the largest quarterly deficit, on this national income account basis, since World War II. Another large deficit is anticipated during the present quarter.

How did this enormous second-quarter deficit come about? It was clearly not the result of spendthrift appropriations by the Congress. Congress cut the President's defense budget by \$5.6 billion in fiscal year 1970. As seems to be true with any economic statistic, there were "special factors" contributing to this deficit—in this case the special factors were the retroactive social security benefit increases and Federal pay raise. These are actions the Congress took, and actions of which the Congress can be proud. They provided deserved and needed income increases for the recipients, and furthermore they were a major factor sustaining the level of economic activity in the second quarter—in keeping the economic slowdown from growing still worse.

Primarily, however, the second-quarter deficit was the result of the revenue gap resulting from the deliberately engineered, "made in Washington" economic slowdown. The loss of tax revenues due to the failure of the economy to operate at full employment is difficult to estimate precisely, and the administration has chosen not to supply us with estimates. According to the most reliable independent estimates available, Federal revenues in the first half were running \$10 to \$15 billion below what they would have been if the economy had been operating at full employment. The actual deficit in the first half was \$8 billion. By looking at the figures for the entire first half, rather than for just the second quarter, most of the distortions in the statistics due to the timing of social security benefits and the Federal pay raise are eliminated.

If the full employment revenue potential had been realized in the first half, the budget would have shown, not a deficit of \$8 billion but a surplus. The

Government would not have been borrowing in the credit markets. Funds would have been available for housing, for State and local government, for small business. Interest rates would have been lower.

Our budget deficit is part of the price we are paying for our failure to maintain full employment. Or I should say for our deliberate creation of unemployment and idle capacity, in an effort to halt inflation. The tragedy, of course, is that inflation has not been halted. We have paid the high costs of unemployment, of output and revenues forgone and have achieved only very limited results on the inflation front. We have overlooked, or have adamantly refused to employ, price and income guidelines and other policies which could have helped control inflation.

We are told that the economy "bottomed out" in the second quarter, that real growth will now begin again. No one seems entirely confident that this is true, however. Even if we do begin to grow again, it will be a long time before present economic policies bring us back to full employment. Unless we see some major new directions in economic policy, we will continue to have substantial unemployment throughout 1971 and 1972 and perhaps longer than that.

Among the costs of these economic policies will be the shortfall or gap in Federal revenues below what they would be at full employment. In fiscal 1971 this gap could be as large as \$15 billion. These are revenues which could be used to finance needed Federal social programs, to sustain a budget surplus and make more credit available for housing, or to permit some tax relief for the average citizen. Let us be clear that this Federal deficit in the first half and the deficits we will see over the year ahead are a cost of economic slowdown, and an important cost. They are not the result of any congressional spending spree.

The reason why I raise that in connection with the pending bill and the pending amendment is that the President of the United States, as we know, has made a very dramatic and effective issue of excessive spending by Congress. It seems to me that if we are going to put that in perspective, we have to consider that many of us in Congress are trying to reduce his budget spending.

One of the most dramatic examples of this is what occurred on the floor of the Senate the other day, when the Senator from Iowa (Mr. HUGHES) offered an amendment to eliminate from the Safeguard program all funds except those for research and development. He would have stopped deployment generally. This was an amendment which would have cut \$984 million from the Safeguard amount. This amendment would have cut all the money except that for research and development. In addition, the Armed Services Committee itself cut \$10 million from the request. That is a total cut of \$994 million, and that is precisely the amount by which the HUD and education bills exceeded the budget request.

The President has received national attention and national publicity and national credit for being against excessive spending by Congress. He has dramatized

this by his veto. Yet, a vote on the floor of the Senate on this dramatic Safeguard proposal, which would have cut below the President's request by as much as the two bills exceeded his request, was ignored by the press in terms of saving money.

It seems to me that this unfair attitude is going to continue if we permit it to continue. The series of amendments which some of us are going to offer, which we hope the Senate will support, will, we hope, dramatize to the country that the big spenders are those who want to spend big money in the area where we have our biggest spending, and that is in the Defense Department.

In this morning's New York Times is a long article on the President's veto, and there is a fascinating analysis by Robert Semple, Jr., entitled "Nixon's Veto Strategy." I should like to read a paragraph or two from that article to indicate the kind of psychological reaction the White House feels it is getting from the vetoing of congressional spending bills:

The decision by the House today to sustain President Nixon's veto of the independent offices appropriations bill but override him on the education money bill would appear on its face to be an even split. But inside the White House this afternoon there was much satisfaction at the outcome. Most of Mr. Nixon's political strategists believe that he emerged from his latest and perhaps most delicate confrontation with Congress with his reputation as a defender of the dollar against a "profligate" Congress not only intact but also enhanced.

The article goes on to say that the President feels that this is an issue which is going to be very important and that other White House aides feel it will be very important for the President in the coming elections.

The Wall Street Journal reinforces this. In a front-page column this morning, under "Washington Wire," the Wall Street Journal says the following:

The President's vetoes of housing and education money bills underscore his effort to blame high prices on Democratic spending. The bills actually would have relatively little effect on inflation this year. An Agnew speech-writer promises: "We're going to be blasting Congress every chance we get" on the spending issue.

Of course, if one reads the actual veto message of President Nixon, he can get the same kind of flavor. The President says:

I am determined to hold the line against a dangerous budget deficit.

I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

For that reason, I am today returning, without my approval, two bills the Congress has passed that would increase the Federal budget deficit by nearly one billion dollars.

I am vetoing this bill because it would help drive up the cost of living, harming the people it is most designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which make it impossible to speed the recovery of the housing industry.

He goes on to say:

We cannot have something for nothing. When we spend more than our tax system can produce, the average American either

has to pay for it in higher prices or in higher taxes.

Then he says this, and I think it is most significant and pertinent in terms of the pending bill:

I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.

Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.

But a President is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

Mr. President, that is just the point. In a few days from now, we are going to offer another amendment to this bill, and that amendment will cut not one billion dollars but several billion dollars from the Defense Department's request. That is really going to be an amendment to determine those who believe in fiscal responsibility. That is really going to be an amendment to determine those who feel that we should emphasize in our priorities a well educated, well housed country as essential to a strong military effort as the manpower and weapons we have in the military itself.

But I suspect, on the basis of past performance, that the press will largely overlook the economy, money-saving aspect of our efforts. I do not say that they will ignore it because there is anything wrong about the press or unfair about the press, but they are in a position where a President's veto is big news. It is on television and radio and in the newspapers, and one amendment on the floor of the Senate is likely to be reported, if at all, in the back pages of the newspaper.

In all fairness, I think that anybody who wants to look at who is really trying to hold down spending most will recognize that when we cut several billion dollars of military spending, it is at least as effective in combating inflation as the President in trying to cut back loans to students, loans for houses, scholarship money for students, and money in this other area.

A very strong economic case can be made that the most inflationary kind of spending the Federal Government engages in is military spending, because that spending does not meet any economic need. When you spend money to buy ammunition or planes or helicopters, you are not buying anything that somebody is going to go to a supermarket and pay for. When you spend money for manpower training or to provide more houses, you are increasing the supply of economic goods and you are helping to hold down prices.

It seems to me that the \$1 billion that the President is making a great deal about in reducing domestic spending should be compared with the several billion dollars we are going to try to reduce in military spending.

Mr. GRIFFIN. Mr. President, will the Senator yield briefly for a comment or an observation?

Mr. PROXMIRE. I yield.

Mr. GRIFFIN. Of course, no one would take exception to the statement of the

Senator from Wisconsin that wherever we can justifiably cut out waste from Defense Department spending, or any place else in the Government, we should do it. We ought to do it.

But the point of difference between the distinguished Senator from Wisconsin and the administration—and those who support the administration on this argument—involves the question: What is essential for the national defense of our country?

The Senator from Wisconsin referred to the amendment offered by the distinguished Senator from Iowa (Mr. HUGHES), which would have gutted the ABM program—an amendment which, in the judgment of a majority of Senators in this body would have been unwise in terms of the security of the United States, which would have undercut our negotiators in the SALT talks, and which would have made it less likely that we could reach an arms control agreement with the Soviet Union.

I realize, of course, that reasonable minds can differ and that the Senator from Wisconsin does not agree with that conclusion. But the real point of difference is: What is needed for the defense of the United States.

Mr. PROXMIRE. Let me interject at that point, if I may, to say that we can make a strong argument that a powerful majority of the Senate feels that education is not only important in terms of building a better country and better individuals, but also for the defense of the United States. The President disagrees with us on that. He has a right to do so. All I am saying is the economic effect on inflation shows what the President was talking about. We can make an argument to cut billions of dollars from military spending, and that is far more effective than cutting \$1 billion from the domestic side of expenditures.

Mr. GRIFFIN. Well, while we are discussing that point, I want to remind the Senator, and have the RECORD reflect, that this administration has gone a long way in reordering the priorities of this Nation. As we discuss this subject, it is important to remind those in this body and others around the country that President Nixon has cut back on the Defense budget by some \$12 billion; that the cuts already made and in process will eliminate 600,000 jobs in the Defense Department, military and otherwise, and will eliminate about 600,000 civilian jobs in defense-related industries. Needless to say, that contributes to the unemployment which the Senator from Wisconsin complains about. I do not suggest that we should do otherwise. I think those cuts were necessary and justified, and they have been made. In fact, the administration has reordered our priorities. For example, in 1961 we were allocating 48 percent of the Nation's budget to defense spending.

Now, under the reordering of the priorities of the Nixon administration, we are now allocating not 48 percent of the national budget but only 37 percent of the budget for national defense.

This Nixon administration budget, for the first time in over 20 years, is allo-

ating a larger percentage of our Federal spending for human needs, human problems, and human resources than it is for defense needs.

But there does come a point when we cannot cut back further on defense without impairing our security. There are responsible people in and out of the Senate who believe that we are in danger of cutting our defense appropriations below the minimum needs of national security.

I have the feeling—perhaps it is unjustified—that no matter how far back the Nixon administration would cut the Defense budget, there still would always be some in the Senate who would want to cut it still further; that no matter how much the Nixon administration might add to education appropriations, there would always be those who would want to add still more.

Mr. PROXMIRE. Mr. President, let me say to my good friend from Michigan that the facts are, No. 1, that the Nixon administration has not cut defense spending. Its requests have been lower but the amount of spending for the last fiscal year was on the same level as in 1969. They were not reduced. They were basing the lower requests on the fact that we were deescalating in Vietnam and cutting back both the level of activities there, which saves money, and in the cutting back of troops there, which saves money. That is fine. I have said again and again and again that President Nixon deserves credit. He has reversed the position of the Johnson administration. That is good. He deserves great credit for doing so. But if we consider the amount saved by cutting back in Vietnam and the amounts of the Nixon requests, we find that the rest of the military budget is at least as high, in fact, substantially higher than it was last year.

The saving was entirely effected by what happened in Vietnam recently. But the expenditures, for the rest of the military establishment, leaving out of account Vietnam will be higher, substantially higher.

In the second place, so far as cuts can be made in the military budget which go too far, the Senator from Michigan raises a good point. I am not one of those who believe that we should unilaterally disarm, or have a weak military force, or that we can get along spending less than the Russians do. I believe that we have to have a strong military force. We have that. The Office of Strategic Studies in London report that the Russians are spending \$40 billion in an equivalent amount to our cost of living on the military. We are spending \$70 billion.

I think that the military budget should be \$60 billion to \$65 billion and we could still have a strong military force, that we would still be able to defend our country, and that we would still be able to meet our commitments throughout the world.

Another element the Senator speaks of, about my inconsistency in agreeing that we should cut back on military spending but at the same time I criticize the unemployment situation as being the

fault of the administration, what I am talking about on the unemployment situation is this: that the veto of the housing bill can be particularly damaging, because a relatively limited amount of money can go such a long way in providing jobs. The emergency housing legislation that the Committee on Banking and Currency reported, for which I provided an amendment, would increase spending in housing by a couple of hundred million dollars, and that couple of hundred million dollars would trigger several billion dollars of private spending, which would substantially increase employment and put people to work where unemployment is heavy—over 11 percent now in the construction trades. We are having a real recession or depression in the housing industry now.

Thus, it seems to me, that is consistent criticism of the President for a veto which will have serious economic consequences in the housing industry.

For a limited amount of Federal expenditure, we would get a substantial amount of private activity. In doing so, it would increase Federal revenues, it would increase employment, and diminish unemployment.

It is for these reasons I feel that the President's vetoes were unwise.

Now, Mr. President, I should like to point to the fact that this is not just idle talk on the part of a Senator, saying that Congress is going to cut the military budget. We cut it. We cut the overall budget last year substantially, I think. The final figure showed, for fiscal 1970, that \$6.3 billion was cut.

The determination on the part of Members of the Senate and the House is that we will cut below the Nixon request again. Certainly it is a phony, unjustified argument to say that Congress and the Democratic Party, particularly, are big spenders, and for the White House to try to go out and defeat people for office on the ground of excessive spending, when the fact is that the record in the past and the developing record this year indicates that Congress is likely to reduce President Nixon's overall request.

Once again, I say, so far as spending is concerned, that is the issue the President has raised. Military spending is as inflationary as any nonmilitary spending. The Senate will have a real opportunity, as I say, to cut the President's request for military spending by several billion dollars, far below the level his vetoes would have reduced Federal spending.

PENDING PROXMIRE AMENDMENT

Now, Mr. President, let me get to the substance of the amendment by calling attention to some of the enormous overruns which have resulted in many cases because of the failure to follow the "fly-before-you-buy" principle, which my amendment would reinforce.

The Comptroller General made a report this year on the overruns in some of the major weapons systems we are constructing in this country and compared the planning estimates with the contract definition, the cost estimates, the early estimates adjusted for quantity changes,

and the current estimates through program completion.

I think it is necessary for Congress to have these figures in mind when it votes on the amendment. What the amendment attempts to do is to eliminate or sharply reduce the colossal overruns we have had in the past. So much of it has been because we have proceeded with production without having had adequate testing. We have not known whether the weapons system would work. We have not known what the cost would be before proceeding to production.

The result has been that we have proceeded in some cases when we should not have done so because it was too costly, and in other cases we proceeded to produce equipment which has not worked.

It is not a matter of making that assertion as a bold assertion. The study made by Budget Bureau Expert Richard Stubblings showed that of 11 major electronic weapons systems, only 2 were able to meet standard specifications. More than half—six of them—failed to meet even 25 percent of their standard specifications. They fell far below the standard specifications.

That is why my amendment, it seems to me, makes sense. Let me run through some of the weapons systems listed by the Comptroller General.

The Shillelagh, for example, had planning estimates of \$357.4 million. The cost of that is now \$495.8 million.

The AH-10 was supposed to cost \$49.8 million. The cost of that, adjusted and made comparable, is \$561 million.

On the Safeguard system—the ABM which we have been debating for the last few weeks—the original planning estimate was \$4.185 billion. The current estimate, because of the overrun, is \$5.939 billion. That is an overrun on that one weapons system, the ABM system, of more than \$1.7 billion.

The Gama Goat is one of the most spectacular examples of poor performance, late delivery, and excessive costs. This was designed to be an automobile. It was supposed to be able to travel in the water as well as on land. It was given to a firm which had no experience at all in constructing automobiles, or ships for that matter. But the Defense Department thought it would be a good idea to try and develop a new source.

The Gama Goat was originally supposed to cost \$69.1 million. The cost now is \$438.7 million. Think of that, Mr. President, from \$69 million, the cost has soared to \$438 million for that one weapons system. Furthermore, it is now found that the cargo-carrying capacity has not increased at all but the weight has increased threefold from the original requirement. It is not a satisfactory vehicle, though the cost has been increased by this fantastic amount.

This weapons system was not thoroughly tested and proven before being put into production.

The Sheridan tank has increased from \$422.5 million to \$498.1 million.

The Cheyenne increased from \$125.9 million to \$201.8 million.

The UH-1H has increased from \$341.3 million to \$1.235 billion.

Those are just some of the Army weapons which have increased in cost enormously, based on the verified checks by the Comptroller General, between the planning estimate and the current estimate.

I might point out that none of these is completed. Virtually all of them, based on past experience, will increase even more unless we take the kind of action which my amendment would put into effect.

Mr. President, I have been pointing out some of the enormous overruns that we have had in these weapons systems, the immense increases from the planning estimates to the current estimates, a major reason for those cost increases has been that Defense has moved from research and development without adequate testing.

In doing this, I am trying to justify my amendment which would, of course, provide that in the event that the Pentagon intended to proceed to production without fully testing, they would have to report that fact to the House and Senate Appropriations and Armed Services Committees.

Mr. President, on the Navy P-3C, the planning estimate was \$1.294.2 billion. This current cost estimate is now \$2,552.8 billion.

AN/BQQ2 has gone from \$126.9 million to \$269.9 million.

The Sparrow F has gone from \$139.8 million to \$1.2 billion. That is one small missile.

The Phoenix has increased from \$370.8 million to \$1.5 billion.

The Mark-46, model 1, has increased from \$347 million to more than \$1 billion.

The Mark-48, model 0, has increased from \$682.4 million to \$3.5 billion. That is an increase, Mr. President, of nearly \$3 billion.

I think it does not help a great deal, those figures, without putting them in perspective. Three billion dollars is far more money than we spent last year for all low- and moderate-income housing in this country. It is about three times as much as the Federal Government spent on all low- and moderate-income housing last year. The overrun on that one system, the Mark-48, model 0, that torpedo, is almost \$3 billion. It is \$2.8 billion.

This is the kind of thing that should be put in perspective; the necessity for meaning business and cracking down on our waste in procurement. I am not saying we should not have these weapons. We have to have these weapons. The Mark-48, model 0 is necessary when our potential enemy has a big submarine fleet. It is important also to develop a weapon that will work. I am asking that when we go ahead we do so based on thorough testing in advance so that when we go into production we will know we will have a weapon that will work and we will not have to throw out models we produced.

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

Mr. PROXMIRE. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, could the

Senator from Wisconsin enlighten me as to the cost to the Government of the United States, just in dollars alone, of World War II?

Mr. PROXMIRE. I could not estimate exactly, but I am sure it would be several hundred billion dollars. The cost would be enormous.

I see the point of the Senator's question; that no cost is too great to prevent another war. I agree with that wholeheartedly. That is why I say these weapons are necessary; but I say that we should get weapons that work. We do not prevent war by spending a great deal of money wastefully and getting weapons that will not do the job.

Mr. HANSEN. Mr. President, will the Senator yield further?

Mr. PROXMIRE. I yield.

Mr. HANSEN. I appreciate the Senator's reading my mind. I was not sure what I was going to say next, but it is clear to me now what I should have said next. I think the point is well made I will not argue with the Senator because I think this seems a good point to make.

Would the Senator agree with me that insofar as total, or almost total, involvement goes, there has been no involvement since the end of World War II that has affected enough nations to characterize such involvement as World War III? Will the Senator agree with me that that is true.

Mr. PROXMIRE. I agree with that.

Mr. HANSEN. Could there be some validity to the belief that is held by the Senator from Wyoming that perhaps, taken in toto, it is not always necessary, in order to deter aggressive actions by another country, to be certain that everything we do will be effective.

I call attention to the fact that we have some nerve gas ready to dump into the ocean if the appropriate officials, including the courts, can be satisfied that there will be no violation of law. I do not know that that nerve gas was actually ever tried out on humans; but it is the opinion of the Senator from Wyoming, at least, that the fact that other nations throughout the world knew we were competent in the area of biological warfare was a sufficient deterrent to them so that, insofar as I know, none of them—none of our potential enemies—have used nerve gas. They certainly have not used them extensively against us or against those countries that by treaty we were sworn and pledged to support, probably because they knew we had some gases, too.

Would the Senator agree with that?

Mr. PROXMIRE. I am not sure I agree with the Senator on that. This may or may not be the fact. I think the Department of Defense decided against our production of nerve gas and poison gases, and I think the decision to bury them at sea is a wise decision. I think it is based on the fact that we rely on our nuclear power. If any nation should be so stupid and brutal as to attack us with any biological weapons such as nerve gas and those vicious weapons, we would retaliate, and we would be able to do so with such devastating power that they could be deterred. We could wipe them off the face of the earth. I think Secretary of Defense Laird and Presi-

dent Nixon were right in deciding we are not going to produce these poison gases.

Mr. HANSEN. I agree with the Senator's conclusion. I agree completely with the decision reached by the Department of Defense that there is no longer the need for these gases, which constituted much of our biological warfare weaponry; and yet I think at the time they were brought into being—and I do not know how old they are—I suspect they served a useful purpose.

I can recall, and I know the Senator from Wisconsin can recall, that following World War I there were dire predictions that the next war would wipe out much of humanity because with the gases that had been developed there would be little question they would be used and we would see gases released on the battlefield and into the atmosphere and whole populations would be destroyed. Yet the Senator knows so well, that there was practically no use of poison gases in World War II.

The point I want to make is that I do not know that it is entirely valid to say that we have to test fly, so to speak, or test every piece of weaponry we have in order to bring about the deterrent effect that we would hope our arsenal, replete in all its ramifications, will have in order to achieve the objective of prevention.

Mr. PROXMIRE. I think this is a very good point. Some things we cannot test. For instance, we could not test the ABM. How could we test the ABM without having an attack; and, if we did, of course, we would have fall-out, we would have violated the test ban treaty, we would have accidental deaths, and we would have pollution of the atmosphere. It cannot be done.

All I say is that where you cannot test the weapons before production you should have a report on it so that the committees and Congress are made aware and able to determine whether, in view of the fact it is untested, we should go ahead.

We have this long record of terrific overrun largely because we have gone into production before we had a proven model. This did not originate with me, but with the Department of Defense, with the Milestone concept a year ago, and reinforced this year with the "fly-before-you-buy" and once again by the Fitzhugh Commission, consisting largely of defense contractors who recommended that this is the kind of policy that should be followed.

We have a number of weapon systems, including the weapon systems in this bill, in which we are providing production money without testing in advance. Maybe that is all right, but we should have identification of the particular weapon system where this is true.

Mr. HANSEN. Mr. President, will the Senator yield further? I do not know whether the Senator has a prepared speech that he wishes to deliver at this time.

Mr. PROXMIRE. No. I have some matters I wish to bring to the attention of the Senate, but I think these questions are very helpful.

Mr. HANSEN. They are very helpful to me and I do appreciate the courtesy

of the distinguished Senator from Wisconsin who has been most generous and gracious, as he always is.

I wish to ask the Senator this question. When was the estimate made on the Shillelagh, which was estimated at \$357 million?

Mr. PROXMIRE. I am not sure when the date actually was. It was the date when they first made the request for the Shillelagh and made their plans. I cannot give the Senator the precise date on it.

Mr. HANSEN. It was a few years ago?

Mr. PROXMIRE. The general thrust of the Senator's question, which is perfectly proper to put this matter in perspective, is that the estimates, by and large, occurred several years ago, in most cases 3 or 4 or 5 years ago. In some cases it might go back beyond that, but generally it is 3 or 4 or 5 years. In that time we have had inflation. In that time we have had other problems. In almost every case, however, there is a built-in inflation factor so that the estimates take into account the assumption that there is going to be inflation.

It is true that in the last year inflation has exceeded the estimates, but very little of this increase, over a 3- or 4-year period, can be accounted for by inflation.

When the cost of the Mark 48-0 goes from an originally estimated cost of \$682.4 million to \$3,570 million, that obviously is not due to inflation. That is like buying a small house for \$6,000 or \$7,000—it would have to be a very small house—and finding after a few years it is going to cost \$35,000. Inflation might be a part of it, but certainly it would not be most of it. Most of it is due to not knowing the kind of weapon that was going to be produced before they went ahead and produced it.

Mr. HANSEN. I am sure the Senator has more information on the Mark 48-0 than I have. Would it be the Senator's opinion that that estimate may have been made several years ago?

Mr. PROXMIRE. Yes. That was made in 1963.

Mr. HANSEN. 1963?

Mr. PROXMIRE. Yes. The program definition was in 1963.

Mr. HANSEN. And it is now estimated that it will cost \$3.5 billion. Is that correct?

Mr. PROXMIRE. Yes. It is now estimated that it will cost five times as much. I do not think anything that has happened since 1963, particularly the cost of manufacturing equipment, can account for that difference. I do not have the economic indicators with me right here, but there has been far less inflation in that area than there has been in the cost of living. Most of the increase in the cost of living has been in services. The wholesale costs have not increased as much. The costs of manufacturing has gone up moderately. Wages have gone up a great deal, of course, but nothing like a fivefold increase since 1963.

Mr. HANSEN. If the Senator will yield further, I am very much interested, and appreciate his keen attention to this problem. It is a concern that I think all of us share. We certainly want to see our Government spend its money wisely,

that the contracts entered into are discharged faithfully, and that there is just as strict an elimination of waste as can possibly take place.

Yet I must confess to an overriding, continuing, and agonizing concern that disturbs me. I was reminded yesterday of that when I read that the Israelis have charged a faithlessness on the part of at least one of the countries about the ceasefire that was called for by our country. We are being called upon now to see that the terms of the cease-fire are kept; that they are not violated.

I do not know what further action or what further response the nation of Israel may call upon us to perform or to do in order to hold them whole and immune from the damage that could result from actions that are not in keeping with the pledge that I understand was made by the countries that were in agreement on the cease-fire.

With a budget in excess of \$200 billion, all of us have a responsibility and a duty to examine each expenditure closely and critically. But when it comes to the defense of our country, I feel somewhat differently than I do concerning ordinary expenditures.

I cannot be as disturbed if we do those things which reflect the consensus of persons in the administration and in the Defense Department upon whom we must rely. I know they are all good Americans. I think they are all reasonable people. I think they all pay taxes, the same as the Senator from Wisconsin and I do. I do not believe they want to see money wasted any more than anybody else does. But if we have to err—if occasionally we have to buy an item of weaponry without knowing precisely how it may perform—if it adds to the credibility of our defensive posture and discourages aggression by other nations that may not be as peacefully inclined as I continue to believe Americans are, then I am willing to go along with that overrun.

I ask the Senator from Wisconsin if he shares my feeling generally in this respect: That it is not like buying sacks of potatoes or bushels of wheat, that standards and uniformity are not established, if we are going to be able to compete with new weapons made by the Russians and by the Chinese, which may sometimes be necessary if we are going to call their bluff and persuade them from doing something aggressive, as we did so successfully when the late President Kennedy said, "Get your missiles out of Cuba." That was all he had to say. I think they got the message pretty well.

Would the Senator not agree that when we are dealing in this area we may not be able to employ the effective standards and the testing and the test flights as well as we can in other areas of our procurement?

Mr. PROXMIRE. If it were an occasional situation, where once in a while perhaps a weapon system cost much more than was originally estimated, I would agree there would be no reason to be alarmed. But it is not occasional; this is the rule.

The Comptroller General made a study of 38 major weapons systems. That was the number he examined into. The find-

ing was that most of them cost far above their estimates, not as a matter of inflation, but a cost much more than possibly could be justified on the basis of inflation.

Mr. HANSEN. If the Senator would permit a question, Over what period of time are we talking about?

Mr. PROXMIRE. We are talking about 1963, 1964, 1965, and up to 1970, weapons systems now being developed.

Mr. HANSEN. Five, 6, or 7 years?

Mr. PROXMIRE. Five, 6, or 7 years; some less than that, some more.

There is a general agreement in the Pentagon, there is agreement among contractors, there is agreement by almost everybody, that we have made a mistake by proceeding too fast, by not testing thoroughly before we proceeded to get into production. Secretary Laird announced this principle of adequate testing a year ago, as the "Milestone Program." And yet Defense is still asking for weapon system after weapon system without testing. We are merely saying that when they do it, the Armed Services Committees of the Senate and the House and the Appropriations Committees of the Senate and the House are to be notified in advance, so that we in Congress will have the information and be in a position to appraise whether or not we should go ahead with the production money.

This time the Senate Armed Services Committee had the good judgment and wisdom, in many cases, to deny production money to the Defense Department on the grounds that they did not follow this principle. I am saying this is good, and commending them for it; but I am saying in addition that all of us should be notified by the notice my amendment requires from the Pentagon whenever they are violating this principle and proceeding with production before testing is completed.

Mr. HANSEN. Is it the Senator's opinion, or did I understand the Senator to say that the Comptroller General has said we were proceeding too fast? Who was it that made that statement?

Mr. PROXMIRE. The Comptroller General, in his findings and conclusions, had a number of recommendations and suggestions dealing with this situation, and of course he is very careful not to criticize, but primarily to submit the facts and let Congress draw its own conclusions.

These were the conclusions of the Defense Department, of the Secretary of Defense, of the Fitzhugh Commission which made the study, and of the latest study made by a group of defense contractors, which came out just the other day.

Mr. HANSEN. Who was it that made the observation that our method of acquisition of weaponry reflected the fact that we were proceeding too fast? I am not sure that I got that.

Mr. PROXMIRE. Well, the Fitzhugh report indicated that they felt we were proceeding too fast, and that we should follow the so-called fly-before-you-buy procedure.

Mr. HANSEN. What is the prime purpose of our amazing arsenal of weaponry?

Mr. PROXMIRE. Well, of course, there are several purposes. One purpose, the strategic purpose, is to have a sufficient arsenal to discourage a nuclear attack, so that the opposition will know that, if they attack us, we can retaliate even more devastatingly with a second strike.

We have other purposes, of course. To help protect our interests throughout the world; our general purpose forces are for that purpose.

The main purpose, of course, is to keep the peace. That is the overall purpose in developing this arsenal.

Mr. HANSEN. I appreciate the last observation the Senator made, when he said the main purpose is to keep the peace. I quite agree with him that I think that is certainly one of our primary purposes.

When we were discussing these poisonous gases, the Senator said, in effect, that, now that greater reliance is placed upon our nuclear missile weaponry, we have found that in the judgment of the military it is no longer necessary to maintain an arsenal replete with poisonous gases. But might it not be said, in all honesty, that the philosophy which I think epitomized Secretary McNamara's tenure as Secretary of Defense probably placed too much reliance upon the ultimate weapon, the nuclear missile, and did not give sufficient credence to the intermediate weapons with which we can successfully pursue a war short of an all-out nuclear exchange?

Mr. PROXMIRE. I am not sure that that is correct. During Secretary McNamara's tenure as Secretary of Defense, we substantially increased the number of divisions we had, the amount of firepower we had, and the strength of our general purpose force as well as our nuclear force. We went, as I understand, from 12 divisions to 16 divisions, and we acquired far more firepower, of an order of 50 to 100 percent more firepower, in a period of relatively few years.

Mr. HANSEN. What was the reason for that, would the Senator know?

Mr. PROXMIRE. Well, the administrations were concerned with brush-fire wars. They were concerned with the situation in the world, which did seem to become more dangerous or difficult during that period of time than it had been before.

Mr. HANSEN. Was it also to make possible our sending of ground forces into Vietnam, under President Johnson?

Mr. PROXMIRE. I am talking primarily about before 1965, when we sent most of the men in. In March of 1965, our ground forces in Vietnam were 29,500, which was a lot of men, but only a tiny fraction of the number we have now, and the number we had later under the Johnson action.

Mr. HANSEN. I did not mean to interrupt the Senator. I appreciate his response.

Mr. PROXMIRE. Let us get back quickly to a question the Senator asked which relates to this amendment and the reason I am proposing it, when I said we should follow the "fly-before-you-buy" principle, and I indicated I did not know whether or not the GAO had made a specific recommendation in that area. I now find that they have. Here is what they said in connection with these overruns:

The General Accounting Office believes that one of the most important causes for cost growth is starting the acquisition of a weapons system before it has been adequately demonstrated that there is reasonable expectation of successful development. Because of the substantial number of such cases found, GAO concluded that the Defense Department has not been effectively administering this process.

The date of this report was February 6, 1970. So this is a clear criticism by the General Accounting Office based on auditing our 38 major weapons systems.

Mr. HANSEN. Mr. President, if I could, I should like to observe that apparently, within the time frame that the Senator has been choosing for these comparisons, there was an elapsed period of some 5 to 7 years, and it is the opinion of at least this Senator that many times the then Secretary of Defense, Robert McNamara, overrode the recommendations of the military and of the Joint Chiefs of Staff. Despite their unfavorable reports on such weapons as the TFX, he proceeded unilaterally to insist that we had to go forward with these things, and I think we are paying for it now. We are catching up with a policy that I think was badly misdirected.

I do not question for a moment the sincerity of former Secretary McNamara; I have greatest respect and regard for him, but I think he was overconfident as to his own wisdom. He failed to heed those around him, those upon whom I think he might well have relied, or at least counseled with, in some good decisions that would have served this country well. But despite the protests of the various branches of the service, he tried to put all of the components that the Navy, the Army, and the Air Force wanted into one airplane, and wound up with a colossal blunder.

I have no doubt at all that many of the things we are talking about today reflect what I think of and what I characterize as his singular ineptitude in this one area.

Mr. PROXMIRE. I think there is plenty of blame to go around, because these costs have been scandalously high. There has been much ineptitude, as the Senator has said.

I do think, however, that Secretary McNamara was an extraordinarily able man in many respects. He had the capacity to come before a joint meeting of the Appropriations Committee and the Armed Services Committee without any aides or any notes, and answer questions for 8 or 10 hours, accurately and completely. I once asked him how he was able to do that. He said, "It is because I do my own work."

He was the kind of man who put together his own budgets. That tells a lot about him, both as to his weaknesses and his strengths. He was at the Harvard Business School when I was there, and we both took a course in business policy analysis. The purpose of the course was to teach students how to delegate authority. I do not want to criticize Bob McNamara too strongly—I think he was a fine, effective Secretary of Defense—but I do think perhaps the Senator is correct, that he should have delegated authority more effectively than he did in the procurement area. Obviously some-

one was not watching the shots the way he should have during those years when Secretary McNamara was working so hard with President Johnson on the Vietnam war, and could not concentrate on this enormously expensive area of procurement, where more attention was needed. I think the Senator makes a good point.

But I do not think the criticism is to be confined to Secretary McNamara. This criticism by the General Accounting Office relates to what was going on on February 6, 1970. They say that at that time the GAO concluded that the DOD had not been effectively administering this major weapons procurement process.

At that time, the present President had been in office for more than a year.

Mr. President, we cannot be political on this question. We all make mistakes and if there is any area in our Government which we try to isolate from politics, it is that of military policy. I believe we did not have a politically motivated Secretary of Defense in Robert McNamara, nor do we have one now. We have an able Secretary of Defense in Mel Laird. But I do think we should try, as we are trying, to correct these mistakes by our amendment.

Mr. HANSEN. I appreciate what the Senator is saying, and completely agree with his objectives.

I must say that I think it is a little unfair, though, to make the comparisons within the time frame that the Senator has chosen. I recognize his reasons for doing that: because these happen to be the times when the estimates were first made and reflect what the cost estimates are today.

I might point out that we could talk about many other things. Take medicare, for example. The medicare program initially was thought to have been actuarially sound. Every time it has been reviewed, every time a new estimate has been made of that program, the cost has escalated. So that today, from the information I have, which has been submitted to the Finance Committee, of which I am a member, the last figure I heard was that within 25 years, medicare will be in the red to the extent of \$216 billion.

The point I want to make is this: To get back to the military, when we are comparing costs that were made 5 to 7 years ago, that seems to me not to be so much an indictment of the Department of Defense as would be the case if the Senator were able to show that in the last year, operating with a different Secretary of Defense, with a different administration the same overruns had occurred. I am not trying to put any politics into this; I do not mean that at all. I quite agree with the Senator from Wisconsin that Robert McNamara is a most unusual, a most talented, a most brilliant man. I am a greater admirer of his, as I know the Senator from Wisconsin is. Because he was so competent, because he did have a photographic mind and was able, as the Senator has said, to appear before committees and testify for 8 to 10 hours without a single person at his right or his left, certainly does attest to

the fact that he has a keen, brilliant, retentive mind. Unfortunately—and I say this with a heavy heart—he was too confident in his own good judgment, in his own ability to make many judgments in many areas that I think were not the best and might have been made with greater soundness had he chosen, as I think he should have, to seek the advice of people in the military, people whose business it is to know about these things, as I now suggest is being done under the present Secretary.

Mr. PROXMIRE. Let me pick up that point.

The Senator says that the present Secretary is consulting with people in the business who know how this is operating. That is correct.

One of the purposes in appointing the Fitzhugh Commission was for that reason. I have criticized that Commission and I will continue to do so for many reasons, but I think that in recommending this principle they are right.

What I am trying to do is to take the principle these men recommended and write it into the law as part of my amendment. My amendment would say that what they said, what the Comptroller General says, what the Secretary of Defense now says, is that we should be notified in advance when they depart from this principle. That is all it says. It does not cut out any funds. It does not say, "You cannot go ahead with this program." It says, "We would like to know if you are going to proceed to production before you test, if you are going to buy before you fly. We want to know it."

Mr. HANSEN. Mr. President, the distinguished Senator from Wisconsin has been most generous to permit me to explore with him these questions of mutual concern. I do not think I should intrude further upon his time, but I would like to say how grateful I am to him, how very much I applaud his objectives, but how I am inclined to disagree with some of the approaches he makes in seeking those objectives.

I thank the Senator.

Mr. PROXMIRE. I thank the distinguished Senator from Wyoming. He has been very helpful in his questioning, extremely courteous, and I think he has brought out some points in the amendment very well.

Mr. President, in comparing these figures, I think we should keep in mind that, whereas the Mark 48, model 0 was something that goes back to 1963, some of these are much more recent in terms of their planning estimates than others. We have, therefore, a situation in which in a couple of years, in some cases, we have had an enormous increase in cost.

We have the S-3A, which went from \$1.7 billion to \$2.9 billion.

We have the F-14 fighter plane, which went from \$6.1 billion to \$8.2 billion.

We have the F-4J, which went from \$770 million to \$2.743 billion.

These are increases of approximately \$1 billion, in some cases \$1.5 billion—in one case, \$2 billion—in another \$3 billion, in single weapons systems.

Let me put that into perspective with the kind of action recently taken by the

President in vetoing legislation. The amount we are going to spend in the budget, on the basis of President Nixon's recommendation, for example, for all the low-rent public housing in the country is \$646 million. That is one-fourth to one-fifth as much as the overrun on just one of these weapons systems.

The amount on model cities, a great program, one of the most important and significant programs in this country, is \$530 million. Again, that is approximately one-fifth or one-sixth as much as we spent in the overrun on the Mark 48A, model 0 torpedo.

I might point out that the Mark 48 torpedo has very serious technical problems. In fact, the Navy now says it will not deliver the model 0, on which we have spent so much money. Instead, they are going to try to revise versions model I and model II. They say that under present circumstances they have to be very careful about further production because model 0 is so noisy and, of course, the submarine can detect when the torpedo is coming and avoid it. The whole purpose is that the torpedo be able to approach a submarine so quietly that it cannot be detected.

Here, again, will we fly before we buy? I do not know that "fly" would apply to the submarine, but we should test before we produce.

Then we have the comparison of the amount we spend on housing for the elderly. I think all of us are aware of this very fine program and of its constructive health in building a more humane society and giving to the elderly a better opportunity. We spent \$29 million on that program. That is approximately one one-hundredth of the overrun on one of these weapons systems.

Vocational education, \$329 million. That is approximately one-tenth of the overrun on the Mark 48.

If we add up all the amounts, we spend on low-rent public housing, housing for the elderly, water and sewer grants, model cities, higher education, vocational education, and on-job training, it adds up to a fraction of the \$23 billion overrun that we have on these major weapons systems.

Once again, I would agree with the thrust of what the Senator from Wyoming has been saying, that, of course, you have overruns when you have inflation, when you have a new state of the art, when you have a technology that changes. This is inevitable. I am saying, however, that we have an absolute duty to do our level best to hold down this excessive cost as much as we can; and one way we can do so moderately and in cooperation with the Pentagon is for them to let us know when they are proceeding with production without adequate testing.

Mr. President, let me proceed with a few more of these enormously costly weapons systems.

We have the LHA, \$651 million to \$1.427 billion—another huge increase in cost.

I should like to say at this point that the distinguished chairman of the committee has made available to me, through his staff, a letter from the Secretary of

Defense which opposes this amendment. I should like to read this letter on the amendment from Secretary Laird.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. I had a copy for the Senator. I was going to use the letter myself.

Mr. PROXMIRE. That is perfectly all right for the Senator to read it—

Mr. STENNIS. I feel that the Senator should.

Mr. PROXMIRE. The letter was addressed to the Senator, not to me.

Mr. STENNIS. Go ahead and read it.

Mr. PROXMIRE. I would be perfectly happy to have the Senator do so.

Mr. STENNIS. No. Go ahead. It is in line with the Senator's comments.

Mr. PROXMIRE. It is my fault. It was made available to me and I should have checked with the distinguished Senator from Mississippi who was the recipient of the letter. I want to say that his cooperation and that of his staff has been excellent. I certainly do not want to do anything to embarrass him or his staff. I would like to ask the Senator from Mississippi, if he cares to do so, if he would read it, as it would be better, under the circumstances, to read it, whenever he wishes, or to have it printed in the RECORD as I intended to, and then I can comment on it at a later time. That would be the proper procedure. I want to apologize—

Mr. STENNIS. That is all right. If the Senator will yield, I have other material here. I do not know whether I will get to use it or not. I may or may not use it. The Senator has it there. The Senator should go ahead and comment on it if the Senator wishes. It is entirely all right.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, regarding the amendment of the Senator from Wisconsin, a time for voting on it has already been agreed upon for Monday afternoon next. The amendment has been under discussion by the Senate this morning. I want to make clear that I favor full consideration of the Fitzhugh recommendations. They had an able panel. I understand that they really put in a lot of work on it. Mr. Fitzhugh is a man of fine background and tremendous business experience.

However, with the same emphasis, let me say to every Member, to the people of this country, to the press—to everyone—that no finer illustration exists of the necessity for examination and study by competent staff members, and a weighing and evaluation of the recommendations by men competent not only in business but also in connection with defense matters. We could have no better illustration than this of the necessity for this analysis and examination.

That is exactly what the Armed Services Committee proposes to do and plans to do. It is not under any pressure from anyone but proposes to make a study out of a sense of duty. This report has been out only 2 or 3 weeks and naturally there has not been time to get into it. I would not dare—I repeat, dare—make recommendations here for any of these poli-

cies and these recommendations about weapons systems to be written into law until they had been evaluated and analyzed.

I do not think there is any doubt that there is something of value here. The report of the committee which was filed is of value to the bill. The testimony we took is of value. It is also of value to our staff members. There is not a scintilla of evidence in the hearings about the recommendations of the Fitzhugh panel. There could not be, because they had not been made, although some of the things recommended are practiced and carried out in the committee's recommendations, and are also practiced by the Secretary of Defense.

But all the ordinary processes of legislation and safeguards for sound legislation are lacking—l-a-c-k-i-n-g—in this matter. We have before us only the recommendations for these far-reaching matters by the panel itself. I suppose that they would be disappointed to think that their report did not get any more study or any more consideration than just to be picked up here and put in an amendment on the floor by the Senate. It is unthinkable to me, but it is a challenge, too. We must get into it.

I am opposed to it, regardless of what the Secretary of Defense said. I do not have to read the letter from Secretary Laird to give my reasons, but he did write a letter about it and I am glad that he did and has supplied the Senator from Wisconsin with a copy of that letter.

But I am talking now not from the letter but from the practical side of these things. I have here a quotation from the report that I will state briefly:

A new development policy—a new development policy for weapons systems and other hardware should be formulated and promulgated to cause reduction of technical risks through demonstrated hardware before full scale development and provide needed flexibility in acquisition.

The new policy should provide—

Then it sets forth those provisions.

We find here that this amendment just picks up those provisions and writes them in and proposes them as hard law.

Mr. President, these were recommended policies for consideration. The panel itself did not undertake to say that these policies should become law just as written. They were mere proposals for weapons systems. They did not undertake to describe weapons systems. This is all general language. It has value. It raises good points.

But the idea of their being put into the statute without any preliminary work, examination or weighing of all considerations is unwise, unsound and dangerous. It will create confusion and cause uncertainty in the Department of Defense and in the business world so that it will undoubtedly not only cause a loss of time, but will also greatly increase the costs of the Department of Defense as they try to proceed.

I do not believe it would be possible to operate the Department of Defense with reference to these weapons systems if we had this written into law. I doubt if the Senator from Wisconsin has been given a full report. I know that we have not. I do not have available now a full

report on the amount of paperwork and reporting and everything that could be and would be required under the sweeping provisions of this amendment.

The Department of Defense now has 38 systems in connection with weapons that they are reporting on to the Senate by way of selected acquisition reports.

There are over 90 systems large enough to require development concept papers—that is authorization from the Secretary of Defense to proceed from phase to phase under the present practice.

There are over 600 programs in the present Department of Defense budget. Most of these elements are divided into a number of projects, and each of these thousands of projects are now described in detail as a part of the detail for the budget.

This requires an analysis of the whys and wherefores on each of these projects and a report to Congress. It involves a phenomenal amount of paperwork both on the part of the Department of Defense and on the part of Congress.

The Department of Defense has been prodded. We have done some of that prodding. We have received some of those reports. We have also been prodded to keep down some of the paperwork and the number of reports and data required to be furnished.

I use this as an illustration of how carefully we ought to weigh and consider what would be helpful and essential and would be used by Congress and stop our legislative requirements right there.

It is a monumental task. It would take a lot of hard, dedicated work by capable staff members of the committee and also employees in the Pentagon.

The term "production," although in common use, is variously interpreted as it relates to different weapons systems. We refer to production. Then we refer to weapons systems. What is a weapons system? I would not think of having any legislation along this line, as I see it, without a very careful analysis and definition of a weapons system. There would then have to be one, two, three, or four paragraphs below that definition to point out what those provisions do not mean as well as what they do mean.

The F-14 has been mentioned here. That is one of the new planes that is coming along. That is a weapons system. It is a tactical aircraft. It is certainly a system of weapons.

What about all the different missiles that go into it? What about the bombs, rockets that are used? What about the guns? What about the engines themselves? What about the avionics that go with it?

That plane carries the Phoenix missile. The Phoenix missile is one of the important ones. It carries the Sparrow and the Sidewinder and many different types of bombs. It carries a special gun. There are two different engines that are related.

The plane is going to contain some of the most sophisticated electronic systems ever involved in any aircraft of any kind.

What is a weapons system? These all go together to make up one weapons system of one kind. Are the bombs that are

used, the missiles, the Sparrow missile separate weapon systems?

That is just an illustration. I do not want to confuse the matter. However, I do want to point out that confusion must be eliminated before we can have any intelligent legislation here on this subject.

We use the expression "fly before you buy." That is a kind of catch phrase. It means to test out before going into production. That is a policy that we favor. Our committee favors it. We have insisted on it.

We have to make some exceptions to the systems. I know that Mr. Laird is wedded to that. He was as a legislator.

We had this matter in the Appropriations Committee for years. There is nothing new about this.

My point is that we can follow it to a degree without it being written into mandatory law. If we are going to put it into mandatory law, it must be put in the right manner. It is a delicate matter, somewhat in the nature of a Swiss watch, when we go to make these mandatory requirements with reference to weapons systems and contracting therefor.

I think that more can be done. I mentioned the F-14 a few moments ago to illustrate about the weapons system. That is a program on which we made exceptions.

I do not find very much dissent about making exceptions with reference to the "fly before you buy" policy.

There was the case when they had the old TFX plan for the Navy. Year after year it failed to function properly. Still, because it was the only thing we had in that field, they kept putting it in the budget. Finally, Congress stopped that program. We said, "We will not give you any more money. We will take it out and end it right now."

We brought the Navy in and asked, "What plans do you have for a new plane?" They had plans. We included money for them to move forward. That was approved unanimously in the Senate. The House approved it. We were on the way to the F-14. We were years behind when the TFX Navy version did not pan out, and we are still years behind.

In that case we made an exception and decided we would push this program along; that we would accelerate it and permit them to make some prototypes of whatever type they might on experimental planes as rapidly as was feasible. So that means we buy a few, at least, before we fly. There is money in the bill and I believe if that were challenged here and tested, the commonsense and reasoning of this body would approve this rush order.

These are some of the things with which we are concerned. I think we should make a complete analysis of this particular panel report and its recommendations and that is what our committee proposes to do. In due time we will present, and as soon as possible, proposals for this body to pass upon. But that will take some time and very detailed consideration.

With all due deference to the Senator from Wisconsin and the number of illustrations he talked about in overruns—I know he is very sincere in presenting those matters—but just to take those figures and go no further and analyze them without giving the reasons is to miss what is involved. I remember last year, with all good intentions, a number of missiles, not now in use, were listed, that had cost many billions of dollars. The speaker never did charge that the money was wasted, but he listed the figures. Someone else came along, saw the figures, and called it waste. The press picked it up and published many stories about the waste of moneys in the neighborhood of \$23 billion on missiles that were worthless.

That is the what the story got to be. We took that list of missiles and we analyzed every one of them, and I made a speech setting forth the facts, and detailed how successful they were and how they became obsolete, as many things do in this fast-changing world.

One of them was the Atlas, which was the "Mr. Big" of missiledom for us for a long time. The only reason we do not have it now is that we passed on to something better, but it was the lone guardian at the bridge for quite some time for our side in this battle of words and in the cold war. So in connection with many of these illustrations that have been given here, there is a lot of explanation required when we talk about so-called overruns. We must find a sound spot to begin calculations about what a weapons system is going to cost, with all the research and development and the engineering. That has to be done before proceeding with any kind of base to make calculations on weapons as to the current estimated cost. I am going to try some kind of formula that I believe will point out what I believe is the reasonable spot at which we should start in determining what the probable cost of a weapon will be. If we can get that and make calculations for inflation and other cost changes in a rising economy, we will find these figures, or most of them, are not as bad as they are pictured. Many of them are weapons that do not pan out. There are setbacks in development. They do have trouble. It is always a question of when to abandon the investment in a weapon and change over to another weapon. Then, there are misfits or misfires. We have that in every other phase of life. We call it trial and error. So this picture is not all bad by any means, although I do not defend all these contracts or all that has been done. We have learned a lot and we are doing better.

Regarding this amendment, I have before me a letter from the Secretary of Defense dated today, August 14, 1970, addressed to me as chairman of the Committee on Armed Services. As I have said, my position is not based on what the Secretary of Defense says. It is based on my general knowledge of the problem and the subject matter. But I think he should be greatly concerned and I am sure he is. I just received this letter this morning and I wish to read it. I think it is worthy of being placed in the

RECORD where everyone who wishes to can read it.

The letter states:

DEAR MR. CHAIRMAN. The purpose of this letter is to advise you of my deep concern and strong opposition to amendment 765 to H.R. 17123. The amendment assumes—

Mr. President, if the Chair will indulge me, I picked up the wrong letter.

Mr. PROXMIRE. It states the same thing on all these amendments, presumably.

Mr. President, will the Senator yield? Mr. STENNIS. I yield.

Mr. PROXMIRE. I think that is a good point. The Secretary of Defense could duplicate his answer on all amendments. He could send in the same letter on all amendments.

Mr. STENNIS. I do not think that is accurate.

Mr. PROXMIRE. It comes out the same way.

Mr. STENNIS. This man is the Secretary of Defense. I do not have special praise for him but I personally know he is one of the most effective and finest legislators I ever knew.

Mr. PROXMIRE. Of course he is. But he is against amending the bill.

Mr. STENNIS. He has had experience along a number of lines. He was a member of the Committee on Appropriations where he acquired quite a bit of knowledge in connection with the very problem we are talking about. I think when he is called on he gives his opinion based on his official responsibility and learning, his judgment, and his character and integrity. If he did not, I would not ask him. I would not care how he felt.

FEDERAL RAILROAD SAFETY ACT OF 1970

Mr. MAGNUSON Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1933.

The PRESIDING OFFICER (Mr. BYRD of Virginia) laid before the Senate the amendment of the House of Representatives to the bill (S. 1933) to provide for Federal railroad safety, hazardous materials control and for other purposes, which was to strike out all after the enacting clause, and insert:

TITLE I—PURPOSE

SEC. 101. DECLARATION OF PURPOSE

The Congress declares that the purpose of this Act is to promote safety in all areas of railroad operations and to reduce railroad related accidents, and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials.

TITLE II—RAILROAD SAFETY

SEC. 201. SHORT TITLE

This title may be cited as the "Federal Railroad Safety Act of 1970".

SEC. 202. RAIL SAFETY REGULATIONS

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on the date of enactment of this title, and (2) conduct, as necessary, research, development, testing, evaluation, and

training for all areas of railroad safety. However, nothing in this title shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railroad Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, orders, or standards prescribed by the Secretary under this title. Nothing in this title shall be construed to give the Secretary authority to issue rules, regulations, orders, and standards relating to qualifications of employees, except such qualifications as are specifically related to safety.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, orders, or standards issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety rule, regulation, order, or standard under this title, and an opportunity shall be provided for oral presentations.

(c) The Secretary may, after hearing in accordance with subsection (b) of this section, waive in whole or in part compliance with any rule, regulation, order, or standard established under this title, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

(d) In prescribing rules, regulations, orders, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, orders, and standards under this title based upon existing safety data and standards, not later than one year after the date of enactment of this title. The Secretary shall review and, after hearing in accordance with subsection (b) of this section, revise such rules, regulations, orders, and standards as necessary.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

SEC. 203. EMERGENCY POWERS

If, through testing, inspection, investigation, or research that any facility or piece of equipment is in unsafe condition carried out pursuant to this title, the Secretary, determines and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

SEC. 204. GRADE CROSSINGS AND RAILROAD RIGHTS-OF-WAY

(a) The Secretary shall submit to the President for transmittal to the Congress, within one year after the date of enactment of this title, a comprehensive study of the problem of eliminating and protecting railroad grade crossings, including a study of measures to protect pedestrians in densely populated areas along railroad rights-of-way, together with his recommendations for appropriate action including, if relevant, a recommendation for equitable allocation of the economic costs of any program proposed as a result of such study.

(b) In addition the Secretary shall, insofar as practicable, under the authority provided by this title and pursuant to his authority over highway, traffic, and motor vehicle safety, and highway construction, undertake a coordinated effort toward the objective of developing and implementing solutions to the grade crossing problem, as well

as measures to protect pedestrians in densely populated areas along railroad rights-of-way.

SEC. 205. STATE REGULATION

The Congress declares that laws, rules, regulations, orders, and standards relating to railroad safety shall be nationally uniform to the extent practicable. A State may adopt or continue in force any law, rule, regulation, order, or standard relating to railroad safety until such time as the Secretary has adopted a rule, regulation, order, or standard covering the subject matter of such State requirement. A State may adopt or continue in force an additional or more stringent law, rule, regulation, order, or standard relating to railroad safety when necessary to eliminate or reduce an essentially local safety hazard and when not incompatible with any Federal law, rule, regulation, order, or standard, and when not creating an undue burden on interstate commerce.

SEC. 206. STATE PARTICIPATION

(a) A State may participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order, or standard prescribed by the Secretary under this title if the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within such State are regulated by a State agency and such State agency submits to the Secretary an annual certification that such State agency—

(1) has regulatory jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State concerned;

(2) has been furnished a copy of each Federal safety rule, regulation, order, and standard, applicable to any such railroad facility, equipment, rolling stock, or operation, established under this title as of the date of the certification.

(3) is conducting the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him for each rule, regulation, order, and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary. The Secretary shall retain the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of this title) to request injunctive relief for the violation of rules, regulations, orders, and standards prescribed by the Secretary under section 202(a) of this title and to recommend appropriate action as provided by sections 209 and 210 of this title.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing—

(1) the name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) all accidents or incidents reported during the preceding twelve months by each such railroad involving personal injury requiring hospitalization, fatality, or property damage exceeding \$750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding each such accident or incident;

(3) the record maintenance, reporting, and inspection practices conducted by the State agency to aid the Secretary in his enforcement of rules, regulations, orders, and standards prescribed by him under section 202(a) of this title, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations by the State agency during the preceding twelve months; and

(4) such other information as the Secretary may require.

The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretary determines that the State agency is not satisfactorily

complying with the investigative and surveillance activities prescribed by him with respect to such safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification, in whole or in part, or take such other action as he deems appropriate to achieve adequate enforcement. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Secretary with respect to such safety rules, regulations, orders, and standards.

(c) With respect to any railroad facility, equipment, rolling stock, or operation for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary may enter into an agreement with the State agency to authorize such agency to provide all or any part of the investigative and surveillance activities prescribed by the Secretary as necessary to obtain compliance with any Federal safety rule, regulation, order, or standard applicable to any such railroad facility, equipment, rolling stock, or operation. An agreement entered into under this subsection, or any provision thereof, may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to provide all or any part of the investigative and surveillance activities to which the agreement relates. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

(d) Upon application by any State agency which has submitted a certification under subsection (a) of this section, or entered into an agreement under subsection (c) of this section, the Secretary shall pay out of funds appropriated pursuant to this title or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this title.

(e) The Secretary is authorized to conduct such monitoring of State investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this title.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, order, or standard for railroads established under this title after the date of such certification until the State agency has submitted an appropriate verification in accordance with the provisions of subsection (a) of this section to provide the necessary inspection and surveillance activities in accordance with the provisions of such subsection.

SEC. 207. ENFORCING COMPLIANCE WITH FEDERAL RAILROAD SAFETY RULES, REGULATIONS, ORDERS, AND STANDARDS

In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title, or no civil action has been commenced to obtain injunctive relief under section 210 of this title, with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title, within 180 days after

the date on which such violation occurred, a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title within the State where the violation occurred, may apply to the district court of the United States within the jurisdiction of which the violation occurred for the enforcement of such rule, regulation, order, or standard. The court shall have jurisdiction to enforce compliance with such rule, regulation, order, or standard by injunction or other proper process to restrain further violation thereof, or to enjoin compliance therewith. The provisions of this section shall not apply with respect to the payment or collection of penalties incurred as a result of such violation or in any case in which the Secretary has affirmatively determined, in writing, that no violation has occurred.

SEC. 208. GENERAL POWERS

(a) In carrying out his functions under this title, the Secretary is authorized to perform such acts including, but not limited to, conducting investigations, making reports, issuing subpoenas, requiring production of documents, taking depositions, prescribing recordkeeping and reporting requirements, carrying out and contracting for research, development, testing, evaluation, and training (particularly with respect to those aspects of railroad safety which he finds to be in need of prompt attention), and delegating to any public bodies or qualified persons, functions respecting examination, inspecting, and testing of railroad facilities, equipment, rolling stock, operations, or persons, as he deems necessary to carry out the provisions of this title.

(b) The National Transportation Safety Board shall have the authority to determine the cause or probable cause and report the facts, conditions, and circumstances relating to accidents investigated under subsection (a) of this section, but may delegate such authority to any office or official of the Board or to any office or official of the Department of Transportation, with the approval of the Secretary, as it may determine appropriate.

(c) To carry out the Secretary's and the Board's responsibilities under this title, officers, employees, or agents of the Secretary or the Board, as the case may be, are authorized to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner. Such officers, employees, or agents shall display proper credentials when requested.

(d) All orders, rules, regulations, standards, and requirements in force, or prescribed or issued by the Secretary under this title, or by any State agency which is participating in investigative and surveillance activities pursuant to section 206 of this title, shall have the same force and effect as a statute for purposes of the application of sections 3 and 4 of the Act of April 22, 1908 (45 U.S.C. 53 and 54), relating to the liability of common carriers by railroad for injuries to their employees.

SEC. 209. PENALTIES

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any rule, regulation, order, or standard prescribed by the Secretary under this title.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard issued under this title a civil penalty for violation thereof in such amount, not less than \$250 nor more than \$2,500, as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit

or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(d) In any action brought under this title, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

SEC. 210. INJUNCTIVE RELIEF

(a) The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to section 207 of this title, have jurisdiction, subject to the provisions of rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this title.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section or under section 207 of this title, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

SEC. 211. ANNUAL REPORT

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on or before May 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties by cause occurring in such year;

(2) a list of Federal railroad safety rules, regulations, orders, and standards issued under this title in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 202(c) of this title during such year;

(4) an evaluation of the degree of observance of applicable railroad safety rules, regulations, orders, and standards issued under this title;

(5) a summary of outstanding problems confronting the administration of Federal railroad safety rules, regulations, orders, and standards, issued under this title in order of priority;

(6) an analysis and evaluation of research and related activities completed (including the policy implications thereof) and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions for the enforcement of any Federal railroad safety rule, regulation, order, or standard issued under this title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies under section 206(a) of this title which were in effect during the preceding calendar year, and

(B) certifications filed under section 206(a) of this title which were rejected, in whole or in part, by the Secretary during the preceding calendar year, together with

a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies under section 206(c) of this title which were in effect during the preceding calendar year, and

(B) agreements entered into under section 206(c) of this title which were terminated by the Secretary, in whole or in part, during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

SEC. 212. AUTHORIZATION FOR APPROPRIATIONS

There is authorized to be appropriated to carry out the provisions of this title not to exceed \$21,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE III—HAZARDOUS MATERIALS CONTROL

SEC. 301. SHORT TITLE

This title may be cited as the "Hazardous Materials Transportation Control Act of 1970."

SEC. 302. GENERAL AUTHORITY

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall, within six months after the date of enactment of this title—

(1) establish facilities and technical staff to maintain within the Federal Government the capability to evaluate the hazards connected with and surrounding the various hazardous materials being shipped;

(2) establish a central reporting system for hazardous materials accidents to provide technical and other information and advice to the law-enforcement and firefighting personnel of communities and to carriers and shippers for meeting emergencies connected with the transportation of hazardous materials; and

(3) conduct a review of all aspects of hazardous materials transportation to determine and recommend appropriate steps which can be taken immediately to provide greater control over the safe movement of such materials.

(b) The authority granted the Secretary by this title shall be in addition to the authority granted by sections 831 to 835, inclusive, of title 18 of the United States Code.

(c) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before May 1 of each year a comprehensive report on the transportation of hazardous materials during the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties occurring in such year which involved the transportation of hazardous materials;

(2) a list of relevant Federal standards in effect or established in such year;

(3) a summary of the reason for each waiver or exemption granted pursuant to sections 831 to 835, inclusive, of title 18 of the United States Code;

(4) an evaluation of the degree of observance of safety standards for the transportation of hazardous materials; and

(5) a summary of outstanding problems created by the transportation of hazardous materials.

(d) The report required by subsection (c) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary.

SEC. 303. AUTHORIZATION FOR APPROPRIATIONS

There is authorized to be appropriated to carry out the provisions of this title not to

exceed \$1,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973.

TITLE IV—MISCELLANEOUS

SEC. 401. SEPARABILITY

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

Mr. MAGNUSON. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and ask for a conference with the House on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BYRD of Virginia) appointed Mr. MAGNUSON, Mr. HARTKE, Mr. CANNON, Mr. SCOTT, and Mr. PROUTY conferees on the part of the Senate.

THE EQUAL TIME AMENDMENT

Mr. HANSEN. Mr. President, if I may, I should like to ask the assistant majority leader, who is now in the Chamber, if he could give us an idea as to when the conference report on equal time might be before the Senate?

Mr. KENNEDY. Mr. President, I would hope that the Senator from Wyoming would ask the leadership as to the general program for the early part of the coming week in about a half hour or 45 minutes from now, because attempts are still being made to work out agreements. I would expect that in about a half hour or 45 minutes those agreements would be worked out for the best information of the Senate and then, perhaps, we would know as well what action was taken by the House within that period of time on the conference report, and then I think I would be able to respond to the Senator more accurately.

Thus, if the Senator would withhold his request and make it at about 1:45 p.m., I believe I could then respond.

THE VETO OF THE EDUCATION APPROPRIATION BILL

Mr. HANSEN. Would I be presumptuous to assume that at that time, if I were to make inquiry then, we might also get an indication as to when the Senate will be voting on the bill to override the veto?

Mr. KENNEDY. We will try to make a complete report to the Senate as to the program for the early part of the week—Monday, Tuesday, and Wednesday next.

Mr. HANSEN. I thank the assistant majority leader very much.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) 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 au-

thorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, referring back to the letter of August 14, 1970, regarding the pending amendment, the letter from Secretary of Defense Laird reads as follows:

DEAR MR. CHAIRMAN: I have received a copy of the proposed Amendment No. 816 to H.R. 17123. I'm sure you're aware that this was derived from the stipulations of Recommendations II-5 of the Blue Ribbon Defense Panel Report of 1 July 1970.

Because of the importance and scope of the Report, and the far-reaching implications of its content, a complete analysis of all the recommendations is essential in order that we may retain the proper perspective both in Defense and in the Congress. I therefore believe that any Congressional action in this regard is premature until a thorough review has been completed.

From a substantive standpoint, the incorporation of these acquisition principles in the law would defeat the stated purpose for which the Blue Ribbon Defense Panel recommended them. These principles were included in Recommendation No. II-5 of the Panel's report, the first paragraph of which states as their purpose "to provide the needed flexibility in acquisition strategies." Amendment 816 would eliminate flexibility in acquisition strategy, not increase it as the Panel recommended. Acquisition policy should continue to be in the form of Departmental policy in order to afford the flexibility needed effectively to deal with the variety of circumstances presented in different acquisitions.

In a broad sense, the philosophy of the new development policy recommended by the Panel has already been adopted as the Department's policy. This new development policy has been developed over a period of more than a year, and was promulgated in the form of a memorandum by Deputy Secretary David Packard on 28 May 1970, a copy of which is attached. As the memorandum indicates, the process of reflecting the new policy in the appropriate form of DOD Directives and Instructions, and Service and Agency regulations is in progress. Included in this process is a review of all the applicable recommendations of the Blue Ribbon Defense Panel to determine any additional changes which are desirable.

Also, because of my experience in Congress, particularly as a member of the House Appropriations Committee, and the experience I have gained here with the management problems in the Department, I feel it is most desirable for the cognizant Congressional committees to continue to have the opportunity to review the acquisition strategies proposed for each system in connection with the particular problems and circumstances involved in the individual system.

For these reasons, I oppose the passage of the proposed amendment. In the interim, be assured that we concur with the general thrust of the Panel's recommendations. We will continue to keep the Congress informed as to all policy established within the Department of Defense.

Sincerely,

MELVIN R. LAIRD

Mr. President, I received that letter this morning. As a matter of fact, this is the first time I have completely read it, although I asked my valuable aide about its general contents.

I made most of those points yesterday afternoon, in a speech on this same amendment. I mention that to show that virtually the same thinking has come out of the conferences that the Secre-

tary and I have been sitting in for years with reference to the same problem.

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

Mr. STENNIS. I yield.

Mr. PROXMIRE. I understand there are two main objections to my amendment in the letter. One is that it is premature. That is a point that really rankles the Senator from Wisconsin. Premature? Is it not about time that we got information when they are violating a principle that they say has been in effect for months? Why should we wait longer? All this amendment does is require them to tell us when they are departing from a principle which they say they have put into effect. They say it has been in effect for months. The Fitzhugh panel has recommended it. How long do we wait?

Mr. STENNIS. As I have been saying, this matter cannot be transformed just overnight. If we are going to write it into law, we are going to have to make exceptions for special cases in the "fly-before-you-buy" principle, for instance.

Mr. PROXMIRE. I recognize that there have to be exceptions. The exceptions would simply be explained in the reports. They have to report only when there are exceptions. That is all they have to do, which is not much of a sacrifice.

Mr. STENNIS. A great deal of headway has been made in the last 18 months.

Mr. PROXMIRE. The Senator has done an excellent job. He has given example after example where money has been refused when the weapons have not been tested. The fact that the committee has had to do it indicates that the Pentagon has not put the principle into effect.

The next major objection is stated as follows in the letter:

Amendment 816 would eliminate flexibility in acquisition strategy, not increase it as the Panel recommended. Acquisition policy should continue to be in the form of Departmental policy in order to afford the flexibility needed effectively to deal with the variety of circumstances presented in different acquisitions.

That is gobbledygook, but if it means anything, it means that if they have to report in compliance with the "fly-before-you-buy" policy, they lose flexibility. How do they lose flexibility? All they have to do is let us know they are doing it.

Mr. STENNIS. I think the requirements in the Senator's amendment go further than he realizes, if he thinks that is all it does.

I will give the Senator an illustration of how difficult some of these matters are. Take a tank. It seems like a simple matter. I had some responsibility in connection with tanks for a few years before I became chairman. Frankly, I was highly dissatisfied with the progress, or lack of progress, they had made in perfecting the tank. We kept giving them money to carry on the research. Finally, we had three tanks going at the same time—the old standby, which was a workhorse, and then a variation of that, which would not work, and then we had need for a more advanced tank than that.

We had Mr. Packard in on that matter. He is a resourceful man and had fine experience, but it took him about a year to bring that all together. He canceled some of the work and made a new start. We went further than he did. We knocked out the one in the middle, which still would not work. I believe we are now on our way. But it took judgment and strategy on his part.

So there is no fixed, firm, inflexible way in which these things can be done. It is more than just building an automobile or something ordinary. I am just illustrating.

Mr. PROXMIRE, I think the Senator is exactly right. It is complicated. All I am asking is that a report come from the Defense Department. When there is an emergency situation, when a weapon is needed in a hurry and we cannot wait for full testing, the Department can go ahead. All I am saying is that a report be made.

All we are saying is that in weapon after weapon they have proceeded too rapidly in the past, because sufficient tests had not been made. The Fitzhugh panel said so. The Secretary of Defense himself has said he is going to follow this principle. All I say is, when the Department departs from it, let us know about it. I cannot understand why that in any way would interfere with the flexibility of the Department.

Then, the last point made in the letter is in the next to the last paragraph, in which the Secretary says:

I feel it is most desirable for the cognizant Congressional committees to continue to have the opportunity to review the acquisition strategies proposed for each system in connection with the particular problems and circumstances involved in the individual system.

That is exactly what the amendment recommends. We have not known in the past—at least, we have not been notified sufficiently—when they have gone into production without complete testing. All I am saying is that we ought to be told.

Mr. STENNIS, Well, I think the Senator has been told a great deal already, through the reports of the Armed Services Committee when they recommend money for these programs. I think Senators were told more this year than they have been told heretofore. We went into it further.

I do not disagree with the Senator at all on a lot of the things he advocates in connection with this whole problem. But I do think this is premature, and that it is too early to enact these recommendations into law.

I can say this to the Senator also: The study of the panel's report by the executive department will take some time and has yet to be done. The executive department is the one that can reach out and get the talent. The Armed Services Committee could not have gotten this gentleman and his coworkers on this panel to give them a year of their time, as the chairman did, and many others gave a lot of time. We could not have commanded their services. We could not have made it attractive enough for them

to have done it. It is an executive function to get on top of these problems, get them studied, and then give us recommendations.

Where the Senator and I disagree is that this is something which should be legislated now. I say that to act now would represent premature congressional action on it.

Let me give an illustration of how complicated these matters are, for the Department of Defense as well as for us. There is what we call test and evaluation. We have research and development, engineering, testing, and evaluation. That is all preproduction, as the Senator knows.

The test and evaluation must overlap both development and production. We must test the development product to assure that the program is feasible. We must then test the production product to assure that it was produced properly.

To require the completion of all tests, even only all development testing, is very poor planning. To use an extreme to make a point, would you wait 5 years to prove that the prototype had a fatigue life of 5 years before producing the product?

There must be flexibility to examine each program in light of that program's peculiar problem. Tailoring programs to the situation is essential.

My point is that you cannot crank this thing up to too tight a point. There has got to be allowance for particular circumstances.

I believe we will be able to take these panel recommendations and evolve something out of them into a form of law, but I certainly will resist to the limit and to the end just cranking them up, phasing them in, and requiring these reports.

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

Mr. STENNIS, I was ready to yield the floor. I yield for a question, though, if the Senator has a question.

Mr. MILLER, I would like to ask the distinguished chairman of the committee whether this requirement is practicable. I am reading from page 2 of the proposed amendment, item (C), which would require that competitive prototypes have been used in addition to or in lieu of paper studies.

It seems to me that with some of the very expensive sophisticated weapons systems, it would be very costly and it might not be feasible, because of the limited number of contractors who could even be interested in a particular weapons system, to have competitive prototypes actually used, as would be required by this proviso.

Mr. STENNIS, Mr. President, it is a highly controversial question as to whether or not it is practical and feasible to require the very thing the Senator mentioned—these competitive prototypes. As I understand it, in many cases it would just not be possible at all. This would freeze in, though, into hard law, this requirement for a report. When it is reported that this has not been done, that would touch off a barrage of

charges and countercharges, and the Secretary of Defense rightly opposes it.

Mr. MILLER, It seems to me that to make this requirement practical, we would probably have to change our present method of reaching a decision on contractors by having the Federal Government itself actually be willing to pay for these prototypes by various competing contractors, which, as I understand, is not the case today. Otherwise, I can see that it would be virtually impossible to obtain enough contractors who would be interested in spending their own money to go into the prototype phase of an expensive weapons system.

Mr. PROXMIRE, Mr. President, will the Senator from Iowa yield on that point? I think the Senator has completely misunderstood what the amendment requires. All it requires is a report. All the Defense Department has to do is say that this clause is not pertinent to the particular weapons system, and that is it. We would agree with them in many cases, I think perhaps most cases.

Mr. MILLER, Well, Mr. President, that is not what the Senator's amendment says.

Mr. PROXMIRE, It certainly is what the amendment provides.

Mr. MILLER, May I read the amendment on this point? It says that no funds may be authorized or appropriated until the Secretary of Defense has submitted a report to the committees indicating the degree to which the Department of Defense has complied with the following conditions, and then it recites: "that competitive prototypes have been used in addition to or in lieu of paper studies."

The Senator says that in any example such as I put, all that the Secretary of Defense would have to report to the committee is that it is just not feasible to do that.

Mr. PROXMIRE, That is right. That is exactly right.

Mr. STENNIS, Mr. President, may I yield the floor? Will one of the other Senators take the floor?

The PRESIDING OFFICER, The Senator from Wisconsin is recognized.

Mr. MILLER, Mr. President, I think perhaps the Senator from Wisconsin and I could agree on a particular situation where such a negative report would be accepted, but I can see trouble ahead. I can see differences of views on the part of members of the committees as to whether indeed it is practical. I can understand how there could be a difference of opinion between the executive and the legislative branches on these points, and I think that what the Senator from Mississippi is getting at is that if there is that degree of difference in opinion between the two branches, then the Appropriations Committee will take care of the problem in their own way.

Mr. PROXMIRE, All the amendment provides is that whenever they depart from the "fly-before-you-buy" policy as defined by the Fitzhugh Commission—and we take their own specifications here—they file a report indicating that

they have done so. That is all. Then we can proceed either to fund or not to fund; either to say, "We will not provide the funds until you test sufficiently before you go into production," or to say, "Go ahead." That is the whole purpose of it. It is for information. It is very clear that we are asking for the report. The Senator read the proper language, "until the Department of Defense has submitted a report to the Armed Services Committees." That is all. Then they can go ahead; there is no other inhibition on them.

Mr. MILLER. The Senator makes it sound very simple and, as I say, I can understand how the two of us could agree upon a certain report. But what I am getting at is that it seems to me that a prudent operation on the part of the Senate Armed Services Committee and the House Armed Services Committee and of our own Appropriations Committee is going to make sure that this is accomplished. It seems to me that if—

Mr. PROXMIRE. I serve on the Appropriations Committee. The Senator from Iowa serves on the Armed Services Committee. I do not know how we can accomplish this if we are not informed.

Mr. MILLER. I do not serve on the Armed Services Committee now, but I have had the privilege of serving on the Armed Services Committee, and I must say it was my observation that, between the members of the committee and the very capable staff that we had, I think we did a pretty good job most of the time of going into these various points.

Mr. PROXMIRE. May I say to the Senator—

Mr. MILLER. May I finish?

Mr. PROXMIRE. All right.

Mr. MILLER. There was one point where I think there was a slippage. The most dramatic one I can recall is when we went ahead and authorized the Navy version of the TFX. That was done before I moved on the committee, I might say. But the same members, substantially, were there, and the same staff was there, and later on we decided we would scrap the whole thing, instead of pouring more good money after bad.

That was a mistake on the part of the committees and on the part of the administration. But overall, I think what the Senator is suggesting is something that is going to be followed by our Senate committees and by the Defense Department; and, instead of writing it into law, I think we ought to have some indication that there is no intention on the part of our own committee and our chairmen to ignore this. I think the Senator has accomplished a purpose by bringing this out as he has done; and I would guess that he will have assurance, if he has not received it already, that the appropriate committee chairmen or subcommittee chairmen will indeed live up to the spirit of what he is advancing here, rather than having it locked into law.

Mr. PROXMIRE. The reason why I am locking it into law is that, frankly—I say this with great respect for all Members of this body—I think we have done a very poor job in procurement. We cannot simply blame Secretary Mc-

Namara or the present Secretary or anybody in the executive branch alone. It is a failure that Congress has to share, and it is a failure that is conspicuous. Again and again, we have gone ahead and authorized programs that have not performed well or where the cost has enormously exceeded the original estimate.

To recapitulate quickly, the C-5A went from \$3.2 billion to \$5.2 billion. The Gama Goat went from \$69 million to \$633 million. The Mark 48 torpedo went from \$682 million to \$3.8 billion. The submersible rescue vehicle—that was the granddaddy of all overruns—went from an original estimate of \$3 million for each unit to \$80 million. Minuteman II went from 2.8 to 4.2. Minuteman III went from 2.7 to 4.2.

What I am getting at is that we have done a poor job and we ought to recognize it. We should not be satisfied with saying, "Give us time. Do nothing and we will do better. We are sure that the cooperation between Congress and the Executive is improving. We have a fine Secretary of Defense—which we have—and on this basis we can expect that these principles will be put into effect, if we just give them time."

I think it is time we cracked down and acted. What I am proposing is such a mild amendment it almost embarrasses me to propose it. We are asking that they make a report when they depart from the principle of the Fitzhugh Commission has recommended. The Secretary of Defense says it has been in effect since May of this year.

Mr. MILLER. I think the Senator has publicly praised the Secretary of Defense for this innovation.

Mr. PROXMIRE. I do that right now. I think he is a fine and able man.

Mr. MILLER. This being so, it seems to me that we ought, with the cognizance of the committees, to let the Secretary of Defense go ahead on this and see how he does.

Mr. PROXMIRE. We ought to make the committees cognizant. He says the milestone concept has been in effect for some time. In a press conference on July 27 at San Clemente, Secretary Laird said this in answer to the question:

Mr. Secretary, what is this fly-before-you-buy procedure?

Secretary LAIRD. Fly before you buy, is a characterization of the kind of procurement policies that we will be following in this administration.

This is exactly what this amendment provides—that we follow this principle, and to the extent that they do not, they can depart from it at any time they wish, but let us know, so that we are in a position to make the decision responsibly and in an informed way.

Mr. MILLER. May I suggest this to the Senator: It seems to me that if his amendment would call for a report by the Secretary on any new expensive weapon system which would detail the methodology being followed under this new program and let it go at that, have it submitted to the two committees, then his amendment would be much more workable and acceptable. The Senator

has made a record on the floor of the Senate, and he can do this under such an amendment, in dictating what he had in mind, but not tying it into the law, putting into the law the requirement that the report be furnished, but not getting into this massive detail.

That is the usual procedure we follow, rather than putting all this detail into a law. So that the intention of Congress is reflected in that committee report. As the Senator well knows, the agencies pay a great deal of attention to the language in the committee reports, even to the extent of putting out regulations based upon them.

I think that what is objectionable in this amendment is that we are getting too specific and detailed in a law. So far as having them furnish a report to the committee with respect to weapons systems is concerned and letting it go at that, I think the Senator has a good point. I would suggest that in the normal course of events such a report should be submitted in one form or another to the committee, and in many cases it is. In fact, offhand, I cannot think of any situation in which there has not been such a report; because, unless such information is furnished the committee, they are not going to act.

But if the Senator wants to write into the law a requirement for a report without getting into all this detail, I, for one, would think that he would have a much more acceptable amendment.

I ask the Senator, since the Senate will not vote on this amendment until next Monday, whether he would think about this over the weekend, because I think the Senator from Wisconsin and the Senator from Mississippi are very close on their objectives. I would not like to see people of the same viewpoint depart over the specific language of an amendment if that can be avoided.

I think the Senator from Wisconsin understands that if he and I were on the Appropriations Committee and we were on this item right now, we might well agree that the bill be changed to require a report, and then in the committee report we would set forth in detail some of the things we had in mind.

Mr. PROXMIRE. The Senator from Iowa is very helpful, and I think this is a very interesting suggestion. I do think, however, that unless we provide some kind of specific detail, it would be very hard to be assured of a useful report.

I wonder whether the Senator would cosponsor an amendment requiring an annual report to the committee showing that "fly-before-you-buy" is being used in weapons systems over \$100 million.

Mr. MILLER. Offhand, the Senator from Iowa would react favorably to such an amendment. Actually, what I had in mind was not necessarily an annual report. I was going to go further than that and suggest a report covering each major weapons system.

Mr. PROXMIRE. That is what I have in mind in my amendment.

Mr. MILLER. The Senator talks about an annual report, and I can understand how that would require just one report; whereas, what I had in mind might require two or three or four. I think we are

talking here about relatively minor details.

But if the Senator would like to work something up along that line, the Senator from Iowa would be pleased to work with him on that, and I would hope that we might talk with the Senator from Mississippi about it. Perhaps we can get together on something that will be helpful, and there will be no need to argue about it.

Mr. PROXMIRE. I hope so. What I had in mind was that the report would contemplate that whenever they came in with a request, which is once a year, to authorize a weapon system in a procurement in the future, we would then have a report on each weapon system. That is what I asked for. It is simply saying the degree to which the Department of Defense has complied with the following conditions.

This is an attempt to spell out what "fly before you buy" means in the precise way that the Fitzhugh Commission did. I think most people agree that it was a competent commission. I think they were biased, but I think they were competent. By simply taking their own definition, it seems to me that we have an acceptable notion of what "fly before you buy" is, and something that would not be a big imposition, because it would only be required with a hundred million dollar major weapon system. Therefore, there would be relatively few reports, and it would be of great value to the Appropriations and Armed Services Committees.

Mr. MILLER. I think such information would be of substantial value to the committees.

The Senator knows that what I am getting at is that we have a requirement of a report, without specifying all the details that are going to be in it, and leave it up to the Secretary of Defense and his people to submit the report. If that report is not adequate, then we can always come back and either ask for further information or we can go to the point of legislating in greater detail.

Mr. PROXMIRE. I feel, at least once, before we get into production on these enormously expensive weapons systems, that we should be told whether the system has been tested. It is that simple, even though they can go ahead, but, we should know in advance, to spell it out in detail because the Fitzhugh way is the best way to get reports covering all the instances involved.

Mr. MILLER. By having the broad requirement of a report, supplemented by the legislative history made on the floor which can include all these things, I think the substance of what the Senator is getting at would be achieved. Thus, I would suggest to him that I do not think we should reach the point of saying there will not be any procurement unless there has been testing.

Mr. PROXMIRE. No, no. I am not saying that at all. No.

Mr. MILLER. Then I misunderstood the Senator.

Mr. PROXMIRE. I feel strongly about that. We must occasionally go ahead

with procurement and production before testing is completed. But I am saying when we do that we should know they are doing it. It should be in a form that we know the kind of risk being taken, and go into it with our eyes open, because there is a great urgency to get a weapons system.

Mr. MILLER. I appreciate the Senator's response. I will be happy to try to work with him before we get to the hour of voting next Monday, in an effort to try to resolve this, so that we can get something that I would hope the Senator from Mississippi could accept.

Mr. PROXMIRE. I thank the Senator. Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 15381) to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies.

LEAVE OF ABSENCE

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may be excused from attendance at the session of the Senate on Monday next, August 17, 1970.

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

Mr. HOLLAND. I thank the Presiding Officer.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. GRIFFIN. Mr. President, I rise to inquire of the distinguished acting majority leader whether he will advise the Senate concerning the program for the rest of the day and the immediate future.

Mr. KENNEDY. Mr. President, I do not believe there will be any votes this afternoon. Senate agreement has been entered into and we will vote on Monday next on the Proxmire amendment at the designated time. It is the intention of the leadership to notify the membership that there will be a vote at that time, as well as the importance of such a vote, and to urge their presence in the Chamber. We are hopeful that after that amendment is considered, other amendments will be

ready and available and brought up, so that we can have a productive afternoon on Monday next.

Then it is the intention of the leadership to proceed to the consideration of the veto of the fiscal 1971 education appropriations bill, which will be called up by the Senator from Washington (Mr. MAGNUSON) and the ranking Republican Member, the Senator from New Hampshire (Mr. CORRON). That debate will commence after the morning hour on Tuesday next.

It is my understanding, having talked with the Senator from Washington (Mr. MAGNUSON), that he does not believe there will be extensive debate on the veto message. However, we are not fixing any time at present. It is now the hope of the leadership to follow the recommendations made by the majority leader and get a vote on it on Tuesday.

Then we are hopeful, early Tuesday, that we can get some agreement in terms of time on the Brooke amendment and vote on it as shortly after consideration of the veto message as possible.

I would then urge, as the majority leader has urged previously, that those Members of the Senate who have amendments now at the desk, and any of those planning to have amendments, be prepared at that time for consideration. If Senators are ready with their additional amendments, and, if those who would be prepared to enter into a time agreement on their amendments would indicate accordingly to their respective leaders, we can move this forward as promptly and responsibly as we can.

Mr. GRIFFIN. Mr. President, my attention has been called to the fact that the public works appropriation bill is on the calendar. Does the acting majority leader see any prospect that we might deal with that?

Mr. KENNEDY. That would be late next week at the earliest.

Mr. GRIFFIN. I thank the Senator from Massachusetts very much.

ORDER OF BUSINESS

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

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

ADJOURNMENT TO 11 A.M. MONDAY, AUGUST 17, 1970

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order that the Senate stand in adjournment until 11 a.m. Monday.

The motion was agreed to; and (at 2 o'clock and 15 minutes p.m.) the Senate adjourned until Monday, August 17, 1970, at 11 a.m.